

**ATTACHMENT 6**  
**PUBLIC COMMENTS**

**From:** [Ryan, Meghan](#)  
**To:** [Dehran Duckworth](#)  
**Subject:** RE: Rolling Meadow Ranch project  
**Date:** Tuesday, December 29, 2020 8:57:00 AM

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Good morning, Dehran – Thank you for comments. Please see my comments below in red. Unfortunately, I am completely booked this week preparing for the hearing. However, I may have time to connect next week. Please let me know if you have any additional questions.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Dehran Duckworth <dehran@unityfarmholdings.com>  
**Sent:** Sunday, December 27, 2020 10:42 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadow Ranch project

Hi Meghan,

I hope your holidays have been restful! I'm writing you with regards to the new cultivation project being discussed at Rolling Meadow Ranch- 217-181-028 and 217-201-001.

We live directly across the river at 217-181-007 and have a 1 acre permitted grow on 217-181-012, I just completed the permitting process with the county there last May of 2019.

The neighbors out here are all pretty upset about this big project getting pushed through. Although it would affect our view, I would normally not comment on a neighbor's application, just as I would prefer my neighbors let me do my thing as long as it is legal and respectful.

In this case however, I do have some questions after reading the brief description of the project;

In our permitting process we were told we would not be able to build "tier 2" greenhouses for year round cultivation, as this area is considered a "wildlife corridor", so nothing with powerful lights or fans/ HVAC is allowed. Has this changed? **The CEQA document includes a biological assessment for the subject parcels and recommends mitigation to ensure impacts from the project are Less than Significant.**

I believe it was also cited that for year round cultivation (indoor) all roads to the project would need to be paved. Has this changed? Roads are required to meet Category 4 road standards or a functional equivalent to handle the volume of traffic. Improvements, such as paving, may be required in certain places to meet FIRE SAFE standards. This evaluation is consistent for all 1.0 projects.

Since there was no pre existing grow on these parcels (or if there was, nothing like 6 acres), how are such large cultivation permits being allowed? We had understood that there was a cap on a tier 2 license (or any greenhouse project) of 22k sf per parcel, and a 1 acre cap per parcel in general. Has this rule changed? This rule has not changed. A provision of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO or 1.0) allows for up to 12 acres per every 100 acres of land area. The parcels proposed for use in this project exceed 6 acres.

Our parcel, 217-181-012 is over 15 acres, on which we would also like to do 4 cycles, inside year round greenhouses, on an expanded cultivation footprint. This would be a major development for our project which we would also like to take advantage of if the rules have changed. I would encourage you to speak with the Planner who processed your permit to discuss this modification.

Would you have time to get on the phone with me and talk about this project briefly so we have a better idea of what is going on, before we get involved with the commenting and various actions I understand are being prepared in opposition of this project?

Best regards,

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Dehran Lynn Duckworth  
Unity Farm Holdings, LLC  
Founding Member, Lead Gardener, Head of Sales  
Cell: 917-567-8139  
Farm: 707-602-0235

**Subject:** RE: Hum Sun and other wetland mitigation  
**From:** "Dougherty, Mona@Waterboards" <Mona.Dougherty@waterboards.ca.gov>  
**Date:** 6/24/2020, 10:40 AM  
**To:** Prairie Moore <pmoore@nrmcorp.com>, "Stevens, Brandon D.@Waterboards" <Brandon.Stevens@Waterboards.ca.gov>

Hi Prairie,

We're discussing internally how we might best address this issue. We'll have more info after a meeting tomorrow. Thanks.

**From:** Dougherty, Mona@Waterboards  
**Sent:** Tuesday, June 23, 2020 4:57 PM  
**To:** Prairie Moore <pmoore@nrmcorp.com>; Stevens, Brandon D.@Waterboards <Brandon.Stevens@Waterboards.ca.gov>  
**Subject:** RE: Hum Sun and other wetland mitigation

Hi Prairie,

I think Brandon can best answer your questions on the first project. As for the second, it can remain under the cannabis general order. It will probably need an individual 401, and it's unclear which unit would do that for current or future cannabis projects. We'll discuss and get back to you about that question. Thanks.

**From:** Prairie Moore <pmoore@nrmcorp.com>  
**Sent:** Tuesday, June 23, 2020 4:32 PM  
**To:** Dougherty, Mona@Waterboards <Mona.Dougherty@waterboards.ca.gov>; Stevens, Brandon D.@Waterboards <Brandon.Stevens@Waterboards.ca.gov>  
**Subject:** Re: Hum Sun and other wetland mitigation

EXTERNAL:
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Just wanted to follow up to see if there was any reply to this email?

Thanks,

Prairie

On 6/16/2020 11:06 AM, Prairie Moore wrote:

Hi Mona and Brandon,

Jordan at ICF forwarded me the email chain about the HUM SUN project and getting an individual 401/water quality certification. It looks like we will be writing the MMP for the HUM SUN project. We are just getting started but as we dive in we would like to talk about mitigation ratio etc.

I also have another "New" cannabis project I have been working on for the last



couple of years. We are in the process of finalizing the CEQA with the County. We did a site visit last week with the County and during that process County staff felt that it made sense to fill some low quality wetlands ( there is an old homestead site that now has wetland on it, as well as another spot) and move proposed greenhouses onto flatter land, closer together. So this is another site where we would like to pursue an individual 401/water quality certification. I have some questions about the process.

1)I am assuming we will apply for the 401 to fill the wetlands, would we also consider any wetlands that were not directly impacted but are within the 100 ft buffer of the facility to also be "filled" and mitigate for those as well?

2) Or are you asking these sites to get their own WDR and not be under the Cannabis order at all? It seemed like the State Order does not specifically prohibit filling wetlands. If we fill and then mitigate for all wetlands in the foot print and buffer could the project stay under the State Board Order?

3) How are you going to determine the mitigation ratio for these projects?

Thanks so Much,

Prairie

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Prairie Moore, MS  
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January 7, 2021

*[VIA EMAIL TO MRYAN2@CO.HUMBOLDT.CA.US]*

Ms. Meghan Ryan, Senior Planner  
Humboldt County Planning Department  
3015 H St.  
Eureka, CA 95501

**Re: Response to Holder Law Group Comments Regarding Rolling Meadow Ranch, LLC  
Initial Study and Mitigated Negative Declaration  
(PLN-12529-CUP; SCH# 2020070339)**

Dear Ms. Ryan:

On behalf of Rolling Meadow Ranch, Inc. (“RMR” or the “Applicant”), we below respond to certain comments (dated September 10, 2020 and December 30, 2020) submitted by the Holder Law Group (“HLG”) concerning RMR’s above-referenced project (the “Project”), and the recirculated Initial Study/Mitigated Negative Declaration (the “IS/MND”) prepared to analyze the Project’s potential environmental impacts.

HLG’s criticisms of the Project, the IS/MND, and County Planning Staff are founded on incorrect facts, baseless assumptions, and a stretched, self-serving interpretation of the law. In reality, the Project complies with all applicable County ordinances, and its potential environmental impacts have been properly analyzed and mitigated as required by the California Environmental Quality Act (“CEQA”). After more than four years of review by the County and state agencies, the Project is ready for approval.

This letter proceeds first with a short description of the Project, followed by a table summarizing HLG’s comments and our response. We then provide more complete responses to HLG’s various comments in roughly the same order and organization as presented in HLG’s two letters.

## **1. Project Background**

The Project is located in McCann, an unincorporated community. The Project is located within a 7,000-acre ranch and logging property (the “Ranch”) that is owned by RMR (the Applicant). The Project site is situated on a 1,600-acre parcel within RMR’s Ranch. (IS/MND, p. 9.) HLG asserts that RMR “outbid” a conservation group to acquire the Ranch. **This is false.** In fact, RMR purchased the core Ranch parcels in 2004, and has subsequently added to the Ranch in order to maintain its integrity. The Ranch has long been used for ranching and commercial logging operations. (See IS/MND at pp. 38, 45-46.)

RMR originally submitted the Project application in 2016. (See County of Humboldt Planning Commission Staff Report Rolling Meadow Ranch, LLC, Conditional Use Permits: Record Number: PLN-12529-CUP, January 7, 2021 [“January 7 Staff Report”], p. 63.) The initial application sought four conditional use permits for approximately 88,000 square feet of mixed-light cultivation and an associated 2,000 square foot processing facility. (*Id.* at p. 67.) As is typical, the application was modified over time in response to County and other agency comments, and in light of new data developed in the course of environmental review.

January 7, 2021

*[VIA EMAIL TO MRYAN2@CO.HUMBOLDT.CA.US]*

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The Project now is comprised of six conditional use permits authorizing (16) greenhouses ranging in size from approximately 17,000 to 20,000 square feet, several drying structures, septic systems, wells, and a processing building. (See ISMND at p. 9.) The Project includes a number of innovative mitigation measures and operational conditions to reduce or eliminate environmental impacts. For example, RMR has agreed to use an electric bus to transport employees to the Project site in order to reduce vehicle traffic, noise, and emissions. (See *id.* at p. 11.)

## **2. Summary Table**

<b><u>HLG Claim</u></b>	<b><u>Response</u></b>
The IS/MND is deficient due to certain formatting and typographical errors. (HLG December Letter, pp. 4-6.)	<b>False.</b> Formatting issues are common and can be corrected.
The Project is inappropriate for its location and zoning. (HLG December Letter, pp. 3.)	<b>False.</b> The Project is allowed under the County General Plan designation and zoning. The Ranch has been commercially ranched and logged over the last 50 years, and is suited to continued agricultural activity.
Staff applied the wrong County Code requirements to the Project. (HLG December Letter, pp. 6-7.)	<b>False.</b> RMR submitted its application in December 2016, thus the Project is subject to the 2016 CMMLUO per County Code.
The IS/MND failed to analyze air impacts from Project-related traffic on McCann Road. (HLG September Letter, p. 13.) This is incorrect.	<b>False.</b> The IS/MND specifically addresses potential air impacts from use of McCann Road, and identifies measures to maintain air quality, including watering, compliance with local air quality regulations, speed limits, and rock surfacing. ( <i>Id.</i> at p. 54.)
The Project does not comply with County and state road standards. (See, e.g., HLG December Letter pp. 11-13.)	<b>False.</b> The IS/MND confirms that the Project fully complies with applicable County road standards. (See IS/MND at p. 11; Appendix C Humboldt County Department of Public Works Road Evaluation Report: McCann Road, November 14, 2017.)
The Project facilities are not sufficiently set back from waterways. (HLG December Letter, p. 13.)	<b>False.</b> All Project components comply with required setbacks, as shown in IS/MND Figure 40. (IS/MND at p. 145.)
Existing wells on the Ranch that will be used to provide water for the Project are hydrologically connected to surface water, including the Eel River. (HLG December Letter, pp. 22-27.)	<b>False.</b> The wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board. (January 7 Staff Report, p. 4.)
The IS/MND fails to describe and analyze potential environmental impacts from installation of new power lines to serve the Project. (HLG December Letter, p. 22.)	<b>False.</b> The IS/MND describes the required new electrical infrastructure, indicating that new lines will be required, and detailing the location of the potential new lines. (IS/MND, pp. 10, 29; Figure 14.) The IS/MND clearly states that new utilities will be buried under existing ranch roads, so there will be no tree removal or grading required. ( <i>Id.</i> at p. 10.)
The IS/MND failed to provide or analyze required information relating to employees, hours of operation, employee housing, and other logistical components such as parking and commute times. (HLG December Letter,	<b>False.</b> Employee data is clearly and plainly set out in the IS/MND. (IS/MND, pp. 15-16.) Importantly, RMR will hire local employees. ( <i>Ibid.</i> )

pp. 14-15.)	
The Project fails to comply with County standards regarding maximum slopes for greenhouses. (HLG December Letter, p. 15.)	<b>False.</b> Surveys were conducted, and no structure will be located on slopes exceeding the maximum 15%. (See IS/MND, pp. 23-26; 50-51; 178; January 7 Staff Report, p. 40.)
The IS/MND does not adequately describe or analyze construction activities associated with the Project. (HLG December Letter, p. 15.)	<b>False.</b> The IS/MND clearly provides this information in a section labeled “Construction Phase”, which describes in detail construction logistics, timing, type of equipment to be utilized, and erosion and dust control measures. (See IS/MND, pp. 11-12; 14; 221)
The Project has been impermissibly “piecemealed” in order to minimize the Project’s overall environmental impacts. (HLG December Letter, pp. 16-17.)	<b>False.</b> The IS/MND describes the “whole of the action” as required by CEQA. RMR’s installation of wells and maintenance of existing internal roads are not required to be included in the IS/MND analysis. (See <i>Del Mar Terrace Conservancy, Inc. v. City Council</i> (1992) 10 Cal.App.4th 712, 736; <i>Banning Ranch, supra</i> , 211 Cal.App.4th at p. 1224.)
The IS/MND is inadequate because it fails to include a vehicle miles traveled (“VMT”) traffic analysis. (HLG September Letter, p. 10; reincorporated by HLG December Letter, p. 1, Fn. 1.)	<b>False.</b> The IS/MND includes a thorough VMT analysis, consistent with CEQA Guidelines section 15064.3, which the California Office of Planning and Research adopted in December 2018. (See IS/MND, pp. 220-225.) The IS/MND calculates Project construction and operational VMT, and correctly concludes that VMT-related traffic impacts are less than significant because Project VMT is less than the current threshold of significance. (Id. at p. 224.)
The IS/MND failed to assess potential traffic safety impacts on McCann Road, Alderpoint Road, and on internal Ranch roads. (HLG December Letter, p. 18.)	<b>False.</b> The IS/MND Appendix C includes clear analysis of traffic safety on McCann Road, Alderpoint Road, and internal Ranch Roads. On the basis of this analysis, the IS/MND concludes that all “access roads, in meeting or having equivalency to Category 4 roads, meet the Emergency Access standards of the Fire Safe Ordinance.” (IS/MND, p. 224.)
The IS/MND fails to analyze, or under-analyzes, the Project’s potential impacts to public services, including fire safety and police.	<b>False.</b> The IS/MND fully discusses fire safety and response time for nearby units in the event of a wildfire as well as demand for police services. (See IS/MND, p. 188, 216.)
The IS/MND’s analysis of potential biological impacts is inadequate.	<b>False.</b> Qualified biologists performed multiple surveys for plant and animal species with the potential to be present on the Project site. (See IS/MND Appendix G, NRM Corp. Rolling Meadow Ranch Golden Eagle Survey Report, July 30, 2019; Appendix I, Botanical Survey Rolling Meadow Ranch, Supplemental to Botanical Survey Report Prepared by NRM in 2018, October 15, 2020.) Project biological surveys cover the full scope of potential Project impacts, including direct

	and indirect impacts to wetlands. (See, e.g., IS/MND, pp. 146-148.) The County and CDFW have accepted biological surveys performed using these same protocols for every discretionary cannabis project approved in the County. Impacts to biological resources have been fully mitigated.
The IS/MND fails to analyze the Project's "land use" impacts. (HLG December Letter, pp. 34-35.)	<b>False.</b> The Project site is General Plan-designated Agriculture, and zoned either Agriculture General ("AG") or Agriculture Exclusive ("AE"). The Project site is entirely consistent with County zoning requirements. The Project site meets all County siting standards, including standards related to slope, water source, zoning, and parcel size. (See January 7 Staff Report, p. 32.)
The IS/MND failed to analyze cumulative impacts, particularly relating to cumulative impacts from other cannabis projects that are already operating nearby or that may be approved in the future. (HLG December Letter, pp. 36-37.)	<b>False.</b> CEQA does not requires an initial study/mitigated negative declaration to analyze whether a project's incremental contribution of cumulative impacts is considerable. The IS/MND provides an analysis of cumulative impacts for each impact area, as well as an overall assessment of the Project's contribution to cumulatively considerable impacts. (See IS/MND, p. 240.) The County, and California courts, have routinely found similarly analyses to be in full compliance with CEQA.
The IS/MND fails to analyze the Project's potential growth-inducing impacts. (HLG December Letter, p. 37.)	<b>False.</b> The IS/MND specifically addresses growth inducing impacts, and concludes that the Project will not result in such impacts. (IS/MND, pp. 212-213.)
Some mitigation measures imposed in the IS/MND are, in HLG's opinion, "unclear", or inadequate to mitigate potential impacts. (HLG December Letter, p. 38.)	<b>False.</b> Staff have concluded that the IS/MND adequately mitigates for Project impacts as required by CEQA.
The County is required to prepare an alternatives analysis for the Project. (HLG December Letter, p. 39.)	<b>False.</b> An alternatives analysis is required for an environmental impact report, not an initial study/mitigated negative declaration. (See CEQA Guidelines, § 15126.6; <i>Laurel Heights Improvement Assn. v. Regents of the University of California</i> (1988) 47 Cal.3d 376.)

### **3. Discussion**

#### **A. Alleged CEQA Inadequacies**

HLG argues that the IS/MND prepared for the Project has certain formatting errors, such as a missing signature on one page and a check-mark missing on another page. (HLG December Letter, pp. 4-6.) Such formatting errors are hardly uncommon, and can all be corrected consistent with CEQA's requirements prior to adoption. Contrary to HLG's assertions, none of these minor issues render the IS/MND substantively defective.

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## **B. Project Siting**

HLG claims that the Project is located in a “wildland” area that is inappropriate for “industrial” cannabis cultivation operations. (HLG December Letter, p. 3.) **This is false.**

First, the County has designated the Project site for agricultural and timber uses. The Project site is General Plan-designated Agriculture, and zoned either Agriculture General (“AG”) or Agriculture Exclusive (“AE”). These agricultural designations and zones are intended for general or intensive agriculture, exactly as proposed by the Project. (See Humboldt County Zoning Regulations Section 313-163.1.1; see also Humboldt County General Plan for Areas Outside the Coastal Zone, October 23, 2017, Land Use Element section 4.5 [discussing agriculture designation].) The Project site is entirely consistent with County siting requirements.

Second, as noted above, the Ranch, including the Project site, has been ranched and commercially logged for more than 50 years. The Project will be a less-intensive use of the Ranch than has occurred historically.

Finally, RMR has been a careful and thoughtful steward of the Ranch for more than 15 years. The Project, as shown in the IS/MND, will not disrupt the Ranch’s natural qualities.

## **C. Applicability of CCLUO**

HLG next contends that County Planning Staff have reviewed the Project application for the last four years under the wrong County cannabis ordinance. This assertion, besides insulting Staff’s competence, **is also false.**

HLG argues that Staff should have processed the Project under the County’s Commercial Cannabis Land Use Ordinance (“2018 CCLUO”) instead of the prior-adopted Commercial Medical Marijuana Land Use Ordinance (“2016 CMMLUO”). HLG bases a number of later comments regarding the Project on this erroneous assertion.

The County adopted the CMMLUO in 2016 to regulate medical cannabis operations. The County amended the CMMLUO, and in 2018 adopted the revised ordinance as the CCLUO, to regulate commercial cannabis operations. Applications submitted prior to December 31, 2016 are subject to the provisions and requirements of the 2016 CMMLUO and not the 2018 CCLUO (2018 CCLUO, § 55.4.3.1).

HLG believes that, notwithstanding the clear dictates of County ordinance, the Project should be subject to the 2018 CCLUO rather than the 2016 CMMLUO because the Project underwent changes from the original application during its more than four years of review. Nothing in the County Code requires this outcome, and certainly, if Planning Staff believed the 2018 CCLUO should apply rather than the 2016 CMMLUO, Staff would have so decided. Instead, Staff have determined that the Project is subject to the 2016 CMMLUO. (January 7 Staff Report, p. 3.)

## **D. Air Quality**

HLG claims that the IS/MND failed to analyze air impacts from Project-related traffic on McCann Road. (HLG September Letter, p. 13.) **This is incorrect.** The IS/MND addresses the Project’s potential air quality impacts at pages 53-58. The IS/MND specifically addresses potential air impacts



from use of McCann Road, and identifies measures to maintain air quality, including watering, compliance with local air quality regulations, speed limits, and rock surfacing. (*Id.* at p. 54.)

#### **E. Roads and Parking**

HLG argues extensively that the Project does not comply with County and state road standards. (See, e.g., HLG December Letter pp. 11-13.) Generally speaking, HLG contends that the roads used to access and service the Project site are not “Category 4” roads and do not meet “Fire Safe Regulations.” **HLG is again incorrect.**

As noted above, the Project is subject to the 2016 CMMLUO. Category 4 road, however, are a requirement of the 2018 CCLUO, not the 2016 CMMLUO. (See CCLUO § 55.4.12.1.8(b).) Nevertheless, even assuming that Category 4 road standards apply to the Project, the IS/MND and related appendices confirm that the access roads, including McCann Road and Alderpoint Road, are, or will be, Category 4 road functional equivalents. (See IS/MND at p. 11; Appendix C Humboldt County Department of Public Works Road Evaluation Report: McCann Road, November 14, 2017.) Appendix C to the IS/MND also includes a report by Oscar Larson & Associates (Supplemental Filed Investigation: Rolling Meadow Ranch Internal Access Road Evaluations (January 14, 2019)) that demonstrates compliance with Fire Safe Regulations. The Project fully complies with applicable County road standards.

#### **F. Watercourse Buffers and Setbacks**

HLG next contends that various Project facilities are not sufficiently set back from waterways. (HLG December Letter, p. 13.) This assertion, which is not based on any actual measurements by HLG, **is incorrect.** All Project components comply with required setbacks, as shown in IS/MND Figure 40. (IS/MND at p. 145.)

#### **G. Water Use and Wells**

HLG claims, based on a USGS Water Supply study from 1959, that existing wells on the Ranch that will be used to provide water for the Project are hydrologically connected to surface water, including the Eel River. At the same time that HLG argues the wells are connected to surface water, HLG also argues that the wells will result in biological impacts based on groundwater use. (HLG December Letter, pp. 22-27.) **HLG’s claims are confused, and are again incorrect.**

In fact, Fisch Well Drilling completed the three wells at issue on the Ranch pursuant to County well permits, and well completion logs were provided to the County. Based on data provided by Fisch Well Drilling, and based on Staff’s own independent expertise, Staff concluded that the wells are “likely drilled into perched bedrock given the soil type and depth of the wells. An examination of the well logs indicate that the depth and screening intervals are such that the wells are not connected to a surface water feature, staff determined the wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board”. (January 7 Staff Report, p. 4.) The County and state agencies, including CDFW, have relied on data provided by Fisch Well Drilling to evaluate hydrologic connectivity for numerous approved cannabis projects in the County.

Project water usage, including well production estimates, water use estimates, and a description of Project water logistics, is fully catalogued and analyzed in the IS/MND, as well as in the Staff Report. (See IS/MND, pp. 14, 250; January 7 Staff Report, p. 4.) The IS/MND identifies no adverse biological



impacts resulting from groundwater use by the Project. HLG offers no substantial evidence showing otherwise.

#### **H. Electrical Utilities**

HLG claims that the IS/MND fails to describe and analyze potential environmental impacts from installation of new power lines to serve the Project. (HLG December Letter, p. 22.) **This is yet another incorrect claim.** In truth, the IS/MND describes the required new electrical infrastructure, indicating that new lines will be required, and detailing the location of the potential new lines. (IS/MND, pp. 10, 29; Figure 14.) The IS/MND clearly states that new utilities will be buried under existing ranch roads, so there will be no tree removal or grading required. (*Id.* at p. 10.)

#### **I. Employee Information**

HLG argues that the IS/MND failed to provide or analyze required information relating to employees, hours of operation, employee housing, and other logistical components such as parking and commute times. (HLG December Letter, pp. 14-15.) **False, again.**

Employee data is clearly and plainly set out in the IS/MND. The IS/MND states that Project hours of operation will be generally 7AM to 7PM; that approximately 22 employees will be present on site at any given time; and that employees will park near facility #1 and take electric busses throughout the Project site. (IS/MND, pp. 15-16.) Importantly, RMR will hire local employees. (*Ibid.*) No on-site employee housing will be provided. (*Id.* at p. 212.)

#### **J. Project Slopes**

HLG asserts that the Project fails to comply with County standards regarding maximum slopes for greenhouses. (HLG December Letter, p. 15.) **HLG again misses the mark.** As the IS/MND and appendices make clear, surveys were conducted, and no structure will be located on slopes exceeding the maximum 15%. (See IS/MND, pp. 23-26; 50-51; 178.) Staff reiterate this point: “Proposed cultivation areas at the project site will be located on slopes less than 15%”. (January 7 Staff Report, p. 40.)

#### **K. Construction Practices**

HLG next argues that the IS/MND does not adequately describe or analyze construction activities associated with the Project. (HLG December Letter, p. 15.) **This is false.** The IS/MND clearly provides this information in a section labeled “Construction Phase”, which describes in detail construction logistics, timing, type of equipment to be utilized, and erosion and dust control measures. (See IS/MND, pp. 11-12; 14; 221)

#### **L. Piecemeal Environmental Review**

HLG claims that the Project has been impermissibly “piecemealed” in order to minimize the Project’s overall environmental impacts. (HLG December Letter, pp. 16-17.) HLG argues that RMR was not allowed to install wells, and was not allowed to maintain internal Ranch roads by surfacing them with fresh rock, during the entire four years that the Project application has been under review. **HLG’s claims are incorrect, inconsistent with CEQA, and ignore the practical realities of operating a 7,000-acre property.**

Under CEQA, “piecemealing” means to “chop[] a large project into many little ones — each with a minimal potential impact on the environment.” (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222.)

The Project has clearly not been “chopped up” into smaller projects to avoid environmental review. The Project, as described in the IS/MND, is the “whole of the action”, as required by CEQA. RMR’s installation of three wells, lawfully and pursuant to County permits, was permissible both as part of regular Ranch-related infrastructure activity, and because the wells have clear “independent utility” under CEQA, meaning that because the wells are functional on their own even if the Project were not approved, the wells were not required to be included as part of the “whole of the action” analyzed in the Project IS/MND. (See *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712, 736; *Banning Ranch*, *supra*, 211 Cal.App.4th at p. 1224.) In any event, HLG has put forward no substantial evidence of any significant environmental impacts related to the wells that is not addressed in the IS/MND.

As for RMR’s routine maintenance of existing internal Ranch roads, RMR required no permission from the County to maintain its own roads, and is not a cognizable “project” under CEQA. Further, HLG again fails to present any substantial evidence that RMR’s maintenance of its existing roads resulted in any significant environmental impacts.

#### **M. Vehicle Miles Traveled Analysis**

HLG next contends that the IS/MND is inadequate because it fails to include a vehicle miles traveled (“VMT”) traffic analysis. (HLG September Letter, p. 10; reincorporated by HLG December Letter, p. 1, Fn. 1.) **Again, HLG misrepresents the facts to the Commission.**

The IS/MND includes a thorough VMT analysis, consistent with CEQA Guidelines section 15064.3, which the California Office of Planning and Research adopted in December 2018. (See IS/MND, pp. 220-225.) The IS/MND calculates Project construction and operational VMT, and correctly concludes that VMT-related traffic impacts are less than significant because Project VMT is less than the current threshold of significance. (*Id.* at p. 224.)

#### **N. Traffic Safety Hazard**

HLG further claims that the IS/MND failed to assess potential traffic safety impacts on McCann Road, Alderpoint Road, and on internal Ranch roads. (HLG December Letter, p. 18.) **This again is false.**

The IS/MND Appendix C includes clear analysis of traffic safety on McCann Road, Alderpoint Road, and internal Ranch Roads. On the basis of this analysis, the IS/MND concludes that all “access roads, in meeting or having equivalency to Category 4 roads, meet the Emergency Access standards of the Fire Safe Ordinance. The internal project roads to be used for project facility access have been determined, by NorthPoint Consulting, to be “within conformance of Humboldt County Code Section 3112-12, the Fires Safe Regulations (Chapter 2 – Emergency Access), with the recommended improvements included in [the] report.” By improving roads as specified by consulting engineers, the roads will meet the required standards described by Humboldt County (CMMLUO, Humboldt County Code, Fire Safe Ordinance). All access roads and interior roads will be brought up to firesafe standards.” (IS/MND, p. 224.)

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## **O. Public Services**

HLG asserts that the IS/MND fails to analyze, or under-analyzes, the Project's potential impacts to public services, including fire safety and police. **HLG is wrong yet again.**

The IS/MND fully discusses fire safety and response time for nearby units in the event of a wildfire. (See IS/MND, p. 188.) Moreover, as discussed above, the IS/MND analyzes access road compliance with fire safety regulations, and concludes that the roads are or will be (through scheduled improvements) in full compliance with those regulations. (See e.g., IS/MND Appendix C, Access Assessment for Compliance with Humboldt County Code Section 3112-12 - Fire Safe Regulations, North Point Consulting Group, 2020.)

As respects police services, the IS/MND acknowledges that cannabis projects can be "at higher risk for security to be an issue and place a greater demand on law enforcement services provided by the County Sheriff's Department." (IS/MND, p. 216.) To address this demand, the IS/MND identifies the additional security measures that will be in place at the Project that are designed to reduce potential demand for police services. These measures include fencing, security cameras, security gates, security lighting, and limitation of employee transportation to the electric bus. (*Ibid.*) These measures are adequate to ensure that the Project's potential impacts to public services are less than significant.

## **P. Biological Impacts and Surveys**

HLG argues that the IS/MND's analysis of potential biological impacts is inadequate. In particular, HLG attacks the adequacy of biological surveys, and attacks the IS/MND's analysis of potential impacts to special status species. HLG's disagreement with the IS/MND's conclusions, however, is not substantial evidence that the Project could result in significant biological impacts. HLG fails to point to any substantial evidence of a potential significant impact, and thus its **argument again fails.**

With respect to biological surveys, qualified biologists performed multiple surveys for plant and animal species with the potential to be present on the Project site. (See IS/MND Appendix G, NRM Corp. Rolling Meadow Ranch Golden Eagle Survey Report, July 30, 2019; Appendix I, Botanical Survey Rolling Meadow Ranch, Supplemental to Botanical Survey Report Prepared by NRM in 2018, October 15, 2020.) These surveys identify the survey methodology and basis for conclusions, and prior to the surveys, biologists conducted a CNPS and CNDDDB inventory of rare species, and the field surveys were conducted in accordance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, which was conducted on foot. (*Id.* at pp. 16; 23; see also IS/MND at p. 94.) Project biological surveys cover the full scope of potential Project impacts, including direct and indirect impacts to wetlands. (See, e.g., IS/MND, pp. 146-148.) The County and CDFW have accepted biological surveys performed using these same protocols for every discretionary cannabis project approved in the County.

Concerning Project impacts to specific species, HLG appears most concerned about potential impacts to the foothill yellow legged frog. **HLG claims, falsely, that this clade is a listed species.** In fact, this particular clade is not a listed species. (See e.g., Fish and Game Commission, Staff Summary for February 21, 2020, Item No. 9, at p. 4 (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=177347&inline>.) Notwithstanding, the IS/MND includes a mitigation measure, MM-Bio-15, that ensures that any Project impacts to this species would be less than significant. (IS/MND, p. 258.)

#### **Q. Land Use**

HLG argues further that the IS/MND fails to analyze the Project's "land use" impacts. (HLG December Letter, pp. 34-35.) HLG argues that the Project is inappropriate for the Project site's zoning, and inconsistent with siting standards in County Code. **These arguments are also meritless.**

As noted above, the County has designated the Project site for agricultural and timber uses. The Project site is General Plan-designated Agriculture, and zoned either Agriculture General ("AG") or Agriculture Exclusive ("AE"). These agricultural designations and zones are intended for general or intensive agriculture, exactly as proposed by the Project. (See Humboldt County Zoning Regulations Section 313-163.1.1; see also Humboldt County General Plan for Areas Outside the Coastal Zone, October 23, 2017, Land Use Element section 4.5 [discussing agriculture designation].) The Project site is entirely consistent with County zoning requirements.

Next, the Project site meets all County siting standards, including standards related to slope, water source, zoning, and parcel size. (See January 7 Staff Report, p. 32.)

Finally, the Ranch, including the Project site, has been ranched and commercially logged for more than 50 years. The Project will be a less-intensive use of the Ranch than has occurred historically.

#### **R. Cumulative Impacts**

HLG claims that the IS/MND failed to analyze cumulative impacts, particularly relating to cumulative impacts from other cannabis projects that are already operating nearby or that may be approved in the future. (HLG December Letter, pp. 36-37.)

CEQA does not require an initial study/mitigated negative declaration to include an extensive analysis of cumulative impacts. (See, e.g., *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608.) Instead, such a document must only analyze whether a project's incremental contribution of cumulative impacts is considerable.

The IS/MND complies with CEQA's clear requirements. Specifically, the IS/MND provides an analysis of cumulative impacts for each impact area, as well as an overall assessment of the Project's contribution to cumulatively considerable impacts. (See IS/MND, p. 240.) The County, and California courts, have routinely found similarly analyses to be in full compliance with CEQA.

#### **S. Growth Inducing Impacts**

HLG contends next that the IS/MND fails to analyze the Project's potential growth-inducing impacts. (HLG December Letter, p. 37.) **This is again false.** The IS/MND specifically addresses growth inducing impacts, and concludes that the Project will not result in such impacts. (IS/MND, pp. 212-213.) HLG fails to cite to any substantial evidence showing otherwise.

#### **T. Design Features and Mitigation Measures**

HLG argues that some mitigation measures imposed in the IS/MND are, in HLG's opinion, "unclear", or inadequate to mitigate potential impacts. (HLG December Letter, p. 38.) **HLG again fails.** HLG cites no substantial evidence or law supporting its opinion. In fact, Staff have concluded that the IS/MND adequately mitigates for Project impacts as required by CEQA.

**U. Alternatives Analysis**

Finally, HLG contends that the County is required to prepare an alternatives analysis for the Project. (HLG December Letter, p. 39.) **This too is wrong.** CEQA is clear that an alternatives analysis is required for an environmental impact report, not an initial study/mitigated negative declaration. (See CEQA Guidelines, § 15126.6; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376.)

\* \* \*

Based on the foregoing, the Project complies with all applicable County and state requirements, and the associated IS/MND is fully adequate under CEQA. Should you have any questions concerning the matters discussed herein, please do not hesitate to contact me by telephone at (916) 706-2098 or by e-mail at [bjohnson@hthjlaw.com](mailto:bjohnson@hthjlaw.com).

Sincerely,

HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON



By

Bradley B. Johnson

cc: Rolling Meadows Ranch, Inc.

The Project now is comprised of six conditional use permits authorizing (16) greenhouses ranging in size from approximately 17,000 to 20,000 square feet, several drying structures, septic systems, wells, and a processing building. (See ISMND at p. 9.) The Project includes a number of innovative mitigation measures and operational conditions to reduce or eliminate environmental impacts. For example, RMR has agreed to use an electric bus to transport employees to the Project site in order to reduce vehicle traffic, noise, and emissions. (See *id.* at p. 11.)

## **2. Summary Table**

<b><u>HLG Claim</u></b>	<b><u>Response</u></b>
The IS/MND is deficient due to certain formatting and typographical errors. (HLG December Letter, pp. 4-6.)	<b>False.</b> Formatting issues are common and can be corrected.
The Project is inappropriate for its location and zoning. (HLG December Letter, pp. 3.)	<b>False.</b> The Project is allowed under the County General Plan designation and zoning. The Ranch has been commercially ranched and logged over the last 50 years, and is suited to continued agricultural activity.
Staff applied the wrong County Code requirements to the Project. (HLG December Letter, pp. 6-7.)	<b>False.</b> RMR submitted its application in December 2016, thus the Project is subject to the 2016 CMMLUO per County Code.
The IS/MND failed to analyze air impacts from Project-related traffic on McCann Road. (HLG September Letter, p. 13.) This is incorrect.	<b>False.</b> The IS/MND specifically addresses potential air impacts from use of McCann Road, and identifies measures to maintain air quality, including watering, compliance with local air quality regulations, speed limits, and rock surfacing. ( <i>Id.</i> at p. 54.)
The Project does not comply with County and state road standards. (See, e.g., HLG December Letter pp. 11-13.)	<b>False.</b> The IS/MND confirms that the Project fully complies with applicable County road standards. (See IS/MND at p. 11; Appendix C Humboldt County Department of Public Works Road Evaluation Report: McCann Road, November 14, 2017.)
The Project facilities are not sufficiently set back from waterways. (HLG December Letter, p. 13.)	<b>False.</b> All Project components comply with required setbacks, as shown in IS/MND Figure 40. (IS/MND at p. 145.)
Existing wells on the Ranch that will be used to provide water for the Project are hydrologically connected to surface water, including the Eel River. (HLG December Letter, pp. 22-27.)	<b>False.</b> The wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board. (January 7 Staff Report, p. 4.)
The IS/MND fails to describe and analyze potential environmental impacts from installation of new power lines to serve the Project. (HLG December Letter, p. 22.)	<b>False.</b> The IS/MND describes the required new electrical infrastructure, indicating that new lines will be required, and detailing the location of the potential new lines. (IS/MND, pp. 10, 29; Figure 14.) The IS/MND clearly states that new utilities will be buried under existing ranch roads, so there will be no tree removal or grading required. ( <i>Id.</i> at p. 10.)
The IS/MND failed to provide or analyze required information relating to employees, hours of operation, employee housing, and other logistical components such as parking and commute times. (HLG December Letter,	<b>False.</b> Employee data is clearly and plainly set out in the IS/MND. (IS/MND, pp. 15-16.) Importantly, RMR will hire local employees. ( <i>Ibid.</i> )



pp. 14-15.)	
The Project fails to comply with County standards regarding maximum slopes for greenhouses. (HLG December Letter, p. 15.)	<b>False.</b> Surveys were conducted, and no structure will be located on slopes exceeding the maximum 15%. (See IS/MND, pp. 23-26; 50-51; 178; January 7 Staff Report, p. 40.)
The IS/MND does not adequately describe or analyze construction activities associated with the Project. (HLG December Letter, p. 15.)	<b>False.</b> The IS/MND clearly provides this information in a section labeled “Construction Phase”, which describes in detail construction logistics, timing, type of equipment to be utilized, and erosion and dust control measures. (See IS/MND, pp. 11-12; 14; 221)
The Project has been impermissibly “piecemealed” in order to minimize the Project’s overall environmental impacts. (HLG December Letter, pp. 16-17.)	<b>False.</b> The IS/MND describes the “whole of the action” as required by CEQA. RMR’s installation of wells and maintenance of existing internal roads are not required to be included in the IS/MND analysis. (See <i>Del Mar Terrace Conservancy, Inc. v. City Council</i> (1992) 10 Cal.App.4th 712, 736; <i>Banning Ranch, supra</i> , 211 Cal.App.4th at p. 1224.)
The IS/MND is inadequate because it fails to include a vehicle miles traveled (“VMT”) traffic analysis. (HLG September Letter, p. 10; reincorporated by HLG December Letter, p. 1, Fn. 1.)	<b>False.</b> The IS/MND includes a thorough VMT analysis, consistent with CEQA Guidelines section 15064.3, which the California Office of Planning and Research adopted in December 2018. (See IS/MND, pp. 220-225.) The IS/MND calculates Project construction and operational VMT, and correctly concludes that VMT-related traffic impacts are less than significant because Project VMT is less than the current threshold of significance. (Id. at p. 224.)
The IS/MND failed to assess potential traffic safety impacts on McCann Road, Alderpoint Road, and on internal Ranch roads. (HLG December Letter, p. 18.)	<b>False.</b> The IS/MND Appendix C includes clear analysis of traffic safety on McCann Road, Alderpoint Road, and internal Ranch Roads. On the basis of this analysis, the IS/MND concludes that all “access roads, in meeting or having equivalency to Category 4 roads, meet the Emergency Access standards of the Fire Safe Ordinance.” (IS/MND, p. 224.)
The IS/MND fails to analyze, or under-analyzes, the Project’s potential impacts to public services, including fire safety and police.	<b>False.</b> The IS/MND fully discusses fire safety and response time for nearby units in the event of a wildfire as well as demand for police services. (See IS/MND, p. 188, 216.)
The IS/MND’s analysis of potential biological impacts is inadequate.	<b>False.</b> Qualified biologists performed multiple surveys for plant and animal species with the potential to be present on the Project site. (See IS/MND Appendix G, NRM Corp. Rolling Meadow Ranch Golden Eagle Survey Report, July 30, 2019; Appendix I, Botanical Survey Rolling Meadow Ranch, Supplemental to Botanical Survey Report Prepared by NRM in 2018, October 15, 2020.) Project biological surveys cover the full scope of potential Project impacts, including direct

	and indirect impacts to wetlands. (See, e.g., IS/MND, pp. 146-148.) The County and CDFW have accepted biological surveys performed using these same protocols for every discretionary cannabis project approved in the County. Impacts to biological resources have been fully mitigated.
The IS/MND fails to analyze the Project's "land use" impacts. (HLG December Letter, pp. 34-35.)	<b>False.</b> The Project site is General Plan-designated Agriculture, and zoned either Agriculture General ("AG") or Agriculture Exclusive ("AE"). The Project site is entirely consistent with County zoning requirements. The Project site meets all County siting standards, including standards related to slope, water source, zoning, and parcel size. (See January 7 Staff Report, p. 32.)
The IS/MND failed to analyze cumulative impacts, particularly relating to cumulative impacts from other cannabis projects that are already operating nearby or that may be approved in the future. (HLG December Letter, pp. 36-37.)	<b>False.</b> CEQA does not requires an initial study/mitigated negative declaration to analyze whether a project's incremental contribution of cumulative impacts is considerable. The IS/MND provides an analysis of cumulative impacts for each impact area, as well as an overall assessment of the Project's contribution to cumulatively considerable impacts. (See IS/MND, p. 240.) The County, and California courts, have routinely found similarly analyses to be in full compliance with CEQA.
The IS/MND fails to analyze the Project's potential growth-inducing impacts. (HLG December Letter, p. 37.)	<b>False.</b> The IS/MND specifically addresses growth inducing impacts, and concludes that the Project will not result in such impacts. (IS/MND, pp. 212-213.)
Some mitigation measures imposed in the IS/MND are, in HLG's opinion, "unclear", or inadequate to mitigate potential impacts. (HLG December Letter, p. 38.)	<b>False.</b> Staff have concluded that the IS/MND adequately mitigates for Project impacts as required by CEQA.
The County is required to prepare an alternatives analysis for the Project. (HLG December Letter, p. 39.)	<b>False.</b> An alternatives analysis is required for an environmental impact report, not an initial study/mitigated negative declaration. (See CEQA Guidelines, § 15126.6; <i>Laurel Heights Improvement Assn. v. Regents of the University of California</i> (1988) 47 Cal.3d 376.)

### **3. Discussion**

#### **A. Alleged CEQA Inadequacies**

HLG argues that the IS/MND prepared for the Project has certain formatting errors, such as a missing signature on one page and a check-mark missing on another page. (HLG December Letter, pp. 4-6.) Such formatting errors are hardly uncommon, and can all be corrected consistent with CEQA's requirements prior to adoption. Contrary to HLG's assertions, none of these minor issues render the IS/MND substantively defective.

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## **B. Project Siting**

HLG claims that the Project is located in a “wildland” area that is inappropriate for “industrial” cannabis cultivation operations. (HLG December Letter, p. 3.) **This is false.**

First, the County has designated the Project site for agricultural and timber uses. The Project site is General Plan-designated Agriculture, and zoned either Agriculture General (“AG”) or Agriculture Exclusive (“AE”). These agricultural designations and zones are intended for general or intensive agriculture, exactly as proposed by the Project. (See Humboldt County Zoning Regulations Section 313-163.1.1; see also Humboldt County General Plan for Areas Outside the Coastal Zone, October 23, 2017, Land Use Element section 4.5 [discussing agriculture designation].) The Project site is entirely consistent with County siting requirements.

Second, as noted above, the Ranch, including the Project site, has been ranched and commercially logged for more than 50 years. The Project will be a less-intensive use of the Ranch than has occurred historically.

Finally, RMR has been a careful and thoughtful steward of the Ranch for more than 15 years. The Project, as shown in the IS/MND, will not disrupt the Ranch’s natural qualities.

## **C. Applicability of CCLUO**

HLG next contends that County Planning Staff have reviewed the Project application for the last four years under the wrong County cannabis ordinance. This assertion, besides insulting Staff’s competence, **is also false.**

HLG argues that Staff should have processed the Project under the County’s Commercial Cannabis Land Use Ordinance (“2018 CCLUO”) instead of the prior-adopted Commercial Medical Marijuana Land Use Ordinance (“2016 CMMLUO”). HLG bases a number of later comments regarding the Project on this erroneous assertion.

The County adopted the CMMLUO in 2016 to regulate medical cannabis operations. The County amended the CMMLUO, and in 2018 adopted the revised ordinance as the CCLUO, to regulate commercial cannabis operations. Applications submitted prior to December 31, 2016 are subject to the provisions and requirements of the 2016 CMMLUO and not the 2018 CCLUO (2018 CCLUO, § 55.4.3.1).

HLG believes that, notwithstanding the clear dictates of County ordinance, the Project should be subject to the 2018 CCLUO rather than the 2016 CMMLUO because the Project underwent changes from the original application during its more than four years of review. Nothing in the County Code requires this outcome, and certainly, if Planning Staff believed the 2018 CCLUO should apply rather than the 2016 CMMLUO, Staff would have so decided. Instead, Staff have determined that the Project is subject to the 2016 CMMLUO. (January 7 Staff Report, p. 3.)

## **D. Air Quality**

HLG claims that the IS/MND failed to analyze air impacts from Project-related traffic on McCann Road. (HLG September Letter, p. 13.) **This is incorrect.** The IS/MND addresses the Project’s potential air quality impacts at pages 53-58. The IS/MND specifically addresses potential air impacts

from use of McCann Road, and identifies measures to maintain air quality, including watering, compliance with local air quality regulations, speed limits, and rock surfacing. (*Id.* at p. 54.)

#### **E. Roads and Parking**

HLG argues extensively that the Project does not comply with County and state road standards. (See, e.g., HLG December Letter pp. 11-13.) Generally speaking, HLG contends that the roads used to access and service the Project site are not “Category 4” roads and do not meet “Fire Safe Regulations.” **HLG is again incorrect.**

As noted above, the Project is subject to the 2016 CMMLUO. Category 4 road, however, are a requirement of the 2018 CCLUO, not the 2016 CMMLUO. (See CCLUO § 55.4.12.1.8(b).) Nevertheless, even assuming that Category 4 road standards apply to the Project, the IS/MND and related appendices confirm that the access roads, including McCann Road and Alderpoint Road, are, or will be, Category 4 road functional equivalents. (See IS/MND at p. 11; Appendix C Humboldt County Department of Public Works Road Evaluation Report: McCann Road, November 14, 2017.) Appendix C to the IS/MND also includes a report by Oscar Larson & Associates (Supplemental Filed Investigation: Rolling Meadow Ranch Internal Access Road Evaluations (January 14, 2019)) that demonstrates compliance with Fire Safe Regulations. The Project fully complies with applicable County road standards.

#### **F. Watercourse Buffers and Setbacks**

HLG next contends that various Project facilities are not sufficiently set back from waterways. (HLG December Letter, p. 13.) This assertion, which is not based on any actual measurements by HLG, **is incorrect.** All Project components comply with required setbacks, as shown in IS/MND Figure 40. (IS/MND at p. 145.)

#### **G. Water Use and Wells**

HLG claims, based on a USGS Water Supply study from 1959, that existing wells on the Ranch that will be used to provide water for the Project are hydrologically connected to surface water, including the Eel River. At the same time that HLG argues the wells are connected to surface water, HLG also argues that the wells will result in biological impacts based on groundwater use. (HLG December Letter, pp. 22-27.) **HLG’s claims are confused, and are again incorrect.**

In fact, Fisch Well Drilling completed the three wells at issue on the Ranch pursuant to County well permits, and well completion logs were provided to the County. Based on data provided by Fisch Well Drilling, and based on Staff’s own independent expertise, Staff concluded that the wells are “likely drilled into perched bedrock given the soil type and depth of the wells. An examination of the well logs indicate that the depth and screening intervals are such that the wells are not connected to a surface water feature, staff determined the wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board”. (January 7 Staff Report, p. 4.) The County and state agencies, including CDFW, have relied on data provided by Fisch Well Drilling to evaluate hydrologic connectivity for numerous approved cannabis projects in the County.

Project water usage, including well production estimates, water use estimates, and a description of Project water logistics, is fully catalogued and analyzed in the IS/MND, as well as in the Staff Report. (See IS/MND, pp. 14, 250; January 7 Staff Report, p. 4.) The IS/MND identifies no adverse biological

impacts resulting from groundwater use by the Project. HLG offers no substantial evidence showing otherwise.

#### **H. Electrical Utilities**

HLG claims that the IS/MND fails to describe and analyze potential environmental impacts from installation of new power lines to serve the Project. (HLG December Letter, p. 22.) **This is yet another incorrect claim.** In truth, the IS/MND describes the required new electrical infrastructure, indicating that new lines will be required, and detailing the location of the potential new lines. (IS/MND, pp. 10, 29; Figure 14.) The IS/MND clearly states that new utilities will be buried under existing ranch roads, so there will be no tree removal or grading required. (*Id.* at p. 10.)

#### **I. Employee Information**

HLG argues that the IS/MND failed to provide or analyze required information relating to employees, hours of operation, employee housing, and other logistical components such as parking and commute times. (HLG December Letter, pp. 14-15.) **False, again.**

Employee data is clearly and plainly set out in the IS/MND. The IS/MND states that Project hours of operation will be generally 7AM to 7PM; that approximately 22 employees will be present on site at any given time; and that employees will park near facility #1 and take electric busses throughout the Project site. (IS/MND, pp. 15-16.) Importantly, RMR will hire local employees. (*Ibid.*) No on-site employee housing will be provided. (*Id.* at p. 212.)

#### **J. Project Slopes**

HLG asserts that the Project fails to comply with County standards regarding maximum slopes for greenhouses. (HLG December Letter, p. 15.) **HLG again misses the mark.** As the IS/MND and appendices make clear, surveys were conducted, and no structure will be located on slopes exceeding the maximum 15%. (See IS/MND, pp. 23-26; 50-51; 178.) Staff reiterate this point: “Proposed cultivation areas at the project site will be located on slopes less than 15%”. (January 7 Staff Report, p. 40.)

#### **K. Construction Practices**

HLG next argues that the IS/MND does not adequately describe or analyze construction activities associated with the Project. (HLG December Letter, p. 15.) **This is false.** The IS/MND clearly provides this information in a section labeled “Construction Phase”, which describes in detail construction logistics, timing, type of equipment to be utilized, and erosion and dust control measures. (See IS/MND, pp. 11-12; 14; 221)

#### **L. Piecemeal Environmental Review**

HLG claims that the Project has been impermissibly “piecemealed” in order to minimize the Project’s overall environmental impacts. (HLG December Letter, pp. 16-17.) HLG argues that RMR was not allowed to install wells, and was not allowed to maintain internal Ranch roads by surfacing them with fresh rock, during the entire four years that the Project application has been under review. **HLG’s claims are incorrect, inconsistent with CEQA, and ignore the practical realities of operating a 7,000-acre property.**

Under CEQA, “piecemealing” means to “chop[] a large project into many little ones — each with a minimal potential impact on the environment.” (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222.)

The Project has clearly not been “chopped up” into smaller projects to avoid environmental review. The Project, as described in the IS/MND, is the “whole of the action”, as required by CEQA. RMR’s installation of three wells, lawfully and pursuant to County permits, was permissible both as part of regular Ranch-related infrastructure activity, and because the wells have clear “independent utility” under CEQA, meaning that because the wells are functional on their own even if the Project were not approved, the wells were not required to be included as part of the “whole of the action” analyzed in the Project IS/MND. (See *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712, 736; *Banning Ranch*, *supra*, 211 Cal.App.4th at p. 1224.) In any event, HLG has put forward no substantial evidence of any significant environmental impacts related to the wells that is not addressed in the IS/MND.

As for RMR’s routine maintenance of existing internal Ranch roads, RMR required no permission from the County to maintain its own roads, and is not a cognizable “project” under CEQA. Further, HLG again fails to present any substantial evidence that RMR’s maintenance of its existing roads resulted in any significant environmental impacts.

#### **M. Vehicle Miles Traveled Analysis**

HLG next contends that the IS/MND is inadequate because it fails to include a vehicle miles traveled (“VMT”) traffic analysis. (HLG September Letter, p. 10; reincorporated by HLG December Letter, p. 1, Fn. 1.) **Again, HLG misrepresents the facts to the Commission.**

The IS/MND includes a thorough VMT analysis, consistent with CEQA Guidelines section 15064.3, which the California Office of Planning and Research adopted in December 2018. (See IS/MND, pp. 220-225.) The IS/MND calculates Project construction and operational VMT, and correctly concludes that VMT-related traffic impacts are less than significant because Project VMT is less than the current threshold of significance. (*Id.* at p. 224.)

#### **N. Traffic Safety Hazard**

HLG further claims that the IS/MND failed to assess potential traffic safety impacts on McCann Road, Alderpoint Road, and on internal Ranch roads. (HLG December Letter, p. 18.) **This again is false.**

The IS/MND Appendix C includes clear analysis of traffic safety on McCann Road, Alderpoint Road, and internal Ranch Roads. On the basis of this analysis, the IS/MND concludes that all “access roads, in meeting or having equivalency to Category 4 roads, meet the Emergency Access standards of the Fire Safe Ordinance. The internal project roads to be used for project facility access have been determined, by NorthPoint Consulting, to be “within conformance of Humboldt County Code Section 3112-12, the Fires Safe Regulations (Chapter 2 – Emergency Access), with the recommended improvements included in [the] report.” By improving roads as specified by consulting engineers, the roads will meet the required standards described by Humboldt County (CMMLUO, Humboldt County Code, Fire Safe Ordinance). All access roads and interior roads will be brought up to firesafe standards.” (IS/MND, p. 224.)

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## **O. Public Services**

HLG asserts that the IS/MND fails to analyze, or under-analyzes, the Project's potential impacts to public services, including fire safety and police. **HLG is wrong yet again.**

The IS/MND fully discusses fire safety and response time for nearby units in the event of a wildfire. (See IS/MND, p. 188.) Moreover, as discussed above, the IS/MND analyzes access road compliance with fire safety regulations, and concludes that the roads are or will be (through scheduled improvements) in full compliance with those regulations. (See e.g., IS/MND Appendix C, Access Assessment for Compliance with Humboldt County Code Section 3112-12 - Fire Safe Regulations, North Point Consulting Group, 2020.)

As respects police services, the IS/MND acknowledges that cannabis projects can be "at higher risk for security to be an issue and place a greater demand on law enforcement services provided by the County Sheriff's Department." (IS/MND, p. 216.) To address this demand, the IS/MND identifies the additional security measures that will be in place at the Project that are designed to reduce potential demand for police services. These measures include fencing, security cameras, security gates, security lighting, and limitation of employee transportation to the electric bus. (*Ibid.*) These measures are adequate to ensure that the Project's potential impacts to public services are less than significant.

## **P. Biological Impacts and Surveys**

HLG argues that the IS/MND's analysis of potential biological impacts is inadequate. In particular, HLG attacks the adequacy of biological surveys, and attacks the IS/MND's analysis of potential impacts to special status species. HLG's disagreement with the IS/MND's conclusions, however, is not substantial evidence that the Project could result in significant biological impacts. HLG fails to point to any substantial evidence of a potential significant impact, and thus its **argument again fails.**

With respect to biological surveys, qualified biologists performed multiple surveys for plant and animal species with the potential to be present on the Project site. (See IS/MND Appendix G, NRM Corp. Rolling Meadow Ranch Golden Eagle Survey Report, July 30, 2019; Appendix I, Botanical Survey Rolling Meadow Ranch, Supplemental to Botanical Survey Report Prepared by NRM in 2018, October 15, 2020.) These surveys identify the survey methodology and basis for conclusions, and prior to the surveys, biologists conducted a CNPS and CNDDDB inventory of rare species, and the field surveys were conducted in accordance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, which was conducted on foot. (*Id.* at pp. 16; 23; see also IS/MND at p. 94.) Project biological surveys cover the full scope of potential Project impacts, including direct and indirect impacts to wetlands. (See, e.g., IS/MND, pp. 146-148.) The County and CDFW have accepted biological surveys performed using these same protocols for every discretionary cannabis project approved in the County.

Concerning Project impacts to specific species, HLG appears most concerned about potential impacts to the foothill yellow legged frog. **HLG claims, falsely, that this clade is a listed species.** In fact, this particular clade is not a listed species. (See e.g., Fish and Game Commission, Staff Summary for February 21, 2020, Item No. 9, at p. 4 (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=177347&inline>.) Notwithstanding, the IS/MND includes a mitigation measure, MM-Bio-15, that ensures that any Project impacts to this species would be less than significant. (IS/MND, p. 258.)



#### **Q. Land Use**

HLG argues further that the IS/MND fails to analyze the Project's "land use" impacts. (HLG December Letter, pp. 34-35.) HLG argues that the Project is inappropriate for the Project site's zoning, and inconsistent with siting standards in County Code. **These arguments are also meritless.**

As noted above, the County has designated the Project site for agricultural and timber uses. The Project site is General Plan-designated Agriculture, and zoned either Agriculture General ("AG") or Agriculture Exclusive ("AE"). These agricultural designations and zones are intended for general or intensive agriculture, exactly as proposed by the Project. (See Humboldt County Zoning Regulations Section 313-163.1.1; see also Humboldt County General Plan for Areas Outside the Coastal Zone, October 23, 2017, Land Use Element section 4.5 [discussing agriculture designation].) The Project site is entirely consistent with County zoning requirements.

Next, the Project site meets all County siting standards, including standards related to slope, water source, zoning, and parcel size. (See January 7 Staff Report, p. 32.)

Finally, the Ranch, including the Project site, has been ranched and commercially logged for more than 50 years. The Project will be a less-intensive use of the Ranch than has occurred historically.

#### **R. Cumulative Impacts**

HLG claims that the IS/MND failed to analyze cumulative impacts, particularly relating to cumulative impacts from other cannabis projects that are already operating nearby or that may be approved in the future. (HLG December Letter, pp. 36-37.)

CEQA does not require an initial study/mitigated negative declaration to include an extensive analysis of cumulative impacts. (See, e.g., *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608.) Instead, such a document must only analyze whether a project's incremental contribution of cumulative impacts is considerable.

The IS/MND complies with CEQA's clear requirements. Specifically, the IS/MND provides an analysis of cumulative impacts for each impact area, as well as an overall assessment of the Project's contribution to cumulatively considerable impacts. (See IS/MND, p. 240.) The County, and California courts, have routinely found similarly analyses to be in full compliance with CEQA.

#### **S. Growth Inducing Impacts**

HLG contends next that the IS/MND fails to analyze the Project's potential growth-inducing impacts. (HLG December Letter, p. 37.) **This is again false.** The IS/MND specifically addresses growth inducing impacts, and concludes that the Project will not result in such impacts. (IS/MND, pp. 212-213.) HLG fails to cite to any substantial evidence showing otherwise.

#### **T. Design Features and Mitigation Measures**

HLG argues that some mitigation measures imposed in the IS/MND are, in HLG's opinion, "unclear", or inadequate to mitigate potential impacts. (HLG December Letter, p. 38.) **HLG again fails.** HLG cites no substantial evidence or law supporting its opinion. In fact, Staff have concluded that the IS/MND adequately mitigates for Project impacts as required by CEQA.

**U. Alternatives Analysis**

Finally, HLG contends that the County is required to prepare an alternatives analysis for the Project. (HLG December Letter, p. 39.) **This too is wrong.** CEQA is clear that an alternatives analysis is required for an environmental impact report, not an initial study/mitigated negative declaration. (See CEQA Guidelines, § 15126.6; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376.)

\* \* \*

Based on the foregoing, the Project complies with all applicable County and state requirements, and the associated IS/MND is fully adequate under CEQA. Should you have any questions concerning the matters discussed herein, please do not hesitate to contact me by telephone at (916) 706-2098 or by e-mail at [bjohnson@hthjlaw.com](mailto:bjohnson@hthjlaw.com).

Sincerely,

HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON



By

Bradley B. Johnson

cc: Rolling Meadows Ranch, Inc.

**From:** [Ryan, Meghan](#)  
**To:** [Erin Hamilton](#)  
**Subject:** RE: Comments on proposed Rolling Meadow Ranch  
**Date:** Tuesday, December 29, 2020 9:01:00 AM

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Good morning, Erin – Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. The staff report and supporting documentation will be made available prior to the hearing where you can review the project evaluation and supporting documentation. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Erin Hamilton <erin@royalkeyorganics.com>  
**Sent:** Monday, December 28, 2020 9:07 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comments on proposed Rolling Meadow Ranch

Hi,

It has come to our attention that a large mixed light facility funded by Florida money is being considered on a wetlands area near the sensitive eel river watershed. The size of this operation in a remote area where there is real fire danger and minimal roads seems short sighted. The water usage of 4.5 million gallons from wells and rain storage will challenge the eel river watershed and sensitive pristine environment. What agricultural practices will be used on this project? What animals will be displaced? The large operation in a remote area goes against common sense in my opinion and should be carefully considered regardless of how much money these people have to bend the judgment of our county officials.

--

**Erin Hamilton**  
*Royal Key / Suprize Suprize / Key Extracts*



**From:** [Ryan, Meghan](#)  
**To:** ["Andrew Smyth"](#)  
**Subject:** RE: Rolling Meadows  
**Date:** Tuesday, December 29, 2020 9:02:00 AM

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Good morning, Andrew - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: Andrew Smyth <captainkalik@gmail.com>  
Sent: Monday, December 28, 2020 9:50 AM  
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Subject: Rolling Meadows

Hello,

I am a 30 plus year resident of Humboldt county and a licensed cultivator. I'm writing this letter to weigh in on the proposed cultivation site known as Rolling Meadows. I'm all for the people of Humboldt County having a shot at the legal cannabis market here in the county, but I am personally opposed to this particular project. The future for our county as far as cannabis goes is dependent on the many small farms that have worked for decades to build the Humboldt brand into what it is today. When big money players come here to capitalize on what others have created, and then dilute the integrity of the brand by over producing a product that doesn't fit in with what our brand is, is bad for everyone. We need to promote small scale Organic. Sun grown Humboldt cannabis and discourage the kind of resource hungry, ecologically damaging, factory farming that is so destructively happening elsewhere. This project is clearly out of step with what I believe is our future.

Furthermore. The impact on the environment, wildlife, and natural beauty of our area is unacceptable. Any reassurance about sustainability and environmental soundness coming from an entity that isn't from here, and doesn't fully understand the land and what a bad winter can do, should be taken with a grain of salt. The site is directly across from the proposed Great Redwood Trail and will be a complete eye sore, both day and night. The reasons to deny this project are many as I'm sure others have outlined quite well.

In closing, I would like to thank you for your efforts on behalf of all the small family farmers here in the county. Thank you also for hearing my concerns. I trust that you will do the right thing and deny this permit from going forward.

Sincerely,  
Andrew Smyth

Sent from my iPhone



## Holder Law Group

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Oakland, CA 94607-3810

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(510) 338-3759  
jason@holderecolaw.com

January 7, 2021

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](mailto: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](mailto:mryan2@co.humboldt.ca.us)

Re: **Comments Concerning Rolling Meadow Ranch, LLC – Six Conditional Use Permits for Commercial Cannabis Facilities** (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 final comments and objections, which supplement those expressed in Petitioners’ previous comment letters dated August 17, 2020, September 10, 2020, November 18, 2020, and December 30, 2020, respectively, concerning the proposed Rolling Meadow Ranch, LLC Commercial Cannabis Project (“Project”). The comments below address new information provided in the staff report to the Planning Commission and other information only recently made available to the public. Petitioners are neighboring property owners and residents of the McCann area who will be adversely affected by the Project.

After reviewing the staff report for this meeting, documentary evidence acquired from the County of Humboldt (“County”) through a public records request, and comments from CDFW, environmental organizations, and concerned members of the public, Petitioners maintain that the Planning Commission should not approve the Project based on the inadequate revised and recirculated IS/MND. Instead, 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 or deny the application for the six CUPs.

By presenting an incomplete and inaccurate environmental impact analysis to the public for comment, and by not timely presenting all comments on the original and revised IS/MND to the decisionmakers, County staff have not engaged in a good faith effort at full disclosure, as

required under CEQA. Consequently, if the Planning Commission approves the Project as recommended in the staff report, Petitioners and others may successfully challenge such approvals in court.

As a preliminary matter, we note that the staff report and supporting materials were issued over the holiday season, in spite of prior objections by Petitioners, and two days before the 30-day comment period for the revised IS/MND was complete. The voluminous supplemental materials (comments timely received during the comment period) were not provided to the Planning Commission until the day before the scheduled meeting. As explained further below, this intentional “miserly” approach to fulfilling CEQA’s requirements is improper.<sup>1</sup>

**I. The Materials Furnished to the Planning Commission for its Consideration of this Project are Incomplete and Inaccurate.**

**A. The Staff Report Denies, Downplays, Dismisses, and Disregards “Major Issues.”**

When reporting whether there are any “major issues” that the Planning Commission should be aware of, the staff report states, without any elaboration, that there are “none.”<sup>2</sup> Wrong – if it were only so easy to dismiss legitimate, substantiated, corroborated, and re-enforced comments by multiple informed and concerned neighboring residents, experts and trustee agency officials.

As has been demonstrated by extensive and repeated public and agency comments, this statement is, at best, inaccurate, and at worst, misleading. It is unfortunate, to say the least, that County staff would dismiss wholesale the important issues raised by the California Department of Fish and Wildlife (“CDFW”), the California Native Plant Society (“CNPS”), and concerned neighbors of the proposed Project (i.e., long-term residents of the McCann area). If there were no major issues with respect to this Project, then why would the IS/MND need to be revised, supplemented, and recirculated after receiving comments from the public and responsible agencies? Why would staff refer to “substantial comments received from [CDFW]” elsewhere in the staff report?<sup>3</sup> Why would staff describe “a significant amount of concern and opposition to this project [be] raised by members of the public”?<sup>4</sup> The staff report is internally inconsistent when it comes to the ongoing controversies surrounding this Project concerning

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<sup>1</sup> See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390 [“It is, of course, too late to argue for a grudging, miserly reading of CEQA”] (*Laurel Heights I*), quoting *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 274.

<sup>2</sup> See Staff Report to Planning Commission for Jan. 7, 2021 meeting, p. 1.

<sup>3</sup> See *id.* at p. 7.

<sup>4</sup> See *id.* at p. 8.

site access, multiple potentially significant impacts, deficient mitigation measures, and disregarded alternative designs.

While staff may be willing to dismiss wholesale the factually and legally supported concerns expressed by commenters, the people who will be immediately impacted by this proposed Project are not. We repeat the conclusion reached in our prior comments – because Petitioners, CDFW, CNPS, and other commenters have introduced substantial evidence supporting a fair argument that the Project, as revised, will result in one or more significant environmental effects, an EIR is required before the Planning Commission can consider this Project for approval.<sup>5</sup>

**B. The “Public Comments” Attachment to the Staff Report Omits Many of the Comments that the County Timely Received Concerning this Project.**

County staff prepared and issued the “Public Comments” attachment on December 28, 2020, two days prior to the close of the comment period on the revised and recirculated IS/MND. Predictably, the County received many of the comments on the IS/MND after it published this attachment. Staff should have waited until at least the end of the comment period to issue its “public comments” attachment to the staff report. Instead, staff chose to release incomplete information.

When we submitted our comments on December 30<sup>th</sup>, we were informed by the planner that our comments would be “forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing” and that the planner would “provide a complete response to comments” this week once the County receives comments from CDFW and others.<sup>6</sup> In spite of these assurances, planning staff did not provide the Planning Commission with what is represented as the remainder of public comments until January 6<sup>th</sup> (the day before the Planning Commission meeting).<sup>7</sup> This supplemental material is 275 pages long -- Petitioners’ comment letter on the revised IS/MND alone is 40 pages long, with 170 footnotes and 13 exhibits. Yet the Planning Commission was only provided one day to review these extensive comments. Apparently, no response to comments has been prepared.

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<sup>5</sup> See CEQA Guidelines, § 15073.5(d) [“If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project”].

<sup>6</sup> See Exh. 1 - Email exchange with County planner Meghan Ryan re comments submitted on revised IS/MND, dated 12/30/2020.

<sup>7</sup> See Exh. 2 - Email exchange with County planner Meghan Ryan re supplemental materials provided to Planning Commission, dated 01/07/2021.

The County has undermined the environmental review process required under CEQA, and has denied the public and other agencies their proper role under CEQA in several respects, including by:

1. rushing through consideration of the Project with almost no time to consider the full body of comments received,
2. failing to timely and publicly disclose the complete substantial body of comments that are justifiably critical of the Project, and
3. failing to provide the concerned public, responsible agencies, and decision-makers with a response to comments concerning the Project and the (initial and revised) IS/MND.

Consequently, the decisions to (1) rely on a substantially flawed IS/MND, (2) only make a small subset of public comments timely available to the Planning Commission and to the concerned public, and (3) to issue the voluminous supplement to the Planning Commission the day before the meeting, have all severely undermined CEQA's informational purposes.

The applicant, and now the County, has repeatedly treated environmental review of the Project's impacts as an afterthought, an inconvenient hurdle to surmount with the barest of analysis, incomplete, inadequate, and even purposefully inaccurate. CEQA requires more – it requires a good faith effort at full disclosure. As summarized by the California Supreme Court:

The preparation and circulation of an [environmental impact analysis under CEQA] is more than a set of technical hurdles for agencies and developers to overcome. The [analysis's] function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. [Citation.] For the [environmental impact analysis] to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.<sup>8</sup>

In light of the clearly articulated requirements summarized above, Petitioners recommend that, at the very least, the Planning Commission postpone its consideration of this Project until after all public comments have been considered by staff, responded to, and timely presented to the public and members of the Planning Commission. The public and the Planning Commission

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<sup>8</sup> See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450, citing *Laurel Heights I, supra*, 47 Cal.3d 376, 391-392.

must also be afforded an adequate opportunity to review responses to public comments, any revisions to the analysis, and potential new mitigation measures. The public and responsible agencies must then be afforded an opportunity to identify any inadequacies in those responses, revisions, and measures.

**C. The Staff Report Adds New Information and Analysis Not Made Available to the Public and to Responsible and Trustee Agencies During the Administrative Process.**

**1. The Analysis Concerning Hydrological Connectivity of the Project's Wells Remains Unsupported.**

County planning staff, the County's peer review consultant, CDFW, and Petitioners have all commented that the IS/MND lacks the required substantiation for the conclusion that the Project's wells are not hydrologically connected to surface waters.<sup>9</sup> Curiously, planning staff have now reversed course with respect to the previously recognized need for substantiation. The staff report relies upon the conclusory Fisch Drilling letter from and adds the following statement:

An examination of the well logs indicate that the depth and screening intervals are such that the wells are not connected to a surface water feature, staff determined the wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board.<sup>10</sup>

This unsupported conclusory opinion constitutes new information that was not presented in the Revised IS/MND. There is no evidence in the IS/MND and supporting materials that such an "examination" ever occurred.<sup>11</sup> Further, the above unsupported statement does nothing to demonstrate, in a transparent and factually supported manner, that "the wells are hydrologically disconnected from surface water." Presenting such a new unsupported justification concerning an issue that has remained controversial since 2018, when the County's supervising planner, its peer review consultant, and CDFW each independently requested substantiation for the conclusion, conflicts with CEQA's requirements for public disclosure and informed decisionmaking.

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<sup>9</sup> See Exh. A – Petitioners' comments on revised and recirculated IS/MND, dated Dec. 30, 2020, pp. 22-25.

<sup>10</sup> See Staff Report to Planning Commission for Jan. 7, 2021 meeting, p. 4.

<sup>11</sup> The Revised IS/MND does not even mention the well logs let alone explain how the limited information presented in the well logs can be relied upon to definitively rule out the possibility of hydrologic connectivity.

2. The Analysis Concerning Impacts to Biological Resources Includes New Information.

The staff report also adds an explanation concerning additional survey efforts concerning the golden eagle.<sup>12</sup> By presenting this new explanation for the first time in a staff report, rather than in the impact analysis, the County has not complied with CEQA's informational requirements.<sup>13</sup>

As CDFW recently commented, the applicant's efforts in November 2020 to locate and identify the 2003 golden eagle nest near the Project site and otherwise survey for golden eagles were inadequate.<sup>14</sup>

The staff report inaccurately states that "A site visit was conducted by NRM in October 2017 and no species status species were detected." Petitioners previously commented that the Biological Report prepared by NRM reveals that a species of special concern, the foothill yellow-legged frog, was detected on the Project site at several locations.<sup>15</sup> Because the staff report for this meeting was issued even before the comment period for the revised and recirculated IS/MND had closed (a decision made by County staff), staff has neither responded to these recent comments nor explained the discrepancy concerning the detection of special status species between the 2018 Biological Report and the information provided in the IS/MND and in staff reports.

3. The Discussion Concerning Access Roads Provides Information That is Inconsistent with the Analysis in the Revised IS/MND.

The staff report states that "road maintenance" occurred at the Project site in 2019, and that "[w]ith the roadwork now complete, all roads (using the existing prism) have been brought up to the Fire Safe standards."<sup>16</sup> This statement directly conflicts with information presented in the revised IS/MND concerning a number of improvements that are necessary to bring some of the Project's access roads up to the County's Category 2 standards.<sup>17</sup> This inconsistency

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<sup>12</sup> See staff report to Planning Commission for Jan. 7, 2021 meeting, p. 5.

<sup>13</sup> See *Vineyard Area Citizens, supra*, 40 Cal.4th at p. 442.

<sup>14</sup> See CDFW's comments on revised and recirculated IS/MND, dated Dec. 30, 2020, pp. 5-7.

<sup>15</sup> See Petitioners' comments on revised and recirculated IS/MND, dated Dec. 30, 2020, p. 32.

<sup>16</sup> See staff report to Planning Commission for Jan. 7, 2021 meeting, p. 6.

<sup>17</sup> See Revised IS/MND, pp. 12-13 [describing Project-related improvements to internal ranch roads (to the improper Category 2 standards)],

between information provided in the staff report and information in the Revised IS/MND constitutes a procedural violation of CEQA.<sup>18</sup>

Petitioners have already commented that the analysis concerning the sufficiency of Project access roads is woefully inadequate.<sup>19</sup> Rather than correct the faulty analysis, staff has attempted to take the easy way out by inserting a contradictory and conclusory statement in the staff report. CEQA prohibits such efforts to sweep difficult problems under the rug.<sup>20</sup>

**D. The Staff Report Presents a New Condition of Approval and a Modified Mitigation Measure, Not Discussed in the Revised IS/MND.**

**1. The Condition of Approval Requiring Groundwater Monitoring and Annual Reporting Cannot Substitute for Reasoned Analysis.**

The staff report introduces a new condition of approval, not discussed in the IS/MND, that purports to prevent impacts caused by groundwater pumping. Specifically,

Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand and provide evidence of metering at the time of annual inspection. Should the wells not provide sufficient water for the operation, the applicant is required to modify this permit and propose a different non-divisionary source of water, such as rain catchment and/or reduce the size of the cultivation area to be consistent with water availability.<sup>21</sup>

As explained previously in comments submitted by Petitioners, such measures do not and cannot substitute for good faith reasoned analysis.<sup>22</sup> Despite having previously received comments directly addressing this fatally flawed approach to impact avoidance, the County's

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<sup>18</sup> See *Vineyard Area Citizens, supra*, 40 Cal.4th at p. 443 [explaining that the environmental impact analysis must contain the required information, and that post-analysis explanation in a brief (or a staff report) cannot cure the deficiency].

<sup>19</sup> See Petitioners' comments on revised and recirculated IS/MND, dated Dec. 30, 2020, pp. 8-13; see also Petitioners' supplemental comments on original IS/MND, dated Sept. 10, 2020, pp. 6-8; see also Petitioners' initial comments on original IS/MND, dated Aug. 17, 2020, pp. 5-8.

<sup>20</sup> See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733 [the environmental impact analysis must contain "sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug"], citing *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 and *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841.)

<sup>21</sup> See staff report to Planning Commission for Jan. 7, 2020 meeting, p. 4.

<sup>22</sup> See Petitioners comments on revised and recirculated IS/MND, dated Dec. 30, 2020, pp. 27-28, citing *Vineyard Area Citizens, supra*, 40 Cal.4th at p. 444; see also Petitioners' supplemental comments on original IS/MND, dated Sept. 10, 2020, pp. 16-17, citing *Vineyard Area Citizens, supra*, 40 Cal.4th at p. 434.



staff continues to advance this condition of approval rather than require the water supply and impact analysis required under CEQA.

2. Revised Mitigation Measure Bio-16 Was Not Described in the Revised IS/MND.

According to the staff report “planning staff is recommending a replacement mitigation measure BIO-16 to reflect current USFWS guidance for protection against impacts to nesting Golden eagles.”<sup>23</sup> This mitigation measure should have been described accurately in either the original IS/MND released in July 2020 or in the revised IS/MND released in December 2020. Instead, these drafts of the IS/MND did not accurately describe the mitigation that would be imposed to reduce impacts to the golden eagle.

**E. As with the Revised IS/MND, the Staff Report Disregards Impacts to Scenic Resources and Planned Publicly Funded Infrastructure.**

The planned Great Redwood Trail will be located directly across the Eel River from facilities #1 and #2.<sup>24</sup> These and other Project facilities will be visible from the trail. Despite this proximity within the viewshed of this trail, the Revised IS/MND fails to even mention the planned trail, much less consider the Project’s potentially significant impacts to future users of the trail. In the analysis of the Project’s aesthetic impacts, the IS/MND considers the impacts associated with nighttime light and glare but it is silent with respect to the Project’s impacts to users of this planned trail.<sup>25</sup>

The omission of any analysis concerning Project-related impacts to scenic resources that users of the Great Redwood Trail would be subjected to in perpetuity also constitutes a failure to consider the Project’s contribution to cumulative impacts.

**II. Conclusion: The Planning Commission Should Not Approve the Project and, if the Project is Pursued, it Should Require the Preparation of an EIR.**

As Petitioners’ extensive 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. Alternatively, the Planning Commission has authority to deny the application based on the difficult access issues and multiple potentially significant

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<sup>23</sup> See staff report to Planning Commission for Jan. 7, 2020 meeting, p. 7.

<sup>24</sup> See <http://www.thegreatredwoodtrail.org/>; see also Report to the Legislature re planned Great Redwood Trail, Assessment of the North Coast Railroad Authority and Viability of a Great Redwood Trail (2020), available at: <https://calsta.ca.gov/-/media/calsta-media/documents/sb-1029-assessment-of-ncra-report-to-legislature-111220.pdf>, accessed 01/06/21.

<sup>25</sup> See Revised IS/MND, pp. 37-43.

environmental impacts. It would be justified in exercising its sound discretion to deny the Project as proposed.

Very Truly Yours,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

Jason Holder

cc: (Via e-mail only)  
Client contacts

Exhibits:

- Exh. 1. Email exchange with County planner re comments submitted on revised IS/MND, dated 12/30/2020
- Exh. 2. Email exchange with County planner re supplemental materials provided to Planning Commission, dated 01/07/2021



## Exhibit 1

Jason Holder <jason@holderecolaw.com>

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### Comments on Revised IS/MND for Rolling Meadow Ranch Commercial Cannabis Project (PLN-12529-CUP) (1 of 3)

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**Ryan, Meghan** <mryan2@co.humboldt.ca.us>  
To: Jason Holder <jason@holderecolaw.com>  
Cc: "Gregory.OConnell@wildlife.ca.gov" <Gregory.OConnell@wildlife.ca.gov>

Wed, Dec 30, 2020 at 2:11 PM

Good afternoon, Jason - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I anticipate I will provide a complete response to comments next week once we receive comments from CDFW and other public members.

I appreciate your participation in the public process.

Best,

Meghan

**From:** Jason Holder <jason@holderecolaw.com>  
**Sent:** Wednesday, December 30, 2020 1:37 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Cc:** Gregory.OConnell@wildlife.ca.gov  
**Subject:** Comments on Revised IS/MND for Rolling Meadow Ranch Commercial Cannabis Project (PLN-12529-CUP) (1 of 3)

Good afternoon Ms. Ryan,

Attached for the County's consideration are comments concerning the revised IS/MND for the above-referenced proposed project. The exhibits to the comment letter will be sent in two successive emails. A hard copy of the comment letter and all exhibits thereto will be hand delivered to the Planning Department today.

Thank you for your attention to this matter and for the County's consideration of the attached comments.

-Jason

--

Jason W. Holder

## Holder Law Group

Important: This electronic mail message, including any attached files, is being sent by or on behalf of a lawyer; it is confidential and it may contain or constitute information protected by the attorney-client and/or the attorney work-product privileges. If the person actually receiving this message, or any other reader of this message, is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are not authorized to retain, read, copy or disseminate this communication or any part of it. If you have received this communication in error, please immediately notify Holder Law Group at [\(510\) 338-3759](tel:510338-3759). Thank you



Jason Holder &lt;jason@holderecolaw.com&gt;

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**RMR Project: supplement to staff report and responses to comments**

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**Ryan, Meghan** <mryan2@co.humboldt.ca.us>

Thu, Jan 7, 2021 at 10:12 AM

To: Jason Holder &lt;jason@holderecolaw.com&gt;

Cc: Frances Greenleaf &lt;frangreenleaf@gmail.com&gt;, "Johnson, Cliff" &lt;CJohnson@co.humboldt.ca.us&gt;

Good morning, Jason – Thank you for contacting me. The Planning Commission was provided a Supplemental Item #1 yesterday that included all comments that were received as of Monday, January 4, 2021. Please see attached. Supplemental items are a part of the record and will be posted to the website after tonight's hearing. The project is the second public hearing item scheduled for tonight's hearing.

Please let me know if you have any additional questions.

Thanks again,

Meghan

---

**From:** Jason Holder <jason@holderecolaw.com>**Date:** Thursday, January 7, 2021 at 8:41 AM**To:** "Ryan, Meghan" <mryan2@co.humboldt.ca.us>**Cc:** Frances Greenleaf <frangreenleaf@gmail.com>**Subject:** RMR Project: supplement to staff report and responses to comments

Good morning, Ms. Ryan,

As you know, on December 30th, and on behalf of my clients, I submitted timely comments on the revised IS/MND for the Rolling Meadow Ranch project. You responded to my submission via email as follows: "Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing. I anticipate I will provide a complete response to comments next week once we receive comments from CDFW and other public members."

Over the past several days, my clients and I have continually checked the County's website for Planning Commission materials for any supplemental materials for the Planning Commission to consider at its meeting this evening, including the "response to comments" document you referred to in the response email on December 30th. As you can understand, we are keenly interested in reviewing any such supplemental analysis and information. As of the time of this email, no supplemental materials are currently available for public review.

When will these materials be posted to legistar and otherwise be made available to the public and decision-makers? In light of the lack of timely disclosure of public comments on the revised IS/MND and any response to those comments, will the Rolling Meadow Ranch project be considered for approval tomorrow or will consideration by the Planning Commission be continued yet again? If the latter, then this would be the third time the project has been placed on the Planning Commission agenda, with a staff recommendation for approval and the assurance that the existing analysis is sufficient, only to be continued and reconsidered later, after supplemental environmental impact analysis is conducted.

Prior to the Planning Commission meeting where the RMR project will be considered for approval, we anticipate submitting additional comments on the staff report and any supplemental materials provided to the Planning Commission. Accordingly, please let us know whether the Project will be considered for approval at the meeting this evening and, if so, please provide any supplemental material at your earliest convenience so that we may review the material and respond to it as appropriate.

Thank you,

-Jason

--

Jason W. Holder

Holder Law Group

Important: This electronic mail message, including any attached files, is being sent by or on behalf of a lawyer; it is confidential and it may contain or constitute information protected by the attorney-client and/or the attorney work-product privileges. If the person actually receiving this message, or any other reader of this message, is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are not authorized to retain, read, copy or disseminate this communication or any part of it. If you have received this communication in error, please immediately notify Holder Law Group at [\(510\) 338-3759](tel:338-3759). Thank you



**Supplemental 1 01042021.pdf**  
19955K

**From:** [Ryan, Meghan](#)  
**To:** [Amy A. Ronhaar](#)  
**Subject:** RE: Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)  
**Date:** Tuesday, December 29, 2020 9:04:00 AM

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Good morning, Amy - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

---

**From:** Amy A. Ronhaar <amyaronhaar@gmail.com>  
**Sent:** Monday, December 28, 2020 10:05 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)

Dear Meghan,

This email is to comment on the proposed Rolling Meadow Ranch development. I strongly oppose this project for several reasons:

**Increased Traffic:** The proposal of 30 employees commuting in and out from the property, daily, is an unsustainable burden on the county road infrastructure, based on my lived experience.

**Fire Danger:** With a greater number of people commuting into fire prone wildlands comes a vastly enhanced risk of fire.

**Community Safety:** In addition to the inevitable increase in traffic hazards and accidents, more people entering a remote, rural area poses other safety threats, especially related to the cannabis industry.

**Environmental Degradation:** The proposed area is untouched nature directly alongside the Eel River. This project will destroy the local environment, pollute the river and irreversibly impact the local wildlife.

**Equity:** The Rolling Meadow Ranch project would unfairly exploit, capitalize on, and thereby dilute the value of the Humboldt County Cannabis brand. In comparison to other nearby cannabis grows, the sheer size of this project would dwarf other farms. How is that equitable?

The cannabis industry is rooted in compassion and equity. Please do not approve to move this permit forward.

Sincerely,  
A.A. Ronhaar

**From:** [Ryan, Meghan](#)  
**To:** ["Kim Petersen"](#)  
**Subject:** RE: Rolling Meadow Ranch, LLC, Conditional Use Permits  
**Date:** Tuesday, December 29, 2020 9:05:00 AM

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Good morning, Kim - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: Kim Petersen <sohumborn@icloud.com>  
Sent: Monday, December 28, 2020 10:12 AM  
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Subject: Rolling Meadow Ranch, LLC, Conditional Use Permits

This project is exactly the kind of thing we were afraid of with legalization.  
Giant indoor grows run by out of state LLCs.  
Please let common sense win out over the desire for more cannabis tax dollars.  
The land use, power use & water use are all far away from the Environmentally sound practices we say we promote.  
This violates the principle of best practices & degrades the value of the image of Humboldt County as a source of ethically produced clean and organic cannabis.  
It's a bad plan for the safety, the land, the water, and the citizens of this county.  
Sincerely,  
Kim Petersen  
Redway

Sent from my iPhone



**From:** [Ryan, Meghan](#)  
**To:** ["Jacqueline Suskin"](#)  
**Subject:** RE: Comment Submittal: Rolling Meadow LLC MND SCN 2020070339  
**Date:** Tuesday, December 29, 2020 9:05:00 AM

---

Good morning, Jaqueline - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Jacqueline Suskin <jacquelinesuskin@gmail.com>  
**Sent:** Monday, December 28, 2020 11:45 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment Submittal: Rolling Meadow LLC MND SCN 2020070339

Dear Ms. Ryan and Humboldt Planning Department,

I am writing regarding the MND filed under Rolling Meadow Ranch, LLC, SCN 2020070339

Please do not approve or certify this project. The environmental impacts should be considered significant, and proposed mitigation does not adequately compensate for proposed impacts to wetlands, sensitive natural communities, golden eagles, fossil fuel emissions, grid power utilization, or water usage.

This project would unfairly exploit, capitalize on, and dilute the value of the Humboldt County cannabis brand that dedicated, craft, legacy sun grown cannabis farmers have fought long and hard for, while despoiling and poisoning our beautiful home.

Thanks,  
Jacqueline Suskin

--

[www.jacquelinesuskin.com](http://www.jacquelinesuskin.com)

[Newsletter Sign-Up](#)

[Every Day is a Poem](#)

**From:** [Ryan, Meghan](#)  
**To:** ["Sage Saatdjian"](#)  
**Subject:** RE: Comment Submittal: Rolling Meadow LLC MND SCN 2020070339  
**Date:** Tuesday, December 29, 2020 9:06:00 AM

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Good morning, Sage - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Sage Saatdjian <sagesaatdjian@gmail.com>  
**Sent:** Monday, December 28, 2020 11:50 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment Submittal: Rolling Meadow LLC MND SCN 2020070339

Dear Ms. Ryan and Humboldt Planning Department,

I am writing regarding the MND filed under Rolling Meadow Ranch, LLC, SCN 2020070339

Please do not approve or certify this project. The environmental impacts should be considered significant, and proposed mitigation does not adequately compensate for proposed impacts to wetlands, sensitive natural communities, golden eagles, fossil fuel emissions, grid power utilization, or water usage.

This project would unfairly exploit, capitalize on, and dilute the value of the Humboldt County cannabis brand that dedicated, craft, legacy sun grown cannabis farmers have fought long and hard for, while despoiling and poisoning our beautiful home.

Thanks,  
Sage

**From:** [Ryan, Meghan](#)  
**To:** ["Scott Thompson"](#)  
**Subject:** RE: Rolling Meadow Ranch  
**Date:** Tuesday, December 29, 2020 9:08:00 AM

---

Good morning, Scott - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

---

**From:** Scott Thompson <scott.a.thompson@icloud.com>  
**Sent:** Monday, December 28, 2020 12:00 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadow Ranch

Dear Meghan,

This email is to comment on the proposed Rolling Meadow Ranch development. I strongly oppose this project for several reasons:

**Increased Traffic:** The proposal of 30 employees commuting in and out from the property, daily, is an unsustainable burden on the county road infrastructure, based on my lived experience.

**Fire Danger:** With a greater number of people commuting into fire prone wildlands comes a vastly enhanced risk of fire.

**Community Safety:** In addition to the inevitable increase in traffic hazards and accidents, more people entering a remote, rural area poses other safety threats, especially related to the cannabis industry.

**Environmental Degradation:** The proposed area is untouched nature directly alongside the Eel River. This project will destroy the local environment, pollute the river and irreversibly impact the local wildlife.

**Equity:** The Rolling Meadow Ranch project would unfairly exploit, capitalize on, and thereby dilute the value of the Humboldt County Cannabis brand. In comparison to other nearby cannabis grows, the sheer size of this project would dwarf other farms. How is that equitable?

The cannabis industry is rooted in compassion and equity. Please do not approve to move this permit forward.

Sincerely,  
Scott Allen Thompson

Scott Allen Thompson  
Human Capital & Business Strategist  
Mobile: [1-\(503\)-430-4402](tel:1-503-430-4402)  
E-mail: [scott.a.thompson@icloud.com](mailto:scott.a.thompson@icloud.com)

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**From:** [Ryan, Meghan](#)  
**To:** ["Tayloranne Finch"](#)  
**Subject:** RE: Comment Submittal: Rolling Meadow LLC MND SCN 2020070339  
**Date:** Tuesday, December 29, 2020 9:10:00 AM

---

Good morning, Tayloranne -

Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Tayloranne Finch <taylorannefinch@gmail.com>  
**Sent:** Monday, December 28, 2020 12:08 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment Submittal: Rolling Meadow LLC MND SCN 2020070339

Dear Ms. Ryan and Humboldt Planning Department,

I am writing regarding the MND filed under Rolling Meadow Ranch, LLC, SCN 2020070339

Please do not approve or certify this project. The environmental impacts should be considered significant, and proposed mitigation does not adequately compensate for proposed impacts to wetlands, sensitive natural communities, golden eagles, fossil fuel emissions, grid power utilization, or water usage.

This project would unfairly exploit, capitalize on, and dilute the value of the Humboldt County cannabis brand that dedicated, craft, legacy sun grown cannabis farmers have fought long and hard for, while despoiling and poisoning our beautiful home.

Thanks,  
Tayloranne Finch

**From:** [Ryan, Meghan](#)  
**To:** ["Paul Riley, CLS"](#)  
**Subject:** RE: Pot farm  
**Date:** Tuesday, December 29, 2020 9:11:00 AM

---

Good morning, Paul - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Paul Riley, CLS <pvrcls@gmail.com>  
**Sent:** Monday, December 28, 2020 12:54 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Pot farm

Well, one greedy bunch or another...

I will never understand this product and the growing of it in Humboldt, which claims to have "the best" combination of growing conditions, while the larger part of the crop is grown in greenhouses, in imported "growth media", under artificial light!

I could easily grow excellent pot, in my backyard, in Yuba City, in natural soil, outdoors! And have! Humboldt County "pot farmers" are florists, not farmers!

There is nothing magical about Humboldt Marijuana, but, whenever there is a proposal to add production, on a large scale, we will hear fussing and irrational complaints!

A project like this, or the gigantic windmill project, requires Board of Supervisors and "Planning Commissioners" approval, and this is where the poop hits the fan...

We reject any project which uses "mixed light", 8 million gallons of water, or, a huge amount of trucked-in supplies, and which will consume an unnatural amount of electricity!

Although there exist tens of thousands of "grows" already, all over Humboldt, the competition is hardly a factor here, and the sheer amount of available product is ever increasing.

Supply and demand tells us that bulk marijuana should be very cheap indeed! Cannabis is an old drug, with great appeal to the poor. But, Cannabis, as sold in Dispensaries, is pretty damn expensive.

I strongly recommend not allowing this or any other “Marijuana Factory” to exist in a space so remote. The owners will probably find that they can’t compete, can’t afford to grow in this space by this method, and, they will have to pull it all out when they go broke.

The natural solution to the existence of Humboldt Pot Farming, is oblivion. Growing weed in Humboldt will end, and the whole place will then look exactly like Garberville. Or Eureka.

Watch the Supervisors and Planning Commissioners pocket big money, new pickups, trips to Tahiti etc...

No matter who grows where, in Northern California, the show is probably over, as measured in celestial time... If I ever need any Marijuana, I will drive to Oakridge Drive in Redway, and buy a pound from the folks there, or grow my own. I recommend all Californians do the same...

It’s your right to grow your own dope, and, it’s the right thing to do.

[Reply](#)

**From:** [Ryan, Meghan](#)  
**To:** ["Hollie Ernest"](#)  
**Subject:** RE: comment submittal: Rolling Meadow Ranch, LLC, SCN 2020070339  
**Date:** Tuesday, December 29, 2020 9:11:00 AM

---

Good morning, Hollie - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Hollie Ernest <hollie.ernest@gmail.com>  
**Sent:** Monday, December 28, 2020 1:03 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** comment submittal: Rolling Meadow Ranch, LLC, SCN 2020070339

Dear Ms. Ryan and Humboldt Planning Department,

I am writing regarding the MND filed under Rolling Meadow Ranch, LLC, SCN 2020070339

**Please do not approve or certify this project. The environmental impacts seem significant, and proposed mitigation does not adequately compensate for proposed impacts to wetlands, sensitive natural communities, golden eagles, fossil fuel emissions, grid power utilization, or water usage.**

**This project would unfairly exploit, capitalize on, and dilute the value of the Humboldt County cannabis brand that dedicated, craft, legacy sun grown cannabis farmers have fought long and hard for, while despoiling and poisoning our beautiful home.**

thank you,  
Hollie Ernest



**From:** [Ryan, Meghan](#)  
**To:** [sacha marini](#)  
**Subject:** RE: Comment Submittal: Rolling Meadow Ranch LLC MND SCN 2020070339- Do Not Approve  
**Date:** Tuesday, December 29, 2020 9:15:00 AM

---

Good morning, Sacha -

Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** sacha marini <sachamarini@gmail.com>  
**Sent:** Monday, December 28, 2020 3:59 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment Submittal: Rolling Meadow Ranch LLC MND SCN 2020070339- Do Not Approve

Dear Ms. Ryan and Humboldt Planning Department,

I am writing regarding the MND filed under Rolling Meadow Ranch, LLC, SCN 2020070339

Please do not approve or certify this project. The environmental impacts should be considered significant, and proposed mitigation does not adequately compensate for proposed impacts to wetlands, sensitive natural communities, golden eagles, fossil fuel emissions, grid power utilization, or water usage.

This project would unfairly exploit, capitalize on, and dilute the value of the Humboldt County cannabis brand that dedicated, craft, legacy sun grown cannabis farmers have fought long and hard for, while despoiling and poisoning our beautiful home.

Thanks,

**From:** [Ryan, Meghan](#)  
**To:** [Rusty Moore](#)  
**Subject:** RE: Proposed cannabis permits for Rolling Meadows Ranch  
**Date:** Tuesday, December 29, 2020 9:16:00 AM

---

Good morning, Rusty - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Rusty Moore <moorerusty152@gmail.com>  
**Sent:** Monday, December 28, 2020 5:15 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Proposed cannabis permits for Rolling Meadows Ranch

I am not in favor of this project. Please do not approve it.

Rusty Moore

**From:** [Ryan, Meghan](#)  
**To:** [J. Randall](#)  
**Cc:** [Madrone, Steve](#); [Ford, John](#)  
**Subject:** RE: Too big McCann project  
**Date:** Tuesday, December 29, 2020 9:18:00 AM

---

Good morning, Josiah – Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** J. Randall <josiahrandall@gmail.com>  
**Sent:** Monday, December 28, 2020 5:38 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Cc:** Madrone, Steve <smadrone@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>  
**Subject:** Too big McCann project

Hello Meghan,

I would like to voice my disapproval of the proposed conditional use permits for Rolling Meadows Ranch LLC in McCann. Please do not recommend a proposal of this size and scope for approval.

For reference, I have read the description of the project at:

<https://ceqanet.opr.ca.gov/2020070339/3>

In a nutshell, I think that this project is far too large and poorly located. Due to the size of the proposal I am concerned about the wildlife and plants that will be disturbed during buildout and actual cultivation, as well as the river ecosystem that will be disturbed more indirectly.

I am familiar with McCann and this project definitely doesn't fit the area. I understand that there is a new bridge planned, but regardless, this project is very large and will add an unwelcome commercial feel to a nice little neighborhood like McCann.

I also disapprove of the proposal on principle. I disapprove of a proposal of this size because I think the county should actively be protecting the brand of Humboldt county by promoting small farmers and small farms. I know for a fact that there are still applicants waiting to get through the process that have much smaller proposals. These are the farms and farmers that need promotion. Humboldt county cannabis, like Napa valley wine is unique and that needs to be protected against commoditization, and this is an opportunity to do just that. My hope is that local small business and the environment will benefit in the short term and the long term if this could be incorporated into the regulatory framework in some way.

I apologize for the rambling, but I think I got all my points out. Thank you for taking the time to read my opinions.

Respectfully,

Josiah Randall

**From:** [Ryan, Meghan](#)  
**To:** ["Diane Korsower"](#)  
**Subject:** RE: Comment Submittal: Rolling Meadow LLC MND SCN 2020070339  
**Date:** Tuesday, December 29, 2020 9:32:00 AM

---

Good morning, Diane - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Diane Korsower <dcarouser@gmail.com>  
**Sent:** Monday, December 28, 2020 6:08 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment Submittal: Rolling Meadow LLC MND SCN 2020070339

Dear Ms. Ryan and Humboldt Planning Department,

I am writing regarding the MND filed under Rolling Meadow Ranch, LLC, SCN 2020070339

Please do not approve or certify this project. The environmental impacts should be considered significant, and proposed mitigation does not adequately compensate for proposed impacts to wetlands, sensitive natural communities, golden eagles, fossil fuel emissions, Grid power utilization, or water usage.

This project would unfairly exploit, capitalize on, and dilute the value of the Humboldt County cannabis brand that dedicated, craft, legacy sun grown cannabis farmers have fought long and hard for, while despoiling and poisoning our beautiful home.

Thanks,  
Diane Korsower M.D.

**From:** [Ryan, Meghan](#)  
**To:** [MARIA OLSON](#)  
**Subject:** RE: I oppose the Meadows ranch cannabis project .  
**Date:** Tuesday, December 29, 2020 9:41:00 AM

---

Good morning, Maria - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. The staff report and supporting documentation will be made available prior to the hearing where you can review the project evaluation and supporting documentation. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: MARIA OLSON <mariaptscs@aol.com>  
Sent: Monday, December 28, 2020 6:55 PM  
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Subject: I oppose the Meadows ranch cannabis project .

I am writing as a Humboldt county resident to voice my opposition to the proposed Rolling Meadow Ranch Project. It is so disturbing to see the county advance a project of this environmental consequence knowing that they have sat on and mismanaged the applications and project advancement of many small local farmers . Many local farmers have been waiting years, literally years , to get their environmentally sound projects to fruition. I've watched the county block farmers projects over the water use issue and here you have a grow that is going to pull 4,300,000 gallons per year from wells in close proximity to the Eel River. Their 320,000 gallons of water storage is a mere drop in the bucket of their proposed usage. where is the data showing that these 4 millions gallons of water is not hydrologically connected to the river? I Can't believe that they exist. The second issue is road use. How many farmers have been left bankrupt , spending 10's of thousands of dollars trying to get permitted only to be held up by the "category 4 road standard" . The access road for this is not a category 4 road , nor is their alternate choice. The planning department sets these rules and then bends them for whomever is willing to pay the price of extortion. It's shameful. This is not a location for a indoor mega-grow utilizing huge amounts of non renewable energy. Their project is suitable for an industrial zoned parcel , as laid out in the newest ordinance.

Maria Olson  
Fortuna, CA

Sent from my iPad

**From:** [Ryan, Meghan](#)  
**To:** ["maryellen mckee"](#)  
**Subject:** RE: Rolling Meadow Ranch, LLC, Conditional Use Permit  
**Date:** Tuesday, December 29, 2020 9:41:00 AM

---

Good morning, Maryellen -

Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: maryellen mckee <sageplant01@gmail.com>  
Sent: Tuesday, December 29, 2020 12:11 AM  
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Subject: Rolling Meadow Ranch, LLC, Conditional Use Permit

Hi Megan Ryan,

With the very brief moments the public has been made aware ( Redheaded Blackbelt letter to Editor) of this request for permit involving a very large project, I am suggesting that nothing move quickly for so many reasons.

Environmental, ( watersheds, habitat, neighbors impact, and a financial review of how Humboldt country choose to protect its local businesses from outside ventures and so much more.

I hope that the article is coming up short on some important information that can be offered to the community and neighborhood.

Thank you,  
Maryellen Mckee

Sent from my iPad

**From:** [Ryan, Meghan](#)  
**To:** ["Zachariah Soughou"](#)  
**Subject:** RE: Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)  
**Date:** Tuesday, December 29, 2020 9:42:00 AM

---

Good morning, Zachariah - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

---

**From:** Zachariah Soughou <zack.soughou@gmail.com>  
**Sent:** Tuesday, December 29, 2020 7:03 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)

Humboldt County Planning Department  
Attn: Meghan Ryan, Senior Planner  
3015 H St.  
Eureka, CA 95501

Dear Meghan,

This email is to comment on the proposed Rolling Meadow Ranch development. I strongly oppose this project for several reasons:

**Increased Traffic:** The proposal of 30 employees commuting in and out from the property, daily, is an unsustainable burden on the county road infrastructure, based on my lived experience.

**Fire Danger:** With a greater number of people commuting into fire prone wildlands comes a vastly enhanced risk of fire.

**Community Safety:** In addition to the inevitable increase in traffic hazards and accidents, more people entering a remote, rural area poses other safety threats, especially related to the cannabis industry.

**Environmental Degradation:** The proposed area is untouched nature directly alongside the Eel River. This project will destroy the local environment, pollute the river and irreversibly impact the local wildlife.

**Equity:** The Rolling Meadow Ranch project would unfairly exploit, capitalize on, and thereby dilute the value of the Humboldt County Cannabis brand. In comparison to other nearby cannabis grows, the sheer size of this project would dwarf other farms. How is that equitable?

The cannabis industry is rooted in compassion and equity. Please do not approve to move this permit forward.

Sincerely,

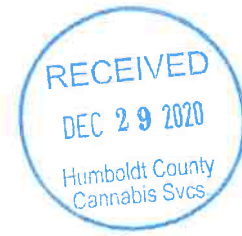
Zack Soughou



December 28, 2020

Via Email and Hand Delivery

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



Re: Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)

Dear Ms. Ryan:

As a full-time resident and property owner in McCann for twenty years, I am writing to express my serious concerns regarding the potential multiple negative impacts of the proposed Commercial Cannabis Project for the Rolling Meadow Ranch, supported by my observations as a longtime community member.

— **Increased Traffic:** The proposal of 30 employees commuting in and out from the property, daily, is an unsustainable burden on the county road infrastructure, based on my lived experience. Not only is McCann Road (State Road No. SD090) unable to bear this increased traffic volume, Dyerville Loop Road (State Road No. SD100), in both directions (as the only access to McCann Road), bears consideration as wholly inadequate in the context of the scale of this project. The road segments in question, Dyerville Loop from Highway 101 to the McCann Bridge and Dyerville Loop from the McCann bridge to the intersection of Sequoia Road (see Attachment A: maps of Dyerville Loop Road, approaches from north and south), have numerous single lane blind turns with no shoulders and steep drop offs down the bank. The stretch of Dyerville Loop Road from the McCann Bridge up to Fruitland Ridge is particularly hazardous, being entirely unpaved with blind, high-percentage grade hairpin turns.

Please view video of the road at: <https://youtu.be/u5UUlpHRxpY> , and refer to Attachments B & C for measurements, Lat./Long. Coordinates, and photographs of 15 separate Road Points that demonstrate the aforementioned qualities of this road.

In 2004 I was involved in a two-vehicle collision as I travelled south-east on Dyerville Loop Road, around one of these turns. The other driver was oncoming at a high rate of speed in a section of one lane road with no shoulders. In another incident in 2010, I was the passenger of a vehicle on that road when motorcyclists approaching from the opposite direction lost control upon seeing our vehicle and went over the bank. On two separate other occasions I have happened upon and assisted stranded drivers because their vehicles had gone off the road and landed in precarious positions. I connected them with tow truck drivers and provided physical assistance until their issues could be resolved.

In addition to these four specific incidents, I have had numerous close calls all along Dyerville Loop Road. Just entering and exiting the entrance to the McCann Bridge from Dyerville Loop Road requires extreme caution, due to the narrow road (pinch point), lack of shoulders, and poor visibility. The description of Dyerville Loop Road from 101 and up to the intersection of Sequoia Road, as well as it's intersection with McCann Road, the condition of the one lane McCann Bridge, the required traversing of the gravel river bar, and subsequent .9 mile of McCann Road from the bridge to "Road Point 1" are all conspicuously absent from The Access Assessment in Appendix C of the ISMND for the project.

The river bar offers its own hazards, and I have seen multiple vehicles get stuck in the gravel, as well as the river itself, and require towing. In the Spring of 2019 I witnessed a large dump truck, ostensibly servicing a grow operation in the process of being permitted, stuck for over twenty-four hours on the river bar. Vehicles have broken down and have even been abandoned on the one-lane McCann Bridge, blocking it in both directions—the only access in and out for the residents of McCann.

To increase the current volume of traffic by upwards of 200% from the current baseline population, on these roads, seems misguided and dangerous, with extreme repercussions for traffic safety and fragile road conditions. McCann Road is built on the slope of the inner canyon of the Main Stem of the Eel River. This river is subject to extreme mutability in its height during the winter rains. I have seen the river rise by as much as twenty-four feet in a twenty four hour period, and fall just as quickly. This hydrological action makes the terrain underpinning the road subject to extreme instability, as demonstrated by the massive January 2017 landslides and slip outs on McCann Road approximately .25 mile west of my property line, 1.25 miles east of the McCann Bridge ("Road Points 2 & 3" in The Access Assessment). For four months the county road was impassable by vehicle, completely blocked by mud, trees, and

debris flows, as well as slipped out and undercut, crumbling away. I could only access my home on foot, packing in all of my supplies after taking the ferry boat.

Construction to remediate this section of the road was completed last week, nearly four years later, funded by federal disaster funds and contracted out because the scope of the job was beyond the capability of the Humboldt County Road Crew. No matter what steps are taken to widen the road, improve visibility, etc., at the Road Points described in the meager Access Assessment—as well as the places left out of that document—the fact remains that the inherent geology of this canyon lends itself to an unstable road bed.

Why enhance that with more traffic? According to the proposal, up to 30 employees in a total of 15 cars will traverse the road. How is that number calculated? Fifteen cars seems like a specious, unrealistically low number, and not inclusive of the true scope of the increased traffic, likely to include large trucks with trailers and heavy equipment, that would ensure and accelerate extreme road erosion... one look at the condition of the ill-fated railroad tracks along the banks of the Eel immediately across the river gives a clue of the future outcome. Who will pay for the inevitable road repairs? And how long will they take? The owner and subsidiaries of Rolling Meadow Ranch have alternate access to their property via Alderpoint Road to the east (referred to as the “Winter Access” in their documents) in the event of another McCann Road failure; my neighbors and I do not.

“Road Point 4” in the Access Assessment is particularly worrisome to me, because it is on the part of the Humboldt County road that bisects my property. The former owners, Art and Barbara Perra, experienced a landslide in the mid-1990’s caused by logging on the parcel above. This slide blocked the county road at this point, destroyed some of the structures on the property, and is still evident all the way down to the river. Humboldt County repaired the road, installing a culvert of questionable engineering, making this area prone to the same sort of catastrophic slip out as the one that occurred in 2017, up the road, for the same reasons.

—**Fire Danger:** With a greater number of people commuting into fire prone wildlands comes a vastly enhanced risk of fire. According to the California Department of Forestry and Fire Protection, a significant majority of wildfires are caused by human activity. This has already proven to be the case on the Rolling Meadow Ranch; on the Fourth of July weekend in 2013, a visitor driving in from Eureka ignited a brush fire with their vehicle’s hot exhaust pipe, requiring an emergency response from CalFire, who contained the blaze.

And it's not just commuting that poses heightened fire risk. Power lines have sparked massively destructive, deadly fires in our state. The cultivation operation planned for Rolling Meadow Ranch is fully dependent on PG&E, and expanded power line infrastructure into remote wilderness. This is gravely concerning to me. I have called 911 and requested emergency fire response on two separate occasions, due to live downed power lines igniting fires in trees. Once in the spring of 2010, as well as January 2020. A third time occurred in October of 2017, while the Tubbs fire in Sonoma County still raged... one of my neighbors called 911, and alerted me to the incident on the County road between my property and the bridge, blocking my only access out. I hold my local volunteer fire department in high esteem, as well as CalFire, but in all of these instances, the time it took to mount a response and get engines to the scene was sobering, to say the least, and speaks to the difficulties of my location. Additionally, telephone landlines are notoriously and absurdly unreliable in this area, also prone to going down along with the power lines. Cell phone service is extremely limited, further complicating communication, especially during an emergency.

The aforementioned January 2017 landslide blocking McCann Road also knocked out power poles and lines. Because the river was so high (40 feet), ferry boat service was cancelled for days. PG&E accessed the downed lines for repair by dropping linemen and their equipment off a cable dangling from a helicopter. I have experienced winter power outages for up to 13 days solid. McCann is at the end of the line regarding the power grid; when a storm creates problems across a wide area, this neighborhood is frequently the last to get serviced. With that established history, as well as the new normal of PG&E Power Safety Shutdowns, any grow operation dependent year round on PG&E necessitates backup power from large generators. This poses it's own set of problems around fire safety, as well as the ecological impacts of volatile, non-renewable fuel use, transportation, storage, and emissions.

As Californians, let us not be in denial that we are living a sad reality; our lives, livelihoods, and health are severely impacted by climate change and catastrophic blazes, as demonstrated by recent events. At this point in history, it is unconscionable and irresponsible, given the current state of environmental affairs and escalating danger, to encourage the expansion of industrial development and human activity further into remote rural areas with enhanced forest fire danger and compromised access roads and power infrastructure, far from emergency services.

in algae blooms in warmer summer months—toxic and life threatening to wildlife, pets, and humans.

Allowing a large cultivation project to substantially increase this burden would be an egregious violation of ethical environmental stewardship.

—**Equity:** Lastly, as a concerned stakeholder in the Humboldt County Cannabis industry, I feel that the Rolling Meadow Ranch project would unfairly exploit, capitalize on, and thereby dilute the value of the Humboldt County Cannabis brand. The owner, based in Florida, who has never resided in Humboldt County, nor grown cannabis on the property in question, seeks permits for what largely amounts to a vast indoor growing operation. Any “mixed light” inside greenhouses intent on growing year round is fossil fuel energy intensive, and can be grown anywhere there is power. This project will negatively impact the environment of Humboldt County, whilst claiming the brand as representative of quality origin. It will be cannabis grown under unnatural conditions and artificial light, divorced from the natural environment, and yet allowed to label itself as coming from a specific region known for it’s high quality cannabis. As the designation of Cannabis Appellations of Origin becomes codified in California State regulations, the Humboldt County brand and any sub-appellations therein becomes a valuable marketing distinction, thanks to many dedicated, legacy, craft sungrown farmers who have put in the time and hard work to develop that brand.

This detrimental impact is two-fold. Humboldt County is renowned for it’s landscape. I have spoken to many people as they float by on the Eel River on kayak and canoe trips, who say they return again and again because of the pristine wilderness along the Eel River. A project of this size, scale, intent, and proximity to the river will be a blight on the landscape, and do damage to the image of a Wild and Scenic river, corrupting the natural beauty that Humboldt is known for.

And for what? So that Humboldt County wealth can be extracted by an out of state entity, while damaging the local environment and community, irrevocably? It is a story reminiscent of the naked corporate greed of Charles Hurwitz’s Maxxam Corporation. As for the argument that this project will create jobs, it would be employment that necessitates extraordinarily long commutes.

Encouraging this obsolete, maladaptive business model, which is dependent on urban sprawl and the industrial development of wildlands, is antithetical to the intent of the Cannabis Cultivation Ordinances and the Humboldt County General Plan. This project, as designed, is better suited to a location that is closer to established urban

services and infrastructure. At the very least, should the project be approved in any form, I strongly urge the Planning Commission to require that all access for the purpose of cannabis cultivation operations occur via the Alderpoint Road route, thereby avoiding some of the negative effects outlined above.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mary Gaterud', with a stylized, flowing script.

Mary Gaterud

1465 McCann Road Redcrest, CA 95560

PO Box 287 Redway, CA 95560

(707)845-2199

elevenator@mac.com

Attachment A:

12/26/2020

Dyerville Loop Rd, Myers Flat, CA 95554 to Dyerville Loop Rd, Myers Flat, CA 95554 - Google Maps

Google Maps

Dyerville Loop Rd, Myers Flat, CA 95554 to Dyerville Loop Rd, Myers Flat, CA 95554

Drive 2.3 miles, 8 min

via Dyerville Loop Rd

Fastest route

8 min

2.3 miles

Explore Dyerville Loop Rd

Restaurants

Hotels

Gas stations

Parking Lots

More

12/26/2020

Dyerville Loop Rd, Weott, CA 95571 to Dyerville Loop Rd, Myers Flat, CA 95554 - Google Maps



Dyerville Loop Rd, Weott, CA 95571 to Dyerville Loop Rd, Myers Flat, CA 95554 Drive 6.5 miles, 16 min



via Dyerville Loop Rd

16 min

Fastest route

6.5 miles

### Explore Dyerville Loop Rd



Restaurants



Hotels



Gas stations



Parking Lots



More

<https://www.google.com/maps/dir/40.3524985,-123.9257558/40.325842,-123.839541/@40.3374734,-123.8779054,13z/data=!4m2!4m1!3e0?hl=en&au...> 1/1



**Attachment B:****Road Data / Dyerville Loop Road / State Road 6D100****From the intersection of Sequoia Road to the McCann Bridge:**

<b><u>Road Point:</u></b>	<b><u>Lat./Long.:</u></b>	<b><u>Width:</u></b>	<b><u>Notes:</u></b>
1	40.308506, -123.817748	13'	
2	40.309577, -123.821003	17'	
3	40.312413, -123.822352	12'	
4	40.313096, -123.822302	12'	
5	40.314057, -123.826985	16'	
6	40.313932, -123.827618	14'	
7	40.313775, -123.829803	13'	
8	40.316053, -123.831605	13'	
9	40.316834, -123.830681	16'	
10	40.316215, -123.830682	18'	
11	40.318601, -123.829082	15'	very steep
12	40.319276, -123.829474	17'	
13	40.319684, -123.830178	10'	one lane/no turnout
14	40.320825, -123.832903	10'	
15	40.321255, -123.833886	14'	

## **Attachment C:**

**Photographs Corresponding to Road Points 1 - 15, along Dyerville Loop Road, starting from the Sequoia Road intersection:**

**Road Point 1:**



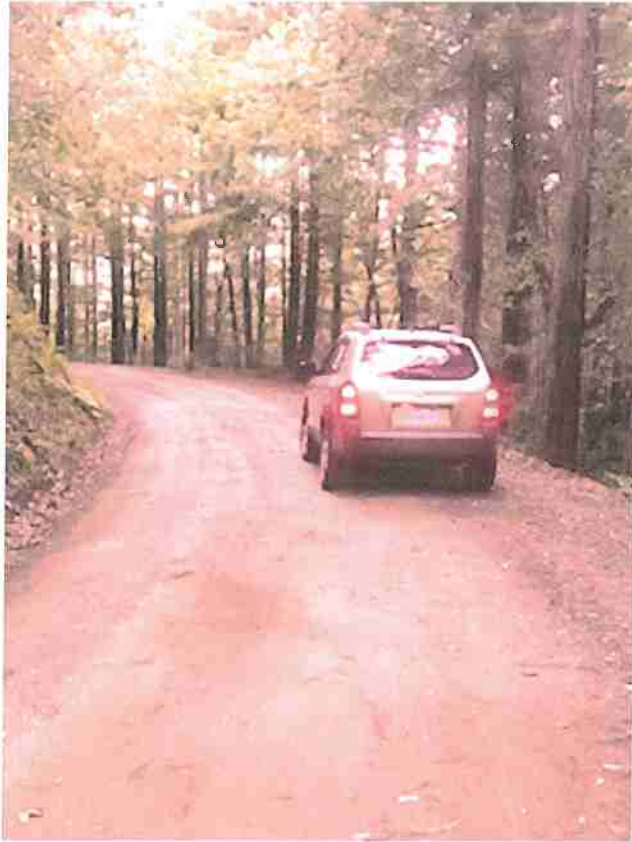
**Road Point 2:**



**Road Point 3:**



**Road Point 4:**



**Road Point 5:**



**Road Point 6:**



**Road Point 7:**





**Road Point 8:**



**Road Point 9:**



**Road Point 10:**





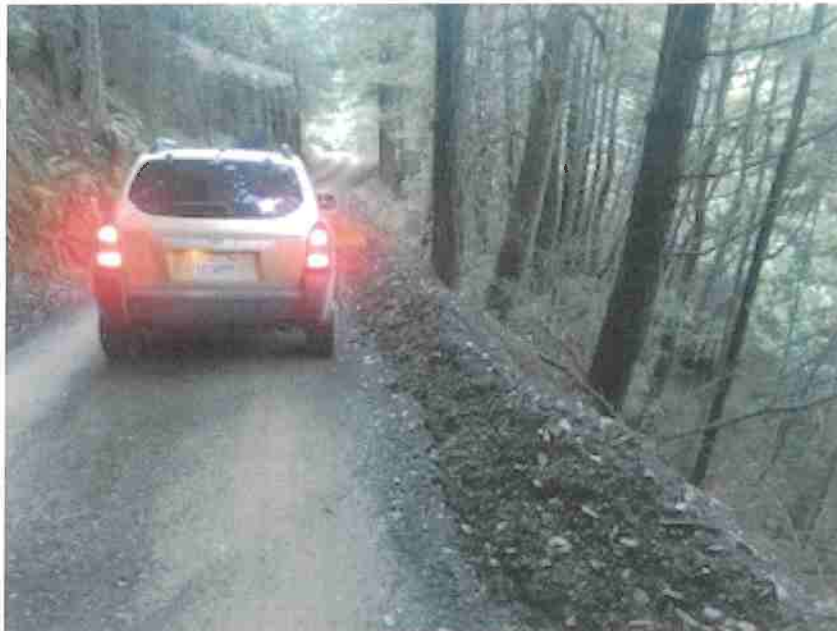
**Road Point 11:**



**Road Point 12:**



**Road Point 13:**



**Road Point 14:**



**Road Point 15:**



**From:** [Ryan, Meghan](#)  
**To:** ["john richards"](#)  
**Subject:** RE: Rolling Meadows Ranch comment letter  
**Date:** Tuesday, December 29, 2020 9:43:00 AM

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Good morning, John - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. The staff report and supporting documentation will be made available prior to the hearing where you can review the project evaluation and supporting documentation. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** john richards <jrveeee@gmail.com>  
**Sent:** Tuesday, December 29, 2020 7:13 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadows Ranch comment letter

--

(707) 367-2053

**From:** [Ryan, Meghan](#)  
**To:** ["Alicia Sidebottom"](#)  
**Subject:** RE: Rolling Meadow Ranch  
**Date:** Tuesday, December 29, 2020 9:44:00 AM

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Good morning, Alicia - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: Alicia Sidebottom <[asidebottom1@gmail.com](mailto:asidebottom1@gmail.com)>  
Sent: Tuesday, December 29, 2020 8:15 AM  
To: Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>; [info5@waterboards.ca.gov](mailto:info5@waterboards.ca.gov)  
Subject: Rolling Meadow Ranch

To The Humboldt County Planning Dept and Humboldt County Supervisors,

This letter is to adamantly object to the proposed Cultivation and Processing centers to being developed in our county. This is a clear abuse of power and abuse of our environment.

With Marijuana being Illegal for recreational use in Florida I believe the county is try to obstruct Federal Transportation and Cultivation laws by allowing the project to be completed in California with the intent to distribute in Florida.

Even worse is the pure Greed of the county and those involved since the county would not allow such a huge operation in the past from anyone but allow the destruction of our forests, go against the Environmental Impact Report on the Degradation of not only the Forest but the Eel River for a corporation that has no personal responsibility.

The County is ignoring the fact that this project would deplete the water table as it is located along the Eel River. It would increase the inevitable result of Forest fires by removing the water table needed for the Forest, animals and people that already inhabit the area.

Per the Water Quality Control Board how is over 4,600,000 gallons removed from the water cycle Beneficial Use to put in outrageous amount(16) greenhouses and not removing them during rainy season to replenish the water table????? Where is the Beneficial Use ?

This is an abuse of power by allowing a corporation to avoid all applicable laws and regulations with our county's approval .

This project: Rolling Meadow(s) Ranch , should be denied approval for their planned Marijuana Cultivation and Processing center .

If they are set on this community to do business , why does the county not offer the available areas approved for Marijuana Cultivation and Processing ??

By allowing them to develop in the Location currently requested the County is opening up the ability for long lasting litigation that also impacts the community since it will require the transfer of funds from needed resources to fight for a Corporation that is using our Community to Break Federal Laws.

On another note for not approving this project is The Brandname( Trade mark of our community) of Humboldt Grown that is a high selling point that is being sold without prejudice. The community has invested time, money and resources to built the brand for the farmers of the area , not to the highest bidder.

For the best interest of Humboldt County the Rolling Meadow(s) Ranch project should be Denied!

Sincerely

Alicia Sidebottom  
2222 Home Drive  
Eureka CA  
95503  
(707)496-1893

Sent from my iPhone

**From:** [Ryan, Meghan](#)  
**To:** ["Mary Gaterud"](#)  
**Subject:** RE: Rolling Meadow Ranch Comment Letter w/ Attachments  
**Date:** Tuesday, December 29, 2020 9:45:00 AM

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Good morning, Mary - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. The staff report and supporting documentation will be made available prior to the hearing where you can review the project evaluation and supporting documentation. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** Mary Gaterud <elevenator@mac.com>  
**Sent:** Tuesday, December 29, 2020 9:12 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadow Ranch Comment Letter w/ Attachments

Good Morning Ms. Ryan,

Please find my comment letter re: Rolling Meadow Ranch ISMND below, along with supplemental attachments.

I will be delivering a hard copy to the Planning Department later today.

Let me know if you have any questions regarding this correspondence.

Thank you,

Mary Gaterud

**From:** [Ryan, Meghan](#)  
**To:** [Trinity guyette](#)  
**Subject:** RE:  
**Date:** Tuesday, December 29, 2020 10:37:00 AM

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Good morning, Trinity - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Trinity guyette <jessiecarrolguyette@gmail.com>  
**Sent:** Tuesday, December 29, 2020 10:04 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:**

More time is needed for public comment to allow concerned RESIDENTS to have an educated voice in future of our economy region and resources. Putting narrow opportunity for review serves no local benefit only displays lack of educated assessment for such huge far reaching projects without state environmental oversight as a first priority

Please advise planners and permitters take step back start new policy of valid factual review to stop putting profit ahead of real long term impacts on our resources before they are decimated by greed and corruption. Saving thousands of dollars and time to make well researched public concerns foremost instead of end of timeframe deadlines to rush projects thru to thwart adequate review which only leads more delay, errors and false biases in public oversight.



December 27, 2020

Humboldt County Planning Department  
Attn: Meghan Ryan, Senior Planner  
3015 H St.  
Eureka, CA 95501

Email: [mryan@hcd.humboldt.ca.us](mailto:mryan@hcd.humboldt.ca.us)

Re: Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)

Dear Ms. Ryan:

I am a resident and property owner for 27 years in McCann. I am writing to express my concerns regarding the negative impacts created by allowing such a large-scale industrial cannabis operation in an ill-suited fragile environment.

**Increased traffic.** The county roads, Dyerville Loop road and McCann road, accessing this proposed project are not adequate for the increase in traffic that would occur for employees and service vehicles. This increase of traffic would be on top of the traffic produced by the recently approved Black Bear Farms and their employees, an estimated combined 53 employees, and service vehicles which use the same roads. The roads are narrow with many blind turns, mostly unpaved and prone to slides all along their routes. The risk of accidents would increase. The amount of dust created would be immense spread by the notorious Eel river canyon winds especially when crossing the river bar. Much of this dust will inevitably land in the Eel River reducing water quality on top of reducing the air quality for the neighboring properties.

**Noise.** One of the things that drew us to this area was the minimum of noise created by human activity. The increase in vehicular traffic, construction, diesel generators, loud music, fans and other things will negatively impact the peace of this pristine area. Sound travels quite a way up and down the Eel River Canyon.

**Recreation.** The Eel River is used by boaters and swimmers. As a boater myself we canoe the river almost every year. The proposed project site can be seen from the river where some of the buildings are proposed to be placed. There are several campsites along the river near the proposed project that will be impacted by the lights and noise the project produces. These are severe negative impacts to the people that are attracted to enjoying the recreation opportunities provided by the Eel River.

**Increased Fire Risk.** This negative impact is self-evident: any increase of human activity (especially industrial) into the wild land interface will increase the risk of wildfires. Any wildfire that starts in this area will quickly burn out of control because of the remoteness and inadequate access roads.

**Water supply and quality.** This project requires more than 4,500,000 gallons of water annually. A nearby project requires similar quantities of water. The IS/MND does not properly analyze the cumulative impact of these projects and all the other projects in the Eel River watershed on disrupting the flow of water into the Eel River and on the endangered species dependent on sufficient quantities of clean water for their survival. Some of the fertilizers, herbicides, pesticides and other chemicals used will inevitably end up in the Eel River and other water ways no matter how careful the operators are.

**Enforcement.** Is the County going to have the resources and will to make sure the applicant follows all the rules if allowed to move forward?

The product produced by this project is accomplished with greenhouses using a mixture of natural and artificial light and by using non-organic methods. Producing cannabis using these methods means they can be produced anywhere without affecting the outcome of the product. I would argue that the proposed project site is the most inappropriate location imaginable. A project of this scale and using these methods is more suited to commercially zoned urban areas where the infrastructure and labor supplies are already established. Therefore, I strongly recommend not approving this project.

Thankyou for your time and consideration,

A handwritten signature in black ink, appearing to read 'John Richards', with a large, stylized loop at the end.

John Richards  
725 McCann Rd  
Redcrest, CA 95569

835 Cypress Ave  
Ukiah, CA 95482  
(707)367-2053

jrveeee@gmail.com

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Tuesday, December 29, 2020 11:56 AM  
**To:** Annie Bond  
**Subject:** RE: PROPOSED CANNABIS CULTIVATION OPERATION AT ROLLING MEADOW RANCH

Good morning, Annie - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Annie Bond <spotlightrose@gmail.com>  
**Sent:** Tuesday, December 29, 2020 11:27 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** PROPOSED CANNABIS CULTIVATION OPERATION AT ROLLING MEADOW RANCH

Hello,

I'm emailing to formally complain about the proposed sale of Rolling Meadow Ranch to someone from outside the community.

I was a young teenager when prop 215 was passed and the cannabis industry started drastically changing. If it weren't for the negative impacts of legalization I would've become a third-generation cannabis cultivator. I can't afford to participate economically in my own cultural upbringing because other people are coming from outside of our community to profit off of our industry.

The environmental impacts alone have affected my life and the health of this community.

Selling this property to a capitalist from another place is going to negatively impact our community and the ecosystem at large.

Please don't give our community away. We can't afford to lose anything more.

Thank you  
Annie Bond

--

ANNIE BOND M: 707-407-8040 E: [spotlightrose@gmail.com](mailto:spotlightrose@gmail.com) Ritz LLC • Envision LLC • BM Center Camp Cafe Culture Jam  
• Camp Winnarainbow • YES! Kinetic Grand Championship • Intents • GG

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Tuesday, December 29, 2020 2:49 PM  
**To:** Marion Collamer  
**Subject:** RE: Comments for Rolling Meadows Ranch LLC MND

Dear Marion - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Marion Collamer <marion@lostcreekcannabis.com>  
**Sent:** Tuesday, December 29, 2020 2:22 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comments for Rolling Meadows Ranch LLC MND

Ms. Ryan,

I have read the MND for the Rolling Meadows Ranch. I understand that commercial cannabis cultivation is a path for the County to move forward in a sustainable manner however, I have some questions regarding the potential project.

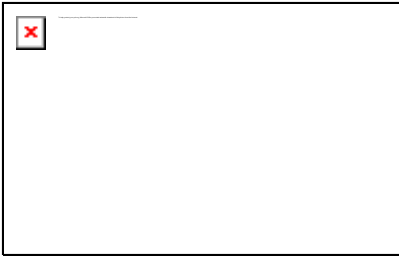
-The winter access for the facility is inadequate. For the entire rainy season workers will use Alderpoint Road. How does the County or the project proponents plan to accommodate the increased traffic on the already outdated and insufficient road? It is a main route of travel for the entire south county yet it is poorly maintained and over traveled. The County has granted other large industrial canopies in my neighborhood and the amount of traffic generated by the facilities has overwhelmed the existing infrastructure. The out of county owners are unaffected and the local residents are stuck with it after the permit is granted.

-How is PG&E going to supply year- round mixed light farm in that extremely rural area? PG&E does not have enough power for current farm owners to obtain industrial power drops in the County. I have been told this directly by their employees. It is not fully addressed anywhere in the document. Humboldt County needs to move to more sustainable and safe power sources.

-It is unfortunate that legacy farmers do not have the financial resources to undertake a project of this magnitude. This out of state corporation will offer a few low level jobs, but mostly the money will be sent out of the area.

Thank you for your reply to these concerns.

Sincerely ,  
Marion Collamer



**Lost Creek Farms,LLC**

(707)845-6308

[www.lostcreekcannabis.com](http://www.lostcreekcannabis.com)

license numbers

C13-0000152.      CCL19-0000203  
CCL-0000203.      CCL19-0000204  
CCL19-0000203.   CCL18-0001612  
CCL19-0000204

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 7:05 AM  
**To:** adrian kavanaugh  
**Subject:** RE: concerns about Rolling Meadows easement (Alderpoint Road)

Dear Adrian - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** adrian kavanaugh <adriankavanaugh@gmail.com>  
**Sent:** Tuesday, December 29, 2020 3:24 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** concerns about Rolling Meadows easement (Alderpoint Road)

Dear Meghan,

I am writing in regards to the Rolling Meadows cannabis permit that is coming up for consideration. I own the property (217-451-003) that has their easement to the Alderpoint Road. I am under the impression that they intend to use my road when they are unable to cross the river at McCann, however when I read the proposal, it listed 22 cars coming through the North Gate (Alderpoint Road) 365 days a year. I have concerns about the number of cars that could potentially travel through my property on a little gravel farm road. The access road through my property is a steep and narrow road and is not suitable for large numbers of vehicles. I have cows that pasture freely across the road in question and worry that the gate may be left open and my cows could end up on the Alderpoint Road. If this project is approved I request that Rolling Meadows be required to install an automatic security gate at the Alderpoint Road to ensure that the gate is shut and locked properly every time.

I have concerns for the safety of my family with that many people having access through my private property. I have questions about where they would be required to post their permits (if approved). If they post their almost 6 acres worth of permits on our gate, it would likely draw unwanted attention to our property, and be a risk to our family. I live here full time with my wife and children.

While there is a legal easement through our property, we do not feel that the original intent was to provide access to a year round operation of this scale. If they were limited to 3 runs a year and required to take the worst winter months off, they would likely have no reason to travel our road. This would also reduce their use on electricity and heating gas. This will have a major impact on our property and our ability to free range our livestock, as the easement travels through our best grazing area.

Thank you for taking the time to read about my concerns. Feel free to contact me with any questions.

Adrian Kavanaugh and Sarah Carey  
(707) 273-8373



## McClenagan, Laura

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**From:** vdoralavorato <vdoralavorato@gmail.com>  
**Sent:** Wednesday, December 30, 2020 7:19 AM  
**To:** Ryan, Meghan  
**Subject:** Re: Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)

Thank you Meghan. I've been going up to the area to visit my friend for over a decade. I would be truly heartbroken to see the land permitted in this way. We are all for growing cannabis, but at what scale and at what cost?

Thank you for your time. Have a great New Year.

On Dec 30, 2020, at 7:09 AM, Ryan, Meghan <mryan2@co.humboldt.ca.us> wrote:

Dear Vanessa - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** vdoralavorato <vdoralavorato@gmail.com>  
**Sent:** Tuesday, December 29, 2020 4:12 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, dated November 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH#2020070339)

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

Dear Meghan,

This email is to comment on the proposed Rolling Meadow Ranch development. I strongly oppose this project for several reasons:

Increased Traffic: The proposal of 30 employees commuting in and out from the property, daily, is an unsustainable burden on the county infrastructure.

Fire Danger: With a greater number of people commuting into fire prone wildlands comes a vastly enhanced risk of fire.

Community Safety: In addition to the inevitable increase in traffic hazards and accidents, more people entering a remote, rural area poses other safety threats, especially related to the cannabis industry.

Environmental Degradation: The proposed area is untouched nature directly alongside the Eel River. This project will destroy the local environment, pollute the river and irreversibly impact the local wildlife.

Equity: The Rolling Meadow Ranch project would unfairly exploit, capitalize on, and thereby dilute the value of the Humboldt County Cannabis brand. In comparison to other nearby cannabis grows, the sheer size of this project would dwarf other farms. How is that equitable?

The cannabis industry is rooted in compassion and equity. Please do not approve to move this permit forward.

Sincerely,  
Vanessa Lavorato



## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 7:10 AM  
**To:** ms.andreaalmeida@gmail.com  
**Subject:** RE: Rolling Meadow Ranch

Dear Andrea - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: ms.andreaalmeida@gmail.com <ms.andreaalmeida@gmail.com>  
Sent: Wednesday, December 30, 2020 12:02 AM  
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Subject: Rolling Meadow Ranch

Dear Meghan,

Being a Floridian, I expect fellow Floridians to protect wild and wetlands because of how much ranchers benefit from peace and quiet. I say let them cultivate using sustainable water measures since Floridians think water is more common than a Californian. Also let them cultivate with keeping wetlands and wild lands preserved. If it's all indoor, find a less beautiful region to grow indoors. Seems like they just want to implement practices for profit without a long term profit view by protecting the land around their competitors. Let the competition be in cannabis quality, not destruction of natural resources to get ahead. In fact maybe a better use of this land is to built retreats for remote workers and cannabis taste tours with a small and sustainable cultivation operation; and grow majority in regions where indoor makes more sense like Sacramento.

I appreciate your serious consideration to a better alternative.

Thanks!  
Andrea Almeida  
Concerned CA Resident

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 8:37 AM  
**To:** 'Shannon Mills'  
**Subject:** RE: Rolling Meadow Ranch

Dear Shannon - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Shannon Mills <shannon.mills00@gmail.com>  
**Sent:** Wednesday, December 30, 2020 8:35 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadow Ranch

Good morning,

I writing about my concerns about the Cannabis cultivation operation at the Rolling Meadow Ranch. I am a property owner along the McCann Road in McCann. Hearing about this proposed site is heartbreaking. My first concern is the water and land impacts this will have. I have been in this area my entire life. My Grandmother grew up in McCann and lived out there before the flood in 1964. My family has owned property out there ever since. As of now, the water situation is dire to say the least. The creeks barely flow in the summer months and the river is bare. In some parts, it is maybe 10 feet wide and about 1-2 deep with algae growing along the banks. Then to take almost 5 million gallons from the aquifer in the hills above this river is mind blowing. Goodbye river and creeks all together. They say they will use caught rain water, but there is none if it doesn't rain. We all know how little rainfall we are getting now. The rain water amount shouldn't even be taken into consideration as we cannot predict the amount we will actually get. So if there is 5 million taken from the aquifers, if there is even any left, that will be taken as well. We all know this. Any water available will be gone. This is very very frightening.

The second concern is the amount of traffic that will now be on McCann Road. The already crumbling road will be 100 times worse. Not only the road just from the east side of the river to the property, but both roads from The Avenue to McCann. The roads in some places are barely wide enough for one car, let alone a whole convoy in and out. The current bridge isn't operational when the water is high and it is already like pulling teeth with the County to have the approaches to the bridge put in when the water goes down. To have 30 plus people in and out all day will turn the place into a highway. Which I am guessing will add trash and littered garbage along the roads. There is a spot in the roadway now that is eroding away. A huge slide that nearly took the whole road out. More and more driving on these roads will make them impassable.

The third concern is the amount of people passing along these roads and the crime this will create. It makes me uneasy to know more people will be out there. It is such a remote area it is hard to be sure my family is safe. We know what kind of crime these businesses create. Maybe not the people who are in this proposed business, but people who know what the business entails and they go after that. I don't want people casing my property thinking the same business happens there. I am sure word of mouth will also happen and who knows what additional people that will bring. Having

a young child of my own, it makes me upset that I now will have to now worry about who is around and protecting my family. I know everyone who lives in McCann and the surrounding areas. This will no longer be the case.

The last concern is the amount of construction on the top of this property. How will it affect the properties below it? Will we still have our water? Will there be structural damage to the earth that will one day affect properties below? Are we going to create a massive mudslide and lose everything as the whole hillside falls into the river and creates a damn like in 64'? To think that this untouched precious land is going to be destroyed is sad.

Like I said, I have been going out to McCann my entire life, 34 years, and it has been a special place. A secluded area of just nature and stillness. None of this is going to exist anymore in Humboldt County. The one thing that Humboldt has that is special and unique is rapidly vanishing for such ridiculous reasons. I hope these concerns are seriously taken into consideration.

Shannon Mills  
Property owner in McCann

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 11:02 AM  
**To:** 'Theora J'  
**Subject:** RE: Comment on Proposed Cannabis production Rolling Ranch LLC

Dear Theora - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Theora J <satyatheora@gmail.com>  
**Sent:** Wednesday, December 30, 2020 10:52 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment on Proposed Cannabis production Rolling Ranch LLC

Hello Ms. Ryan,  
This is a comment in opposition to proposed commercial Cannabis cultivation permits for Rolling Meadows Ranch LLC in McCann.

I am writing as a concerned citizen, friend, neighbor and former Director of the Humboldt Sun Growers Guild.

I have maintained close relationships with many farm owners who have been struggling to keep up with the permitting demands of the state and county. This new proposed commercial cannabis business in McCann is a prime example of what every local farmer has feared since the beginning. Folks from outside of the area, with lined pockets coming to spoil our natural landscape and capitalize on the Humboldt name. A legacy that has been built over decades for the love of a plant and our area.

There are multiple alarming aspects of this proposed commercial cannabis operation.

The first being the access to the proposed property. I have a couple friends that own property in McCann and the public road is not equipped for the increase in traffic this location would need. It is barely maintained for the few residents that live there. There were three slides a couple years ago that have yet to be fully repaired. Access was extremely dangerous in spots and nothing was done to even bandaid these slides for months. The largest was finally repaired this year. The Public road utilizes a shoddy "bridge" that lands on the river bar. This is completely inaccessible for many days during the fall in winter as river rises and covers the bridge. A "ferry" is required for access. To propose that 30 employees and additional commercial vehicles (delivery drivers, fuel, supplies etc) utilize this daily for access is totally unrealistic. The road can not handle that kind of increased traffic. Not to mention the inevitable increase in road pollution that will end up directly in the Eel river. The road is directly on the river bar which gets flooded every year taking with it all the debris, fuel and oil that has spilled off of vehicles throughout the year. This negativity impact precious river habitat for threatened fish and amphibian species.

The second issue is the degradation of the Humboldt brand. This is a controversial topic but after working with so many farmers as they went through the permitting process I am a strong believer in keeping Humboldt local when it comes to Cannabis. Sure the county will get its fees but where is all that cannabis going to go? I can't tell you how

many farmers have tried and failed at creating a brand or just private labeling and still have a super hard time selling their product to the California market. They have given up after spending tens of thousands of dollars going through all the hoops just to end up sitting on a bunch of product they can't sell. The California cannabis market is already flooded. Our local small artisan farmers do not need a large commercial operation to compete with and guaranteed the product will be low to mid grade. I speak from experience in seeing lots of product come through the sun growers guild from hundreds of local farms. The mentality of folks that start these operations and their expectations that its an easy cash cow., Throw money at it and it will come back 10 fold. Not a reality. It takes years of experience with the plants, varieties, climate and unique terroir of every location to produce high quality Cannabis. I would be very wary of such a large commercial operation with ties out of state. I assure you they will not be able to get rid of all their product at the price they would like on the white market. Although we have the name, Humboldt is far removed from metro areas where the highest cannabis consumption occurs, all of it needs to go elsewhere. Again local farmers do not need competition for shelf space in an already saturated market. I thought we wanted money to stay in the county? How is this served by allowing an operation such as this to be owned by folks from Florida. Sure, local businesses will benefit from the operating costs but all the profits will leave the area and not be stimulating our local economy.

The third ever increasing threat is an increased potential for fire. Again access is limited to this remote area and response to a fire would be limited. Mixed light permit mean lots of high intensity lights, fans and electrical all relying on PGE. Increased traffic and potential for sparks igniting the unmaintained brushy roadside is of concern. As well as folks that smoke cigarettes or otherwise improperly disposing of their butts. Again from experience these larger operations require more people to keep the ship running. There is a high turnover in jobs within the cannabis industry and this will increasing the risk of accidents and environmental damage due to human error from folks lacking experience.

Fourth, water usage from precious eel river water sheds. There are already a few permitted farms within the area and ai am concerned about the increase in water usage this farm would require. The river during the summer is very low in some spots along the stretch near the road. Removing thousands of gallons of water from an already tapped and dwindling water shed would surely be detrimental to the local environment and that down river. If one thing is for sure about climate change it is that we are loosing moisture. Our rivers do not need the added stress of a large commercial operation such as this taking water.

Lastly, this is a remote area of Humboldt county with few residents. There are existing legal farms and adding this one to the map will draw unwanted attention from unsavory characters wanting to take advantage of the remote location, slow response of law enforcement and "sitting duck" cannabis farms. Safety for the local residents is a valid and real concern in this remote area.

I hope these comments resonate with you and it can become clear that the proposed commercial cannabis operation at Rolling Meadows Ranch in McCann should not be permitted as it will only negatively impact the pristine wilderness and livelihood of the inhabitants of this remote area of Humboldt.

Thank you for your time and consideration.

Theora Jackson  
Former Director of the Humboldt Sun Growers Guild.

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 1:57 PM  
**To:** RICK PELREN; Planning Clerk; Johnson, Cliff  
**Subject:** RE: Public comment on Rolling Meadows Ranch Conditional Use Permits, SCH 2020070339

Dear Rick - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** RICK PELREN <marvellouslyradiant@outlook.com>  
**Sent:** Wednesday, December 30, 2020 12:11 PM  
**To:** Planning Clerk <planningclerk@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Public comment on Rolling Meadows Ranch Conditional Use Permits, SCH 2020070339

Please see attached comment letter.  
Your sincerely  
Rick Pelren

RICK PELREN  
127 Metropolitan Heights road  
Fortuna, California 95540

SUBJECT: COMMENT ON ROLLING MEADOWS RANCH CONDITIONAL  
USE PERMIS, SCH 2020070339

The proposed marijuana cultivation project will consume more water than the eel River watershed can bear. This will not only further endanger the fisheries there but will cause a general decline in the wildlife habitat of the area. Taking 4 ½ million gallons of water annually will directly affect the Eel River. Only a CA licensed engineering geologist or hydro geologist may evaluate the hydraulic connectivity of wells to surface waters. The county should require an independent evaluation of the wells from a licensed and qualified professional that is not a Golden Eagle contractor. Additionally, the toxic chemicals from the fertilizer will leach into the soil, and eventually find its way into the river and cause further damage. The Eel River watershed is under constant attack, and this project, if approved, will be but one more attack on our River.

Golden Eagle territory completely overlaps the project, and a mapped nest site is within 1000 yards of the primary development area. US Fish and Wildlife Service requires a one mile “no disturbance” buffer around Golden Eagle nests. The developers have conducted some surveys but none have occurred in the critical eagle courtship timeframe (January & February) when observers are most likely to see Eagles and potential nest sites. This means that they failed to follow established protocols, and are invalid. If the project is built as proposed it will likely result in the loss of this Eagle territory. This is a significant issue, and once again the county has totally failed to protect the resources and comes to a false conclusion.

The above-named application should be thrown out.

I am against the proposed project.

Yours sincerely,

Rick Pelren

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 1:59 PM  
**To:** 'Yahoo Mail'  
**Subject:** RE: Commenting on Rolling Meadows Ranch Conditional Use Permit SCH 20200070339

Dear Jo Anne - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** Yahoo Mail <fullcircle1048@yahoo.com>  
**Sent:** Wednesday, December 30, 2020 12:11 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Commenting on Rolling Meadows Ranch Conditional Use Permit SCH 20200070339

Hello,

I am writing to voice my opposition to this project as it will have a negative impact on the flow of water in the Eel River and the eagles who nest in this area. Please protect these treasures which make our county so unique.

Thank you,  
Jo Anne Godinho  
Fortuna CA



## McClenagan, Laura

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**From:** Johnson, Cliff  
**Sent:** Wednesday, December 30, 2020 3:13 PM  
**To:** Ryan, Meghan; Lippre, Suzanne  
**Subject:** FW: Commenting on Rolling Meadows Ranch Conditional Use Permit SCH 2020070339

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**From:** Yahoo Mail <fullcircle1048@yahoo.com>  
**Sent:** Wednesday, December 30, 2020 12:15 PM  
**To:** Johnson, Cliff <CJohnson@co.humboldt.ca.us>  
**Subject:** Commenting on Rolling Meadows Ranch Conditional Use Permit SCH 2020070339

Hello Mr. Johnson,

I am writing to voice my opposition to this proposed plan as it will have a negative impact on the flow of water in the Eel River and the eagles who nest in this location. Please do all you can to protect these precious natural resources in our county.

Gratefully,  
Jo Anne Godinho  
Fortuna, CA

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 2:02 PM  
**To:** Life IsAwesome  
**Subject:** RE: Rolling meadows ranch LLC

Good afternoon, Brian - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Life IsAwesome <lifeisawesome2018@gmail.com>  
**Sent:** Wednesday, December 30, 2020 12:24 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Cc:** Eugene Denson <edenson95511@gmail.com>  
**Subject:** Rolling meadows ranch LLC

Hello Meghan.

I am writing this letter in concern to a project you are the lead planner on.

It appears there are wetlands located near future grow sites and a parking lot.

Your staff report did not indicate a 150 buffer from wetlands and ponds for the Rolling Meadows Ranch LLC.

Can you please explain why you choose to enforce the Humboldt County General Plan on pre existing cultivation sites and wetland setbacks but ignore the same set of rules for a new cultivation site?

Why are you not enforcing a 150 foot buffer from all wetlands and ponds on the Rolling Meadows Ranch LLC permit?

Thanks a concerned Humboldt county resident.

Brian

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 2:04 PM  
**To:** 'Haley Mills'  
**Cc:** Shannon Mills  
**Subject:** RE: Proposed cannabis cultivation rejection letter

Dear Haley - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: Haley Mills <hmills1012@gmail.com>  
Sent: Wednesday, December 30, 2020 12:31 PM  
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Cc: Shannon Mills <shannon.mills00@gmail.com>  
Subject: Proposed cannabis cultivation rejection letter

To whom it may concern,

I am a local property owner that would be highly impacted by this commercial grow operation.

First of all, to have it be known that this is an out-of-state business that is hoping to purchase property in the Eel River area should bring red flags to begin with. Not only are these people not from California but they are hoping to step foot into a marijuana business in which they are only after profit and have no regard for the beautiful land that they will be destroying. They are wanting to take over 5 acres but we all know that this five acres will impact hundreds of acres in the surrounding area. Not to mention the destruction of soil, trees and other native species for the building of their "16 greenhouses" and "33,750 sq. ft of processing facilities, occurring year-round."

It's insane to think that anyone would have the audacity to let this happen SO CLOSE to the main stem of the Eel River, or anywhere at all in Humboldt county. We know waste will happen in absurd quantities along with the use (or theft) of water, if not from neighboring properties then from the Eel River itself and it's surrounding creeks. We cannot be so clueless to think that this will not permanently damage and destroy the Eel river (one of the last wonderful California Rivers) We are tasing about destruction of county roads, the river itself and the marine habitat of the river. If you're not aware, the Eel river flows into Lake Pillsbury which is a reservoir- Talk about polluting just about all the water of Northern California.

Who is this benefitting? That is the main question here. You can't tell me this benefits the neighbors of the property and it sure as hell doesn't benefit the county because this is the last thing that anyone in Humboldt county wants. It doesn't even benefit California!

For many of us surrounding land owners our families have resided in the area for well over 100 years and to think that this would even be an option for anyone, let alone a commercial OUT OF STATE business, to come in and try and ruin the small treasure of space that California has is truly baffling. Not only will this become a highway to and from Highway 101 full of crooks, strangers and money-driven bodies but now the people who have lived there for centuries will have to be worried for their safety and well-being with no help from any kind of law enforcement agencies. I can speak for myself and several others when I say the thought of this happening scares me to death. It makes me feel like I no longer am safe in my own home and no one should EVER feel that way.

We may be promised and guaranteed safety and security or that it's "not what we think" but for anyone who is willing to listen to that- they are foolish.

We are not talking about a "business," we are talking about money-hungry businessmen who have no regard for anyone but themselves and cash. Not for the land, not for their employees, not for their neighbors.

Would you want an operation like this next door to you?

Haley Mills  
Land owner

# REDWOOD REGION AUDUBON SOCIETY

P.O. BOX 1054, EUREKA, CALIFORNIA 95502

[RRAS.ORG](http://RRAS.ORG)



December 30, 2020

Planning Commission  
Humboldt County Courthouse  
825 5th Street  
Eureka CA, 95501

Subject: 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.

Redwood Region Audubon Society is a California non-profit public benefit corporation whose mission is to conserve and protect the earth's natural systems, with an emphasis on birds.

We have reviewed the materials relating to the proposed continuance of consideration for six conditional use permits for the Rolling Meadows Ranch, LLC commercial cannabis project (PLN-12529-CUP; SCH# 2020070339) (Project). We agree with the California Department of Fish and Wildlife comments in their letter of August 17, 2020 on the overall Project and have additional specific concerns regarding the Project's potential negative impacts on birds.

The initial study and draft mitigated negative declaration by Natural Resource Management Inc. (NRM) relies on conclusions based on unsubstantiated assumptions to arrive at a statement of no significant impact with regard to birds, as follows:

1. Golden Eagle (GOEA), a federally fully protected species.
  - 1.1. NRM states that established practice indicates that the best time to establish GOEA presence is in January and February when courtship behavior is obvious but states the opinion that fledging season is also a good time because of location calls. NRM does not support this assumption with evidence or previous studies. We therefore assert that the absence of attempted field observation in January and February invalidates NRS conclusion relating to GOEA in the project area.
  - 1.2. No Mention is made of a known active GOEA nest site located on the south side of the Eel River approximately one kilometer (.62 miles) from a proposed cannabis growing structure and activity site in the project area. The observation on July 17 "GOEA flew from the NE ridgeline to the SW across the Eel River" strongly infers GOEA foraging on Rolling Meadows Ranch and adjacent prairies. The observed GOEA flight also suggests that this bird was going to the nest on the south side of the Eel River.
  - 1.3. The effect of human activity and disturbance adjacent to GOEA foraging areas is not discussed. Therefore, no determination of the effect on GOEA foraging success in this situation has been made. The effect of human activity and disturbance adjacent to GOEA foraging areas is not discussed. Therefore, no determination of the effect on GOEA foraging success in this situation has been made.

- 1.4. In the oak savanna and open prairie habitat of the Coast Range are the primary foraging areas for GOEA prey consisting of Black-tailed Jackrabbit and Beechey ground squirrel. Structures and human activity adjacent to and in these areas is likely to inhibit or prevent GOEA foraging activity. This would not only result in less efficient foraging but less control of jack rabbits and ground squirrels and potential degradation of prairie biodiversity.
  - 1.5. “For Golden Eagles, this area should extend **at least 2 miles** from the Project boundary (Watson *et al.* 2014, Crandall *et al.*, *in prep.*). A 2-mile radius will typically incorporate 80% of home range use (Crandall *et al.*, *in prep.*). For the purposes of this report, I will refer to this 2-mile radius area as the GOEA Analysis Area.” (Woodbridge, 2020)
  - 1.6. Mitigation Measure (MM) Bio-7 lumps GOEA into raptors which vary widely in tolerance for disturbance near active nest sites. GOEA is one of the least tolerant. The proposed MM-Bio-7 provides no justification specific to GOEA. MM-Bio-7 also fails to address loss of GOEA foraging habitat.
2. Grasshopper sparrow and Bryant’s savannah sparrow (GHSP, SAVS), California Species of Special Concern.
    - 2.1. The NRM report stated that no indirect effect on GOSP and SAVS would result if construction were avoided during nesting season. This statement is incorrect as nesting habitat would be permanently eliminated by construction, thereby reducing reproduction of these species due to reduction of nesting and foraging habitat.
    - 2.2. Mitigation Measure (MM) Bio-8 fails to address loss of nesting and foraging habitat for GHSP and SAVS.

For mitigation measures to be effective, all potential impacts on the species of concern need to be determined, based on the best available knowledge.

We find, as explained above, that errors and omissions in the biological report do not support the proposed mitigation measures for potential negative impacts to Golden eagle, Grasshopper sparrow or Savanah sparrow. We therefor request the six conditional use permits for the Rolling Meadow Ranch, LLC Commercial Cannabis Project be denied.

Sincerely,



Gail Kenny, President  
Redwood Region Audubon Society

## McClenagan, Laura

---

**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 2:11 PM  
**To:** Jason Holder  
**Cc:** Gregory.OConnell@wildlife.ca.gov  
**Subject:** RE: Comments on Revised IS/MND for Rolling Meadow Ranch Commercial Cannabis Project (PLN-12529-CUP) (1 of 3)

Good afternoon, Jason - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I anticipate I will provide a complete response to comments next week once we receive comments from CDFW and other public members.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Jason Holder <jason@holderecolaw.com>  
**Sent:** Wednesday, December 30, 2020 1:37 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Cc:** Gregory.OConnell@wildlife.ca.gov  
**Subject:** Comments on Revised IS/MND for Rolling Meadow Ranch Commercial Cannabis Project (PLN-12529-CUP) (1 of 3)

Good afternoon Ms. Ryan,

Attached for the County's consideration are comments concerning the revised IS/MND for the above-referenced proposed project. The exhibits to the comment letter will be sent in two successive emails. A hard copy of the comment letter and all exhibits thereto will be hand delivered to the Planning Department today.

Thank you for your attention to this matter and for the County's consideration of the attached comments.  
-Jason

--

Jason W. Holder  
Holder Law Group

Important: This electronic mail message, including any attached files, is being sent by or on behalf of a lawyer; it is confidential and it may contain or constitute information protected by the attorney-client and/or the attorney work-product privileges. If the person actually receiving this message, or any other reader of this message, is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are not authorized to retain, read, copy or disseminate this communication or any part of it. If you have received this communication in error, please immediately notify Holder Law Group at [\(510\) 338-3759](tel:5103383759).  
Thank you

12529



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December 30, 2020

VIA EMAIL AND HAND DELIVERY

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



Re: **Comments Concerning the revised version of the Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, LLC, dated Nov. 25, 2020; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH# 2020070339)**

Dear Ms. Ryan:

On behalf of Fran Greenleaf, John Richards, and Patty Richards (collectively "Petitioners"), we submit these comments, which supplement those expressed in Petitioners' previous comment letters concerning deficient environmental review for the proposed Rolling Meadow Ranch, LLC Commercial Cannabis Project ("Project").<sup>1</sup> These supplemental comments address revisions to the environmental impact analysis presented in the "revised" Initial Study, dated November 25, 2020, and the presumably proposed Mitigated Negative Declaration ("Revised IS/MND") and the persistent omissions, errors, and misrepresentations in that analysis.<sup>2</sup> Through their diligent participation in the administrative process for this Project, Petitioners advance the public purpose of environmental protection by fostering revisions and additions to the environmental impact analysis that should be required for this large Project before it can be considered for approval – revisions that will help make the analysis accurate, complete, informative, and protective, as required under CEQA.

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<sup>1</sup> Because the revised version of the IS/MND has not addressed many of the deficiencies identified in Petitioners' prior comments, submitted on August 17, 2020 and September 10, 2020, respectively, those comments are incorporated herein by reference and should also be addressed in any revised impact analysis that the County may conduct for the Project pursuant to CEQA.

<sup>2</sup> The title page for the latest revised version of the IS/MND does not disclose that the analysis has been revised and the document has been recirculated for public review. The uncompleted Initial Study checklist on pages 33 and 34 of the document also does not disclose that a Mitigated Negative Declaration is proposed for the Project. The County recently issued a Notice of Public Hearing that indicates the intent to adopt an MND for this Project. Thus, for convenience we refer to the document as the "Revised IS/MND."



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**I. Introduction: The Proposed Large Commercial Cannabis Project is the Wrong Project at the Wrong Location with the Wrong Level of Environmental Review.**

**A. The Project is Unsuitable for the Site.**

The Project site, Rolling Meadow Ranch, was described in a 2014 real estate listing as a “Conservationists Dream.”<sup>3</sup> In fact, according to press reports, in 2016 the Wildlands Conservancy – an organization that specializes in purchasing properties with “significant environmental value” and turning them into nature preserves – almost purchased the 6,500-acre ranch property for \$15,000,000 before the organization was outbid at the last minute in a well-publicized land deal that fell through.<sup>4</sup> While the property has tremendous potential for conservation, as with many other large ranch properties in the County of Humboldt (“County”), the tremendous allure of commercial cannabis appears to have prevailed.<sup>5</sup>

The Project is one of the largest completely new commercial cannabis projects ever to be proposed within the County.<sup>6</sup> It is not, like many projects recently processed under the Commercial Medical Marijuana Land Use Ordinance (“CMMLUO”), an existing grow operation by a long-time county resident that is being proposed.<sup>7</sup> Rather, it is a new industrial-scale operation (including 16 greenhouses, ranging size from just over 17,000- to just under 20,000 - sq. ft. and accompanying processing facilities) by an out-of-state non-resident project applicant.<sup>8</sup> The applicant does not propose to grow cannabis organically, despite the fact that all 16 greenhouses will be located near sensitive wetlands, Class I and II streams, and the Eel River itself. Rather than propose a seasonal full sun grow operation that would use substantially less electricity and would have less reliance on generators in the event of a power outage, the applicant proposes an energy-intensive year-round mixed-light grow system. The greenhouses and processing facilities will be arranged in several clusters spread over miles of narrow winding unpaved roads. Simply put, the proposed Project is an intensive industrial-

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<sup>3</sup> See Exh. A – 2014 Real Estate Listing for Rolling Meadow Ranch.

<sup>4</sup> See The Humboldt Independent, \$20 Million Myers Flat Land Deal Falls Through, dated June 7, 2016, available at: <http://www.humboldtindie.com/local-news/2016/6/6/20-million-myers-flat-land-deal-falls-through>, accessed 12/22/20.

<sup>5</sup> See SF Chronicle, Allure of legal weed is fueling land rush in Emerald Triangle, dated May 27, 2016, available at: <https://www.sfchronicle.com/science/article/Allure-of-legal-weed-is-fueling-land-rush-in-7948587.php>, accessed 12/22/20.

<sup>6</sup> See Revised IS/MND, p. 10 [The total proposed square footage for all cannabis facility space (Facilities #1-#16 combined) is 304,560 square feet (7.04 acres). The total area dedicated to cannabis cultivation will be approximately 249,739 sq. ft. (5.73 acres)]. Compare this Project’s size to the many smaller commercial cannabis projects described in recent County Planning Commission agendas.

<sup>7</sup> See, e.g., agenda for Planning Commission meeting on Dec. 4, 2020 [8 existing commercial cannabis projects considered for approval].

<sup>8</sup> Revised IS/MND, pp. 9-10 [describing greenhouse sizes for facilities #1 through #16].

scale cannabis cultivation and processing operation located in a remote area with vulnerable natural resources and significant access issues.

**B. Petitioners are Neighbors Concerned About the Project's Impacts.**

Petitioners are neighboring property owners and residents of McCann, an unincorporated area located approximately 5 miles east of Highway 101 and adjacent to the main stem of the Eel River. The Project, as proposed, will substantially intensify the use of Dyerville Loop Road, McCann Road, and the seasonally-open one-lane McCann Bridge – all rural roads that are windy, narrow, and unpaved in many areas. Consequently, if the Project is approved, Petitioners will be adversely affected by increased Project-related traffic, construction and road noise, increased emissions and fugitive dust, increased wildfire risk, and a degraded natural environment, among other impacts. Even worse, the Project could lead to still more development within the expansive ranch area and accompanying environmental impacts. Petitioners seek to preserve the quality of the environment in this remote, undeveloped, and biologically important area adjacent to the Eel River for all to enjoy, both now and for future generations.

**C. Substantial Evidence Supports a Fair Argument that the Project Will Cause Significant Environmental Impacts, Necessitating an Environmental Impact Report.**

Petitioners maintain that the IS/MND, even as revised and supplemented, does not satisfy CEQA's requirements and cannot serve as the environmental clearance document for this large-scale and difficult-to-access Project. As explained further below, 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 prepare an EIR before it can consider this Project for approval.<sup>9</sup> Alternatively, the Planning Commission has authority to deny the application for the six (6) CUPs required for this Project because, among other things, it cannot conform to applicable County and State requirements for road access without substantial roadway modifications.<sup>10</sup>

In addition to the substantive deficiencies identified below and in Petitioners' prior comments, the Revised IS/MND also suffers from several procedural deficiencies. For example, the cover page for the Revised IS/MND does not identify the proposed Mitigated Negative Declaration or indicate that the analysis has been revised. Also, the Revised IS/MND does not include a completed checklist summarizing the proposed Project's potentially significant

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<sup>9</sup> See, e.g., *Communities For A Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320 (*CBE v. SCAQMD*), citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75 and *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504-505.

<sup>10</sup> See *Las Lomas Land Co., LLC v. City of Los Angeles* (2009) 177 Cal. App. 4th 837, 849 [local agency with land use authority has discretion to deny project]; see also Gov. Code § 65800 [a county "may exercise the maximum degree of control over local zoning matters"].)

impacts, in contravention of CEQA Guidelines, § 15063(d)(3) and CEQA Appendix G.<sup>11</sup> In addition, the Revised IS/MND has not been signed by its preparers.<sup>12</sup>

These comments were prepared with input from retained experts in the fields of hydrogeology and civil engineering. The comments of Pacific Watershed Associates (“PWA”) and civil engineer Steve Salzman are provided herein as Exhibits B and C, respectively.<sup>13</sup> Please note that the experts’ comments supplement and support some of the issues addressed below. The experience and expertise of these experts qualifies their comments, as incorporated herein, to serve as substantial evidence of the numerous ways in which the Revised IS/MND does not comply with the procedural and substantive requirements of CEQA. The comments from staff at trustee and responsible agencies, including the California Department of Fish & Wildlife (“CDFW”), concerning the original IS/MND and this Revised IS/MND also serve as substantial evidence supporting the conclusion that the Project may cause unanalyzed and unmitigated significant environmental impacts.<sup>14</sup>

**D. Documents Referenced in the Revised IS/MND Were Not Made Available for Public Review During the Comment Period, as is Required Under CEQA.**

As a preliminary matter, the publics’ review of the Revised IS/MND was hampered by the unavailability of referenced studies supporting the analysis of Project impacts. CEQA requires the lead agency to make available for public review the environmental review document as well as all documents referenced in that document.<sup>15</sup> Under Public Resources Code, section § 21092(b)(1), the Notice of Preparation of a MND must specify the location of the MND and “all documents referenced [therein] are available for review.” Here, not all documents referenced in the Revised IS/MND have been made available to the public and reviewing agencies as required.

Through a recently submitted request for public records, Petitioners obtained a July 30, 2018 version of a “Biological Report” that is referenced in the Revised IS/MND.<sup>16</sup> Because a

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<sup>11</sup> See Revised IS/MND, pp. 33-34 [included blank checklist].

<sup>12</sup> See *ibid*.

<sup>13</sup> Please include in the administrative record for this Project all reports and other documents referenced herein and in the experts’ comment letters.

<sup>14</sup> See *City of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal.App.4th 1392, 1425 [comments of government officials on a project’s anticipated environmental impacts on their communities constitutes substantial evidence that EIR is inadequate]; see also *City of Rancho Cucamonga v. Regional Water Quality Control Bd.* (2006) 135 Cal.App.4th 1377, 1387 [comments of agency staff constitute substantial evidence].)

<sup>15</sup> See also *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455 [“The lead agency must notify the public of the draft EIR, make the draft EIR and all documents referenced in it available for public review, and respond to comments that raise significant environmental issues.”], citing PRC §§ 21092, 21091(a), (d) and CEQA Guidelines, §§ 15087, 15088.

<sup>16</sup> See Revised IS/MND, pp. 95, 245 [referencing November 2018 revised Biological Report].

later version of the Biological Report was cited as a reference in the Revised IS/MND, and because the Revised IS/MND purports to rely upon the surveys and assessments prepared by the applicant's retained biologists, the unavailability of *any version* of this report during the public review period violates the procedural requirements of CEQA.<sup>17</sup>

**II. Discussion: The Inadequate Revised IS/MND Cannot be Relied Upon to Satisfy CEQA's Requirements as Applied to this Project.**

**A. Because the Project Changed Substantially Since the Original Application for Four CUPs Was Submitted, the CCLUO Applies.**

In its original application for four (4) conditional use permits for the Project, the Applicant described the Project as replacing pre-existing illegal cannabis grow operations and proposing new, expanded, mixed light grow operations with a total of eighteen (18) greenhouses.<sup>18</sup> Since that time, the applicant has abandoned its effort to obtain CUPs for existing cannabis cultivation and now seeks CUPs for an entirely new cultivation and processing operation. Indeed, the Revised IS/MND analyzed the Project as a completely new commercial cannabis project with no existing cannabis cultivation considered as part of the baseline. According to the staff report to the Planning Commission dated August 20, 2020, the current version of the Project now includes the application for six (6) CUPs for the Project's sixteen (16) greenhouses and processing facilities.<sup>19</sup> The substantial changes to the Project, made since the original application was submitted to the County, warrant processing under the County's CCLUO (a.k.a., Ordinance 2.0).

According to the EIR prepared for Ordinance 2.0, the CCLUO, includes more specific and exacting requirements for commercial cannabis projects.<sup>20</sup> For example, Ordinance 1.0 requires the Project to comply with all applicable local land use regulations, including but not limited to the requirement that access roads for cannabis projects meet fire safe standards, whereas Ordinance 2.0 specifically requires access roads for cannabis projects to meet Category 4 standards.<sup>21</sup>

Notably, the County's Ordinance 1.0 (the CMMLUO) under which this Project is being evaluated was passed by using an MND, not an EIR. This means that the cumulative impacts of

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<sup>17</sup> When we inquired about this referenced material in an email sent on December 1, 2020, staff reported that the reference to the Biological Report in the Revised IS/MND was "a typo."

<sup>18</sup> Application Form, dated Dec. 22, 2016, p. 1 [Requesting: "Conditional use permits for Four (4) Replacement Mixed Light 22,000 Sq Ft Greenhouse located on parcels where pre-existing cannabis activities were located."], 3 [document entitled "Cannabis Permitting, describing a total of 18 22,000 s.f. proposed greenhouses"]

<sup>19</sup> See Staff Report to Planning Commission re Project, for Aug. 20, 2020 meeting, pp. 1, 9.

<sup>20</sup> See Draft EIR for CCLUO project, pp. 2-5, 2-14 – 2-30 [describing CCLUO requirements and restrictions]; see also FEIR for CCLUO project, pp. 1-2, [project objectives for CCLUO project], 2-5 [key environmental objectives of Ordinance 2.0]. The full EIR for the CCLUO is incorporated herein by this reference.

<sup>21</sup> Compare Humboldt County Code ("HCC") § 55.4.3.3 with HCC § 55.4.6.1.2(c).

projects processed under the CMMLUO have never been comprehensively analyzed under CEQA. This is despite the fact that the CMMLUO precipitated a permitting “rush” in the County.<sup>22</sup> This makes adequate environmental review for this Project all the more important.

**B. The Revised IS/MND Does Not Include Information and Analysis Recommended by the County’s Own “Peer Review” Consultant and by CDFW.**

**1. Inaccurate and Incomplete Project Description**

Even as revised, the IS/MND released for public review and comment fails to consider the impacts of the whole of the Project, as required under CEQA. The problems with the project description in the Revised IS/MND have persisted in spite of clear County direction, CDFW’s specific recommendations, and Petitioners’ detailed prior comments.

On January 15, 2018, the County’s Supervising Planner wrote to the applicant, recommending numerous changes to a second draft of the Initial Study.<sup>23</sup> Shortly thereafter, CDFW prepared a referral checklist concerning the requirements for the Project’s description and environmental impact analysis.<sup>24</sup> A few months later, the County’s own peer review consultant, Transcon Environmental, provided constructive feedback concerning multiple deficiencies in the analysis in at least two memoranda prepared and sent to the applicant.<sup>25</sup> As will be explained below, many of the deficiencies in the analysis in an early draft of the IS/MND identified in the County’s January 2018 letter, CDFW’s referral checklist, and in the Transcon memoranda nearly two years ago have still not been corrected.

It is not coincidental that, during the comment period for the original IS/MND, both CDFW and Petitioners independently commented on many of the same issues concerning the inadequate project description that were raised early in the environmental review process by County planning staff and the County’s own peer review consultant.<sup>26</sup> These issues have

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<sup>22</sup> See Memorandum from Planning Director Ford to cannabis project applicants, dated April 28, 2017, available at: <https://humboldt.gov/DocumentCenter/View/59020/April-28-2017-Letter-Application-processing-Update-and-Concerns?bidId=>, accessed 12/01/20.

<sup>23</sup> See Exh. D – Letter from Supervising Planner Steve Werner to Project applicant, dated January 15, 2018.

<sup>24</sup> See Exh. E – CDFW CEQA Referral Checklist for Rolling Meadow Ranch Project, dated Jan. 24, 2018

<sup>25</sup> See Exh. F - Transcon Environmental Memorandum re Peer Review, dated July 23, 2018 (“Memo #1”); see also Exh. G - Transcon Environmental Memorandum re Peer Review – Project Description Deficiencies, dated July 23, 2018 (“Memo #2”).

<sup>26</sup> See, e.g., CDFW comments on IS/MND, dated August 17, 2020, pp. 2 [“The entire Project area should include the “whole of the action”, including all proposed buildings, new powerlines, borrow pits, access roads, and other areas of new ground disturbance”] 6 [“The Alderpoint Road alternative access should be included in IS/MND analyses as part of the whole of the action, particularly due to 1) the age and condition of the existing Eel River seasonal low water crossing at McCann, 2) uncertain timeline of the County building a permanent year-round bridge at McCann, and 3) potential the Alderpoint Road may be the Project’s primary access point”]; see also Petitioners’ comments on IS/MND, dated August 17, 2020, p. 5-10; see also Petitioners’ Supplemental comments on IS/MND, dated Sept. 10, 2020, pp. 6-9.

remained problematic because many of the deficiencies, identified early in the environmental review process, were never corrected.

Because an accurate, stable, and finite project description is essential for an adequate analysis of Project impacts under CEQA, the project description deficiencies must first be remedied before a complete assessment of environmental impacts can be conducted in the EIR required for this Project. The following is a non-exhaustive summary list of the persistent problems with the Revised IS/MND's description of the Project:

(a) *Road Improvements*

As Petitioners have previously commented, , as the County's Supervising Planner directed, as the County's peer review consultants recommended in their memoranda, and as CDFW has commented the Project description must include, and provide more information about, all road improvements necessary for Project access. This includes those improvements necessary to comply with the requirements of the Humboldt County Code (namely, the CCLUO and the SRA Fire Safe Regulations).<sup>27</sup>

In January 2018, the County's Supervising Planner instructed the applicant as follows:

A complete inventory of the interior road network with respect to width and improvement levels, both existing and proposed, and identification of improvements required to bring the road network into compliance, together with identification of impacts from completion of the improvements (construction impacts) are necessary to review the transportation effects on the environment in order to make a determination that the project will not have a detrimental effect on the environment.<sup>28</sup>

In mid-2018, the County's peer review consultant recommended that the IS/MND be revised to "[s]how that each road, including its water crossings, are able to support a 75,000-pound apparatus. Include all routes that could be used for access during an emergency. Include any needed changes to water crossings (replacement or upgrade of bridges or culverts)."<sup>29</sup> The County itself provided similar direction in another letter to the applicant sent several months later, in February 2019.<sup>30</sup>

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<sup>27</sup> See HCC, Title III, Div. 11, § 3111-1, et seq. (Fire Safe Regulations); *see also id.* at Title III, Div. 1, Ch. 4, § 314-55.4, et seq.

<sup>28</sup> See Exh. D – Letter from Supervising Planner Steve Werner to Project applicant, dated January 15, 2018, p. 3.

<sup>29</sup> See Exh. G – Memo #2, p. 1. The 75,000-pound threshold specified in this comment is established in the Fire Safe Regulations, HCC § 3112-4.

<sup>30</sup> See Exh. H – NRM Response to County Comments on Draft IS/MND, dated Jan. 22, 2020, pp. 4 [County staff commented "The project description should be updated to include all existing and proposed accesses to the



These issues concerning necessary road improvements were not addressed in the original IS/MND, nor were they fully and accurately addressed in the Revised IS/MND.<sup>31</sup> For example, while the Revised IS/MND adds some information concerning some of the culverts that will need to be replaced and limited road modifications including widening (to the Category 2 standard), the description is silent with respect to the capability of Dyerville Loop Road, McCann Road (and bridge), and private ranch roads towards to support a 75,000-pound apparatus, among other requirements of the Fire Safe Regulations. The Revised IS/MND does not describe these improvements with the specificity required under CEQA and does not address the associated potentially significant impacts.

The new Road Evaluations appendix to the Revised IS/MND reveals that the access roads were evaluated for a "minimum 12-foot width."<sup>32</sup> However, the proposed 12-foot width standard for Project access roads do not satisfy the minimum 20-foot width requirements under the SRA Fire Safe Regulations promulgated by CalFire pursuant to its authority under Public Resources Code, § 4290.<sup>33</sup> The SRA Fire Safe Regulations apply because, as the Revised IS/MND admits, the Project would be located within a State Responsibility Area (SRA) with fire protection services provided by CalFire.<sup>34</sup> (The SRA Fire Safe Regulations preempt local fire safe regulations but "do not supersede local regulations which equal or exceed minimum regulations adopted by the state."<sup>35</sup>) The Road Evaluations in Appendix C of the Revised IS/MND do not address whether the Project's access roads, as improved, would comply with the minimum requirements of the SRA Fire Safe Regulations.

Similar to the requirements of the SRA Fire Safe Regulations, under the County's Fire Safe Ordinance, a "Category 4" or equivalent (i.e., 20-foot wide, etc.) access road is required.<sup>36</sup> The Project site would likely be considered "mountainous terrain" under the County's Fire Safe Ordinance.<sup>37</sup> As such, it is possible that the Project could potentially qualify for the exception under the County ordinance to the usual requirement for full Category 4 access road.<sup>38</sup>

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subject parcel. Also, please include the improvements required for the Alderpoint Road access to utilize this route as secondary access", 14 [summary of necessary additional project description information].

<sup>31</sup> See original IS/MND, pp. 10-11; Revised IS/MND, pp. 11-12.

<sup>32</sup> See Appendix C to Revised IS/MND, p. 3. The original IS/MND did not include substantial evidence to support conclusions regarding the sufficiency of Project access roads. The applicant has attempted to cure this major deficiency through new analysis in Appendix C. Unfortunately, the new analysis does not demonstrate that the Project access roads will satisfy Category 4 and fire safe performance standards.

<sup>33</sup> See 14 C.C.R., § 1273.01(a).

<sup>34</sup> See Revised IS/MND, p. 214.

<sup>35</sup> Public Resources Code, § 4290(c); see also 14 C.C.R., § 1270.04.

<sup>36</sup> See HCC, Title III, Div. 11, §§ 3112-3 [the Category 4 standard, which requires a minimum 20-foot wide two-lane travelled way, generally applies].

<sup>37</sup> See *id.* at § 3111-11 [Definitions].

<sup>38</sup> See *id.* at § 3112-3(b)(c) [exceptions for areas in mountainous terrain, where Category 3 standards may be deemed sufficient]. This assumes that this County Code provision is not preempted and that such an exception for



However, this exception still requires the travelled way to be at least 16 feet wide with a two-foot shoulder.<sup>39</sup> As the Revised IS/MND and the Road Evaluations appendix admit, McCann Road, Dyerville Loop Road, and the private ranch roads providing access to cultivation and processing facilities and to Alderpoint Road are in many areas narrower than the minimum 16-foot width under the County's potentially applicable (and exceptional) Category 3 standard. Consequently, the Project as proposed does not satisfy even the minimum width requirements for access roads under the County Fire Safe Ordinance and the CCLUO.

The Revised IS/MND and Appendix C also show that portions of the Project access roads are at grades that exceed 16%.<sup>40</sup> CalFire's SRA Fire Safe regulations generally prohibit grades exceeding 16% and require mitigation for steeper road sections.<sup>41</sup> These steep portions of the access roads must also conform to requirements in the County Roadway Design Manual.<sup>42</sup> The maximum grade standard in the Roadway Design Manual is 12%.<sup>43</sup>

The Revised IS/MND also call for turnouts on the access road every 1,320 feet.<sup>44</sup> However, the County Roadway Design Manual indicates that turnouts can be up to a maximum 1,000 between turnouts.<sup>45</sup>

The County's Department of Public Works Road Evaluation Report form defines the equivalent of a Category 4 road as follows:

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to

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a substantially narrower access road would also be acceptable to CalFire, the agency responsible for ensuring the Project complies with the SRA Fire Safe Regulations.

<sup>39</sup> See *id.* at § 3112-3(b);

<sup>40</sup> See, e.g., Revised IS/MND, p. 81 [identifying "steep roadway" but not revealing the grade at RP6 exceeds 16%]; see also Appendix C to Revised IS/MND, Supplemental Field Investigation, dated January 14, 2019, pp. 3-12; see also *id.*, Supplemental Field Investigation, Appendix B: Access Assessment Photos.

<sup>41</sup> See 14 C.C.R., § 1273.03.

<sup>42</sup> See HCC, § 3112-5.

<sup>43</sup> See County Roadway Design Manual, § 2-315.1, p. 63, available at <https://humboldt.gov/DocumentCenter/View/58258/Humboldt-County-Road-Design-Manual---1971>, accessed 12/02/20.

<sup>44</sup> See Appendix C to Revised IS/MND, Access Assessment for RMR Project, p. 3.

<sup>45</sup> See County Roadway Design Manual, Table 2-321.3, p. 64, available at <https://humboldt.gov/DocumentCenter/View/58258/Humboldt-County-Road-Design-Manual---1971>, accessed 12/02/20

stop and wait in a 20 foot wide section of the road for the other vehicle to pass.<sup>46</sup>

Under the above definition, and the definitions and descriptions provided in the Humboldt County Code and Roadway Design Manual, Petitioners maintain that McCann Road and Dyerville Loop Road do not qualify as “Category 4” access roads or their equivalent, as required for commercial cannabis operations under the CCLUO and under the County’s Fire Safe Ordinance.<sup>47</sup>

Verifying Petitioner’s prior comments, Steve Salzman, a registered civil engineer, has recently evaluated McCann Road for Category 4 equivalency and has concluded that the road does not meet the applicable criteria.<sup>48</sup> This expert opinion is substantial evidence supporting the conclusion that the proposed McCann Road primary access route does not meet the applicable performance standards for access roads specified in the Humboldt County Code. This conclusion has important implications for the analysis of Project impacts. If the Project is to proceed with McCann Road as the primary access route, these roads will need to be substantially widened in some areas, and paved or seal coated, to be considered the “equivalent” of a 2-lane road where cars can safely travel at 25-40 mph (as required under the County’s Category 4 road regulations).

The Road Evaluations appendix to the Revised IS/MND purports to assess the functional equivalence of the Project’s access roads to the County’s Category 4 standards. However, the analysis relies upon the incorrect standard (Category 2)<sup>49</sup> as well as intentionally skewed (nonrepresentational) data (e.g., selecting unusually wide and unrepresentative “Road Points,” such as RP 1) to characterize the access road as sufficiently wide with limited modifications. The Road Evaluations also completely omit evaluations of McCann Road and Dyerville Loop Road to the west of RP1, such as at the 10- to 11-foot-wide McCann Bridge and adjacent narrow “pinch point” road sections.

The Revised IS/MND does not reveal that the analysis concerning “fire safe” standards relies on meeting the lower Category 2 road standard. The preparers of the Supplemental Field Investigation in Appendix C do not explain how they arrived at Category 2 as the standard, given the plain language of SRA Fire Safe Regulations, § 1273.01, and the County’s Fire Safe Ordinance, § 3112-3, both of which clearly call for Category 4 roads. The County’s Fire Safe

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<sup>46</sup> See Appendix C to Revised IS/MND, p. 48 [Road Evaluation Report, dated Nov. 16, 2017], emphasis added. This description of the Category 4 road equivalency does not acknowledge that a 2-foot shoulder on either side of the 18- to 20-foot wide paved “travelled way” is also generally required. See County Roadway Design Manual, Table 2-321.1, p. 63.

<sup>47</sup> See HCC § 3112-3 [“All roads shall be constructed to a minimum Road Category 4 road standard of two ten (10) foot traffic lanes, not including shoulders, capable of providing for two-way traffic flow to support emergency vehicle and civilian egress”].

<sup>48</sup> See Exh. C – Steve Salzman letter re Evaluation of the McCann Road, dated Dec. 26, 2020.

<sup>49</sup> See Appendix C to Revised IS/MND, Supplemental Field Investigation, dated January 14, 2019, pp. 1-2.

Ordinance may allow for a minimum Category 3 standard in mountainous area (but not Category 2), if deemed at least equally protective as the state fire safe standard. It makes no sense that one of the largest commercial cannabis projects ever to be proposed in the County would have access roads that do not even meet the minimum 16-foot wide Category 3 standard.

As will be discussed in the section concerning Project impacts, below, given the 16-foot minimum standard, the necessary road improvements would likely be more numerous and would potentially cause greater impacts than disclosed, analyzed, and mitigated in the Revised IS/MND. It is essential for the purposes of providing an accurate and complete impact analysis required under CEQA that all Project-related roadway and associated drainage improvements be specifically described and considered. For example, because biologists identified a species of special concern, the threatened foothill yellow-legged frog, as present adjacent to a culvert on the main access road, the analysis must be revised to describe *all* roadway and drainage improvements necessary for the Project and to consider the associated potential to significantly impact this species. As it stands, the Revised IS/MND contradicts underlying facts concerning the onsite presence of this species and fails to consider all aspects of the Project that could impact this and other special-status species.

The Revised IS/MND admits that access via Alderpoint Road will be necessary in the near-term for year-round operations and on an ongoing basis for emergency access.<sup>50</sup> And yet this access road and the undescribed necessary improvements thereto were artificially carved out of the Project as described and analyzed in the original IS/MND with a hollow claim of “independent utility” (i.e., that the road and the bridge will be upgraded for ranch purposes).<sup>51</sup> This claim of independent utility is not consistent with how this concept, and the concept of the “whole of the project” are defined under CEQA.<sup>52</sup>

Unlike the situation in *Banning Ranch*, the applicant here is the proponent for both the Project and the near simultaneously proposed “upgrades” to the private roads and bridge accessing Alderpoint Road. Further, except for the short easements necessary to connect ranch roads to Alderpoint Road, the applicant owns all of the private roads that would provide the Project with access either to the west or to the east. The Revised IS/MND admits that the applicant intends to upgrade and use the private ranch roads to Alderpoint Road for Project access – in fact, year-round operations is currently impossible without the use of this

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<sup>50</sup> See, e.g., Revised IS/MND, p. 13 [description of Project operations].

<sup>51</sup> The Revised IS/MND at least acknowledges necessary access road improvements (albeit to a limited extent because the improvements are not based on a minimum potential 16-foot wide standard).

<sup>52</sup> Compare *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1225 [holding park and access road would not cause a neighboring proposed development to commence because in part each project had independent utility] with *Del Mar Terrace Conservancy v. City Council* (1992) 10 Cal.App.4th 712, 732 “[p]iecemealing proposed highway improvements in separate environmental statements should be avoided”, quoting *Daly v. Volpe* (3d Cir. 1975) 514 F.2d 1106, 1109, disapproved on other grounds in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 564.

alternative access route. As such, the private roads connecting the Project to Alderpoint Road are necessary for the Project and all necessary improvements to those roads to bring them up to Category 4 and Fire Safe standards (as well as provide suitable drainage) are a "consequence" of the Project and must be described and analyzed in the required EIR.

Because the McCann Road and Dyerville Loop Road do not qualify as Category 4 roads or the equivalent, and because bringing these access roads up to required standards would cause multiple significant impacts, Petitioners urge the County and applicant to consider a project alternative that would utilize Alderpoint Road as primary access. This project alternative should be considered in the EIR required for this Project.

In summary, all necessary improvements to the Project's access roads, including all improvements to drainage features such as culverts, should be designed so that they comply with all minimum regulatory requirements, including the requirement for a Lake & Streambed Alteration Agreement ("LSAA") through CDFW.<sup>53</sup> The improvements should also adhere to locally adopted recommendations intended to protect the environment.<sup>54</sup> The details of the access road and related drainage improvements must be described in the required EIR.

*(b) Buffers from Watercourses and Wetlands.*

CDFW has previously commented that all greenhouses should be set back at least 200 feet from Class I and Class II watercourses, at least 150 feet from wetlands, and at least 200 feet away from the Eel River.<sup>55</sup> The County's peer review consultant advised "[t]he setbacks from waterways described in the project description should be revised to match the setbacks described in the biological report and to adhere to the setbacks requested in the CDFW referral."<sup>56</sup> However, the Project design includes greenhouses that are barely more than 100 feet from the nearest Class I watercourse, one structure that is literally on top of a wetland, and several greenhouses that appear to be within 200 feet of the Eel river.<sup>57</sup> Thus, the description of the proposed Project appears to be inconsistent with regulatory and permit requirements for water resource buffers / setbacks. By describing a proposed Project that is not consistent with applicable regulatory requirements for setbacks, the Revised IS/MND fails to present an accurate view of the Project and its impacts. The revised analysis should take into consideration the necessary relocation of Project facilities outside of setback areas – if any Project facilities cannot adhere to both setback requirements and the requirement to be

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<sup>53</sup> See Exh. I - Letter from CDFW re LSAA required Mattole River Cannabis Project [LSAA required for replacement of undersized culvert].

<sup>54</sup> See Five Counties Salmon Conservation Program, A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds (2002), available at: [http://www.5counties.org/docs/roadedu/5c\\_roads\\_manual.pdf](http://www.5counties.org/docs/roadedu/5c_roads_manual.pdf), accessed 11/24/20.

<sup>55</sup> See Exh. E – CDFW CEQA Referral Checklist for Rolling Meadow Ranch Project, dated Jan. 24, 2018, pp. 2-3.

<sup>56</sup> See Exh. G – Memo #2, p. 3.

<sup>57</sup> See Revised IS/MND, pp. 143-145 [Figures 40 – 43].

located on prime agricultural soils outside the TPZ, then those Project facilities should be removed from the Project description.

*(c) Water use and storage.*

The County's peer review consultant recommended the Revised IS/MND "[p]rovide detail on groundwater proposed use, including probable depth to water (based on similar wells in similar strata) and pumping rate per day during peak use (not just annual estimates)."<sup>58</sup> Later, the County's planning staff stated that the analysis lacked "sufficient detail to determine if the water from the wells would be considered connected and require a current documented water right or if the water would be considered a non-diversionary source." The information repeatedly requested by the County was not included in the Revised IS/MND.<sup>59</sup> The revised analysis must describe the Project's peak groundwater use and must consider this demand when analyzing potentially significant impacts to surface water resources, riparian habitat, and wildlife.

*(d) PG&E & Backup Power.*

The Revised IS/MND should have described "[t]he route, approximate number of new poles, time of construction, vegetation clearing including tree removal, grading, temporary road construction to access each pole site, etc."<sup>60</sup> However, the Revised IS/MND did not describe the details of this "connected action" with the specificity requested by the County and required under CEQA.<sup>61</sup> The revised analysis must describe with particularity the electric power and back up power facilities needed for the Project.

*(e) Hours of Operations and Employee Information.*

The peer review consultant recommended that the Revised IS/MND "[i]nclude hours of operation on site as well as typical commute times with and without the McCann Bridge available" and that it "[s]pecify commute routes for each scenario." The Revised IS/MND contains inconsistent information concerning the hours (and season) of operation, and commute times and routes were not specifically described and analyzed in the Revised IS/MND (other than with generalized statements).<sup>62</sup>

The Revised IS/MND was supposed to describe the "[n]umber of employees, likely residences of employees and plans for parking at 'park and ride' shuttle pickup locations, the

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<sup>58</sup> See Exh. G – Memo #2, p. 2.

<sup>59</sup> See, e.g., Revised IS/MND, pp. 14 [no information concerning the peak pumping rates], 197 [reliance on "letters" from Fisch Drilling re hydrologic connectivity with no further substantiation].

<sup>60</sup> See Exh. G – Memo #2, p. 2.

<sup>61</sup> See Revised IS/MND, pp. 51 [electric lines will be buried along access road], 29 [Electric Figure 14], 182.

<sup>62</sup> See, e.g., Revised IS/MND at p. 55.

number of shuttles per day, parking for shuttles on-site, etc.”<sup>63</sup> As we previously noted, the IS/MND provides inconsistent information concerning the number of employees (both before and after the McCann bridge is replaced), and lacks essential information with regard to the shuttle parking area and plans for parking.<sup>64</sup> The “existing turnaround” depicted in the Revised IS/MND does not currently exist and the topography at Facilities #1 and #2 may not support a turnaround at the proposed location.<sup>65</sup>

(f) *Slopes.*

The Revised IS/MND includes inconsistent information concerning the slopes underlying the Project greenhouses and other facilities.<sup>66</sup> These discrepancies need to be resolved through adequate site surveys and the slopes for all greenhouses must be accurately reported in the required EIR. To be consistent with CCLUO, the slopes underlying the Project facilities may not exceed 15%.<sup>67</sup>

(g) *Construction practices.*

The peer review consultant asked a number of pertinent questions, which have been left unaddressed. These questions include the following:

How will you get heavy equipment to the site? What size and type of equipment will be used and approximately how long will each be in use? How many employees will be present during construction? How do they get there? What bathroom facilities and drinking water supplies will be available during construction? What are the hours of construction?”<sup>68</sup>

The section in the Revised IS/MND concerning Project construction does not answer many of these pertinent questions or provide the required level of detail.<sup>69</sup> The revised analysis must provide the information concerning the construction process for this Project.

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<sup>63</sup> See Exh. G – Memo #2, p. 2.

<sup>64</sup> See Petitioners’ initial comments on the IS/MND, dated August 17, 2020, at p. 10.

<sup>65</sup> See Revised IS/MND at p. 23 [Figure 8. Facility #1, #2 Details].

<sup>66</sup> Compare Revised IS/MND, p. 179 with Appendix to Revised IS/MND, Botanical Survey Report, pp. 4-5 [report showing some areas underlying project greenhouse footprints exceed 15% slope].

<sup>67</sup> Humboldt County Code, § 55.4.6.4.1

<sup>68</sup> See Exh. G – Memo #2, p. 2.

<sup>69</sup> See Revised IS/MND, pp. 11-12.

**2. Failure to Identify Necessary Water Right for Project Wells or an Alternative Water Source**

The Revised IS/MND fails to identify the water right required for (1) pumping what is very likely hydrologically connected groundwater from the three Project wells or (2) for any as yet unidentified alternative sources of water for the Project's considerable year-round water needs. This failure violates applicable Humboldt County Code requirements under both cannabis ordinances.<sup>70</sup> As discussed further below, there is substantial evidence supporting the claim that the groundwater underlying the Project site is likely hydrologically connected to surface waters, such as wetlands, streams, creeks, and tributaries to the Eel River. Because well pumping has the potential to divert from surface waters a water right may be required.<sup>71</sup>

The EIR required for this Project must identify any and all water rights required to meet the Project's estimated annual water demands and require as a condition of approval, that the applicant apply for and obtain such water rights. If the source of water is uncertain, then the EIR must also evaluate alternative sources of water and address any water right(s) that may be required for such sources.

**C. The Revised IS/MND is the Result of Piecemealed Environmental Review.**

**1. Project Wells, as Part of the Whole of the Project, Should Not Have Been Approved Prior to Completion of Environmental Review.**

Carving up a larger project in order to claim a CEQA exemption for any of its components is prohibited under CEQA.<sup>72</sup> Courts have given the term "project" under CEQA "a broad interpretation and application to maximize protection of the environment [Citations]."<sup>73</sup> This broad interpretation ensures that CEQA's requirements "'cannot be avoided by chopping up proposed projects into bite-size pieces' which, when taken individually, may have no significant adverse effect on the environment."<sup>74</sup> Accordingly, if infrastructure, such as roads or utility lines, are required for a proposed project, those project components must be described and considered in the environmental impact analysis as part of the "whole of the project."

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<sup>70</sup> See CMMLUO, § 55.4.8.2.1; see also CCLUO, § Section 55.4.12.1.

<sup>71</sup> See Water Code, § 1200; see also Paul Kibel and Julie Gantenbein, Fisheries Reliant on Aquifers: When Groundwater Extraction Depletes Surface Water Flows, Univ. of San Francisco Law Review, Vol. 54, Issue 3, pp. 478-480.

<sup>72</sup> See PRC § 21159.27 ["A project may not be divided into smaller projects to qualify for one or more exemptions pursuant to this article"].

<sup>73</sup> *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1223 [holding road widening was part of proposed project], quoting *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1189 and citing *Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist.* (2007) 147 Cal.App.4th 643, 653.

<sup>74</sup> *Ibid.*

During the period within which the application for the Project's permits has been pending, the applicant installed the three wells, relying on a separate ministerial process that would consider these water supply wells, essential for the Project, as somehow independent. These permits were apparently granted and the wells drilled, without any consideration to their connection to the larger Project and the water demand that will be required for Project operations. According to a letter from Planning Director John Ford to applicants for commercial cannabis projects, installing such project infrastructure before use permits are granted is a violation of the CMMLUO.<sup>75</sup> In addition, under the CCLUO, no ministerial permits may be granted for improvements.<sup>76</sup>

2. Improvements to Access Roads Should Not Have Commenced Prior to Completion of Environmental Review and Project Approval.

According to documents in appendices to the Revised IS/MND, some of the access roads at Rolling Meadow Ranch were "rocked" using rock from the on-site quarry.<sup>77</sup> As with the installation of the three Project wells in 2019, making these improvements to the access roads prior to issuance of permits for the Project was a violation of the CMMLUO. As proved to be true during this Project's permitting and environmental review process, roadwork prior to environmental review for the Project can result significant and unmitigated environmental impacts.<sup>78</sup>

**D. Substantial Evidence Supports Several Fair Arguments that the Project May Result in Significant Environmental Impacts**

Substantial evidence presented in this letter, the supporting expert comments, documents referenced in this letter, and in prior comments from Petitioners and others support a fair argument that the Project will have significant direct, indirect and cumulative environmental impacts.

1. Downplayed Traffic Safety Hazard Impacts

Because the proposed Project access roads (Dyerville Loop Road, McCann Road, and private ranch roads to Alderpoint Road) do not meet the required performance standards (i.e.,

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<sup>75</sup> See Memo from Director Ford to Commercial Cannabis Applicants, dated April 28, 2017 ["Starting cultivation activity, including related land modifications (i.e. grading), construction, and improvements, without a permit, for either a new cultivation or expansion of an existing site, is a violation of the CMMLUO"].

<sup>76</sup> See HCC, § 55.4.3.12 ["No ministerial permit shall be granted for site development activities, including but not limited to grading or building permits, related to any Commercial Cannabis Activity in advance of issuance of the Zoning Clearance Certificate, Special Permit, or Use Permit required under this section"].

<sup>77</sup> See Appendix I to Revised IS/MND, Assessment of Road Improvement and Maintenance Activity Impacts to Botanical Resources (Oct. 2020), pp. 3-4, 11.

<sup>78</sup> See Revised IS/MND, pp. 146-147 [describing impacts to wetland features during 2019 road improvement activities].



are not Category 4 roads or their equivalent and do not meet applicable Fire Safe standards) and because the proposed Project includes roadways of varying widths with multiple blind curves and obstructed pinch points, the level of traffic generated by the proposed Project, especially when combined with the existing local traffic baseline traffic, will create traffic safety hazards.

Under the County Roadway Standards Manual, “when varying roadway widths are considered, the effect upon safety must be evaluated.”<sup>79</sup> In spite of this specific requirement, and the independent requirements for traffic safety impact analysis under CEQA, the Revised IS/MND fails to evaluate the traffic safety hazards associated with designing Project access roads to the Category 2 standard.<sup>80</sup>

## 2. Unacknowledged Public Services Impacts

While the Revised IS/MND acknowledges that “[t]he isolated location can also pose some limitations in terms of public services,” it downplays the site access challenges that would be encountered by police, fire, and other emergency services.<sup>81</sup> The analysis of impacts to public services does not provide the level of detailed impact analysis that the County has repeatedly requested.

In January 2018, a County planner advised the applicant to improve the discussion of improvements that would be necessary to bring Project roads up to fire safe standards.<sup>82</sup> Shortly thereafter, the County’s peer review consultant recommended that the applicant:

Modify project description to include compliance with Fire Safe Ordinance, including but not limited to internal ranch road standards for width, surface, and grade, water crossings to the minimum load standards, as well as minimum water supply requirements. Add these elements to the environmental analysis in all sections.<sup>83</sup>

Transcon also recommended the following revisions to the draft IS/MND:

Please describe how the interior ranch roads will be improved to meet fire safe standards. Existing roads analysis indicates that fire safe standards are not met. Demonstrate that off-ranch access routes (McCann Road and Alderpoint Road as

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<sup>79</sup> County Roadway Design Manual, § 2-321.2, p. 63, available at <https://humboldt.gov/DocumentCenter/View/58258/Humboldt-County-Road-Design-Manual---1971>, accessed 12/02/20.

<sup>80</sup> See Revised IS/MND, p. 224 [concluding, without supporting analysis and substantial evidence, that “[t]his project will not substantially increase hazards due to a design feature”].

<sup>81</sup> See Revised IS/MND, pp. 214-216.

<sup>82</sup> See Exh. D – Letter from Supervising Planner Steve Werner to Project applicant, dated January 15, 2018. P. 2.

<sup>83</sup> See Exh. F – Memo #1, p. 11.

well as roads on adjacent property) meet fire safe standards on all portions, including river crossings, that may be required for fire suppression by Cal Fire firefighting resources.<sup>84</sup>

These instructions from the County's peer review consultant, which were presumably sent to the applicant,<sup>85</sup> could not be more clear, logical, and sound. Yet, the Revised IS/MND relies upon the unsupported assumption that the Project access roads meet "fire safe standards" to justify the conclusion that the Project will not result in impacts related to fire suppression and police services.<sup>86</sup> This factually unsupported assertion, however, does not provide the information required to confirm the Project's compliance with the Fire Safe Ordinance.

As reported in the road evaluation conducted by the civil engineer retained by Petitioners, McCann Road from the McCann Bridge to the guard gate at Rolling Meadow Ranch and Facilities #1 and #2 does not meet the County's Category 4 or equivalent standards.<sup>87</sup> Because this route will provide the primary access to the Project site, it is imperative that McCann Road satisfy applicable fire safe standards. If McCann Road cannot feasibly satisfy Category 4 or equivalent standards, then the route to Alderpoint Road should be considered as for primary access.

The Revised IS/MND states that "[d]uring the winter when the existing low water McCann Bridge is inaccessible and in the years before the new McCann Bridge is built, the project will use the Alderpoint road to access the project sites."<sup>88</sup> The analysis of impacts to public services, however, does not consider the improvements to the access route to Alderpoint Road that would be necessary to bring those roads up to applicable SRA fire safe standards.

The IS/MND prepared for the CMMLUO assumed for purposes of impact analysis that all cannabis projects processed under Ordinance 1.0 would comply with SRA fire safe regulations and all local and state access road performance standards.<sup>89</sup> Repeatedly in the analysis, the County relied upon this assumption to determine that the CMMLUO, as a program, would not

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<sup>84</sup> See *ibid.*

<sup>85</sup> Note: Memo #1 and Memo #2 were among the documents produced by the County in response to Petitioners' request for public records. The County did not produce any documents that verify the memoranda were sent to the applicant or otherwise relayed. Petitioners assume that the County sent both Transcon memoranda to the applicant's consultant, NRM.

<sup>86</sup> See *ibid.*

<sup>87</sup> See Exh. C – Road Evaluation by Steve Salzman, p. 12.

<sup>88</sup> See Revised IS/MND, p. 214.

<sup>89</sup> See CMMLUO IS/MND, p. 31.

cause significant environmental impacts. For example, with respect to potential impacts to public services, the CMMLUO IS/MND states:

Under the draft ordinance, larger cultivation operations will be subject to discretionary permits where neighboring land owners will be given an opportunity to comment and be notified of pending permit decisions. This will provide opportunity for dialogue and mitigation through careful siting and operational restrictions to address potential impacts on public services. It is anticipated that through mitigation, the impacts on public services including fire protection, police protection, schools, parks, and other public facilities, will be reduced to a less than significant impact.<sup>90</sup>

Petitioners hope that, in the case of the presently proposed large cultivation operation, the assumptions made in the above statement and elsewhere in the CMMLUO IS/MND prove to be true. As currently proposed, however, this Project does not meet the assumed “careful siting and operational restrictions” that will “address potential impacts on public services” – it is inappropriate to site an operation that, between cultivation and processing facilities, exceeds 300,000 square feet in size in a remote wildland area with access roads that do not even currently meet a Category 2 standard, and would barely meet that improperly lax standard with the proposed improvements (except for the steeper than 16% grades and infrequent turnouts).

Similarly, when certifying the EIR for the CCLUO, the Board of Supervisors approved a finding that relies on the assumption that all commercial cannabis projects approved under “Ordinance 2.0” would meet the “Category 4 or equivalent” access road performance standard to support its conclusion that impacts to public services, including wildfire response, would be less than significant.<sup>91</sup> The Final EIR for the CCLUO made the following assumptions concerning compliance with Category 4 access road standards:

[W]here access to a site is provided by roads not meeting the Category 4 standard, the commercial cannabis operation would be subject to a Special Permit and preparation of a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the site, in addition to the existing traffic using the road(s). The report would detail all substandard conditions and prescribe measures that would be taken to

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<sup>90</sup> See *id.* at p. 29.

<sup>91</sup> See Bd. of Supervisors Resolution 18-40, p.10 [“Compliance with existing building, electrical, and fire code regulations as well as roadway access performance standards set forth in the proposed ordinance would provide a sufficient access for fire prevention and emergency response”].

achieve compliance with the relevant road standards and objectives, or the same practical effect.<sup>92</sup>

Further, in response to public comments, the County asserted in its Final EIR for the CCLUO that “[t]he DEIR identifies that existing and future commercial cannabis operations would be required to meet the County’s Category 4 road standards and the emergency access standards set forth in Chapter 10 – Fire Safe Regulations of the County Code.”<sup>93</sup> The analysis of commercial cannabis project impacts to public services relied upon adherence to this performance standard.

In contravention of the assumptions relied upon in connection with approving the CMMLUO and CCLUO concerning compliance with access road performance standards, this Project, as proposed, will only satisfy only a Category 2 access road standard along the primary access road to the Project’s clustered facilities (at most, given the steep grades, unpaved roads, blind corners, and infrequent turnouts) for one of the largest commercial cannabis projects ever to be proposed in the County. The Revised IS/MND does not explain how satisfying this lower performance standard for this especially large Project in a remote and difficult to access area will result in less than significant impact to public services.

The Revised IS/MND includes the completely gratuitous and unsupported statement: “In its current state the cannabis industry is at higher risk for security to be an issue and place a greater demand on law enforcement services provided by the County Sheriff’s Department.” This unsupported assertion is completely beside the point of the necessary analysis. The environmental review required under CEQA must evaluate this Project’s environmental impacts. The fact that other activities also have impacts on police services is irrelevant and should not be used to minimize this Project’s potentially significant impacts.

The Revised IS/MND, even after pre-release review and comment and after post-release public comment, *still* does not provide the information required (and specifically requested) to demonstrate that the Project will have adequate access for fire suppression and police equipment and personnel.<sup>94</sup> Because the Project, as currently described and defined, will not have Category 4 or equivalent roads and a licensed engineer has not evaluated whether the access roads will perform to the same practical effect, the conclusion that the Project will not have significant public services impacts is unsupported. The analysis concerning the Project’s

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<sup>92</sup> See Final EIR for CCLUO, Revisions to the DEIR, p. 3-21 – 3-22; *see also id.* at p. 2-232 [response to comment 01-10].

<sup>93</sup> See *id.* at pp. 2-309 – 2-310 [responses to comments I17-2, I17-8], 2-381 [responses to comments I31-14, I31-15], 2-385 – 2-386 [response to comment I31-35], *emphasis added*.

<sup>94</sup> See Exh. G, Memo #2, p. 1 [“specify how ranch roads will be improved to meet fire safe ordinance requirements. Show that each road, including its water crossings, are able to support a 75,000-pound apparatus. Include all routes that could be used for access during an emergency. Include any needed changes to water crossings (replacement or upgrade of bridges or culverts)"].

potentially significant impacts to public services must be revised in the required EIR and recirculated.

3. Unsupported Assumptions Regarding Public Utility Impacts

The proposed extension of electricity power lines to Project facilities is neither described with particularity in the Revised IS/MND nor are the associated impacts analyzed. As the County's peer review consultants pointed out, because

PG&E would not construct these lines 'but for' the project [...] PG&E line construction is a connected action and must be reviewed at least at the planning level in this ISMND. The route, approximate number of new poles, time of construction, vegetation clearing including tree removal, grading, temporary road construction to access each pole site, etc., needs to be disclosed and analyzed in this ISMND.<sup>95</sup>

The Revised IS/MND does not provide the requested detailed information concerning utility line extension to Project facilities. Additionally, despite a request from the County's peer review consultant, the applicant still has not produced a letter from PG&E confirming that utility infrastructure will be extended to the Project facilities.<sup>96</sup>

4. Disregarded Water Supply and Related Impacts

Petitioners have previously commented that the Project's heavy reliance on groundwater could cause potentially significant impacts to hydrologically connected aquatic resources.<sup>97</sup> The Revised IS/MND attempts to bolster an otherwise unsupported analysis of Project impacts to groundwater resources and hydrologically connected surface water resources. The only further support offered for the assertion that the wells will rely solely on groundwater in a hydrologically disconnected "perched aquifer" is a conclusory letter from the applicant's well driller that has now mysteriously appeared.

(a) The Conclusions in the Revised IS/MND Regarding "Hydrologic Connectivity" Between Groundwater and Surface Water Are Unsupported.

In January 2018, during his review of the "second Initial Study (IS) submittal," dated December 16, 2017, County Supervising Planner Steve Werner stated that:

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<sup>95</sup> See *ibid.*

<sup>96</sup> See Exh. F, Memo #1, p. 8 ["Provide a letter or communication from [PG&E] describing how they plan to provide power to each site"]; see also Revised IS/MND, pp. 10, 182, 229, 237; see also generally Appendix to Revised IS/MND.

<sup>97</sup> See, e.g., Petitioners' initial comments on original IS/MND, dated Aug. 17, 2020, pp. 3, 15; see also Petitioners' Supplemental Comments on Original IS/MND, dated Sept. 10, 2020, pp. 15-18.

The conclusion of the IS with respect to impacts on ground water supplies cannot be supported with the facts provided. Consultation with an engineering geologist is needed to fully document the groundwater supply and impact from the proposed cultivation. It needs to be demonstrated that the wells are not hydrologically connected to the water flow of the river.<sup>98</sup>

Also in January 2018, CDFW commented in its capacity as Trustee Agency that:

If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW recommends that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the nonjurisdictional letter issued by CDFW.<sup>99</sup>

The County's peer review consultants also recognized the need for the applicant to substantiate the claim that the wells are hydrologically disconnected from surface water supplies, and told the applicant to provide this required substantiation in July 2018, more than two years before the Revised IS/MND was finalized and reduced for public review. Specifically, the consultant stated:

Please refer to County's letter dated January 15, 2018 regarding substantiating the claim that the wells are not hydrologically connected to the water flow of the river. We see the letter in the Appendix from Fisch Drilling, however, the County will want to see testing or a technical study to document the existing groundwater supply and anticipated impacts as a result of the new wells and anticipated usage; and to demonstrate that all of the wells are not hydrologically connected. The letter from Fisch drilling needs to be substantiated. CDFW is the Agency [that] determines if the proposed wells will have connectivity with onsite water sources.<sup>100</sup>

And again, in February 2019 comments to the applicant, County planning staff directed the applicant to "[d]escribe the hydrological connectivity of the wells proposed for irrigation use."<sup>101</sup> In September 2020, after the Planning Commission decided to continue its consideration of the Project for approval, a CDFW official once again commented that the

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<sup>98</sup> See Exh. D – Letter from Supervising Planner Steve Werner to Project applicant, dated January 15, 2018, p. 5.

<sup>99</sup> See Exh. E – CDFW CEQA Referral Checklist for RMR Project, dated Jan. 24, 2018, p. 2.

<sup>100</sup> See Exh. F – Memo #1, p. 9, emphasis added. The letter from the County to the applicant dated January 15, 2018 was not produced in response to Petitioners' initial request for public records. Petitioners obtained this letter through a subsequent request for public records that requested this document specifically.

<sup>101</sup> See Exh. H – NRM Response to County Comments on Draft IS/MND, dated Jan. 22, 2020, p. 5.

IS/MND lacks the required substantiation for the assertion that the Project wells are not hydrologically connected to surface waters.<sup>102</sup>

Despite repeated requests for required factual support and transparent analysis for the assertion that the Project wells are hydrologically disconnected from surface waters, the original IS/MND relied upon a mischaracterization of a February 2018 letter from Fisch Drilling as the *sole* support for the conclusion that the Project will have no significant impacts to groundwater or to surface water supplies.<sup>103</sup> Similarly, according to the August 20, 2020 staff report to the Planning Commission, the determination in the Revised IS/MND that the three Project wells are hydrologically disconnected from surface waters is based *solely* on the single inconclusive and unsupported letter, dated February 15, 2020, from Fisch Drilling.\*<sup>104</sup> This letter, which was sent to the County *before* the three project wells were drilled, states:

These wells will be completed in the Franciscan Sandstone; the wells will most likely be drilled into a perched bedrock with little to no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer. [¶]  
Considering the depth of the well it appears to fall in line with the guide lines of a nonjurisdictional well of similar depth in the surrounding area.<sup>105</sup>

Again, despite the County's and CDFW's clear direction and repeated specific comments on the subject, hydrologic connectivity of the Project wells to surface waters has *never* been properly investigated by a engineering geologist nor has a substantiating report been prepared. The Revised IS/MND not only fails to provide the required (and specifically requested) substantiation, but now introduces another letter from the Project applicant's drilling consultant, Fisch Drilling (supposedly dated April 6, 2020<sup>106</sup>), as evidence supporting its claim that the wells are not hydrologically connected to surface water.

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<sup>102</sup> See Exh. J – Email from Greg Mc'Onnell at CDFW to County planner Meghan Ryan, dated September 10, 2020 [commenting that the IS/MND lacks substantiation for the assertion that the Project wells are not hydrologically connected to surface water].

<sup>103</sup> See original IS/MND, pp. 152, 198.

<sup>104</sup> See Staff Report to Planning Commission for August 20, 2020 meeting, p. 4.

\*Note: Again, if the April 2020 Fisch Drilling letter existed prior to the release of the staff report, then why does the staff report only cite to the February 2018 letter from Fisch Drilling? Petitioners' are understandably skeptical of this new self-serving and unsupported evidence from the applicant's well driller.

<sup>105</sup> See Appendix E to Staff Report, Letter from David Fisch at Fisch Drilling to Andy Machata, dated Feb. 15, 2018, emphasis added.

<sup>106</sup> The April 2020 letter from Fisch Drilling was not cited in the original IS/MND and was not cited in the staff report for the August 20, 2020 Planning Commission meeting. Petitioner submitted a request to public records to the County on September 4, 2020 and the second letter from Fisch Drilling was not produced by the County in response to this request. If the second letter from Fisch Drilling existed prior to the initial release of the original IS/MND and prior to Petitioners' PRA request, it presumably would have been included as an exhibit to the original IS/MND and would have been produced in response to Petitioners' PRA request. If this matter is pursued in

According to David Fisch at Fisch Drilling who drilled the wells “The wells were completed in the Franciscan Sandstone. The wells are drilled into perched bedrock with no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer. [¶] Considering the depth of the well, it appears to fall in line with the guidelines of a non-jurisdictional well of similar depth in the surrounding area”.<sup>107</sup>

The Revised IS/MND does not describe the qualifications of Mr. Fisch to make the determination regarding hydrologic connectivity nor does it describe the methods Mr. Fisch used to make this determination. The Revised IS/MND does not include any other substantiation for the conclusions reached in the letter and quoted in the analysis. This unsubstantiated and unsupported opinion does not constitute substantial evidence supporting the conclusion that the Project will “clearly” have no significant impacts to groundwater supplies, surface waters, or to aquatic resources, as required under CEQA’s “fair argument” standard of review. Thus, even as corrected with the new evidence (i.e., the second conclusory letter from Fisch Drilling), the Revised IS/MND does not and cannot provide substantial evidence necessary to support the conclusion that the Project’s heavy sole reliance on year-round groundwater pumping will not cause any significant impacts to surface waters (e.g., the Eel River, springs, streams, and wetlands), aquatic resources, and species dependent upon such waters and resources.

Petitioners retained hydrogeologists to evaluate the sufficiency of the Initial Study analysis of impacts that may be caused by Project-related groundwater withdrawal. The experts at PWA have concluded that 1) the sustained yield of these wells and their potential hydrologic connection to nearby surface water features and aquatic resources has never been properly investigated and that 2) the short-term pump tests for the three Project wells were not conducted during the appropriate dry season defined in County regulations.<sup>108</sup>

(b) The Potential for Groundwater Pumping to Cause Impacts to Surface Waters and Aquatic Resources Must Be Analyzed and Either Avoided or Mitigated.

According to the thorough report on groundwater resources in the Eureka area (including within the Project area) prepared by the United States Geological Survey (“USGS”) in

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litigation, Petitioners will seek discovery concerning the origin and date of submission of the second Fisch Drilling letter to the County.

<sup>107</sup> See Revised IS/MND, p. 197 [purporting to quote the letter from Fisch Drilling], *see also* Appendix E to IS/MND, second letter from Fisch Drilling with conclusory statements re hydrologic conductivity.

<sup>108</sup> See Exh. B, PWA Memo, pp. 3-4.



1959, the fractured Franciscan Sandstone formation underlying much of the Project site is likely to bear relatively little groundwater.<sup>109</sup> Indeed,

The oldest rocks exposed [within the Eureka area] are undifferentiated sedimentary and metamorphic rocks of the Franciscan and Yager formations of Jurassic and Cretaceous age. These rocks crop out in the hills and mountains along the east and south edges of the area and underlie most of the mountainous drainage area. However, they do not yield appreciable amounts of water to wells.<sup>110</sup>

The above information directly refutes the unsupported assertions in the Revised IS/MND that 1) the Project's three wells can sustainably pump over 4,000,000 gallons a year without depleting groundwater resources and without diverting from surface waters such as tributary streams and wetlands and 2) the Project will have no significant impact on groundwater supplies.<sup>111</sup> Furthermore, to the extent the Project's use of limited available groundwater depletes or adversely affects the quantity and quality of surface water wetlands, streams, and tributaries (e.g., to adjacent Beatty Creek or to the downslope Eel River), the use of Project wells may also cause significant impacts to biological resources (e.g., fish, birds, and other wildlife) that depend upon those impacted surface waters (discussed further below).

The USGS further found what relatively little groundwater there is to be found in Franciscan formations "occurs along fault zones, in landslide debris, and in joints" and that this water is "discharged in springs or through seepage zones."<sup>112</sup> This finding, while admittedly dated, constitutes substantial evidence that the groundwater the Project will depend upon is hydrologically connected to surface waters and that extracting this groundwater may reduce the discharge of groundwater underlying the three Project well sites to nearby "springs and seepage zones." The geology of the area has not changed appreciably since the report was written in 1959. Further, given increased water demand, prolonged droughts, and the effects of climate change, groundwater availability in these zones cannot possibly have improved.

The applicant and County can use available modelling tools and field techniques to determine or estimate whether and to what degree any of the three Project wells can potentially impact surface waters. For example, USGS Circular 1376 addresses situations where groundwater pumping from wells having a hydrological connection to surface waters may cause

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<sup>109</sup> See generally USGS (prepared in cooperation with the California Department of Water Resources), Water-Supply Paper 1470, Geology and Ground-Water Features of the Eureka Area Humboldt County, California (1959), pp. 1, 3-4, 7, 11-12, available at: <https://pubs.usgs.gov/wsp/1470/report.pdf>, accessed 10/01/20.

<sup>110</sup> See *id.* at p. 12; see also *id.* at p. 13 [Table 1, stating Franciscan Sandstone of the Jurassic age is "Consolidated; not tapped by wells, probably contains *some* water in fractures and in deeply weathered rocks," emphasis added].

<sup>111</sup> See Revised IS/MND, pp. 196-198.

<sup>112</sup> See USGS Water Supply Paper 1470, *supra*, p. 14.

a decline in those surface waters.<sup>113</sup> The circular recommends several modeling and field techniques that can be used to determine whether groundwater pumping from a specific well can potentially impact nearby surface waters.<sup>114</sup> The analysis of this Project's impacts to surface waters should employ modeling and investigation, not rely on speculation and the summary self-serving and unqualified conclusion of the applicant's well drilling company.

USGS Circular 1376 summarizes the "Components of streamflow depletion" as follows:

Both captured groundwater discharge and induced infiltration of streamflow result in reductions in the total rate of streamflow. Streamflow depletion, therefore, is the sum of captured groundwater discharge and induced infiltration. Captured groundwater discharge is often the primary component of streamflow depletion, but if pumping rates are relatively large or the locations of withdrawal relatively close to a stream, then induced infiltration may become an important component of streamflow depletion.<sup>115</sup>

The required EIR must carefully examine all the ways in which the Project's three Wells can cause streamflow depletion.

Because there is evidence of a hydrologic connection between Project wells and surface water features, the Project may be subject to forbearance of groundwater pumping during certain times of year under the State Water Resource Control Board's Cannabis Cultivation Policy.<sup>116</sup> Without an alternative water supply, this forbearance policy may preclude the Project from operating year-round.

Staff has recommended informal, unenforceable mitigation in the event the three wells cannot provide sufficient supply: to either (1) find a secondary source of water or (2) curtail the size of the Project.<sup>117</sup> Even if such statements in a staff report could be construed as an enforceable mitigation measure, such a measure cannot serve as a substitute for the Revised IS/MND's deficient analysis of impacts to water supply. In the seminal *Vineyard Area Citizens* case, the California Supreme Court, rejected the argument that a similar adopted mitigation

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<sup>113</sup> See generally USGS Circular 1376, Streamflow Depletion by Wells—Understanding and Managing the Effects of Groundwater Pumping on Streamflow, available at: [https://pubs.usgs.gov/circ/1376/pdf/circ1376\\_barlow\\_report\\_508.pdf](https://pubs.usgs.gov/circ/1376/pdf/circ1376_barlow_report_508.pdf), accessed Sept. 24, 2020.

<sup>114</sup> See *id.* at p. 35, 50, 54.

<sup>115</sup> USGS Circular 1376, p. 76 [Conclusion].

<sup>116</sup> See SWRCB, Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation, 2019, p. 13, available at: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_policy.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html), accessed 12/28/20.

<sup>117</sup> See Staff Report to Planning Commission for August 20, 2020 meeting, p. 4.

measure could substitute for a reasoned discussion of the availability of a project's projected water supply.<sup>118</sup>

## 5. Undisclosed Biological Resource Impacts

As CDFW pointed out in its comments on the Revised IS/MND, the analysis does not consider the Project's potentially significant impacts to a number of plant and wildlife species that are known to be present in the Project area.<sup>119</sup> The level of survey investigation conducted here does not even meet CEQA's minimum standards.<sup>120</sup> The Revised IS/MND then uses the determination of no significant Project impacts to species as well as the lack of supporting factual information concerning potentially significant impacts to determine that only limited mitigation is necessary to reduce impacts to less-than-significant levels.<sup>121</sup> This is not the level of impact analysis that CEQA requires.

### (a) Inadequate Surveys to Provide Baseline Information

Establishing an accurate environmental baseline is the starting point for any sound impact analysis. The Revised IS/MND dismisses the possibility of Project impacts without ever having conducted the required surveys for numerous wildlife and rare plant species and after disregarding evidence indicating the likelihood of significant impacts. In its comments on the original IS/MND, CDFW noted that the impact analysis lacked sufficient wildlife survey and wetland delineation information to establish an accurate environmental baseline against which the Project's impacts can be measured.<sup>122</sup> CDFW is correct. The Revised IS/MND fails to determine whether such species and rare plants are present or potentially present throughout the entire area where Project-related construction and operation will occur. Without this information, neither the County nor CDFW have the information required to make their respective permitting decisions with the full environmental impacts of the Project in consideration. Because CEQA requires coordination between agencies when preparing the environmental impact analysis,<sup>123</sup> the Revised IS/MND remains inadequate.

The Appendix to the Revised IS/MND contains a Botanical Survey Report and worksheets for surveys for the Northern Spotted Owl ("NSO"). The Appendix, however, does

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<sup>118</sup> See *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 444.

<sup>119</sup> See CDFW comments on IS/MND, dated August 17, 2020, p. 2.

<sup>120</sup> See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1398 ["CEQA simply requires that the public and public agencies be presented with adequate information to ensure that 'decisions be informed, and therefore balanced.' "], quoting *Al Larson Boat Shop, Inc. v. Bd. of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 748.

<sup>121</sup> See Revised IS/MND, pp. 108-157.

<sup>122</sup> See CDFW comments on IS/MND, dated August 17, 2020, pp. 2-4.

<sup>123</sup> See *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 936, quoting Public Resources Code, § 21003(a).

not include the referenced “revised Biological Report”<sup>124</sup> or any other comprehensive report that describes the qualifications of the biologists involved in conducting surveys and preparing the reports that underly the analysis of Project-related impacts to biological resources.<sup>125</sup> This revised Biological Report, while not included among the appendices to the Revised IS/MND, is part of the administrative record for this Project.

The 2018 Botanical Survey Report that was included as an appendix to the original IS/MND reveals that field surveys were only conducted by botanist Claire Brown on May 28 and July 3, 2018, at the greenhouse sites only and were not conducted along the Project access roads (where Project-related unspecified “upgrades” are planned).<sup>126</sup> Further, this report reveals that the two surveys were conducted mid-growing season and not spaced throughout the growing season as recommended in CDFW’s protocol.<sup>127</sup> The Appendix also does not include any information concerning the surveys conducted for Golden Eagle and other special status species.

The Revised IS/MND now includes an additional 2020 Botanical Survey Report.<sup>128</sup> The 2020 Botanical Survey Report purports to address the Project’s potentially significant impacts to botanical resources within a depicted “study area.”<sup>129</sup> The 2020 Botanical Survey Report is silent with respect to the earlier surveys and states that the “Surveys took place on May 9th, 2019, June 16th, 2020 and June 25th, 2020.”<sup>130</sup> The 2020 surveys purport to have included surveys along the Project access road from the McCann bridge. The 2020 Botanical Survey Report does not reveal how the surveys along the access road were conducted (e.g., on foot or from a moving vehicle) or whether those surveys took account of the areas that would be impacted by the numerous newly proposed roadway widening improvements. This Report also reveals that no botanical surveys were conducted between the facility sites and the Alderpoint Road alternative access routes.

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<sup>124</sup> See Revised IS/MND, pp. 95, 245 [referencing November 2018 revised Biological Report].

<sup>125</sup> NRM, the applicant’s consultant, submitted a revised Biological Report to the County on July 30, 2018. A later version of this report is listed as a reference in the Revised IS/MND.

<sup>126</sup> See Appendix I to original IS/MND, Botanical Survey Report, 2018, pp. 8-11. The cover page for Appendix I describes a Botanic Survey Report dated 2019, but the report itself states that it was prepared in July 2018.

<sup>127</sup> See CDFW, Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (2018), p. 6 [“Space botanical field survey visits throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the project area (e.g. in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present”], available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>, accessed 11/19/20.

<sup>128</sup> See Appendix I to Revised IS/MND, Botanical Survey Report, Supplemental to Botanical Survey report prepared by NRM in July 2018, August 2020 (Revised Oct 15, 2020). p. 23.

<sup>129</sup> See *id.* at Figures 1 through 6.

<sup>130</sup> See *id.* at p. 23.



Surveys for Golden Eagle were conducted in spring and summer, not in within the period that CDFW specifically recommends, January and February.<sup>131</sup> Because CDFW also noted in its comments that “[t]his Project has potential high use areas for birds of prey including, ... golden eagle ...”, it is imperative that sufficient surveys are conducted.<sup>132</sup> Without the necessary surveys, sound analysis of the Project’s impacts to protected species is impossible. For these reasons, the Revised IS/MND did not adequately analyze the Project’s potential to impact a number of special status species, including the Golden Eagle.

Appendix M to the Revised IS/MND is a report concerning a wetland delineation performed on a portion of the Project site in 2020. Unfortunately, the wetland delineation did not cover all areas that would be disturbed by Project construction and operation activities.<sup>133</sup> The wetland delineation, for example, did not include a full delineation for the wetland features adjacent to the access road culverts that will be replaced and adjacent drainage areas. Evidence in the administrative record suggests that wetland areas may be present in areas near road culverts.<sup>134</sup> This too is despite CDFW’s specific request for a full wetland delineation in its comments on the original IS/MND:

[A] formal wetland delineation of the entire Project area using accepted methods and procedures was not included in the IS/MND. CDFW is also concerned that the wetland delineation has not yet covered the entire Project area. The IS/MND should be revised to include the results of complete Project area wetland delineation ....<sup>135</sup>

The wetland delineation report includes the conclusory statement that “the investigation was conducted in full accordance with [USACE] requirements].” However, the Revised IS/MND does not comply with a number of these requirements.

In addition, the wetland delineation report depicts the location of wetlands on the Project site differently than does the Revised IS/MND.<sup>136</sup> The Revised IS/MND appears to identify wetlands that were not identified in the wetland delineation report. These additional

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<sup>131</sup> 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>; see also U.S. FWS, Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations, Pagel, et al. (2010), available at: [https://www.fws.gov/southwest/es/oklahoma/documents/te\\_species/wind%20power/usfws\\_interim\\_goea\\_monitoring\\_protocol\\_10march2010.pdf](https://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfws_interim_goea_monitoring_protocol_10march2010.pdf), accessed 11/13/20.

<sup>132</sup> Notably, the Revised IS/MND acknowledges that a golden eagle was observed flying across the Project site on July 16, 2018. See Revised IS/MND, p. 119.

<sup>133</sup> See Exhibit M to Revised IS/MND, Delineation of Waters Report; July 2020, NRM, p. 4 [delineation covered only a “portion” of the Project site], 6 [Figure 1].

<sup>134</sup> See, e.g., NRM, Revised Biological Report, dated July 30, 2018, pp. 6, 12-13, 16-18.

<sup>135</sup> See CDFW Comments on the original IS/MND, dated Aug. 17, 2020, pp. 3-4.

<sup>136</sup> Compare, e.g., Revised IS/MND, Figures 40 and 42 with Appendix M to Revised IS/MND, pp. 7-9, Figures 2 and 4.

wetlands may be those identified in the 2018 Biological Report for this Project (that was not included in the IS/MND appendices).<sup>137</sup> The wetland delineation report in Appendix M of the Revised IS/MND does not describe how the two study areas were defined. These discrepancies and inadequacies must be resolved in the revised analysis.

(b) The Analysis of Impacts to Rare Plants, Special Status Species, Wetlands, and Other Aquatic Resources is Incomplete and Inaccurate.

The Revised IS/MND fails to adequately analyze the Project's potentially significant impacts to biological resources. The shortcomings in the analysis stem from an incomplete description of the Project, incomplete surveys to establish the environmental baseline, and disregarded evidence concerning the presence (or potential presence) of protected habitat and species.

The Revised IS/MND includes a new analysis entitled "Assessment of Road Improvement and Maintenance Activity Impacts to Botanical Resources" prepared in October 2020. While the road assessment acknowledges that "[d]uring the winter months, when access via the bridge is not feasible, the Project area can be accessed via Alderpoint Road," the analysis does not actually include an assessment of potential impacts to botanical resources by necessary roadway and drainage improvements along the alternative access route over private ranch roads to Alderpoint Road.<sup>138</sup> This document also does not assess the full impact of road improvements to botanic resources because it does not acknowledge the number and scope of the improvements that would be required to bring the roads up to "Category 4 or equivalent" standards. Instead, the assessment relies upon the improper (and substantially narrower) Category 2 standard.

The Revised IS/MND acknowledged that "completion of the project will result in unavoidable impacts [to wetlands]."<sup>139</sup> This statement and the analysis that follows it, however, only addresses the Projects *direct* impacts on wetlands (i.e., from the Project footprint itself and from close proximity to Project construction), it does not address or acknowledge the potentially significant *indirect* impacts to wetlands and riparian habitat from encroachment of the Project facilities within the buffer areas recommended by CDFW.<sup>140</sup>

Further, the vague description for possible compensatory mitigation measures for direct impacts to wetlands lack specific performance standards and constitute improper deferral of

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<sup>137</sup> See NRM, Revised Biological Report, dated July 30, 2018, pp. 6 [photo of wetland vegetation adjacent to ephemeral pond], 19.

<sup>138</sup> See Appendix I to Revised IS/MND, Assessment of Road Improvement and Maintenance Activity Impacts to Botanical Resources (Oct. 2020), Figure 1 (Depicting RPs where surveys were conducted).

<sup>139</sup> Revised IS/MND, p. 146.

<sup>140</sup> See Revised IS/MND, pp. 145-148 [indicating use of 100-foot buffer for wetlands and a 150-foot buffer for the Eel River, rather than the CDFW recommended buffers of 150 feet and 200 feet, respectively].

mitigation under CEQA.<sup>141</sup> Thus, while the Revised IS/MND acknowledges a potentially significant direct impact, it ignores indirect impacts to wetlands, and it fails to propose specific enforceable mitigation to reduce both direct and indirect impacts to less-than-significant levels.

With respect to the Project's potential to impact the foothill yellow-legged frog (a species listed as endangered or threatened for several geographical regions in CA under the California ESA and a species of special concern within the Project area),<sup>142</sup> the Revised IS/MND inaccurately states that "[t]his species was not observed during surveys of the project areas."<sup>143</sup> However, according to the 2018 Biological Report prepared by NRM, the applicant's consultant, this species was in fact observed, heard, and even captured at multiple locations on the Project site.<sup>144</sup> This discrepancy between the Revised IS/MND and the underlying survey data must be resolved.

In its July 2018 memorandum, the County's peer review consultant specifically recommended that "[t]he location of the culvert with temporary water where foothill yellow-legged frog was observed should be mapped and explained in relation to the project" in the Revised IS/MND.<sup>145</sup> Yet, despite this specific request for pertinent and accurate baseline information, both the original IS/MND and the Revised IS/MND completely deny the biologist's observation of any yellow-legged frogs on the Project site.<sup>146</sup>

This species was not observed during surveys of the project areas. The watercourses in the project areas (with the exception of the eel River) are

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<sup>141</sup> See *id.* at pp. 148, 152-154.

<sup>142</sup> See 14 C.C.R. § 670.5(a)(D)(E)(F) [endangered listings for this species], 670.5(b)(I), (J); see also CEQA Guidelines, § 15380(b)-(d); see also CDFW Report to the Fish & Game Commission, A Status Review of the Foothill Yellow-Legged Frog in CA (09/20/2019), p. 4 ["The scientific information available to the Department indicates that Foothill Yellow-legged Frog faces varying degrees of imperilment throughout its range. The Department recommends that the Commission find that the petitioned action to list Foothill Yellow-legged Frog as threatened is warranted for the Feather River and Northeast/Northern Sierra clades; that the East/Southern Sierra, West/Central Coast, and Southwest/South Coast clades be listed as endangered; and that listing of the Northwest/North Coast clade is not warranted at this time."], available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174663&inline>, accessed 12/06/20; see also CDFW Press Release re Fish & Game Commission Listing Decision for the Foothill Yellow-legged Frog (12/12/2019), available at: <https://cdfgnews.wordpress.com/tag/foothill-yellow-legged-frog/>.

<sup>143</sup> See *id.* at p. 137.

<sup>144</sup> See NRM, Revised Biological Report, dated July 30, 2018, pp. 6, 12-13, 16-18. The Revised IS/MND cites a revised Biological Report dated November 2, 2018, but does not include this document in the Appendix. As a referenced resource that purports to support the analysis of impacts, this document should have been made available to the public for review during the comment period.

<sup>145</sup> See Exh. F – Memo #1, p. 6.

<sup>146</sup> See Revised IS/MND, pp. 95 [stating that, during the surveys conducted by NRM biologists on October 16, 2017, "No special status species were found"], 137 [discussion of the Project's potential impacts to yellow-legged frog].

unlikely to support foothill yellow-legged frog as they are not permanent (dry by June) and breeding habitat is suboptimal with no rocky substrate.<sup>147</sup>

Because this species has been confirmed to actually be present on the Project site, the impact analysis regarding foothill yellow-legged frog is therefore also inaccurate. The revised analysis must acknowledge the Project's potential to significantly impact this special status species, known to be present on the Project site, and must propose project design changes to avoid impacts to upland areas adjacent to wetlands (within mandatory set back / buffer areas) and, to the extent avoidance does not reduce impacts to less-than-significant levels, the required EIR must propose specific, enforceable mitigation measures to minimize such impacts.<sup>148</sup>

The Revised IS/MND did not consider potentially significant impacts to biological resources that may be caused by the Project's heavy reliance on potentially hydrologically connected groundwater. The 4,628,200 gallons of estimated annual water demand may draw down the water table, potentially reducing or eliminating nearby surface water resources or potentially causing changes in surface water temperature (discussed further below). Withdrawal of hydrologically-connected groundwater may result in depletion of surface water resources, thereby impacting special status species and other biological resources. For example, groundwater pumping could constitute a "diversion" of surface waters that adversely impacts the foothill yellow-legged frog, a special-status species known to be present on the Project site.<sup>149</sup> Of course, such impacts related to groundwater diversion would also affect other species reliant on surface water resources. The Revised IS/MND is silent with respect to how the plant and animal species that depend upon these water resources could be affected by intensive groundwater pumping in an area dominated by Franciscan Sandstone and other sedimentary and metamorphic rock formations with limited potential for groundwater storage and a likelihood to discharge to surface waters. The required EIR for this Project must fully analyze these potentially significant impacts and propose adequate enforceable mitigation to minimize or eliminate them. Proposed Mitigation Measure Bio-15 is inadequate because, among other things, it allows the relocation of any found yellow-legged frogs *before* notification to CDFW.

The Revised IS/MND does not consider the impacts on surface waters, associated riparian habitat, and dependent species that may be caused by the Project's heavy, year-round, and sole reliance on groundwater. The required EIR must address all of this.

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<sup>147</sup> See *id.* at p. 137.

<sup>148</sup> See Exh. I – Letter from CDFW re Draft LSAA required Mattole River Cannabis Project, Draft LSAA, p. 5 [protective measures for foothill yellow-legged frog].

<sup>149</sup> See U.S. Dept. of Agriculture, Foothill Yellow-Legged Frog Conservation Assessment in California (2016), p. 44 ["Diversion of water may also result in modifications to stream habitat (e.g., local reaches may become less lotic in nature). Even small operations, such as those used to divert water for growing marijuana (*Cannabis sativa*), may have significant impacts on foothill streams with limited summer flows (Citation)."], available at: [https://www.fs.fed.us/psw/publications/documents/psw\\_gtr248/psw\\_gtr248.pdf](https://www.fs.fed.us/psw/publications/documents/psw_gtr248/psw_gtr248.pdf), accessed 11/24/20.



## 6. Overlooked Land Use Impacts

The large-scale Project in this remote greenfield location is inconsistent with the intent of the CMMLUO (and the arguably more appropriately applicable CCLUO). When these regulations were passed, the intent was to encourage large-scale cannabis projects in the relatively flat bottomlands of the County not in mountainous, undeveloped, timberland.<sup>150</sup>

The County's Supervising Planner summarized comments on an early draft IS/MND as follows:

The overarching issue is that our analysis of the [CMMLUO] indicates that the CMMLUO did not contemplate the wholesale conversion of a large tract of wildland area to industrial sized cannabis development, where the level of use and the level of impacts may not be consistent with what was envisioned by the CMMLUO; especially at locations without adequate access, public services, and fire protection. We are concerned that the proposed level of development, including establishing extensive human occupations where none currently exist, and the improvement of roads through wild land areas not previously developed to serve the level of development proposed by the project, can result in cumulative effects on the environment that cannot be reduced or mitigated to a level of insignificance.<sup>151</sup>

Several months later, the County's consultant reiterated the above comments and recommended that the Revised IS/MND be revised to address the Project's consistency with the County's land use regulations.<sup>152</sup>

In spite of these prior comments from the County and its peer review consultant, the Revised IS/MND does not address the Project's fundamental inconsistency with the letter and spirit of the CMMLUO (and with the later adopted CCLUO). Instead, the conclusory analysis states, without sufficient evidence or even a discussion, that the Project would have no impacts to land use and, more specifically, would cause no significant impacts due to a conflict with "any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."<sup>153</sup>

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<sup>150</sup> See Humboldt County Bd. of Supervisors, Resolution 16-14, General Plan Consistency Analysis and Findings, p. 2 ["[the CMMLUO] provides incentives for the retirement, remediation and relocation of existing cannabis cultivation operations to more suitable agricultural land where cannabis cultivation will have few if any environmental effects where the cultivation of field and row crops is a principally permitted use, while providing strong guarantees that the former TPZ cultivation site will be remediated and no future conversion of timberland will occur"].

<sup>151</sup> See Exh. D – Letter from Supervising Planner Steve Werner to Project applicant, dated January 15, 2018, p. 1.

<sup>152</sup> See Exh. F – Memo #1, p. 9.

<sup>153</sup> See Revised IS/MND, pp. 202-203.

The short, unelaborated discussion of potentially significant land use impacts does not address 1) the Project's inconsistency with the CMMLUO based on the conversion of wildlands to an intensive commercial operation and 2) the Project's contribution to cumulative effects caused by the improvement of roads through wildland areas. Again, the County's comments on the draft IS/MND appear to have been ignored or disregarded.

Under both the CMMLUO and the CCLUO, this new Project should not even be possible because most of the Project parcels are designated within a Timber Production Zone ("TPZ").<sup>154</sup> Both the CMMLUO and the CCLUO prohibit new commercial cannabis operations on TPZ property.<sup>155</sup> While the footprints of greenhouses and other Project buildings will technically be just outside the TPZ, to have adequate access and meet fire safe regulations, the Project will require substantial modifications to access roads that cross TPZ areas on the Project site. The Revised IS/MND is silent with respect to this restriction.

Because the Project is inconsistent with applicable land use regulations, the required EIR must disclose those inconsistencies and propose Project changes or mitigation measures to avoid or reduce the impacts to the extent feasible. If the inconsistencies with land use regulations cannot be avoided or rendered insignificant, then the Planning Commission should deny the application for the six CUPs for this Project.

7. Omitted Consideration of Water Quality Impacts from Groundwater Pumping and Access Road Drainage Improvements

Year-round pumping of groundwater from the Project's three wells could cause impacts to hydrologically connected surface waters. According to USGS Circular 1376:

One of the important concerns associated with streamflow depletion by wells is the effect of reduced groundwater discharge on the quality of affected surface waters. Groundwater discharge affects the chemistry of surface water and plays an important role in regulating stream temperature, which is a critical water-quality property [citations].<sup>156</sup>

The USGS circular confirms that "reductions in the rates of groundwater discharge to streams caused by pumping can warm stream temperatures during the summer and cool stream temperatures during the winter."<sup>157</sup> The required EIR must also analyze the Project's impacts on water quality, as it relates to intensive year-round groundwater pumping.

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<sup>154</sup> See *id.* at p. 47 [Figure 20].

<sup>155</sup> See HCC (CCLUO), §§ 55.4.5.1.3, 55.4.6.5, 55.4.6.5.6; see also Resolution 18-40 (Certifying EIR for CCLUO, p. 8; see also HCC, § 55.4.9 [Permit Types, Table summarizing permits types under the CMMLUO]; see also MND for CMMLUO, pp. 9 ["New operations on TPZ-zoned land will not be permitted under this ordinance"].

<sup>156</sup> See USGS Circular 1376, p. 35.

<sup>157</sup> See *ibid.*

The Revised IS/MND also did not analyze the impacts to water quality that may result from necessary access road improvements. Many of the necessary roadway and drainage improvements were not even identified until after the original IS/MND was prepared and released for public review. Now improvements to meet Category 2 standards have been identified, but the analysis concerning potentially significant water quality impacts has not been modified to reflect the much larger area of disturbance now being proposed.<sup>158</sup> To bring the access roads up to the required "Category 4 or equivalent" standard, there would be even greater potentially significant impacts to water quality that have not been disclosed in the Revised IS/MND.

8. Superficial "Analysis" of the Project's Contribution to Cumulative Impacts

As Petitioners pointed out in their initial comments concerning the Revised IS/MND submitted in August, and again in their supplemental comments submitted in September, the Revised IS/MND fails to identify the relevant past, present, and probable future projects considered in the cumulative impacts analysis.<sup>159</sup> As with the Project description deficiencies identified above, the Revised IS/MND did not incorporate recommendations from the County's peer review consultant concerning the cumulative impacts analysis.<sup>160</sup>

The cumulative impacts analysis should be revised to cure these core deficiencies. When revising the analysis in the required EIR, consider consolidating the discussion of cumulative impacts, so that the Project's contribution to cumulative impacts in all categories can be readily ascertained. The Revised IS/MND for the recently approved Hills commercial cannabis project provides a good example of a consolidated analysis of cumulative impacts.<sup>161</sup> That analysis provides much more detail concerning the multiple pending and approved projects that were considered. The analysis of cumulative impacts should also consider this Project's impacts in connection within the overall commercial cannabis permitting program, rather than in isolation. The County prepared a Mitigated Negative Declaration for the CMMLUO that purported to analyze the environmental impacts of the County's former permitting program as a whole. That document did not identify the total number discretionary permits that the County expected would be issued under the CMMLUO for cannabis projects nor did it purport to analyze the impacts of large scale new commercial cannabis projects subject to the conditional use permit requirement.<sup>162</sup>

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<sup>158</sup> See Revised IS/MND, pp. 15, 49, 51, 194-196, 199.

<sup>159</sup> See Petitioner's initial comments on the IS/MND, dated August 17, 2020, pp. 3, 16-17, 19; *see also* Petitioners' supplemental comments on the IS/MND, dated Sept. 10, 2020, p. 18.

<sup>160</sup> See Exh. F – Memo #1, p. 13.

<sup>161</sup> See, e.g., Exh. K – Cumulative Impacts Analysis for the Hills Commercial Cannabis Project (listing past, present, and future projects and discussing that project's contribution to various types of impacts).

<sup>162</sup> See, e.g., IS/MND prepared for CMMLUO, pp. 26-29, 31, 33.

Still more permits will be issued for cannabis projects under the CCLUO. In May 2018, in conjunction with approving the CCLUO, the County adopted Resolution 18-43, which resolution set caps on the number of permits that could be issued in each region of the County, including within the Middle Main Eel River watershed. This Resolution set a cap of 360 permits, allowing for 125 acres of cultivation, for the area wherein which the Project will be located.<sup>163</sup> The analysis of cumulative impacts should consider this Project's contribution towards cumulative impacts in the context of intensive commercial cannabis development activities under both the CMMLUO and the CCLUO permitting regimes.

Accordingly, the EIR required for this Project must provide a substantially more robust analysis of the Project's contribution to cumulatively considerable impacts.

**E. The Revised IS/MND Downplays the Project's Growth Inducing Impacts.**

The Revised IS/MND concludes, without support evidence, that the Project will not cause growth inducement impacts.<sup>164</sup> However, as the peer review consultant pointed out, the Project may contribute to growth inducement in several ways. Expansion of roads required for this Project (i.e., to Category 4 or equivalent standards) could lead to more development of this remote area. This development could, include, for example, expansion of the proposed Project to include still more wells and additional greenhouses and processing facilities (potentially processed at a ministerial level, at most, without any additional environmental review). Alternatively, the Project's commercial success could precipitate subdivision of the 6,500-acre Rolling Meadow Ranch into either residential or commercial development. The required EIR should consider the Project's potential to induce growth in the currently largely undeveloped and environmentally sensitive hillsides adjacent to the Eel River.

**F. The MND Does Not Incorporate Adequate Project Design Features and Mitigation Measures to Ensure the Project will Have Less Than Significant Impacts.**

To be adequate under CEQA, proposed mitigation measures must be described in detail, and must enforceable. The Revised IS/MND assumes, with insufficient factual support, that vaguely described "BMPs" and other measures will reduce various impacts to less-than-significant levels.<sup>165</sup> As explained above and in Petitioners' prior comments, the Project will cause potentially significant impacts to air quality, traffic safety, public services, biological

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<sup>163</sup> See County Resolution 18-43, adopted May 8, 2018, available at: <https://humboldt.gov/2124/Medical-Marijuana-Land-Use-Ordinance>.

<sup>164</sup> See Revised IS/MND, pp. 188, 212-213.

<sup>165</sup> See, e.g., Revised IS/MND, pp. 55, 57 [conclusory discussion of avoidance of potentially significant construction period-air quality impacts through compliance with BMPs], 188 [discussion of avoidance of hazards through compliance with BMPs].

resources, water supply, water quality, and land use. These impacts must be mitigated to the extent feasible.<sup>166</sup>

Some of the mitigation measures described in the Revised IS/MND are inadequate under CEQA. For example, Mitigation Measure Bio-1 is unclear -- if sensitive plant species are found during the surveys at Facilities #6 - #9 will those facilities never be constructed? Additionally, the proposed Mitigation Measure Bio-15 for the foothill yellow-legged frog is not sufficiently protective of the species because it allows any frogs found during pre-construction surveys to be relocated prior to contacting CDFW.<sup>167]</sup>

The Revised IS/MND states that the Project "will be powered by grid power derived from 100% renewable resources as provided by the Redwood Coast Energy Authority Repower+ program. However, there is no measure or condition that would require the Project to use renewable energy sources. As with the Adesa project, the Planning Commission should require that 100% of all power necessary for regular operations and in the event of emergencies be generated by renewable sources within 2 years of operation."<sup>168</sup>

To avoid and minimize impacts to potentially hydrologically connected surface water features and aquatic resources, the County should also impose an adaptive management mitigation measure for the Project's three wells, such as the following:

Mitigation Measure: Annual groundwater monitoring and adaptive management.

The following requirement will be included as an additional performance associated wells that may be hydrologically connected with surface waters: As part of the annual inspection process, the operator shall provide the County with groundwater monitoring data for on-site well facilities that documents well production and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts to adjacent surface waters and indicate a connection to operation of the on-site wells, the operator, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule,

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<sup>166</sup> See *San Bernardino Valley Audubon Soc'y v. Metro. Water Dist.* (1999) 71 Cal.App.4th 382, 391 ["CEQA allows the use of a mitigated negative declaration only where the mitigation measures modify the potentially significant impacts of the Project "to a point where clearly no significant effects would occur..." [Citation.] If significant effects remain after mitigation, an EIR is required], quoting CEQA Guidelines, § 15070(b)(1).]

<sup>167</sup> See Jets THP attached to Revised IS/MND, p. 43 [more protective measure for FYLF contained in THP applicable to RMR].

<sup>168</sup> See Staff Report to County Board of Supervisors concerning appeal of Adesa project approvals, for Oct. 27, 2020 meeting, p. 2, incorporated herein by reference.

or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered based on annual monitoring data provided to the County as part of subsequent annual inspections.

To avoid potentially significant impacts to water quality and to biological resources in this sensitive area, the County should consider requiring organic cultivation practices.

The County must ensure that mitigation measures concerning potentially significant impacts to biological resources, including special status species, adopted by the County in connection with its adoption of the CCLUO are applied equally to this Project.<sup>169</sup> In addition, the EIR required for this Project should describe mitigation for significant air quality impacts, including offsite fugitive dust (PM 10 and PM 2.5) emissions on McCann Rd during construction and operation.

**G. The Required EIR Must Evaluate a Range of Alternatives That Includes a Reduced Size Alternative and an Alderpoint Road Access Route Alternative.**

When an EIR is required for a project, such as the proposed Project, that has the potential to significantly impact the environment, CEQA requires the lead agency to consider how those significant impacts can be avoided through the consideration of a reasonable range of project alternatives.<sup>170</sup>

Petitioners urge the County and the applicant to consider alternatives to the Project that include less intensive cultivation and processing activities, including a reduced size alternative. The required EIR should also evaluate, as a project alternative among the required reasonable "range of alternatives" that must be considered, a Project design that includes using Alderpoint Road as the primary access route and McCann Road for emergency purposes only.

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<sup>169</sup> See Humboldt County Bd. of Supervisors, Resolution 18-40.

<sup>170</sup> See *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 400 (*Laurel Heights I*) [ "One of [an EIR's] major functions . . . is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official"], quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197], emphasis in original.

**III. Conclusion: the Project's Significant Access Issues Justify Outright Denial of the Application for Six CUPs, and its Numerous Potentially Significant Impacts Require the Preparation of an EIR.**

As Petitioners' extensive factually-supported 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. Alternatively, the County has authority to deny the application for the six Conditional Use Permits required for the Project.

Very Truly Yours,



Jason Holder

cc: (Via e-mail only)  
Client contacts  
Greg O'Connell, CDFW biologist

Exhibits:

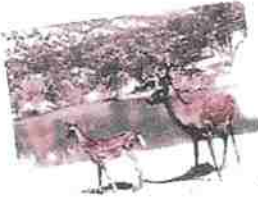
- Exh. A. 2014 Real Estate Listing for Rolling Meadow Ranch;
- Exh. B. PWA Rolling Meadow Comments, dated Dec. 28, 2020;
- Exh. C. Letter from Steve Salzman concerning Evaluation of McCann Road, dated Dec. 26, 2020;
- Exh. D. Letter from Supervising Planner Steve Werner to Project applicant, dated January 15, 2018;
- Exh. E. CDFW CEQA Referral Checklist for RMR Project, dated Jan. 24, 2018
- Exh. F. Transcon Environmental, Memorandum re Peer Review, dated July 23, 2018 ("Memo #1");
- Exh. G. Transcon Environmental, Memorandum re Peer Review – Project Description Deficiencies, dated July 23, 2018 ("Memo #2");
- Exh. H. NRM Response to County Comments on Draft Revised IS/MND, dated Jan. 22, 2020;
- Exh. I. Letter from CDFW re Draft LSAA required Mattole River Cannabis Project;
- Exh. J. Email from Greg Mc'Connell at CDFW to County planner Meghan Ryan, dated September 10, 2020; and
- Exh. K. Cumulative Impacts Analysis from Revised IS/MND for the Hills Commercial Cannabis Project.



**Exhibit A**

**2014 Real Estate Listing for Rolling Meadow Ranch**





JIM KEVIN OUR TEAM RANCH LISTINGS CONTACT US HOME

## Conservationists Dream! 6,530 Acre Ranch w/ 2.5 miles of Eel River Frontage

Price:

Offered by: Jim Redd & Kevin Sullivan

Map: Google Maps

### Contact

#### The Ranch Specialists

Over 55 years of combined real estate experience, specializing in ranch & country properties.

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Conservationists' Dream

Approx. 6,530 Acres

People all over the world dream of someday seeing California's redwoods, pristine rivers and panoramic hilltop views with no sign of mans' intrusions. Millions flock to Yosemite's forests to find they are sharing all the natural beauty with thousands of other dreamers each day. This property provides the opportunity to have all the beauty your heart desires, and share it with only the ones you choose! It is one of the last few large, contiguous holdings along the Eel River.

The access to **Rolling Meadow Ranch** takes you through Founders Grove Park, on a lovely, low traffic road lined with ancient redwoods.

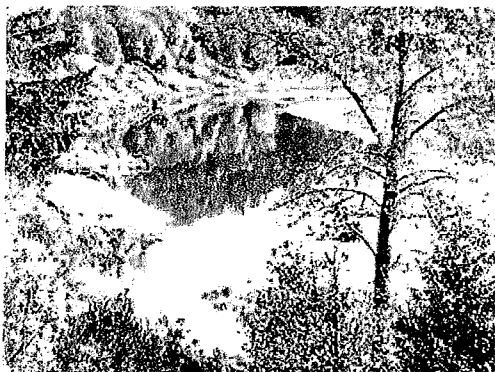


The ranch itself includes 2.5 miles of sparkling Eel River frontage. Unpaved roads provide green accessthroughout the ranch and one may see or hear wildlife at every turn.

The rolling meadows and hills contain beautiful green forests and lead up to a 3,200 foot elevation ridge top on the Coastal Range.



The ranch encompasses all the way from the panoramic-view top of the mountain ridge down to the sparkling waters of the river.



The panoramic views are awe-inspiring.



Breathe fresh air, hike, swim, fish, camp out under the stars, take out your sketch pad or journal...a lifetime paradise can be yours to share and enjoy.



*The information contained herein has either been given to us by the owner of the property or obtained from sources that we have deemed reliable. We have no reason to doubt its' accuracy; however, we do not guarantee it. The prospective buyer should carefully verify all information contained herein.*

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**Exhibit B**

**PWA Rolling Meadow Comments, dated Dec. 28, 2020**



**Date:** December 28, 2020

**To:** Jason Holder  
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**From:** Michelle Robinson, Staff Geologist  
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Pacific Watershed Associates Inc.  
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**Re: Comments Concerning the IS/MND for the Rolling Meadow Ranch, LLC, dated Nov. 25, 2020; Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH# 2020070339)**

This memorandum is provided at the request of Holder Law Group and contains Pacific Watershed Associates' (PWA) opinions regarding the adequacy of analysis and potential effectiveness of proposed mitigation measures identified in the Initial Study and Environmental Checklist (ISEC) for the Rolling Meadow Ranch LLC commercial cannabis project (Project) (SCH# 2020070339). Our opinions are based on review of the ISEC and supporting documents provided by the Applicant for six (6) Conditional Use Permits (PLN-12529-CUP) which are currently under review by the Humboldt County Planning Commission. The following opinions discuss two areas of concern: 1) potential impacts of both the site hydrology and soils to Project feasibility, and 2) potential impacts of the Project to water quality and aquatic habitat resources.

### **Potentially Significant Impacts to Hydrology, Water Quality, and Aquatic Habitat Resources**

#### Sediment delivery from roads and stream crossings

Section 15063(a) (1) of the State CEQA Guidelines states that the initial study should consider all phases of planning, implementation, and operation of the project. The State Water Resource Control Board's General Order WQ 2019-0001-DWQ requires applicable Dischargers in the North Coast Regional Water Board's jurisdiction (Region 1) to develop a Site Management Plan that describes all Best Practicable Treatment or Control (BPTC) measures for a new cannabis cultivation project. The required BPTC measures must address legacy waste discharge issues, including those that are not related to cannabis cultivation (e.g. former timber harvests, road building, mining, etc.). The ISEC does not describe the necessary "upgrades" to bring all the Project's internal roads up to applicable standards. Figure 2 on page 17 of the ISEC identifies several existing roads/trails within Parcel 1 that have not been included in the initial study's analysis of potential impacts from road treatments described in the Access Assessment developed by Northpoint Consulting Group in Appendix C. The ISEC also states that Natural Resources Management Corps. (NRM) conducted stream crossing investigations in October 2020, however crossings that are located on internal Rolling Meadows Ranch roads that do not access the proposed facilities and roads with deeded easements were not inspected (Page 12 of the ISEC, and Appendix K). All necessary upgrades to Project access roads and internal roads, including stream

crossing upgrades, should be described as part of the Project and the associated potentially significant impacts should be analyzed and mitigated.

Roads are a major source of erosion and sedimentation on the landscape. Road construction and other earthmoving and construction activities can disturb soils and drainage patterns, increase surface runoff and cause erosion and the release of sediment into stream systems (Weaver, Weppner, and Hagans, 2015). Therefore, because State CEQA Guidelines require the initial study to consider all phases of the project, and because the General Order requires BPTC measures to be implemented property-wide, potentially significant impacts associated with treating and maintaining the additional roads and stream crossings within Parcel 1 of the Rolling Meadow Ranch not included in the previous road assessments, should be included in a revised ISEC or EIR if the Project may cause one or more potentially significant impacts.

#### Setbacks from surface waters

The ISEC states that two greenhouses (Facilities #1-2), a stabilized parking area with 20 parking spaces, an emergency 45KW generator, and water pump will be located within the FEMA 100-year Flood Zone of the Middle Mainstem Eel River. Grading plan documents from Northpoint Consulting Group in Appendix B show plans proposing to utilize a Hilfiker retaining wall and grading to raise the ground surface for the two greenhouses (Facilities #1-2) to remain above the 100-year Flood Zone, however the stabilized parking area is not included in the grading plan. Locating these Project facilities within the flood zone could result in significant impacts to water quality if a major flood event were to occur.

Grading documents from Oscar Larson & Associates in January of 2019 (ISEC Appendix B) stating the proposed grading for the greenhouses can be balanced on site, relate to only three (Facilities #1-2, #3-5, and #10-16) of the five proposed cultivation areas, and was based only on visual observations. Facilities #3, #5-6, #9-10 and #14 are all located within or very near the setbacks from a surface water feature (ISEC Figures 41-43). Graded pad footprints and areas of proposed cut and fill, as well as cut and fill volumes, should be estimated at the proposed grading locations to adequately assess associated impacts from disturbed areas (graded pads) within riparian setbacks, and to allow for proper borrow and spoil storage locations and impacts to be identified, if necessary. Information provided in the ISEC does not adequately identify the potential impacts and mitigation measures associated with grading the pads.

The Delineation of Waters Report (Appendix M) also states "No portion of the Study Area is classified as Wetland" however, the National Wetland Inventory (NWI) identifies a 6.6-acre Freshwater Forested Shrub Wetland that may be located within 100 ft of Facility #3, and Facility #9 is partially within a mapped wetland shown on figure 42. Figure 41 on page 144 of the ISEC does not identify the 6.6-acre Freshwater Forested Shrub Wetland and the appropriate setback. Additionally, while the ISEC states that "All project areas were surveyed for potential wetland," full delineations were only performed around Facilities #1, #2 and #9. Full wetland delineations in accordance with the Army Corps of Engineers Wetlands Delineation Manual should be performed at the remaining three (3) proposed cultivation areas (Facilities #3-5, #6-8 and #10-16) to ensure an accurate calculation of impacted wetlands and associated required mitigation. Without the necessary surveys to establish an accurate environmental baseline, it is impossible to determine the extent of the Project's significant impacts to wetlands and other surface waters.

## **Water Availability and Impacts to Aquatic Resources**

### Accuracy of well location data

The mapped location for Well #1 provided in the driller's (Fisch Drilling) well completion report differs greatly from the mapped location of Well #1 in Figure 61 of the ISEC. The well completion report (Appendix E) clearly identifies Well #1 as being located 140 ft from a watercourse. The location of well infrastructure may have implications as to the degree of hydrologic connectivity of well-sourced groundwater with surface waters. The actual location of the well should be determined by the applicant and identified correctly on all maps of well infrastructure within the ISEC.

### Hydrologic connectivity of existing wells

As shown on the well completion reports, Well #1 is 140 ft from a tributary stream to Beatty Creek. Well #2 is 300 ft from a Freshwater Emergent Wetland habitat classified as PEM1Ch (NWI). Well #3 is 400 feet from a Freshwater Forested/Shrub wetland habitat classified as PSS1/EM1B that extends through elevations ranging from approximately 610 ft to 930 feet (NWI). The wells have screened intervals ranging from 150 to 200 ft in length. The elevation range of the screened well segments at all Wells #1-3 encompasses the elevation of adjacent wetland and stream surface water resources.

Significant pumping from the groundwater wells could have potential adverse impacts to the watershed from reduced groundwater storage and/or a lowering of the local water table. When groundwater levels are reduced, the location where groundwater intersects with the land surface can change (i.e., become lower), causing local springs and seeps to dry up. Geologic investigations to quantify the hydraulic properties of aquifers within the project area have not been conducted. Due to the proximity of the Wells #1-3 to surface waters, the cone of depression from continuous well water withdrawal may intersect and affect nearby stream and wetland resources. Additional hydrogeologic investigations should be conducted and reported to better identify and describe potentially significant impacts to these wetlands and watercourses. Alternatively, if the wells prove to be disconnected from all surface waters, such reported investigations should transparently substantiate their lack of hydrologic connection. Additionally, pumping and storing the majority of the anticipated annual water use from the wells during the times of greatest recharge (the wet season November – March) will best protect water quality objectives and beneficial uses by minimizing the effect of groundwater extraction on groundwater levels.

### Productivity of wells

According to the Humboldt County Division of Environmental Health (DEH) Water Production Standards and Test Procedures, all water production tests must be conducted during the dry season and be representative of the lowest annual water production anticipated from the source. The dry season testing period designated by DEH is August 1 through September 30. All well production tests conducted by Fisch Drilling were performed in early to mid-June, 2019, outside of the dry season testing period. PWA recommends that additional well testing be performed during the dry season period designated in accordance with DEH standards, the test results should be provided in a water availability analysis component of a revised ISEC or in an EIR.

According to (McLaughlin et al., 2000), all three wells identified as sources of irrigation water are in the rocks of the Yager terrane. The subunit of Yager terrane in the project area is described by McLaughlin et al. as, "Sheared and highly folded mudstone- Includes minor rhythmically interbedded sandstone, locally with lenses of conglomerate." Mudstones are low-permeability sedimentary rocks. Brittle



deformation of mudstones results in fracturing and jointing which generally increases the permeability and aqueous transport properties of the rock strata. Conversely, ductile deformation of mudstones can result in compactional strain hardening, reducing the permeability of the rock strata. The well tests that were completed by Fisch Drilling at the time of well installation were 4-hour airlift test to determine well productivity. It is possible that short-term testing of wells in sheared mudstone rocks of the Yager terrane is misrepresentative of sustained well yield, as groundwater stored in fractures may be more rapidly drained over a short period of time and sustained yield of the well may actually be dependent on the pore structures of the rock matrix. In this circumstance, the sustained yield of the wells may be much lower than is recognized by the applicant and is assumed in the ISEC. We believe more prolonged well pump testing is needed to provide more adequate and reliable evidence demonstrating that the property wells will indefinitely supply 4,625,200 gallons of water to the Project annually.

#### Rainwater catchment

The ISEC proposed 320,000 gallons of rainwater harvest and storage for dry season landscaping, dust mitigation and fire protection. If water stored in the hard tank infrastructure is used entirely for these purposes, no storage for irrigation water is planned and irrigation water must be directly pumped from Wells #1-3 during the dry summer season to meet all irrigation and domestic needs on a daily basis. If the sustained yield groundwater supply from Wells #1-3 is not thoroughly investigated prior to initiation of the project, a water supply deficit may occur, even in the first year of full-scale production.

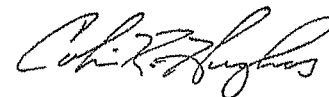
Greenhouses at Facilities #1-16 total approximately 306,600 ft<sup>2</sup> of hardened rooftop surface area to capture rainwater. According to rainfall records and modeling provided by the PRISM Climate Group, the project area experiences a mean annual precipitation depth of 55 inches. If all greenhouse facilities were equipped with rainfall catchment infrastructure, approximately 10 million gallons of rainwater could be harvested during a season with average precipitation, reducing the strain on groundwater resources and potential impacts to surface waters and wetlands. Additional use of rooftop rainwater capture and storage should be considered for inclusion in a revised ISEC (or in an EIR) to reduce the risks of significant Project impacts to surface waters and wetlands from groundwater extraction.

We appreciate the opportunity to provide you with our review and opinion of the hydrological and soils components of the Rolling Meadow Ranch Project's ISEC (SCH# 2020070339). If you have any questions or want to discuss our review and opinions in further detail, please do not hesitate to call Michelle Robinson or Colin Hughes at (707) 839-5130.

Sincerely,



Michelle Robinson, Staff Geologist



Colin Hughes, CEG #2717



## REFERENCES

- Mean Annual Precipitation data, PRISM Climate Group, Oregon State University, <http://prism.oregonstate.edu>, Mean Annual Precipitation data created 21 Feb 2011.
- McLaughlin R.J., Ellen, S.D., Blake, M.C. Jr., Jayko, A.S., Irwin, W.P., Aalto, K.R., Carver, G.A., Clarke, S.H. Jr., 2000, Geology of the Cape Mendocino, Eureka, Garberville, and Southwestern part of the Hayfork 30 X 60 minute quadrangles and adjacent offshore area, northern California: U.S. Geological Survey Miscellaneous Field Studies MF-2336. Available from: <http://wrgis.wr.usgs.gov/map-mf/mf2336/>
- U. S. Fish and Wildlife Service. 2019. National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. <http://www.fws.gov/wetlands/>
- Weaver, W.E., Weppner, E.M. and Hagans, D.K., 2015, Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads (Rev. 1st ed.), Mendocino County Resource Conservation District, Ukiah, California



**Exhibit C**

**Letter from Steve Salzman concerning Evaluation of McCann Road,  
dated Dec. 26, 2020**



December 26, 2020

Jason W. Holder  
Holder Law Group  
317 Washington St., #177  
Oakland, CA 94607-3810

**Subject: Evaluation of the McCann Road**

Dear Mr. Holder,

I am a licensed civil engineer and have been practicing in the public and private sectors, in Humboldt County for over 30 years. See attached CV for details.

I have been asked to perform a pedestrian survey of the McCann Road from the Dyerville Loop Road to the gate of the Rolling Meadows Ranch and to render an opinion as to the appropriate classification of the road, in accordance with County Standards for Roadway Categories (Section 7-302D, in the Roadway Design Standards Manual and Roadway Classification System), published by the County of Humboldt, Department of Public Works, 1971.

Specifically, I was asked to determine if the road meets the design standards of a Category 4 (or equivalent) road. The pertinent design standards are presented on Figure 7-302D (below).

**ROADWAY CATEGORY 4 (TWO LANE- NARROW TRAVELED WAY)**

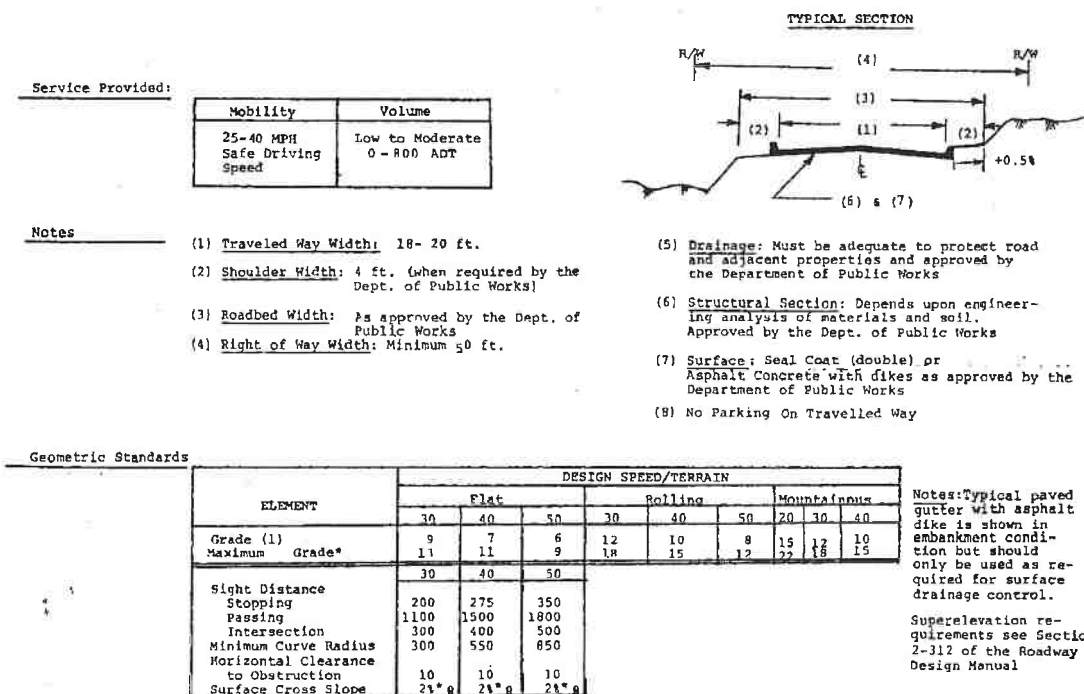


Figure 4

\* For short distances. (300' maximum and/or approved by the Department of Public Works)  
 (No gravel allowed)  
 (1) Minimum Grade 1%  
 For further information see Humboldt County...

Pertinent standards can also be found in <https://humboldt.county.codes/Code/321-2> Title II - Land Use and Development, Division 2, Subdivision Regulations (see Section 4 in the Appendix). Fire Safe Regulations <https://humboldt.county.codes/Code/321-11>, CC 3111-1 et seq. call for Category 4 Roads for subdivided parcels (see Section 3112-3). This standard may be modified where an exception has been granted pursuant to Sections 3111-7 through 3111-10 of this ordinance.

If the road has substandard characteristics, the County allows for an “equivalency” rating. This rating relies on a judgement call by the responsible party (Humboldt County’s Director of Public Works) and is based on functional performance and safety considerations. Substandard road sections (“pinch points” such as narrow road sections and bridges) must have inter-visible turnouts that allow drivers to see oncoming traffic and utilize turnouts to allow them to pass.

I completed pedestrian surveys and measurements of the McCann Road, on November 7 and 11, 2020. The route is shown on Figure 1. The following narrative and photographs document my findings.



Figure 1. McCann Road from Dyerville Loop Road to Rolling Meadows Ranch gate.

The McCann Road can be accessed from Highway 101, via the Avenue of the Giants (at Founders Grove or from the south) via the Dyerville Loop Road. The intersection of the McCann Road and Dyerville Loop is approximately 6.5 miles east of Founder’s Grove. The McCann Road descends into the floodplain of the Eel River and crosses an approximately 300’ long, 11’-wide, permanent, concrete, low-water bridge. Leaving the bridge, the road continues east traversing an approximately 300’-long, 12’-wide, gravel causeway, then approximately 800’ of gravel bar. There are tracks on the gravel bar providing evidence that vehicles have left the travel way and gotten stuck in the unconsolidated gravel. Photos No. 1, 2 and 3 (below) show the bridge and gravel bar. This segment of the road does not meet the Category 4 requirements.





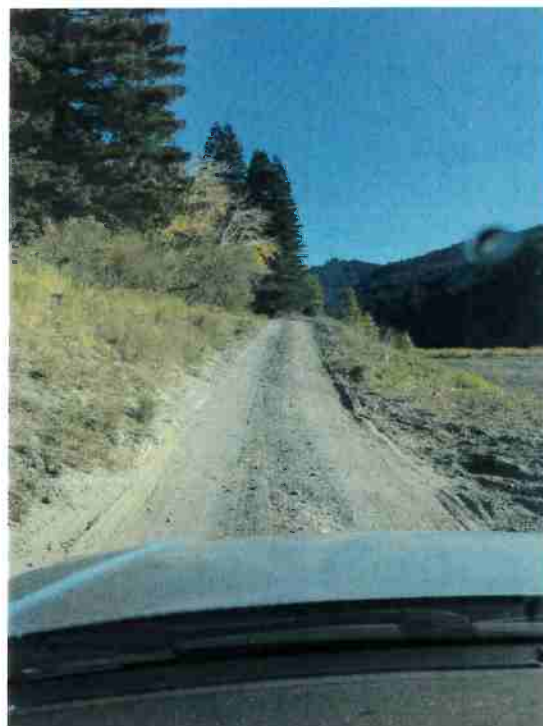
**Photo No. 1. 11'-wide, one-lane, low water bridge and approach, no shoulder, gravel surface.**



**Photo No. 2. 14'-wide travel way across floodplain/gravel bar, unconsolidated shoulders. Tracks are evidence of vehicles getting stuck in the gravel off the travel way.**



**Photo No. 3. Looking across gravel bar**



**Photo No. 4. Road leaving gravel bar.**



**Photo No. 5. Looking back down to the floodplain/gravel bar, travel way is 12', inadequate shoulder, gravel surface.**



After regaining the terrace above the river, the width of the Road's travel way for the next 0.8 miles varies between 12' and 16'. There are no consistent shoulders. There are a number of pinch points where the road is too narrow for two vehicles to pass. Some have inter-visible turnouts (of adequate dimensions) to allow passing while others do not. The surface is failing asphalt and gravel. The safe driving speed varies between 10 and 25 MPH. (Photos No. 6, 7, and 8). This segment does not meet the requirements for Category 4 Road.



**Photo No. 6. Failing asphalt travel way approximately 14'-wide. The sign reads, "Road Subject to Closure at Any Time." No inter-visible turnouts.**



**Photo No. 7. 13-wide travel way, degraded asphalt surface, with inter-visible turn outs.**



**Photo No. 8. 12'- wide cattle guard, gravel surface, with inter-visible turn outs.**



The surface of the remainder of the Road (approximately 1.0 mile) to the Rolling Meadows Ranch gate is gravel or dirt with some short segments of very old, degraded asphalt. The width of the travel way varies between 12' and 14'. There are no consistent shoulders. There are a number of pinch points where the road is too narrow for two vehicles to pass. Some have inter-visible turnouts to allow passing while others do not. The safe driving speed varies between 10 and 20 MPH. The majority of this section of the Road can generally be described as a one-lane dirt road and does not meet the requirements of a Category 4 Road. (Photos No. 9, 10, 11, 12, 13, and 14.)



**Photo No. 9. 12'-wide travel way, no shoulder, gravel/dirt surface, no inter-visible turn outs.**



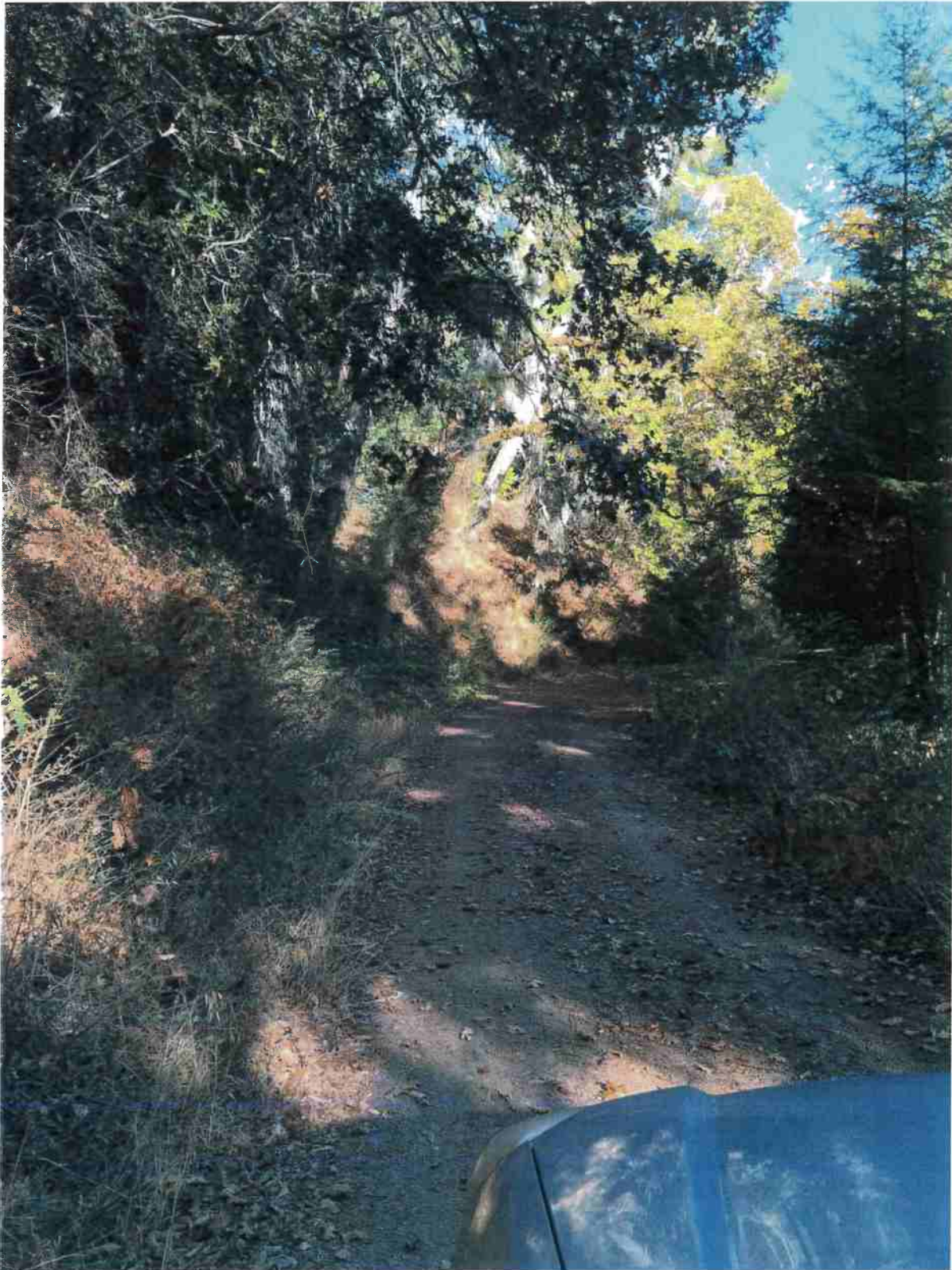


Photo No. 10. 10'-wide travel way, no shoulder, gravel surface, no inter-visible turn outs.



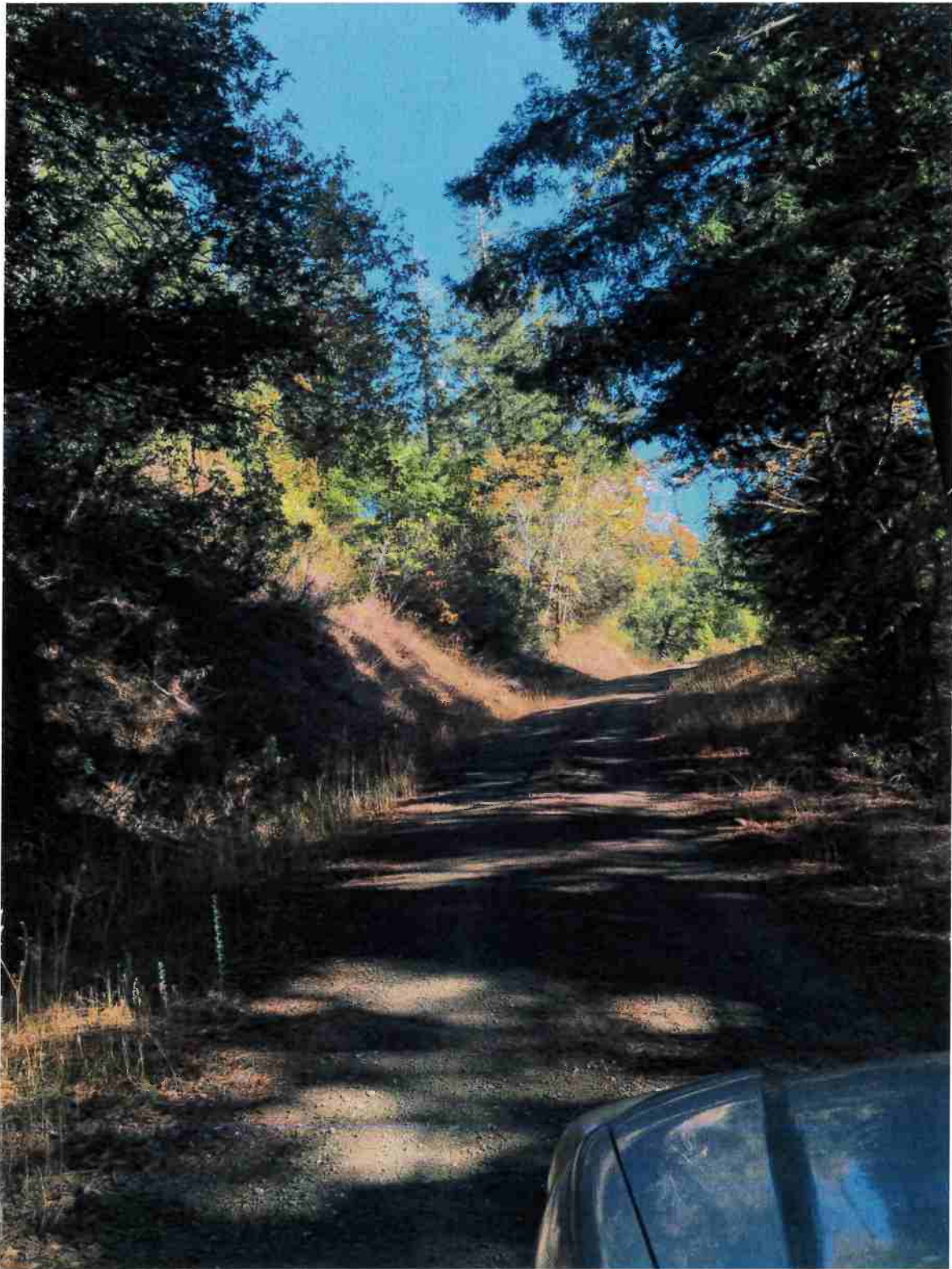


Photo No. 11. 12'-wide travel way, limited shoulder, gravel surface, no inter-visible turn outs.

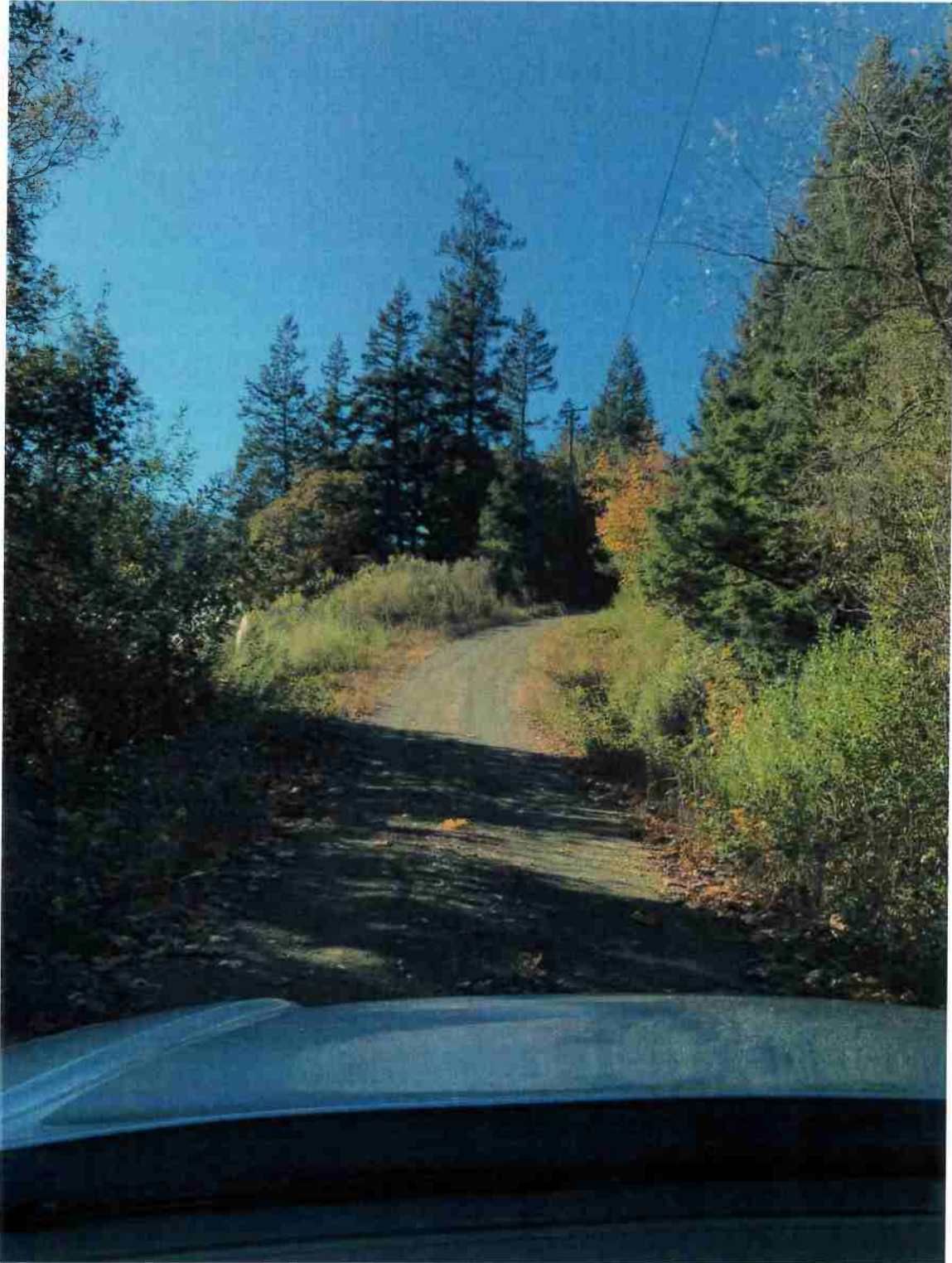


Photo No. 12. 14'-wide travel way, no shoulder, gravel surface, no inter-visible turn outs.





**Photo No. 13. Emergency road repair at slide, very unstable roadbed.**



**Photo No. 14. Looking west from the gate. 15'-wide travel way, no shoulder, gravel surface.**

Based on review of the applicable design standards and a visual survey, it is my professional opinion that;

1. The 0.3 mile long portion of the McCann Road crossing the floodplain of the Eel River (low water bridge, causeway, and gravel bar) does not meet the requirements of a Category 4 Road or its equivalent. It is one-lane, not paved, there are no shoulders and where there are "shoulders", there is evidence that two-wheel drive vehicles are likely to get bogged down or stuck if they leave the travel way. If a vehicle broke down on the bridge, all access would be blocked for emergency vehicles and regular traffic. During high flows (on the Eel River) this portion of the Road is under water and residents must cross the river in a boat and leave a vehicle on both sides of the river.
2. The next approximately 0.8 miles of the Road does not meet the requirements of a Category 4 Road due to its narrow width, and lack of shoulders and inter-visible turnouts of adequate dimensions.
3. The final approximately 1.0 miles of the McCann Road (past the cattle guard to the Rolling Meadows Ranch gate) is most accurately described as a single lane dirt road. Its width varies between 10' and 14', it lacks shoulders in most segments, it has a native soil surface, and does not have inter-visible turnouts at pinch points. This last mile of the road cannot provide safe access for emergency services (such as fire trucks) and would only be suitable for low volume residential traffic. It does not meet the requirements of a Category 4 Road.

The Director of Humboldt County's Public Works Department has the authority to declare the Road Category 4 equivalent, but this must be based on an evaluation of the road conditions and its uses. It is my professional opinion that the McCann Road does not currently meet the requirements for a Category 4 (or equivalent) road.

Sincerely,

Steve Salzman, P.E.



Attachment:

Curriculum Vitae for Steve Salzman, P.E.

## ***Curriculum Vitae for Steve Salzman, P.E.***

### ***Contact Information***

120 E. 12<sup>th</sup> St., Arcata, CA 95521  
(707) 497-8637, salzman222@gmail.com

### ***Professional summary***

I have been a licensed civil engineer, practicing in Humboldt County for over 30 years. I have worked in the public and private sectors in various fields of engineering and project management and construction management. I retired, in 2018 and reside in Arcata.

### ***Education***

Bachelor of Arts, Humboldt State University, 1979  
Industrial Arts and Technology

Bachelor of Sciences, Humboldt State University, 1986  
Environmental Resources Engineering

### ***Work experience***

Water Resources Engineer, 1987-1988  
State Water Resources Control Board, Sacramento, California

Associate Engineer, 1988-1989  
City of Eureka, Eureka, CA

Engineer, 1989-1995  
SHN Engineers and Geologists, Eureka, CA

Engineer, 1995-2008  
Winzler & Kelly, Eureka, CA

Principal Engineer and Owner, 2008-2018  
Greenway Partners, Arcata, CA

### ***Skills***

Road designs and site layouts for housing subdivisions and landfills including underground utilities, roads, cuts, fills, permit processing, preparation of CEQA and NEPA documents. Stream and salt marsh restoration projects, grant writing and design. Project Management and Construction Management and business management.



**Exhibit D**

**Letter from Supervising Planner Steve Werner to Project applicant,  
dated January 15, 2018**





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792  
<http://www.humboldt.gov/156>



January 15, 2018

Andrew Machata  
3060 Airport West Drive  
Vero Beach, FL  
32960

RE: Rolling Meadow Ranch Initial Study  
217-025-001 et al  
Apps numbers 12822, 12830, 12814, 12542  
Case numbers ZCCs-16-589, and 16-593; CUPs 16-860, 16-734, 16-735, 16-736, and 16-737

Dear Mr. Machata:

The Cannabis Services Division of the Humboldt County Planning and Building Department has completed our review of the second Initial Study (IS) submittal, dated December 16, 2017, prepared for the above referenced projects by Natural Resources Management, Incorporated. The purpose of this letter is to advise you of the results of our review. We are writing this to document our concerns that this project, as proposed, may have significant effects on the environment. The proposal includes the establishment of approximately 2 acres of cannabis cultivation on each of your described 4 tracts of land, along with accessory processing facilities, and parking areas for 40 cars on each tract. The cultivation areas are proposed to be located on far removed portions of this large ranch parcel, with large distances separating each from the others. The overarching issue is that our analysis of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) indicates that the CMMLUO did not contemplate the wholesale conversion of a large tract of wildland area to industrial sized cannabis development, where the level of use and the level of impacts may not be consistent with what was envisioned by the CMMLUO; especially at locations without adequate access, public services, and fire protection. We are concerned that the proposed level of development, including establishing extensive human occupations where none currently exist, and the improvement of roads through wild land areas not previously developed to serve the level of development proposed by the project, can result in cumulative effects on the environment that cannot be reduced or mitigated to a level of insignificance.

Under the provisions of CEQA, the IS is the document that is relied upon to fully disclose the environmental effects of a project. If such effects are not fully disclosed and analyzed, and either avoided or mitigated to reduce the effect to a level of insignificance, the reviewing agency must require an Environmental Impact Report be

prepared for the project.

Additionally, the IS appears to limit the study areas to only the proposed cannabis cultivation areas, and does not discuss the entire ranch. It can be anticipated that impacts to the entire ranch property may result through the construction of roads and anticipated habitat alterations, and these effects must be fully discussed in the IS. It is noted that the IS does not include an approximate acreage of this ranch in the Project Summary section, and this basic piece of information should be included.

We have identified deficiencies in the Initial Study as discussed below.

## TRANSPORTATION IMPACTS

### -Ferry service safety

The project proposes the use of an existing County operated ferry service across the Eel River to service the proposed year-round cannabis cultivations, including in the winter months. This access presents clear and present dangers arising from ferrying employees, product, and supplies across the Eel River during high-water winter months. Impacts to water quality could also occur as a result of transporting chemicals and fertilizers in this proposed manner. The proposed use of a ferry is not an adequate solution to industrial sized cannabis development in wildland areas. The Initial Study discussion in the Transportation Section devotes only a few sentences to the projected winter ferry crossings, indicating, in summary, that in periods of high-water only a skeleton crew will be able to reach the site on the 2-person County boat. No discussion is provided on what a skeleton crew is and how the daily operations of a proposal of this size with vastly discontinuous cultivation sites can be performed by a skeleton crew. The proposed use of the County operated ferry, or the suggested option of providing new service by your own vessel to serve the project, points to a conclusion that is not adequately addressed in the IS. The proposed cultivation activities are of a size and scale that exceed the current transportation system capacity to accommodate. Improvements to the ferry, or construction of a new bridge are necessary to support this scale of development. Corresponding impacts have not been identified in the IS.

The IS identified 30 employees are needed to operate this facility (Population and Housing Section). The IS must discuss transportation options for these employees from likely out of the area locations, or identify the demographic pool of local residents committed to permanently work at the facility, and how all of these employees get to this property through all times of the year without overloading transportation systems.

### -Alternative Road Access

The issue of improving Alderpoint Road for alternative access is discussed in the IS in one sentence. We anticipate significant improvements would be required to make this access a Road Category 4 access as required by the CMMLUO. A complete discussion of the locations and types of improvements together with potential environmental

impacts associated with completing these improvements that would be needed to bring this alternate access up to standard must be included in the IS.

Our office is in receipt of Part A of a Road Evaluation Report signed by David Rask dated 10/25/17, concluding that the entire road segment of Alderpoint Road is not developed to the equivalent of road category 4. This determination requires the completion of Part B of the Road Evaluation Report, to be completed by a Civil Engineer, and is to include the publicly maintained portions of Alderpoint Road as well as the privately maintained sections, including the roads connecting with the subject sites. The IS must conclude based on evidence that the roads are capable of supporting the proposed level of development.

#### -Ranch Roads

The use of existing ranch roads and consistency with Fire Safe access is a concern that is not adequately addressed in the IS. The statement that "improvement plans will be reviewed to verify compliance with County's Fire Safe Ordinance" is not an adequate discussion. A complete inventory of the interior road network with respect to width and improvement levels, both existing and proposed, and identification of improvements required to bring the road network into compliance, together with identification of impacts from completion of the improvements (construction impacts) are necessary to review the transportation effects on the environment in order to make a determination that the project will not have a detrimental effect on the environment.

## BIOLOGICAL RESOURCES

#### -Adverse effects either directly or through habitat modifications on sensitive species

The IS determination that the project will have less than significant effects on sensitive species or candidate species by relying on a proposed mitigation measure for conducting 3 consecutive pre-construction surveys for species at each location is inadequate, and fails to meet the threshold of insignificant effects resulting from the project. The IS is required to identify all of the species that would be harmed by the project and detail how and what mitigation measures can be instituted to reduce such potential impacts to a level of insignificance. The submitted IS discussion on vegetation lists all the "possible sensitive plant species that could or have habitat in the project area". A table is included that lists the universe of species, but does not identify which ones actually occur on the site and their locations. It goes further to state that botany surveys have not yet been performed, and "if special status species are found they will be avoided or if avoidance is not possible mitigated for". CEQA requires that affected species be identified, by protocol level surveys for example, before permit issuance, and specific mitigation must be proposed to reduce the impact. CEQA allows presumption that a species is present as long as mitigation proposed includes seasonal appropriate surveys and adequate mitigation stating how any potential loss would be addressed. If we don't know the location and type of species or habitat, it would seem out of sequence to propose a development that would enlarge roads, introduce human activities to wildland areas, and convert open space areas to development without



knowledge if those areas are important to special status species. Establishing industrial sized cannabis development in wildland areas may result in significant intrusion into the environment with potential for significant effect on wildfire, especially with listed species.

-Riparian Habitat

The IS determination that project impacts on riparian habitat or any other sensitive community identified in local or regional plans, policies, and regulations or by the Californian Department of Fish and Wildlife and US Fish and Wildlife Service is less than significant appears to disregard the potential cumulative effects resulting from establishing new human activities at remote locations of this very large acreage, establishing industrial sized cannabis development in wildlands, and the potential environmental effects resulting from changing the use patterns of wildlife and habitat fragmentation on this remote ranch. These potential impacts must be completely discussed in the IS.

-Substantial effects on federally protected wetlands

The IS has determined that this project will have no impacts associated with wetlands. Given that the project fronts on the Eel River, a discussion of wetlands would appear to be necessary. Did a biologist, wetland scientist or other qualified professional conduct at least a wetland assessment? What is the evidence you have relied on to support the IS conclusion that wetlands will not be impacted from this project?

-Interfere substantially with the movement of any native resident or migratory fish or wildlife species

The IS identifies the existence of potential special status wildlife species, and refers to a report prepared October 16, 2017 by NRM. The IS indicates this report was prepared after a site visit to survey the project areas for all terrestrial species present. A table is included that lists the species, its habitat, and if potentially affected by the project. Of specific note is the northern spotted owl, where the proposed mitigation for affecting the habitat of this species is to perform surveys of each project site and the surrounding half-mile. This falls short of the requirements of CEQA where such surveys are necessary at this initial review stage to identify and discuss the habitat of all the species listed in the table, and how the project might affect these habitats, with specific mitigation proposals on how to reduce the effects of this project to a level of insignificance. Even if surveys are done now, this would not relieve the project of the need to do pre-project construction surveys, depending on the species and situation. A biologist will provide guidance on these necessary surveys.

Impacts to northern spotted owl populations are of specific concern based on a recent report by Kat Kerlin. The report, released Jan. 11, 2018 in the journal Avian Conservation and Ecology, showed that seven of the 10 northern spotted owls collected in this study tested positive for rat poison, while 40 percent of 84 barred owls collected also tested positive for the poison. The study is the first published account of anticoagulant rodenticide in northern spotted owls, which are listed as a threatened species under federal and state Endangered Species acts. The study area

encompasses Humboldt, Mendocino and Del Norte counties. It supports previous accounts that rat poison is contaminating the food web in this region, as the primary food source for owls — rodents — is being contaminated. The IS for this project must address the concerns raised in this report by identifying application protocol for use of rodenticides with particular attention to methods for reduction of the potential to contaminate the food chain or identify a range of non-rodenticide treatments to discourage animal destruction of cannabis plants.

It is noted that you have proposed extension of PG&E infrastructure to service all cultivation locations. These cultivation locations are proposed at vastly discontinuous areas, and a route for the power poles and lines has not been identified. It appears to be very possible that such installations could disrupt the habitat and habits of wildlife species and vegetation impacts, and a discussion of such effects must be included. Suggesting future studies to mitigate for unknown potential effects on native resident or migratory wildlife caused by the project is insufficient. The studies must be performed to identify the species at risk from development of the project and propose specific mitigation on how to avoid the identified effects or reduce them to a level of insignificance.

## HYDROLOGY AND WATER QUALITY

### -Depletion of groundwater supplies

The IS identifies 4,788,800 gallons of water are needed annually to serve the project, and this volume is to be supplied by 3 proposed wells. The IS states "The type and capacity of the ground water aquifer at these locations is unknown". The IS then determines that the proposed use will not substantially deplete groundwater supplies or cause a lowering of the local ground water table level. The conclusion of the IS with respect to impacts on ground water supplies cannot be supported with the facts provided. Consultation with an engineering geologist is needed to fully document the groundwater supply and impact from the proposed cultivation. It needs to be demonstrated that the wells are not hydrologically connected to the water flow of the river.

## NOISE

### -substantial increase in noise ambient levels in the vicinity above levels existing without the project

The IS states that "The project will cause an increase in the permanent ambient noise levels in the project and immediate surrounding areas". This comes from the establishment of industrial sized cannabis facilities and the human occupation of vastly discontinuous areas of this large ranch, heretofore undeveloped. Increases in noise levels and the human occupation of areas of this ranch that may well be habitat for wildland species which depend on remoteness, is an impact that must be discussed in the IS. Although power utilities are proposed to serve the cultivation areas for wells and lighting, it can be expected that power will be interrupted during winter events. The IS identifies generators to be the backup sources of power in such instances. The IS

should analyze the impacts of these new noise sources to wildlife, especially given the vast distances between the cultivation areas on this large ranch. It is noted you have proposed enclosure of generators within buildings in the IS to achieve a noise standard of 60 decibels as a day/night average (Ldn) and reduction to 50 decibels at 100 feet if northern spotted owls are present. Our concern is with the duration of these noise levels on sensitive species. It can be anticipated that this area would not be a priority for PG&E to restore power during winter events, and reliance on generators to continue necessary functions could result in longer term rather than temporary noise impacts. This may result in potential impacts on wildlife species. It is noted that the Ldn is not the listed practice for evaluating noise per Section 314-55.4.11(o) of the CMMLUO.

## PUBLIC SERVICES

### -Fire Protection

The IS determines the project will not result in substantial adverse physical effects associated with the need for increased fire protection services. It continues with a discussion of CALFIRE responsibilities for enforcement of Fire Safe Standards. It can be reasonably assumed that increases in human activity involving a variety of activities including the use of chemicals and fertilizers, placement of new power poles and lines, the ongoing drought conditions, vehicular use, and fuels to power generators during power interruptions could result in increased chance of conflagration. Of particular concern are:

1. the location of the nearest CALFIRE facility,
2. the response time to access the site to battle a fire event,
3. the route by which firefighting equipment may safely traverse to access the totally discontinuous cultivation locations proposed,
4. if this route meets fire safe standards for its entire length, and
5. if the interior ranch roads meet fire safe standards.

Without these and other related issues being addressed, the IS cannot conclude that the project will not result in the need for new or expanded governmental services. The apparent mitigation measure the IS has identified in addressing the fire aspects of the project is that the project will provide extra water storage for fire protection. Who is designated to access this water storage? What equipment is included in the project plans to battle fires given the anticipated long response times for CALFIRE?

The Safety Element of the County General Plan includes policy provisions related to "acceptable risk" in land development. The General Plan manages risk through the use of land use designations to limit exposure to hazardous areas and through policies tailored to specific hazardous conditions. An estimated 50 minute response time for sheriff and fire services is clearly not an acceptable risk. It is noted in the IS discussion of police protection that sheriff response time is upwards of 50 minutes. As recent fire events in California have demonstrated, fires in remote areas can result in serious loss of property and life. The IS must be responsive to this potential impact resulting from the development proposal.

With respect to governmental services, the IS must include a discussion of threats to health and safety. If an unforeseen accident occur on the site requiring medical attention, emergency personnel response times appear equally significant. There does not appear to be a timely method for transporting injured employees to hospital facilities in emergencies. The stated enrollment in Cal-Ore Life Flight is not a reliable method to address such emergencies, as determined by County decisions on other projects proposing such a service and the undocumented ability of Cal-Ore Life flight to immediately respond with helicopter service in an emergency. Increased potential of unexpected human interactions with wildlife could also expose employees to injuries which could be life-threatening due to the time and distance to medical facilities.

These are our initial concerns related to the two versions of the IS submitted for this project. Additional concerns and items of interest may arise as further review of the project proceeds.

Our office encourages you to continue working with your consultants in the preparation of the IS and further encourages a discussion of alternatives to the project, as proposed.

If you or your consultant have questions regarding the contents of this letter, please feel free to contact Michelle Nielsen of our office at (707) 445-7541 or [nielsen@co.humboldt.ca.us](mailto:nielsen@co.humboldt.ca.us) (email is best).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Werner", is written over a light blue horizontal line.

Steve Werner  
Supervising Planner

c: Prairie Moore, NRM Corporation





**Exhibit E**

**CDFW CEQA Referral Checklist for RMR Project, dated Jan. 24, 2018**



California Department of Fish and Wildlife  
CEQA Referral Checklist



Applicant: Rolling Meadows Ranch (Tract 1)		Date: 1/24/2018	
APPS No.: 12529	APN: 217-022-004 etc.	CDFW CEQA: 2017-0253	Case No.: CUP16-720-723, 752
<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 132,000	<input type="checkbox"/> Outdoor (SF):	<input type="checkbox"/> Indoor <input checked="" type="checkbox"/> RRR

Applicant: Rolling Meadows Ranch (Tract 2)		Date: 1/24/2018	
APPS No.: 12536	APN: 211-281-006 etc.	CDFW CEQA: 2017-0256	Case No.: CUP16-726-729
<input type="checkbox"/> New <input type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input type="checkbox"/> Outdoor (SF):	***Need Revised Project Transmittal

Applicant: Rolling Meadows Ranch (Tract 3)		Date: 1/24/2018	
APPS No.: 12540	APN: 217-181-017 etc.	CDFW CEQA: 2017-0254	Case No.: CUP16-730-733
<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 88,000	<input type="checkbox"/> Outdoor (SF):	<input type="checkbox"/> Indoor <input checked="" type="checkbox"/> RRR

Applicant: Rolling Meadows Ranch (Tract 4)		Date: 1/24/2018	
APPS No.: 12542	APN: 217-201-001 etc.	CDFW CEQA: 2017-0255	Case No.: CUP16-734-737
<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 88,000	<input type="checkbox"/> Outdoor (SF):	<input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

**Please provide and/or note the following information:**

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information prior to permit approval. Please see the list of items below.
- ☐ Recommend Denial. See comments below.
- ☒ If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
  - a. If the source is a well(s), provide a copy of the well completion log.

- b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
  - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW recommends that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- ☒ The referral materials suggest that there is a plan to construct a pond onsite. CDFW requests, as a condition of Project approval, that a professional geologist assess and identify an appropriate site for a pond. In addition, CDFW requests that pond features contain measures to prevent wildlife harm or entrapment.
  - ☒ The referral materials suggest that there is a plan to construct a pond onsite. If a pond will be constructed, CDFW requests, as a condition of Project approval, that the applicant comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
  - ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
  - ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
  - ☒ CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from Class I and Class II streams (measured horizontally from the outer edge of the riparian).
  - ☒ If the project is within one mile of a mapped polygon for a California Rare Plant Ranked - species, include protocol level surveys for that species by a qualified botanist. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
  - ☒ Aerial imagery suggest that wetlands may occur onsite. CDFW requests that the applicant, prior to Permit approval, provide a wetland delineation conducted by a qualified person (i.e. at minimum, successfully completed a 40-hour training that satisfies the requirements for basic wetland delineation training as specified by the Army Corps of Engineers using the 1987 ACOE Wetland Delineation manual and appropriate regional supplements).
  - ☒ If the project proposes to remove vegetation, include description of project (type of vegetation/amount/location).
  - ☒ If the Project requires fill disposal, include the disposal location on the site plan/map.
  - ☒ Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
  - ☒ If a Retire Remediate Relocate (RRR) project, CDFW recommends, notification pursuant to Fish and Game Code Section 1602 (Lake or Streambed Alteration) for all jurisdictional points located on the Remediation site, whether currently or previously utilized.

- ☒ Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.
- ☒ All or part of the proposed Project is located within the County Streamside Management and/or the State Water Board and CDFW required setback areas. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 200 feet from the Eel River, 150ft from all other perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development. As currently proposed, many of the greenhouses are located between 30 and 70 feet from the riparian zone; in addition, several greenhouses appear to be proposed on top of or adjacent to potential wetlands.
- ☒ A biological survey of the property was conducted to determine whether rare species or sensitive natural communities are present on the proposed project site. Based on report findings CDFW has identified the following:
  - The report findings show that Grasshopper Sparrow (*Ammodramus savannarum*), was identified onsite however, it was not identified as a special status species. Grasshopper sparrow is a State Species of Special Concern and is currently undergoing significant declines throughout its range. CDFW requests that the scientist re-evaluate the potential impacts to this species.
  - Based on the photo documentation provided in the Report and known species range, it appears that the site contains potential habitat for Bryant's Savannah Sparrow (*Passerculus sandwichensis alaudinus*), a State Special Species of Concern. CDFW requests that the scientist re-evaluate the potential impacts to this species.
  - Report findings suggest that multiple bat species utilize the large building located on Project Tract 4, primarily as a night roost site. CDFW requests a qualified bat biologist survey the site during the maternity season and conduct a more comprehensive habitat assessment to provide more concrete findings of the type and duration of use. In addition, CDFW requests that the assigned biologist provide more information about the amount and type of guano found on site.
  - The Report states, "There have been no reported activity for NSO in the vicinity for 12 years, and the closest NSO AC (HUM 0523) has not been active for 17 years." This statement is misleading. Unless additional surveys have been conducted, it is inaccurate to state that the AC has been inactive for 17 years, as there are no data to determine whether the AC has been active or inactive. According to the information provided, the last surveys were completed 17 years ago, which resulted in a positive occurrence, and no data have been collected since then. A lack of data is not equivalent to species absence. Additional protocol level surveys are necessary to determine the current status of NSO in the project area.
  - The timeline to conduct protocol level surveys for Northern Spotted Owl is insufficient based on the proposed 2018 start date. As stated in the *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USFWS, 2012)*, six complete surveys over the course of two years shall be completed to determine the presence or absence of NSO.
  - Preconstruction surveys by a qualified wildlife biologist should be conducted to avoid disturbance to special status species including Fisher (*Pekania pennanti*), a state candidate threatened species. If Humboldt Marten or Fisher dens are found onsite, construction of project facilities and roads shall take place after August 31.

- ☒ Leave Wildlife Unharmd. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ CDFW is concerned that the Project may result in potentially significant direct and cumulative adverse impacts to fish and wildlife resources. CDFW believes an environmental document such as a mitigated negative declaration or an environmental impact report is required for approval of this Project.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Grasshopper Sparrow (*Ammodramus savannarum*), Bryant's Savannah Sparrow (*Passerculus sandwichensis alaudinus*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Bank Swallow (*Riparia riparia*), Fisher (*Pekania pennanti*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Green Sturgeon (*Acipenser medirostris*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

Please confirm that you have received this email.

Sincerely,

California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501



**Exhibit F**

**Transcon Environmental, Memorandum re Peer Review, dated July  
23, 2018 ("Memo #1")**



Planning and Building  
300 West 1st St., 3rd Floor  
Eureka, CA 95501  
www.humboldt.net



TRANSCON  
environmental

## MEMORANDUM

**To:** Michelle Nielsen, Planning and Building, Humboldt County

**From:** Nicole Catalano and Penny Eckert, Transcon Environmental, Inc.

**Date:** July 23, 2018

**Subject:** Application #12529, #12542 Rolling Meadows  
California Environmental Quality Act (CEQA) Peer Review

Transcon Environmental, Inc. is providing this memorandum to support the results of our peer review of the applicant-prepared Initial Study-Mitigated Negative Declaration (IS-MND) for Application #12529 and Application #12542, Rolling Meadows. The purpose of this memorandum is to highlight the deficiencies in the current IS-MND that should be addressed by the applicant.

The following should be addressed in the IS-MND:

1. **Project Description.** The Project Description is currently inadequate and should be revised. Please refer to the attached Project Description Deficiency Memo for full list of items that need to be included in the Project Description.
2. **Site Plans.** The site plans are currently deficient and should be revised to include further detail about:
  - Remove all references to 'existing cultivation sites', since this project as proposed is only for permitting 'new cultivation'
  - 30-foot setbacks from property line to meet the County's Fire Safe ordinance
  - Setbacks to Streamside Management Areas, Class I, Class II and Class III streams, wetlands
  - Existing structures on the tracts
  - Structures planned to be removed
  - Location of generators
  - Location of water storage, including runoff collection
  - Existing and proposed ponds – for irrigation, for landscaping, for fire suppression
  - \*Include an access/circulation map for internal roads on Ranch. Include emergency vehicle routes for medical and fire safety, including turnaround points. Include locations for pickup and drop off areas for bus that will be used to shuttle employees.
  - \*Include an energy/utility map to show the utility layout of the proposed PGE lines that will be installed as part of the proposed project.
3. **Inadequate Analysis.** All questions in the CEQA checklist for each issue area needs to be addressed. Each CEQA Checklist question must be addressed, even if there is no impact. Clearly state that there is no impact and demonstrate why there is no impact.





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FROM: Nicole Catalano and Penny Eckert, Transcon Environmental, Inc.  
DATE: July 23, 2018  
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TRANSCON  
environmental

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  - \*Include an energy/utility map to show the utility layout of the proposed PGE lines that will be installed as part of the proposed project.
3. **Inadequate Analysis.** All questions in the CEQA checklist for each issue area needs to be addressed. Each CEQA Checklist question must be addressed, even if the there is no impact. Clearly state that there is no impact and demonstrate why there is no impact.

4. **Setting.** Each resource area in the checklist should include a Setting section that describes the setting of the site as it relates to that resource.
5. **Cumulative Impacts.** The Mandatory Findings section of the ISMND still is inadequate in terms of describing cumulative impacts per CEQA issue area. Refer to County's Memo dated January 15, 2017 for guidance.
6. **Data Deficiencies.** Enclosed is a spreadsheet that includes specific data deficiencies that should be addressed by the applicant.
  - a. Note, the Biological Resources section requires extensive work, including work that needs to be done to ensure that the Biological Report is adequate to both the County and California Fish and Wildlife (CDFW) standards. The Biological Resources section will need to be redone once the new technical requirements are completed to CDFW and County standards.
  - b. Note, the Project Description requires extensive edits. See separate memo.

Section	Page #	Data Request	Notes
General		Please refer to attached example of a successful ISMND for organization, information, and completeness of analysis.	
General		Carry a separate section on Construction and another on Operation all the way through the document, starting with the Project Description (which should include roadbuilding equipment, grading equipment, any additional needed construction equipment, estimated hours of use, etc.) and continuing through every segment of the analysis.	
General		Add setting information as a separate component for each resource. Include the existing environmental setting as well as the regulatory setting where appropriate. See example.	
General		Reformat each section to include, after the environmental setting section, an analysis section, to include a "Findings" subsection and "Discussion" subsection. See example of successful ISMND.	
General		Proofread the entire document and fix all grammatical and spelling errors.	
Project Description		The PD is very incomplete and needs revision. See separate document/memo on what's missing from the PD and revise accordingly.	Project Description should also include project site history information (information about the Ranch and historic uses).
General		Refer to attached example of a successful ISMND for level of detail in data and information as well as support for any conclusions drawn. The Rolling Meadows ISMND makes many assertions unsupported by evidence that must be either removed or supported.	
General		Answer ALL questions in the CEQA Checklist. Several CEQA sections have incomplete analysis. Do not skip questions. Evenwhere you believe there will be no impact, state so, and provide evidence for the assertion. Refer to attached example.	
General		Use numerals when referring to Tract numbers.	This was County specific note.
Project Summary	1	Please include full name of County Agency that is the Lead Agency, including address, phone, fax.	
Project Summary	1	Project Title. Add APNs, Case Numbers for all CUPs. Remove reference to the CMMILUO. You can break it down by Tracts 1 and 4; and Tracts 2 and 3 if you prefer.	
Project Summary	1	Contact Person should be the contact person for the Lead Agency	
Project Summary	1	Create new label "Project Contact" and place Prairie Moore contact information here.	
Project Summary	1	Project Description should be separate section than Project Summary. Project Description should be separate section/chapter entirely describing in more detail what the project plans are, including any connected actions (i.g. <u>PGE utility development plans</u> ). Project Summary should include more detail on location of the project area.	

Rolling Meadows CEQA Review

Section	Page #	Data Request	Notes
Add Map: Circulation	App A	Include a circulation and access map that depicts the routes that will be used to get to each site; where the drop off/pick up bus stops will be located; any dedicated project parking, fire and emergency vehicle routes on the property and required turnaround areas. Identify any new roads that to be constructed and any existing roads that are proposed for widening, water crossing improvement, grading, or alignment change or extension.	
Add Map: Emergency Access	App A	All parcels associated with the site are located in a Very High Fire Hazard Severity zone. A map that shows how emergency vehicles can access the site in case of an emergency would be helpful; and a map that identifies water storage for fire suppression. The project involves employing 34 individuals. An emergency evacuation route should be identified.	
Add Map: Powerlines and PGE and energy	App A	Include map showing the proposed PGE power plan for the project site: locations of proposed power lines, where vegetation would be removed for placement of such infrastructure, where power lines will cross the Eel River, etc.	
Replace Figure 2, Figure 3 and Figure 4 with topographic maps	26-28	Per CDFW, please submit a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each. We recommend that you replace Figures 2, 3, and 4 with these topographic maps with CDFW's required information.	
Maps - Figure 2, 3, 4	26-28	Please label the cultivation areas as either "Cultivation Area 1 or 2 or 3 or 4" or Site Operator 1, 2, 3, 4". Make sure to include any accessory development such as wells, parking areas, storage tanks, generator locations, ponds, etc.	
Maps - Figure 2	26-28	Include Parcel numbers on figures or notes /legend	
Maps - Figure 3	27	This is mislabeled. The title within the figure states "Tracts 2 and 3 southern area", but it should be Tracts 1 and 4 southern area"	
Maps - Figures 2, 3, 4	missing Figure	The ISMND is missing a figure showing the proposed cannabis development and setbacks to wetlands and streams for APN 211-284-009. Please include.	
Maps Figure 2	27	The stream is labeled a Class II stream on Page 27 of the ISMND. This is potentially a Class III stream, please double check and edit accordingly.	
AESTHETICS	9	Eliminate the use of the term 'as the crow flies'. Just state the direction (i.e. north, south, east, west) the highway is located from the project site.	
AESTHETICS	9	Add Setting: Describe nearest likely viewers (people recreating on the Eel River and living or working or traveling from viewpoints across the Eel River is important)	
AESTHETICS	9	Determine if the portion of the Eel River that forms the southern boundary with Tract 2 and 3 is designated under the 1968 Wild and Scenic Rivers Act. If designated, is it designated as 'recreational' or 'scenic'. State the closest portions of the river that are designated as 'scenic' (i.e. 4 miles east, west, north, south) under the Act. Describe if there any recreational areas located within the vicinity of the project area/ Eel River (i.e. boat ramps, picnic areas, etc.). If the Eel River is considered a 'scenic resource' discuss how the project would result in less than significant impacts. Identify any mitigation measures to reduce impacts.	

Section	Page #	Data Request	Notes
AESTHETICS	9	Describe the existing visual character of the site. Discuss the surrounding area land uses. Describe the temporary affects of construction equipment staging (duration, location, phases of construction).	
AESTHETICS	9	Describe how the proposed development will alter the site from current conditions. For example, "Development of the site for the proposed project would alter the site's visual character by introducing additional buildings, rainwater catchment ponds, agricultural crops, paved access roads, park-ing areas, stormwater facilities, and fencing (See Proposed Site Plan)." Will any populations notice the development? Describe any public views of the site (i.e. from public roads, from even from the Eel River). Are any mitigation measures needed to lessen the visual impacts from public viewpoints? Is the portion of McCann Road that crosses the property accessible for public use as well? If so, discuss the visual impacts. Discuss how riparian corridors of the Eel River will remain protected and not disturbed by the proposed project.	
AESTHETICS	9	Lighting. Discuss mitigation measures for the impacts associated with the security lighting. Will security lights be shielded? One mitigation measure should be a development of a Lighting Plan. The Lighting Plan should demonstrate that all indoor and outdoor lighting will not cause light pollution. Include discussion on lighting impacts to NSO.	See County's notes in their initial review.
AESTHETICS	9	Please include the light wattage that is anticipated to be used and estimated number of lights; and the estimated number of hours per day they would be used. Discuss the cumulative impacts of the year round Mixed Light Operation. Discuss the lighting impacts to the rest of the ranch area and existing wild lands. Since it is not just seasonal use, the impacts are anticipated to be greater. This warrants a more indepth discussion.	
Ag & Forest	10	Add Setting. Describe Prime Ag Soil . If there is mapped farmland available via the Farmland Mapping and Monitoring Program, please discuss. Discuss the areas that are TPZ on the Tracts. Discuss the AE Zoning and AG and T land use designations. Discuss surrounding land uses.	
Ag & Forest	10	Depending on the number of trees to be removed, it is possible that applicant may have to complete a less-than-3-acre conversion exemption.	
Ag & Forest	10	In Discussion - discuss the prime ag soils and locations of proposed development (CMMLOU's prime ag soil requirements); discuss the technical report (and cite the reference) that provided information on prime ag soils on the tracts, since the County's GIS system does not show prime ag soils for these parcels. Discuss the site plans that show the prime ag soils and the proposed development locations. And discuss how the project would be located on Prime Ag Soils on the parcel and no more than 20% of the area of Prime Ag soils on the parcel will be used for the proposed mixed light operation. Discuss how none of the greenhouses will have impervious surface area.	
Ag & Forest	10	Are any of the proposed development - ponds,parking areas, processing buildings to be built on Prime Ag Soil? Will it decrease the amount of prime ag soil on the parcels?	
Ag & Forest	10	Discuss how the land is not under Williamson Act Contract. For example, "According to the Humboldt County Web GIS mapping, there is no Williamson Act contract applicable to the project site."	
Ag & Forest	10	Discuss growth inducing or cumulative impacts. Discuss the type of land development proposed and the number of persons that the project will employ. Discuss impacts related to the development of new commercial facilities for processing.	
AIR	10	Add Setting.	

Rolling Meadows CEQA Review

Section	Page #	Data Request	Notes
AIR	10-11	Air Quality impacts should be discussed both in short term (construction period) impacts (machines, dust, use of dirt roads, constructing new roads) and long term (operational) impacts ( vehicle trips for employees/staff, generator use, etc.	
AIR	10-11	Discuss short term construction period impacts and long term operational air quality impacts	
AIR	10-11	Include a brief sentence describing what the 'Air Quality Control 104 Prohibitions' is. Describe how compliance with that will reduce impacts to less than significant levels .	
AIR	10-11	Provide CalEEMOD modeling for construction related air quality impacts, including those for 'connected actions'. Include results as part of the analysis as part of IS.	
AIR	10-11	Discuss construction related emissions and measures to prevent fugitive dust emissions. Site all possible sources of dust emissions.	Recommend to consult with air quality experts.
AIR	10-11	Discuss operational related emissions associated with the project.	
AIR	10-11	For the new processing structures, please provide more detail about the ventilation/air filtration system that will be used to limit potential adverse odor and emission impacts to employees	
AIR	10-11	Discuss impacts to Sensitive Receptors - nearest sensitive receptors and distance to location.	
BIO-Env Set	6	The description of the environmental setting in the Introduction/Project Description section does not provide sufficient detail to evaluate the habitat potential for species dependent on mature and old-growth forest. The term mid-mature is used but not defined. Please provide average DBH of trees and information on the depth of various riparian areas.	
Bio	12	Add Setting - see above for information that needs to be included.	
Bio	12-17	The information provided on vegetation does not respond to the County of Humboldt's request for vegetation surveys prior to conducting CEQA.	
Bio	12-17	The information provided on vegetation does not respond to the CDFW's request for a CNDDB review of California Rare Plant Ranked within 1 mile of the site, and accompanying protocol surveys for any recorded species.	
Bio	12-25	The bio analysis does not respond to the County of Humboldt's request for discussion of cumulative impacts on riparian habitat, and does not respond to the County's request for a discussion of wetlands.	
Bio	17-25	The bio analysis does not respond to the County of Humboldt's request for NSO surveys prior to CEQA review.	
Bio	17	Please include a discussion of potential impacts to the seed bank from all planned ground disturbing activities in the discussion of impacts on rare plants.	
Bio	19	Please provide a full discussion of potential impacts to Cooper's hawk, sharp-shinned hawk, American peregrine falcon, golden eagle, and osprey; "no impact" cannot be assumed due to reduction and change in foraging habitat, as a minimum.	
Bio	20	Townsend's big-eared bat, long-legged myotis, and Yuma myotis are included in the special status species table; roosting habitat is assumed to be present in the area, but no project impacts are assumed. Given that there is a known roost on site that is scheduled for demolition, a full discussion of potential impacts to these species is warranted. Loss of a roost should be considered as an adverse impact. If the site plan is revised to avoid demolition of the potential roosts, discuss the sensitivity of Townsend's big-eared bat to noise disturbance and potential for them to abandon their young if disturbed during the maternity season.	

Rolling Meadows CEQA Review

Section	Page #	Data Request	Notes
Bio	20	In the special status species table, Yuma myotis are noted to have potential nesting habitat on the parcel. This species forms maternity colonies to raise their pups but do not nest. This language should be updated to reflect this. Please identify all potential habitat for Yuma myotis maternity colonies on the ranch parcel.	
Bio	18-21	Please add evaluation of potential impacts to Chinook salmon, Coho salmon, steelhead trout, green sturgeon, lamprey, and Pacific giant salamander per CDFW request. Identify extent of fish-bearing streams in and downstream of project area.	
Bio	21	For western pond turtle, nesting habitat is noted to be present but not in the project area. A radio-tracking study on western pond turtles at Boggs Ecological Preserve found that 50% of nests fall within 40 m (131 ft) of water, and 90% fall within 100 m (328 ft) of water. This is greater than the proposed setbacks of 50-150 feet from potential waterbodies. Discussion of potential impacts to this species is warranted, and the assertion that nesting habitat does not occur in the project area should be revisited.	
Bio	21	Northern red-legged newt, red-bellied newt, and southern torrent salamander are included in the special status species table. Habitat is noted to be present in the Eel River watershed and or ephemeral waters, but the suitability of the project site for these species is not directly analyzed. Please analyze the suitability of the project site for these species, and include a discussion of potential impacts as necessary.	
Bio	23	Indirect impacts of noise and construction activity and the potential for disrupting nesting behavior should be considered during the breeding season for grasshopper sparrow and Bryant's savannah sparrow.	
Bio	24	The location of the culvert with temporary water where foothill yellow-legged frog was observed should be mapped and explained in relation to the project.	
Bio	24	Mitigation Measure 1 should be removed, and botanical surveys for special status plants should be conducted and results should be included in the ISMND to aid in analysis of potential impacts. Per the County's comments, mitigation methods should be explicitly defined in the ISMND.	
Bio	24	Include a survey buffer of least 800 feet for raptor nests in Mitigation Measure 2.	
Bio	24	Mitigation Measures 2, 3, and 4, should provide an approved date range for construction activities, rather than a single date. In the event that construction does not complete by the beginning of a sensitive period, this needs to be accounted for.	
Bio	24	Mitigation Measure 3 states, "...generator noise levels shall not exceed 50dB at 100 ft." This should be restated to clarify within 100ft of what?	
Bio	24	Mitigation Measure 3 should be revised to accommodate the request from CDFW's referral that NSO protocol level surveys should occur over the course of two years.	
Bio	24-25	Mitigation Measures 2, 3, 4, and 5 should be modified to state that all surveys should be undertaken by a qualified biologist.	
Bio	25	Per the County of Humboldt's comments provided on January 15, the biological analysis should be revised to include a discussion on cumulative impacts to riparian habitat and conversion of wildlands.	



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Section	Page #	Data Request	Notes
Bio	25	If a pond is scheduled for construction, mitigation measures regarding the timing of construction and potential for impacts to special status species of turtles and amphibians should be considered. If the pond is scheduled for construction during the rainy season, an exclusion fence should be installed around the construction perimeter to prevent take of any migrating amphibians and their eggs. If a pond is scheduled for construction, adherence to the CDFW's Bullfrog Management plan should also be included as a mitigation measure.	
Bio	25	Need a Mitigation Measure for Water Storage Design, Approvals, and Maintenance Standards for Ponds.	
Bio_Rpt	6	The comment regarding NSO activity at NSO AC (HUM 0523) should be revised in accordance with the referral from CDFW.	
Bio_Rpt	8	The biological report states that no impacts to birds are expected as no vegetation will be removed; on page 13 the biological report states that removal of apple trees are unlikely to have any adverse effects. The biological report should be revised for consistency, and the impacts of vegetation removal on nesting birds should be incorporated into the ISMND. If trees need to be removed in association with road improvements, this should also be included in the ISMND.	
Bio_Rpt	13	Per the CDFW referral, a qualified bat biologist should conduct a survey of the site during the maternity season and conduct a more comprehensive habitat assessment to provide concrete findings regarding the type and duration of use of the building.	
Bio_Rpt	13	The description of the bank is unclear and sounds like a bare bank that would be potential habitat for bank swallows. Site pictures and more description should be included for better analysis on the suitability of habitat for this species.	
Cultural Resources	29	Add Setting. Describe historic uses of the ranch (area, site). Describe the existing structures on the site and their historic uses. Add more detail in the historic uses and settlements of the area. This area was occupied for millennia before settlement and the likely presence of evidence of that occupancy must be presented. Were any "Indian Villages" noted in the vicinity on the GLO maps? Previous surveys found artifacts where? Settlement history of this and adjacent parcels should be included.	
Cultural Resources	29	A large building is proposed to be removed on Tract 4, per the Biological technical study. Disclose the age of this building and what it was historically used for. Discuss existing historic resources on the site.	
Cultural Resources	29	Discuss paleontological resources and/or unique geological features on or near the site. Is there a potential for fossils to be discovered and inadvertently damaged during project construction?	
Cultural Resources	29	Discuss Consultation with Tribes AB 52 (consultation on the Nick Angeloff survey of the site?)	
Geological Resources	31	Add Setting. Describe topography, slope stability, slope ranges, historic landslides.	
Geological Resources	31	GIS shows historic landslides on the parcels (but no on the proposed locations for cultivations) - and surrounding area has historic landslides. Need to include a discussion. It is possible the County will want all sites proposed for development to be investigated by a Geologist /Geoenineer. SEE COUNTY'S NOTE ON ORIGINAL DRAFT - PLEASE INCLUDE DISCUSSION ON GEOLOGICAL FACTORS THAT ARE IN PLAY ON THE PROJECT SITE	Question for the County: Perhaps a Limited Scope Geologic Hazards Assessment is needed? -- for proposed ponds, processing facilities (where employees will be) and onsite septic.
Geological Resources	31	Sites for ponds will need to be assessed by a geologist, per CDFW recent comments dated January 2018.	

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Section	Page #	Data Request	Notes
Geological Resources	31	Does the project include Fill Disposal? CDFW wants to know. It is recommended that a preliminary engineering analysis of the proposed greenhouse locations with regard to total cut and fill, or cut and disposal, needed to level the sites. These are huge buildings and leveling ground for them is likely to move hundreds of cubic yards of material.	
Geological Resources	31	Need a septic site suitability report (or geologic hazards assessment) for all locations for septic. Specify that onsite septic is currently not available, but is proposed as part of the project. A septic potential /site suitability report would provide information for this section.	
Geological Resources	31	"A minimal amount of Agricultural soil will be covered with greenhouses and buildings". Please quantify/provide estimates.	
GHG	31	Add Setting. Describe existing and proposed infrastructure. Is PGE covering all sites? Provide a letter or communication from PGE describing how they plan to provide power to each site. Provide a letter or communication from Redwood Coast Energy Authority that they will provide the renewable energy source for your project.	
GHG	31	Discuss renewable energy. Use data from Air Quality Analysis for GHG analysis.	
GHG	31	Need to consider generator usage as well (back up generator usage)	
Hazards	33	Add setting.	
Hazards	33	Describe the local fire response district and access routes to the site.	
Hydrology and Water Quality	33 to 35	Add Setting. Describe natural water courses and wetlands on the site- streams, channels, watersheds, ponds, the Eel River, etc. And setbacks.	
Hydrology and Water Quality	33 to 35	Need more information on how agriculture runoff will be contained. Describe the infrastructure that will be in place to manage runoff.	
Hydrology and Water Quality	33 to 35	p. 34 state , paragraph 3 (c-e) and f) states that Greenhouses will have concrete pads. Please clarify, as the County does not provide permission for the use of concrete flooring types within greenhouses, especially on prime ag soil. Please describe more details about the greenhouse floors on how the project will not result in impervious greenhouse floors.	
Hydrology and Water Quality	34	Need to address questions g-i) correctly. The facilities proposed to be constructed on the most southerly portion of the parcel 3 is located in the FEMA identified 100-year Flood Zone. Even though the project is not proposing residential uses, the project is proposing commercial uses that include processing structures and cultivation greenhouses in which employees will be located as well as septic field. There needs to be a discussion about what measures are being taken to comply with the County's Flood Damage Prevention Regulations.	

Section	Page #	Data Request	Notes
Hydrology and Water Quality	34	b)Specify the location of wells (include a map or refer to site plans), initial amount that will be drawn from the well, peak pumping rate, how much will be drawn per year, and how frequently the well will be used. How will year round operations not have an impact on the groundwater table or impact existing or planned uses which already have been granted? Will water be stored on site? If so, please map location of proposed storage, specify type of storage and capacity, specify reason for storage.	Please refer to County's letter dated January 15, 2018 regarding substantiating the claim that they wells are not hydrologically connected to the water flow of the river. We see the letter in the Appendix from Fisch Drilling, however, the County will want to see testing or a technical study to document the existing groundwater supply and anticipated impacts as a result of the new wells and anticipated usage; and to demonstrate that all of the wells are not hydrologically connected. The letter from Fisch drilling needs to be substantiated. CDFW is the Agency that determines if the proposed wells will have connectivity with onsite water sources.
Hydrology and Water Quality	34	Include processing facilities as part of the group of structures that would be considered potential source of runoff. Need to discuss both construction period and operational period impacts.	
Hydrology and Water Quality	34	Need to describe all setbacks to natural water courses and wetlands for each area that will be developed. Include setbacks to Eel River, wetland areas, Class I, Class II and Class III streams. Include septic proximity to wetlands and natural water sources. Coordinate response similar to what is required for biology section. Describe mitigation measures used during the construction period to ensure that water quality of onsite water sources will not be degraded.	
Hydrology and Water Quality	34-35	Section c-e) per County's notes - asks for description/inclusion of stream crossings and description of how streams will be protected from construction period or operational period work being done on stream crossings.	
Land Use and Planning	35	Add setting. Need to describe land use setting. What are the land use designations for the parcels? What are the allowable uses?	
Land Use and Planning	35	Discuss Prime Ag soil requirements for new cultivation and how project meets those requirements. See County's notes describing how the project (as it currently is stated) is in conflict with the County's requirements regarding prime ag soils and the use of concrete flooring.	
Land Use and Planning	35	Question a): describe how there are no existing established communities that are on site or in surrounding area; how the site is private and access provided by private routes throughout the project areas; Please identify if any new roads are proposed as part of the project, if so identify location and length. Describe how the project will not physically divide an established community.	
Land Use and Planning	35	Question b): describe how the proposed project conforms to the General Plan goals and policies and the Zoning Ordinance.	Need to incorporate discussion how the project is changing from wildland area to large industrial cannabis development and how the level of use and level of impacts may not be consistent with what was envisioned with the General Plan, Zoning, or CMMLUO, especially in areas without adequate access, public services, and fire protection
Land Use and Planning	35	Need to provide evidence that the project is not in conflict with any habitat conservation plans or natural community plans. For instance, was a records search done? If so, cite the sources - CDFW, USFWS EOS program, etc.	Note the SPI and adjacent landowners may have HCPs that restrict road use. This could be crucial if northern access needed.

Section	Page #	Data Request	Notes
Mineral Resources	36	Include brief setting. Use the Humboldt County GIS system to determine if any of the project sites are located within SMARA parcels, and state the results in the setting, citing the GIS system.	
Noise	37	Include discussion focused on construction and operational noise impacts to NSO species.	
Noise	37	Include setting; describe surrounding land uses, sensitive noise receptors (any residents located near the project areas?). For instance, the information provided in section d) regarding residences and commercial uses in the vicinity of the area and the nearest residence should be included in the setting. Describe potential species affected by noise.	This should also apply to any needed road improvement to meet fire safe standards, because that may happen off site.
Noise	37	In general, describe short term temporary noise impacts related to construction activities including duration; and long term operational noise impacts (i.e. usage of generators, etc.)	
Noise	37	a) describe existing sensitive receptors in the area, if any, how there is no existing population on the parcel that will be impacted by construction noise or operational noise, etc. For the Operational period of the project, describe how backup generators are also proposed to be used and include a mitigation measure that enforces the applicant to comply with the County's noise standard in the CMMLUO Section 55.4.11 (o). Include Generator Noise Mitigation Measure.	see example
Noise	37	For c) Describe - how the noise generated by the operations will be more than the noise generated currently as a vacant forested parcel. It must be stated that the noise generated will be more than the existing setting. And, if the noise generated is not anticipated to be significant, please explain why. Describe the new sources of noise once operational. Describe what measures are being taken to ensure that the change in ambient noise level will have no impacts. Describe how the noise produced when operational will not exceed the County's General Plan Noise Element.	See County's letter dated January 15, 2018. Please describe the scenario in which PGE does not provide power, and the project is reliant on generators during winter events and the reliance on generators could potentially end up being a longer term impacts as opposed to temporary. Please evaluate new noise sources to wildlife, given the setting.
Noise	37	d) cross connect this section with BIO section. If there are specific bio requirements stating that construction cannot be done during certain periods of the year due to impacts to a certain species, this needs to be stated here as well.	Noise needs to be discussed, in terms of impacts to sensitive species such as the NSO. Describe the findings in the CDFW spider diagram and the findings of the bio study that was done (Activity Center versus Observations) and what this means for noise generated on the site and potential impacts on NSO.
Noise	37	d) Turn the information regarding complying with the County's 60dBA requirement into a Mitigation Measure.	
Noise	37	In general, this section should have Mitigation Measures for noise produced during the construction period (i.e. limited hours of construction, use of noise mufflers on certain equipment, etc.; and mitigation measures for noise during the operational period (generator use)	
Population and Housing	37	Add Setting. Are new roads proposed to be constructed? Are roads proposed to be extended?	
Population and Housing	37	Describe how the area has been vacant, forested wildlands, and will change with the introduction of new people on site working the operation. Will need to describe how the addition of persons to the area won't result in negative impacts (i.e. consider noise, traffic, litter/pollution, human waste, etc).	If the area was pristine wild lands, there is definitely going to be a change with implementation of the proposed project over current conditions. This needs to be described, and defended to as why the impacts would be less than significant.
Public Services	38	Add Setting	

Section	Page #	Data Request	Notes
Public Services	38	Fire Protection: Any land use or development which requires a use permit, and any construction requiring a building permit, is NOT exempt from the County Fire Safe Ordinance. Modify project description to include compliance with Fire Safe Ordinance, including but not limited to internal ranch road standards for width, surface, and grade, water crossings to the minimum load standards, as well as minimum water supply requirements. Add these elements to the environmental analysis in all sections.	
Public Services	38	Fire Protection section. Describe how the project is located in a Very High Fire Hazard Severity Zone and what measures are included to mitigate against fire hazards. The project will introduce new elements that could become ignition or fuel sources. Include these in the project description and in the analysis of fire danger	
Public Services	38	Fire Protection section. The statement "Cannabis grown on the farm will be dried and trimmed in the agricultural buildings. No commercial processing will take place on site. Processing of the product will take place off site in a commercial processing building" is inaccurate. Trimming is commercial processing. Please specify what additional processing will take place off-site, how and with what frequency product will be transferred to the off-site processing facility. Include this in the project description and in the transportation analysis.	
Public Services	38	Fire protection section. Please describe more detail about the 'extra water storage; for fire protection. Most projects at this point in the process have proposed water storage quantities measured out. Need to know what type of storage (tanks? Ponds?) , what fills the storage? , what is the gallon capacity? Who is designated to access this water storage? Where is this storage located? What equipment will be included in the project plans to battle fires given anticipated long response times from CAL FIRE?	
Public Services	38	Fire protection section. Statement says " The nearest Cal Fire facility is located in Weott, CA". Please add the number of miles and estimated minimum response time.	
Public Services	38	Fire protection section. Please describe how the interior ranch roads will be improved to meet fire safe standards. Existing roads analysis indicates that fire safe standards are not met.	
Public Services	38	Fire protection section. Demonstrate that off-ranch access routes (McCann Road and Alderpoint Road as well as roads on adjacent property) meet fire safe standards on all portions, including river crossings, that may be required for fire suppression by CalFire firefighting resources.	
Public Services	38	Site plan needs to include fire safe routes internally throughout the ranch, and access routes for emergency vehicles, including fire response, as well as turn-around spots. Also discuss emergency access in the winter months if the bridge to McCann Road is flooded.	Consider creating a separate circulation map for fire and emergency response.
Public Services	38	Police Protection. Security plan details don't seem adequate. Please ensure all details from Security Plan in revised Ops Plan is included (i.e. security lighting, escorted access, video surveillance, background checks?)	
Public Services	38	Schools. Describe the distances of the nearest school facilities.	
Public Services	38	Response times. Please address County's request to describe impacts resulting from high risk response times (greater than 50 minutes) for police protection and fire response. The current explanation provided by the applicant references other projects that have been approved by the County. This response is not adequate as it does not demonstrate alternative solutions or options regarding high risk response times. Both police protection and fire protection should be either 'less than significant with mitigation incorporated' or 'potentially significant impact'	



Section	Page #	Data Request	Notes
Recreation	39	Add setting.	
Tribal Cultural Resources	42	Add setting.	
Transport/ Traffic	40	Add setting.	
Transport/ Traffic	40	Are internal roads safe enough for construction vehicles to access to the discontinuous sites?	
Transport/ Traffic	40	Employees (34) that will be coming to the site. Describe what locations will they be coming from? Which roads would be impacted by this anticipated traffic?	
Transport/ Traffic	40	section e) - this question should be answered in the context of 'emergency access' - why is there a discussion of the bus in this section? The description regarding main access for employees and using a company owned bus to go from property boundary to project site - should be discussed in different section, maybe section a).	
Transport/ Traffic	40	Details on which existing roads are scheduled to be improved need to be included in the IS.	
Transport/ Traffic	40	d) please provide a summary of the results of the Road Evaluation for internal roads that were studied.	
Transport/ Traffic	40	d) Add discussion on road compatibility for emergency vehicles needing to use internal roads in the event of an emergency. The report states "due to steep road grades in some locations, measured to be over 20% , and not measured but estimated to be up to approximately 30% for short distances, it is recommended that appropriate type vehicles be used when using the roads". Need to describe what qualifies as 'appropriate type vehicles'.	
Transport/ Traffic	40	e) Need a discussion on how the project will comply with the Humboldt County Fire Safe Ordinance. Even though the emergency medical services is discussed in terms of an 'emergency air ambulance' - a discussion needs to be included to discuss a) how emergency vehicles can access the various cultivation sites in case an air ambulance is not feasible and b) how Cal Fire/Emergency Fire Vehicles and personnel can access the site, especially given the area is a Very High Fire Severity Zone.	
Utilities	43-44	Add Setting. Describe existing setting - any existing utilities serving the site? Describe rural location and what services are or are not provided.	
Utilities	43-44	In general, for each finding - need to format the findings into statements, such as the following: "the project will not require or result in the construction of xyz"; and, for discussion, need to format the statement like the following example - "There are no public water or wastewater treatment systems serving the project site."	
Utilities	43-44	a) remove sentence about stormwater runoff. Discuss number of persons that will be employed and how proposed septic systems will have sufficient capacity to accommodate the total number of persons on site (highest estimate at peak operation)	
Utilities	43-44	b) discuss potential construction period impacts associated with the development of new septic and water infrastructure on the project area	
Utilities	43-44	c) describe the infrastructure that is proposed to collect runoff and store it. Discuss whether or not the installation of the infrastructure would have environmental effects or not.	

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Section	Page #	Data Request	Notes
Utilities	43-44	d) need to describe the estimated amount of water use for cannabis irrigation; and for domestic supply for employee use. Describe water sources = the wells- what is their anticipated output and frequency of use? Ponds – how many are existing, how many are proposed, what are gallon capacities of each? Does the project plan to include hard tank storage, if so, how many tanks and gallons?. Is their sufficient water for both irrigation and to supply the potable water for employees on the site?	
Utilities	43-44	d) need to include discussion about wells - are they hydrologically connected (need communication or assessment from CDFW). Will there be impacts to groundwater supplies?	See County's note in letter January 15, 2018 requiring an engineering geologist to document the groundwater supply and anticipated impact from proposed cultivation.
Utilities	43-44	e) describe septic potential to accommodate the 34 employees. Any details on the proposed septic systems that will be installed?	
Utilities	43-44	f) discuss sources of solid waste as a result of the project. How frequently will the waste be hauled to the Eel River Recology?	
Mandatory Findings	44	Setting/Intro - include first paragraph that describes how short term construction period and long term operational impacts were evaluated	
Mandatory Findings		Add subtitle 'Mitigation Measures' above the list of Mitigation Measures. Add sentence in Mitigation Section- "Proposed mitigation includes AES-1, BIO-1, BIO-2, BIO-3, BIO-4, CUL-1, GEO-1, NOI-1, and NOI-2"	
Mandatory Findings	44	b) This section is inadequate. This section needs more discussion and analysis for cumulative discussion. Need to go topic by topic (i.e. Air Quality, Aesthetics, Bio, etc.).	
Mandatory Findings	44	b) Discuss any related or nearby projects in the cumulative discussion	Cumulative impacts should specify the distance considered for "nearby" and should include other road uses that are changing. Projects to consider include adjacent property (SPI) planned management activities, including road maintenance as well as logging, Humboldt County road maintenance and repair, and other cannabis cultivation proposals.
Mandatory Findings	44	b) refer to County's letter dated January 15, 2018 - a cumulative discussion needs to be addressed for 1) introduction of population (34 individuals) into an area where there is no population (wildlands), and 2) the improvement of roads through wild land areas not previously developed to serve the level of development proposed by the project	Need to consider the big issues including access, public services, and fire protection. Also the induced growth potential of providing PG&E distribution power on the north side of the Eel River--adjacent properties can develop more with power available and likely will. Also if roads are improved to fire safe standards this could also induce development on adjacent parcels.
Mandatory Findings	44	Per the County of Humboldt's comments provided on January 15, the biological analysis should be revised to include a discussion on cumulative impacts to riparian habitat and conversion of wildlands.	see bio section above for reference
Mandatory Findings	44	c) The mitigation measure proposed (detailed security plan) does not seem to fit here. Rather, this section should focus on Noise, Air quality (construction period), Bio (pond design and development), Geo (stability), Hazards, Transportation mitigation measures. Need discussion on geo stability, fire hazards and emergency response, potential noise impacts, (generators, construction related noise), transportation impacts (roads)	see example





**Exhibit G**

**Transcon Environmental, Memorandum re Peer Review – Project  
Description Deficiencies, dated July 23, 2018 (“Memo #2”)**



## MEMORANDUM

**To:** Michelle Nielsen, Planning and Building, Humboldt County

**From:** Nicole Catalano and Penny Eckert, Transcon Environmental, Inc.

**Date:** July 23, 2018

**Subject:** Application #12529, #12542 Rolling Meadows  
*California Environmental Quality Act (CEQA) Peer Review - Project  
Description Deficiencies*

Transcon Environmental, Inc. is providing this memorandum to highlight the deficiencies in the current Project Description associated with the Rolling Meadows (Application 12529 and 12542) ISMND.

The Rolling Meadows Project Description is inadequate. This makes the entire ISMND inadequate since it is impossible to assess impacts from a project without knowing what is proposed. Please entirely revise the project description to include the following. Note that this is not an exhaustive list and the applicant is responsible for developing a robust and complete project description:

- Project Site History. Describe the site and the neighboring properties, including full parcel sizes. Describe the site prehistory and history in a paragraph or two.
- Divide the project description into sections.
- General Project Description—what is proposed, where it is proposed, including road access, water sources, and development of grid power.
- Grading—Describe actual existing slope for each building and the amount of grading estimated to be needed to level site. Provide detailed description of grading requirements, cut and fill, needed to place buildings, where spoil will be disposed of, etc.
- Identify and describe, including age, dimensions, prior uses, all existing structures on site. Specify which will be removed as part of the project.
- If trees will be removed as part of the project, identify the number of trees, species, DBH, and height of each tree, identify the location of trees to be removed on one or more figures and call out the figures in the text. This must include any trees to be removed for road improvement to meet fire safe standards.
- Road improvement—specify how ranch roads will be improved to meet fire safe ordinance requirements. Show that each road, including its water crossings, are able to support a 75,000 pound apparatus. Include all routes that could be used for access during an emergency. Include any needed changes to water crossings (replacement or upgrade of bridges or culverts).
- Building detail—beyond just the square footage, describe each proposed building including dimensions, materials to be used, and in the case of the trimming/bathroom buildings, the location and size of the bathroom(s), their ADA compatibility, and the estimated daily waste water to be generated from them. Show building floor plans for trim/bathroom building. Show ADA parking.

- Construction practices. How will you get heavy equipment to the site? What size and type of equipment will be used and approximately how long will each be in use? How many employees will be present during construction? How do they get there? What bathroom facilities and drinking water supplies will be available during construction? What are the hours of construction? How will you manage dust control and where will the water come from? How many trips per day will be needed to either bring in fill material or dispose of cut material? If a disposal site is needed, where will it be located?
- Water use and storage—amount of water needed for irrigation, for employee use, and for dust control during operations. Include water needed for dust control on ranch roads. Specify water source and size of proposed water storage. Include water storage to meet fire safe ordinance.
- Identify and describe, including dimensions and seasonal volume, any existing ponds or water features that are to be used for the cannabis operation on each tract. If none, so state.
- Provide detail on groundwater proposed use, including probable depth to water (based on similar wells in similar strata) and pumping rate per day during peak use (not just annual estimates).
- Onsite wastewater systems—approximate size (volume).
- Number of Employees, likely residences of employees and plans for parking at “park and ride” shuttle pickup locations, number of shuttles per day, parking for shuttles on-site, etc.
- Other traffic: specify route, estimated size of truck and frequency of delivery of soil, fertilizers, and any other inputs (trips per day or per month). Specify route, estimated size of truck, and frequency of delivery of dried and trimmed product.
- Hours of Operations. Include hours of operation on site as well as typical commute times with and without the McCann Bridge available. Specify commute routes for each scenario.
- PG&E power—Even though PG&E will do the environmental and permitting, PG&E would not construct these lines “but for” the project. Therefore, PG&E line construction is a connected action and must be reviewed at least at the planning level in this ISMND. The route, approximate number of new poles, time of construction, vegetation clearing including tree removal, grading, temporary road construction to access each pole site, etc., needs to be disclosed and analyzed in this ISMND.
- Backup power—describe generator including noise specifications and provide documentation. Describe how generators will be run weekly to maintain readiness and describe fuel use for maintenance and for emergency use. Specify location and size of propane tanks serving generators. Specify route and frequency of propane deliveries for each generator location.
- Other items:
  - Structures to be removed. Need to describe any structures that will be removed as a result of the project. Are any of these structures historic resources?
  - Describe surrounding land uses.
  - All parcels associated with this project are located in a High Fire Rating zone and in a Very High Fire Hazard Severity Zone. Discuss fire hazards and emergency access in the project description – include information about how much water will be available for fire suppression in an emergency? Where are the water tanks? How many gallons?
  - Describe how each site is accessed, describe access routes. Describe internal road network, parking areas (existing and proposed), turn around areas (existing and proposed), conditions of existing roads, etc.
  - Page 4 of the Project Summary/Description Statement says 'Cultivation will occur in greenhouses with natural floors'. However, page 34 of the ISMND (Hydrology section) states that all greenhouses will have 'concrete pads'. Please be consistent and note that greenhouse are not allowed to have improved/concrete flooring; floors must be pervious. See Planner's notes - re: no concrete pads can be used as part of the proposed project. Please change project so that concrete pads are NOT used.

- Discuss how runoff from irrigation is 'contained in the greenhouses'. What measures are proposed to minimize cannabis related runoff? Current project summary/description and Operations Plan is vague on this. What is the design of this that ensures that 'no runoff is created' or what are the 'strict protocols' that are referred to in the Operations Plan?
- Water Use. Please include a Table that includes a Water schedule for each tract -broken down by month, assuming water use will fluctuate.
- Discuss existing and proposed ponds. Identify existing or proposed ponds that will be used as part of the project. There was a statement about 'retention ponds' to be constructed to store rainwater or rooftop runoff - identify how many, size, gallon capacity, locations, etc. Storage tanks - how many will be added as part of the project. For all retention ponds, there should be mention of the CDFW's bullfrog management plan in the biological analysis.
- Provide more details about the operation. Discuss how Mixed Light operation complies with International Dark Sky Standards. Include the number of cycles per year. The Operations Plan currently states "There is no fixed calendar schedule that applies to any single greenhouse". This is quite vague. A monthly schedule and seasonal description of activities throughout the year is required.
- Add discussion about Prime Ag soils, how the proposed development will be on prime ag soils (you can reference the Prime Ag soil maps that should be in the Appendix).
- Project Description should include discussion about connected actions (PGE utility lines). At minimum, provide at least a planning level estimate of line length, location, number of poles, likely vegetation removal, and the one place where they think PG&E will cross the Eel River - need to see more detail on. The "induced growth" part of the ISMND will have to reflect the sudden availability of grid power on this side of the river for future residential, and commercial cannabis, development.
- The project description does not mention any plans for vegetation removal, but the biological report makes passing reference to removal of apple trees. The number and location of the trees should be detailed in the project description.
- The project description does not specify whether or not any methods that will be used for erosion control. If erosion control is to be used, the project description and mitigation measures should comply with the CDFW's referral request to prohibit the use of monofilament netting around wattles.
- The setbacks from waterways described in the project description should be revised to match the setbacks described in the biological report and to adhere to the setbacks requested in the CDFW referral.
- The slope of greenhouse sites is defined as areas which are relatively flat (<20% slope) in the ISMND, and as less than 5% slope in the biological report. The project descriptions should be revised to match.



**Exhibit H**

**NRM Response to County Comments on Draft Revised IS/MND, dated  
Jan. 22, 2020**





1434 Third Street • Eureka, CA • 95501-0682  
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12529

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12536

January 22, 2020

County of Humboldt  
Planning and Building Department Cannabis Services Division  
3015 H Street  
Eureka, CA 95501  
Phone: 707-445-7541



Dear Megan Ryan,

The following pages comprise the NRM response (in green) to your letter, dated February 21, 2019, and addressed to Mr. Andrew Machata. The letter consisted of your review of the Initial Study of Rolling Meadow Ranch LLC submitted by NRM on December 21, 2018.

NRM has attempted to address each concern raised by the County of Humboldt and described in the February letter to Mr. Machata. In conjunction with this response, NRM is submitting a revised Initial Study for Rolling Meadow Ranch LLC. Page numbers and descriptions in the NRM response are taken from and refer to the Revised, January 2020 Initial Study.

Sincerely,

Breeanna Kalson  
Environmental Planner  
Natural Resources Management Corporation  
bkalson@nrmcorp.com





**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT CANNABIS**  
**SERVICES DIVISION**

3015 H Street Eureka CA 95501  
Fax: (707) 268-3792 Phone: (707) 445-7541

February 21, 2019

Mr. Andrew Machata  
3060 Airport West Drive  
Vero Beach, FL 32960

Sent via email

RE: Permit Application No.: 12529  
APNs: 217-022-004 et al  
Case Numbers: CUP 16-720 et al

Permit Application No.: 12536 APN:  
211-281-0016  
Case Number: CUP 6-726

Dear Mr. Machata:

Thank you for the revised draft Initial Study (IS) for the Rolling Meadows Ranch project received on December 21, 2018. A review of the IS found that the project as proposed does not meet the requirements of the Humboldt County Commercial Medical Land Use Ordinance (CMMLUO) and there is a lack of sufficient detail provided in the draft IS for the Humboldt County Planning Department to determine that the proposed project is Less Than Significant with Mitigation and, unless additional information is provided, an Environmental Impact Report (EIR) is required for the Rolling Meadow Ranch project.

Ordinance No. 2559 - Commercial Medical Marijuana Land Use Ordinance (CMMLUO)

The Humboldt County Commercial Medical Land Use Ordinance (CMMLUO) Section 55.4.8.2. I Approvals for New Outdoor and Mixed-Light Cultivation Areas requires the following criteria for new cultivation:

*"...on slopes of 15% or less, and with documented current water right or other non- diversionary source of irrigation water (e.g., municipal, public utility, or permitted well), subject to the conditions and limitations set forth in this section. The cultivation area shall be located on the Prime Agricultural Soils on the parcel and no more than 20% of the area of Prime Agricultural soils on the parcel may be permitted for commercial medical marijuana cultivation "*

Based on the Humboldt County WebGIS, slopes at proposed project location are variable ranging from less than 15% to over 50%. A review of the draft Initial Study (IS) received on December 21, 2018, found that cultivation areas are proposed on slopes over 15% in slope. The draft Initial Study, Geology and Soils, Page 81, states that "over half of the proposed greenhouses are located on slopes less than 15%. The other greenhouses will be located on slopes less than 30%." Both Figures 18a and 18b show the greenhouses proposed on slopes over 15%.

The project will limit cultivation to areas that are 15% slope or lower. Lidar maps are available in Appendix A and Figures 8.-12. Discussion is available in Geology and Soils, subsection 'Setting,' p. 135.



Draft IS, Agriculture and Forest Resources Section, Page 22, states " the proposed greenhouses are partially located on prime agricultural soils... " The CMMLUO requires new cultivation to be located on prime agricultural soils and no more than 20% of the area of prime agricultural soils on the parcel may be permitted for cannabis cultivation. The location of the proposed greenhouses will need to be revised so the cultivation areas are located entirely within the prime agricultural soils.

The project will limit cultivation area to 20%. Discussion is available in Agricultural and Forestry Resources, subsection 'Setting,' p. 46-47.

*"Dirty Business determined that, in total, Parcel 1 (combining Tracks 1, 2, 3, 4) has 1,257,468 square feet of prime agricultural soil. . . . Twenty percent of the total prime agricultural square footage results in 251,493 square feet of usable area (See Prime Agricultural Soil Worksheet, Appendix G). The total proposed square footage for all cannabis facility space (Facilities #1-#16 combined) is 268,128 square feet (6.16 acres). The total area dedicated to cannabis cultivation (factors out areas, like pathways, that are within the greenhouse but are not planted) will be approximately 245,961 sq. ft. This complies with Humboldt County's CCLUO no. 2559 as the total area of prime agricultural soil that will be used for cannabis cultivation will be less than 20% of the total prime agricultural soil available on Parcel 1.*

#### Initial Study

At this time there is insufficient evidence to determine if the project has the potential to change the environment thus adversely affecting the habitat of State and Federally listed species. The bar for requiring an Environmental Impact Report (EIR) is whether a fair argument of a potentially significant impact exists. This document does nothing to present evidence on the record that there is not the potential of a significant impact or that a potentially significant impact has been identified and can be mitigated to a less than significant level. This document will require substantial revision in order to adequately assess whether or not there are potentially significant impacts associated with the construction and operation of the project. Alternatively, you may choose to prepare an EIR if the impacts of the proposed project cannot be mitigated to a less than significant level.

The following sections provide specific details requesting additional information to continue evaluation on this project, including a description of the items required for the site plan:

#### Project Description

- Access is stated as "off Mccann Road." However, in the *Public Services* section of the Initial Study, Page 110, states that, if Mccann Road is not accessible, employees would be evacuated north to Alderpoint Road. The project description should be updated to include all existing and proposed accesses to the subject parcel. Also, please include the improvements required for the Alderpoint Road access to utilize this route as secondary access;

As per the updated project description the Alder Point access is being repaired and brought up to current standards for ongoing ranch and timber operations. This will happen regardless of the results of the Cannabis permit. Any impacts from this road maintenance are not therefore attributable to the cannabis permit. The road does exist (as part of baseline) and therefore should be able to be used as secondary access.

- State specific date range (e.g. October 15 - March 31) for site closure prior to installation of a permanent bridge at Mccann. Describe winterization activities and site security measures when no one is on site. Describe number of people accessing the site in the off season, if any, and how the person (people) will access the site;

Info regarding winter site closure has been added in project description, subheading 'Water Quality,' page

14 and Hydro/Water quality section -discussion, part a), p.150

- The project description states generators will only be utilized in case of power failure for basic security requirements. However, in the Air Quality section, it states generators will be used to power water pumps and security lighting throughout the operation. Please clarify the use of generators; Generators are for use only when there is a fire and the electricity is out. They will then be used only to run the water pumps to fight the fire. See Generator section of Project Description, p. 12.
- Describe the hydrological connectivity of the wells proposed for irrigation use; Found in Hydrology and Water Quality section, Discussion, part b), p.151.
- Noise is not described in the Project Description; A Noise subheading has been added to Project Description see page 13.
- The project description should be updated to reflect the additional information and revised mapping submitted on February 18, 2019. It has been updated to reflect all the changes this past year.

#### Aesthetics

- Provide 3D Visual Assessment of impacted views. Portion of Eel River used recreationally in addition to neighboring properties across the river; viewshed analysis of the greenhouses – p.40, 41
- Specific details regarding lighting - number of lights (per structure and location), bulb types, wattage; Page 42, subsection d): high powered sodium lamps.
- Description of how black out traps will be operated - including automation, timing, etc. and what is the back-up plan if the automation is not functioning properly; Black out tarps have a backup plan per a conversation with manufacturer and other greenhouse owners. p.41
- Temporary/construction lighting not described; and No temporary or construction lighting- Discussed in project description, subheading 'Construction Phase,' p. 11.
- Discuss measures for the impacts associated with the security lighting. Security lighting described on p.41 and in subsection d), p.42

#### Agriculture and Forest Resources

- Prime agricultural soils were tested and mapped on the property. The IS states 30 locations were identified, however, the area of prime agriculture soils (square feet or acres) is not discussed; The project will limit cultivation area to 20%. Discussion is available in Agricultural and Forestry Resources, subsection 'Setting,' p. 46-47.
- Timber removal (18 trees) is not allowed for new cultivation pursuant to the CMMLUO; and New facility locations will remove 3 trees (Table 1., p.74) – 3:1 mitigation proposed: p.50
- No discussion of THP operations on the subject parcel and how uses will interact. THP operations are theoretical. No interaction anticipated apart from traffic are anticipated. Radio contact with electric bus will eliminate potential for negative traffic interactions. Discussion in Transportation, subsection c), pages 177.

### Air Quality

- Volume of water required for dust suppression not quantified nor is it clear if sufficient water supply exists to mitigate for fugitive dust and support cannabis cultivation;  
Volume of water required for dust suppression is quantified. Utilities and Service systems, subsection b), page 183.
- Frequency of road and stockpile watering not described;  
construction Phase road and stockpile watering is described. Air Quality, subsection a-b), page 52-53.

*The roads will be sprayed between one and three times a day depending on meteorological conditions (i.e.: fog, rain, high temperatures, etc.). Stockpiles will be sprayed 15 minutes before anticipated use and covered when not in use and if conditions are windy. The water trucks will also spray any grading sites, dry spoils piles and gravel piles during the grading stage that may contribute fugitive dust. All trucks carrying materials (gravel) onto or through the project site will be covered or sprayed with water to avoid materials becoming airborne. The dirt roads will be rocked with clean road rock to further reduce airborne particulate. The project will employ BMPs for limiting track out of soil onto graveled roads and protect sites from wind erosion on windy days by selecting protected work sites or limiting work.*

- The applicant is proposing to use lignin sulfonate to oil roads. Chemical makeup, quantity and frequency of use regarding lignin sulfonate not described. This section nor the Biological Resources or Hydrology sections discuss the effect on biological resources, run-off potential and impacts to watercourses.  
Lignin sulfonate has been removed – deemed unnecessary. Clean gravel, a conservative speed limit (15mph) and reduced traffic (bus and not individual) will be adequate for dust control. See Air Quality, subsection b), p. 54.
- The applicant may consider proposing off-site mitigation, such as paving an area with higher fugitive dust emissions as mitigation for any increases in emissions resulting from the proposed project;  
Clean gravel, a conservative speed limit (15mph) and reduced traffic (bus and not individual) will be adequate for dust control. See Air Quality, subsection b), p. 54.
- Maintenance of the Alderpoint Road (secondary/emergency access) not discussed;  
As per the updated project description the Alder Point access is being repaired and brought up to current standards for ongoing ranch and timber operations. This will happen regardless of the results of the Cannabis permit. Any impacts from this road maintenance are not therefore attributable to the cannabis permit. The road does exist (as part of baseline) and therefore should be able to be used as secondary access.  
The road will be evaluated and upgraded to FireSafe; all stream crossings and bridge repairs will be included in CDFW LSA application.
- The report states, "Operational emissions will also include the use of five 45KW Generac emergency generators to power the water pumps and security lighting..." The emissions from these generators is not quantified:  
See Air Quality subsection a-b), p. 53.

*Each processing building will have a 45 kilowatt, Generac propane emergency generator that will be used in fire emergencies to run water pumps for fire suppression. These generators are only for emergency use. To keep the generators ready for operation in case of an emergency, the generators will perform a periodic "exercise." In the "exercise mode," as described in the*

generator specification sheet (Appendix I), the amount of fuel burned over one year would be only 1.5 gallons of propane. If there is no fire, and the generators only run in exercise mode (as described in the Project Description), then each generator will only burn 1.5 gallons a year; that is 7.5 gallons a year for all five generators. For perspective, a typical gas grill comes with a 20lb tank, which is about 4.7 gallons of propane. . . . The NCUAQMD's review concluded (May 2019) that "an air quality permit is not required for the five emergency standby propane fueled generators detailed in [the] application." The NCUAQMD application and response is available in Appendix I.

- Provide a statement from the North Coast Air Quality Management District that they are not concerned about emissions from propane generators;  
A letter has been issued. The NCUAQMD does not find their potential emissions significant. Appendix I.
- Vehicle trips and car and fugitive dust emissions for construction phases not quantified; and Fugitive dust emissions for construction is qualified (less than significant) and discussed in Air Quality, p.52 -- compliance with the North Coast Unified Air Quality Management District (NCUAQMD) Rule 104, Section C will result in a less than significant impact from construction related fugitive dust.  
Vehicle trips and resulting emissions for Construction are quantified in GHG, subsection a), p. 142, Table 12.
- Page 27 states rural residences and the Northern Spotted Owl are sensitive receptors and concludes the impacts on rural residents and recreationalists are not significant, however, potential impacts to Northern Spotted Owl are not described.  
Owl removed from AIR Quality section discussion. See Biological Resources, Effects on Sensitive Wildlife subsection: p.67-108.

#### Biological Resources

- Page 37 states vegetative species could be impacted through vegetation removal and grading. The significance of this potential impact is not defined;  
Language was confusing, purpose was just to talk about the two different phases of the project (construction and then operations). Potential impacts are defined later in the section. Language has been edited to be clearer. See Discussion – Effect on Sensitive Vegetation, p.59.
- Page 37 states wildlife species could be impacted through habitat removal and construction related noise and activity. The significance of this potential impact is not defined;  
Language was confusing, purpose was just to talk about the two different phases of the project (construction and then operations). Potential impacts are defined later in the section. Language has been edited to be clearer. See Discussion – Effect on Sensitive Wildlife: p.67.
- Wildlife assessment states there is no suitable habitat of several listed fish species, while the Hydrology and Water Quality section state Class I and Class II streams are located in the project vicinity and there is potential to increase sediment to tributaries of the Eel River. Specially two creeks that are tributaries to the Eel River, Beatty Creek and Cameron Creek, are fish-bearing streams. No analysis regarding special status fish species, habitat or potential effects of the project is described.

There is no suitable habitat within the project impact areas for any fish species. As described in the IS the Project is following both the Water Board and the County SMA setbacks. The water quality section states "The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality". the Proper BMPs for the construction phase which will be covered un the General Construction Permit from water quality and enrollment in water

qualities cannabis order will ensure sediment does not reach water courses. See Biological Resources, p. 108, 'Discussion – Effect on riparian and other sensitive natural communities.' Also see Hydrology and Water Quality, subsection a), p.95.

- Page 40 states 20 acres will be directly impacted by the project footprint and the footprint will be no longer available as habitat. This may be considered a significant impact.  
Footprint impacts on Habitat is analyzed by species. Level of Significance was determined by considering for each individual species: the quality of the current habitat, the probable use of that habitat and the amount of like habitat available in the area.
- According to Page 40, noise levels during the construction phase will exceed 60 dBA at 50 feet for all sound sources and does not reach levels under 60 dBA until 1000 feet away. There is no rationale provided to describe why short term construction (8 - 12 weeks) are considered less than significant impacts. This may be considered a significant impact.  
See new analysis, short term impacts to do not permanently remove any habitat. Also baseline at this site includes timber operation and road noise, both very similar to the construction noise. See Construction Phase noise analysis in 'Effect on Sensitive Wildlife' p.71-72.
- Provide additional information regarding lighting and failure of automated systems.  
Added, can be found on Page 72
- Noise levels described on Pages 41 - 43 may be considered a significant impact on listed species.  
Project has changed the type of fans it will use and as a result fan noise has been reduced, see new analysis of Project Operations, "noise;" begins on p.73.

- **Golden Eagle**

Analysis/Discussion of Golden Eagle p.94-97.

- Page 55 states a Golden Eagle was observed during the final survey on July 16, 2018, however, no follow-up surveys were conducted. Additional surveys are required to determine the presence of Golden Eagles at the site;  
A second year of eagle surveys was done in 2019.
- No scientific studies or Golden Eagle expert findings were discussed in this section. For example, Page 55, states it is assumed nesting habitat occurs in the same general area as foraging habitat, however, no information is provided to substantiate the accuracy of this information;  
Potential for occurrence, page 95
- Mitigation Measure (MM) 6 states if a Golden Eagle nest is found, a 500-foot no work buffer will be flagged around the nest. There is no supporting documentation to suggest that 500 feet is an acceptable distance to ensure the noise from the construction will have a less than significant impact on Golden Eagles.  
500 ft is what we have traditionally seen on Raptors nests, However we changed it to: "If construction takes place during the nesting season, then preconstruction surveys for golden eagle nests will occur in the more densely forested areas that occur within 1000 feet of facilities #7-#9. If a nest is found, CDFW will be contacted and the agency will determine the appropriate no work buffer to remain around the nest until it has fledged. This is standard practice and often CDFW considers specific local factors when making buffer size decisions. In the past when working with CDFW on road construction projects a buffer of 500 feet has been placed on active raptor nests. If work takes place outside of the nesting season, no surveys



are necessary." P.96, short term project impacts determination.

- **Northern Spotted Owl**

NSO discussion/analysis on pages 79-83

- o There are four (4) Activity Centers located within 1.3 miles project area, which may cause a significant impact;

We attempted to clearly lay out the following in the IS (we have updated the language to try and clarify.)

- 1) no habitat removal so NSO will not be impacted by losing habitat.
- 2) Noise disturbance could potentially impact NSO but All ACs are at distances that standard protocol says they would not be impacted by project noise (Attachments A and B and USFWS 2006 guidance)
- 3) No closer ACS were found in two years of surveys.
- 4) NSO may forage in the forested areas around the projects. However, noise at the edge of foraging habitat will be less than 50dB (47 dB at 20 feet from greenhouses).
- 5) the vast majority of the ranch will remain undisturbed habitat.

All of this taken together shows the project will not significantly impact NSO.

- o Closest AC is 3,168 feet from a proposed cultivation site. There is not sufficient detail to substantiate this claim that is an acceptable distance for no impacts to occur;  
As discussed in the IS, Take Avoidance, i.e. no significant impacts to NSO, are outlined in the survey protocol for NSO Activity Centers in interior habitat (US Fish and Wildlife Service, Revised 2012 and attachment A and B). These were used to establish thresholds for NSO. Logging noise (equal to construction and greater than ongoing cannabis operations) is not considered to impact NSO if it is more than 1320 ft from an AC. Therefore, an AC that is more than twice that distance away would not be impacted by the project.
- o Foraging habitat within 50 feet of Tract 2/3, a loss of foraging habitat may be considered a significant impact on NSO;  
Attachment B of the NSO Protocol clearly lays out how much foraging area is needed around an AC to avoid impacts. Amount required is 250 acres nest roost and 1085 acres foraging habitat and no more the 1/3 the remaining habitat can be removed. As you can see in Table 10 (page 80), between 1667 and 2417 acres of foraging or higher quality habitat exists around the known ACs. With the new fans no foraging habitat will be impacted.
- o "Noise could also make potential habitat in the vicinity of the project unusable (Page 44). This may be considered a significant impact on NSO. Noise setting, impacts and mitigation should describe the extent noise travels, not only in the immediate vicinity of the project;  
See new noise analysis in biological section and NSO analysis on p.81 and p.82
- o "The construction could impact NSO." (Page45);  
This is an introduction to the issue and a set up for the issue to be included in the analysis.. If you read further you will come to the conclusion - which is that construction will not impact NSO.
- o Direct and indirect impacts to Northern Spotted Owl are not adequately addressed. The report states that if no AC's are located within 0.25 miles than no impacts will occur (Page 45). There is not sufficient detail to substantiate this claim that 0.25 miles is an acceptable distance for no impacts to occur;  
These details were given and the come from both the NSO protocol and the 2006 USFWS paper regarding noise and NSO. 0.25 miles is absolutely the accepted distance at which no impacts occur. The County has similar analysis and comes to the same conclusion in its own EIR for ordinance 2. Oddly though a 50dB threshold is found in the ordinance itself. Nowhere could we find the

justification for where that 50dB comes from.

- o Long term potential impacts are not analyzed.  
We are unclear it what is meant by this... there will be no long or short term impacts to NSO.
- Cumulative Impacts  
p.83
  - o Page 65 states the project will not effect riparian habitat. While the Humboldt County General Plan requires a minimum setback of 100 feet from the stream transition line, The State Water Resources Control Board Cannabis Cultivation Policy requires a 150-foot setback from streams. (This is incorrect, it is 150 from class 1, 100 form class II and 50 form class III) Describe how the project will conform to both State and local regulations governing cannabis cultivation; and This is described on page 108-111. Here maps (figure 35-38) can be found showing stream setbacks
  - o Figure 15 shows a corner of a greenhouse in the Streamside Management Area.  
See above answer
- Mitigation Measures
  - o There is a lack of information provided to demonstrate that 0.25-miles is an acceptable buffer between NSO Activity Centers and on-going construction. This is not acceptable mitigation and may be considered a significant impact on NSO.  
See above answer to this same comment.
  - o It appears many of the mitigation measures establish a 500-foot no work buffer will be established if certain species (e.g. Sharp-skinned hawks, American peregrine falcon, etc.) are detected and maintained during construction. There is no evidence provided to substantiate why 500 feet is an acceptable buffer area is. Additionally, adequate evidence describing the effect (or lack of) on species with the 500-foot buffer is provided;  
We have altered this. See comment below.
  - o Consulting with CDFW to determine next steps or appropriate protective buffers for Fishers is not adequate mitigation;  
Most of the "mitigation measures" are really the traditional preconstruction surveys that would be part of any construction project. As I have stated above CDFW often tailors the buffers based on site factors at the time the specie is found. I don't think CDFW will give us the buffer they want until we can give them the specifics of the individual animal found. And we can't do that until we get to the pre-construction phase. We put these pre-construction surveys as mitigation measure because then they are legally binding... We could however have them just be part of the project description. This would be up to the County.
  - o The potential effects on Townsend's big-eared bats on removing the barn is not discussed;  
This is addressed on page 101-102, short term project impacts – construction
  - o The proposed mitigation for Western pond turtles is inadequate. No buffer is provided and there is no description of how Western pond turtles will be surveyed outside of the nesting season.  
See comment above about mitigation measures. The project is not taking place within the Eel or its riparian so the only time the project could impact western pond turtle is when they are nesting. Surveys outside this time would be unnecessary.

#### Energy

The CEQA checklist was updated in 2019 to include review of energy use for the proposed project. This section covers wasteful energy consumption and conflicts with State or local



energy efficiency plans. The draft IS needs to be updated to include this analysis.  
Checklist has been updated: p.125

#### Geology/Soils

- Amount of prime agriculture soil on subject parcels not quantified;  
Discussed in Ag/Forestry section and again as soils summary p.46-47
- Figure 18a shows at least one greenhouse proposed for construction on slopes more than 15%;
- Figure 18b shows all greenhouses proposed for construction on slopes more than 15%;
- Soils in both Tracts 1 /4 and 2/3 are described as occurring on slopes 15 - 30%;  
Slopes for all Greenhouses and processing buildings are provided; liDAR imagery from third party investigation and discussion. Page 134  
Greenhouses will be constructed on slopes less than 15%
- No proposed grading plans are prepared that quantify cut and fill in cubicyards;
- Locations of proposed grading for site development, including greenhouses, processing facilities and road improvements not described or mapped; and  
Visual Assessment from Oscar Larson included in Appendix B and referenced in this section, p. 135. All cut/fill can be balanced.
- No site suitability reports for placement of Onsite Wastewater Treatment Systems (OWTSs) provided.  
Soil analysis by Dirty Business and Web soil Survey data (HumGIS) show surface soil as sandy loam (average) – sandy loam is an ideal soil type for standard onsite wastewater treatment systems. See p.181, Utilities and Service Systems.

#### Hydrology/Water Quality

- The proposal does not sufficiently analyze the quantity of water storage required to support the proposed cultivation if the wells are hydraulically connected to surface waters. Due to the lack of detail regarding well productivity and recharge rates, staff is unable to determine if sufficient water supply exists to support the proposed project  
The question of sufficient water is discussed in the project description and in Hydrology and Water Quality, subsection b), p. 151.
- Oil for dust mitigation for roads (6 miles) proposed. Lack sufficient detail to determine effect of run-off from the oil.  
Oil has been stricken from project design.

Page 93 - The Initial Study states that instream work related to stream crossing improvements may contribute a temporary input to the sediment of the tributaries of the Eel River. This impact is not quantified; therefore, it cannot be determined if mitigation is required.

The inputs are qualified – as generally acceptable trade off for the long term benefit of the repair. The inputs will be quantified as part of the LSA 1600 application for CDFW and the 401 permit that is managed by the NCRWQCB. The improvements to the crossings on the site will ultimately be at the discretion of CDFW.

Page 150

- Page 94 - Potential sources of water quality degradation are discussed (storm water run-off, roads, greenhouses and irrigation run-off). The values are not quantified. Although BMPs are proposed to be used and obtaining agency permits - specific details on how the objective will be achieved is lacking.

Engineered grading plans will be prepared and submitted to the county when the applicant has received approval of the project. The grading plans will include a Storm Water Protection Plan (SWPP) and specific detail of how water quality will be protected at this site. Section a) Page 150-151

#### Noise

- Pages 103 states the project will rely on PGE during normal operations while other sections of the document state generators will operate security lighting and water pumps. Please clarify; The language has been updated for clarification: the generators are to be used in fire emergencies only. In a fire emergency where the projected has not electrical power, the generators will run emergency water pumps for fire suppression. They will not run lights or irrigation pumps at any time. P.161
- Page 103 - "Infrequent and unpredictable noise when emergency Generac 45KW propane generators are in used." Noise impacts should be quantified; Setting, Generator section, Table 13, p.161
- Page 104 - "A Schaefer 54" Galvanized Light Trap Box Exhaust Fan is rated at 70 db at 25 feet. Each greenhouse would need 5 of these fans." No additional sound measurements provided nor is this impact described cumulatively; .
- Potential impacts associated with emergency power outages are not discussed;
- Page 105 - Noise levels for ongoing project operations 75.8 @ 100 feet (Tract 2/3);
- Additional noise information was submitted on February 18, 2019. The information and impacts should be analyzed using the new information submitted; New QuietAire fans are analyzed.
- Noise levels and sensitive receptors for noise at Tract 1 / 4 is not analyzed; p.163:  
The conclusions made in this section about the nearest neighbor at 800-feet across the river should be applied to all property line neighbors as this nearest neighbor scenario is the scenario that describes the largest possible impact.
- Impacts on all sensitive noise receptors, including wildlife species are not described. Alternatively, you may refer to other sections where this information may be listed.  
Noise impacts on sensitive receptors will be less than significant. Addressed in Bio section.
- No description or quantification of noise impacts beyond the cultivation sites. For example, what are noise contours, how far could noise travel beyond the project location and how those impacts would be mitigated to a Less Than Significant Level.  
Adequate extrapolation of sound attenuation in Tables #14 &15

#### Public Services

- Page 109, Fire Protection, states, "During the winter when the Mccann Bridge the project will not operate, It will only be operated year-round once the year-round bridge is completed on Mccann Road." Please revise accordingly. The sentence appears to be incomplete.  
Noted and corrected.

#### Transportation

- The *Public Services* section of the Initial Study, Page 110, states that, if Mccann Road is not accessible, employees would be evacuated north to Alderpoint Road. The use of Alderpoint Road is not discussed in this section.  
As per the updated project description the Alder Point access is being repaired and brought up

to current standards for ongoing ranch and timber operations. This will happen regardless of the results of the Cannabis permit. Any impacts from this road maintenance are not therefore attributable to the cannabis permit. The road does exist (as part of baseline) and therefore should be able to be used as secondary access.

- Road improvements to meet CAL FIRE Firesafe standards are not describe nor is the amount of earthwork and importation of materials quantified;  
See Project Description -Roads and Access, p.10. Internal Access roads have been upgraded. The project will not import materials for building, the cut and fill will be balanced on site (appendix B); the rock comes from onsite borrows – See borrow locations in Figure 14,p.28,
- Page 115 states the applicant believes the majority of road improvements will take place within the road prism, however, there is no determination of how much work is required outside the road prism, what those activities or how importation of equipment and materials will effect transportation; and  
Road improvements have been made – see comment above. The transportation section has been updated to include estimates for construction truck traffic (concrete and materials) p.196.
- Construction description and earthwork quantities for the new parking areas are not described. Parking areas will be graded and graveled. The gravel is from onsite borrows. The grading will take place concurrently with greenhouse and processing building flats. Parking areas delineated on Plot Plans. Figures 8-12 and 14.

#### Wildfire

The CEQA checklist was updated in 2019 to include review of wildfire hazards for lands located near or within State Responsibility Areas (SRA) for fire protection. The draft IS needs to be updated to include this analysis.

Section has been added. P.186

#### Site Plan Revisions

After review of the most recent site plans, additional information is required to further evaluate the proposed project. Please submit a revised site plan with the following information:

- Show areas of parcel zoned Agriculture Exclusive (AE) and areas zoned Timberland Production (TPZ);
- Setbacks of proposed cultivation areas to property lines;
- Primary and secondary (emergency) property access;
  - Existing and proposed roads, including roads required to connect proposed structures;
- All perennial & intermittent water courses (rivers, creeks, etc.) and/or wetland areas. Include buffers as defined by Chapter 10.3 *Biological Resources* of the Humboldt County General Plan 2017, setback distances from proposed cultivation areas, structures and property lines;
- Driveway, turnouts, and turnaround areas (indicate width, steepness, and type of roadway surface, include any required SRA turnouts; label as existing or proposed);
- Proposed utility lines (electric) and extent of vegetation to be removed to accommodate installation of utility lines;
- Proposed location and capacity of water storage structures;
  - Water infrastructure dedicated to fire suppression per CAL FIRE requirements (e.g. tanks);
- Borrow pit locations;
- Show all existing and propose stream crossings (20 stream crossings and 1 bridge per the project description);
- Parking and loading areas for employees entering site and for each processing location (show individual parking spaces, including handicapped parking and ramps);
- Hazardous materials storage (as applicable);
- Propane storage tanks.
- Generator and fuel storage location.
- Regulated substances (fertilizers, pesticides, and herbicides) storage location.
- Hazardous areas (indicate on map if the project site has the following, or is located within four hundred feet (400') of the following):
- Areas subject to inundation or flooding, including showing extent of 100-year flood zone);
- Slopes over 15%;
- Historic landslide are as;
  - Earthquake faults.
- Topographic mapping;
- Delineation of proposed or existing grading, graded flats, and fill in estimated cubic yards of volume;
  - Signs (indicate size, illuminated, and design); and
- Landscaped areas (include proposed exterior lighting).

Please note: Any revisions to the project will require the cultivation and operations plan to be revised to be consistent with the Initial Study and site mapping.

If you have any questions or need any additional information, please contact me at (707) 445-7541 or [mrivan2@co.humboldt.ca.us](mailto:mrivan2@co.humboldt.ca.us).

Cordially,



**Meghan Ryan**

Senior Planner Cannabis Services

**Exhibit I**

**Letter from CDFW re Draft LSAA required Mattole River Cannabis  
Project**





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
619 Second Street  
Eureka, California 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



December 5, 2019

Dejan Petrusevski  
730 7<sup>th</sup> Street Suite C  
Eureka, CA 95501  
707-683-6686  
Hsom16@hotmail.com



Subject: Draft Lake or Streambed Alteration Agreement  
Notification No. 1600-2018-0795-R1  
Petrusevski Water Diversion and Stream Crossing Project

Dear Dejan Petrusevski:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

After you receive a final Agreement executed by the Department, you may only begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at <https://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>.

*Conserving California's Wildlife Since 1870*



Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the overall project and that the Department may have additional comments or concerns during the CEQA review process.

This Agreement only covers projects subject to Fish and Game Code sections 1600 *et seq.*, but there may be other aspects of the overall development project that invoke the Department's role as trustee and responsible agency under CEQA. Therefore, the Department may submit additional comments, requests for information, and recommend requirements for mitigation or monitoring in order to avoid significant impacts to fish and wildlife or their habitat. Furthermore, this Agreement does not authorize "take" of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain an Incidental Take Permit from the Department, as required by the California Endangered Species Act.

If you have any questions regarding this letter, please contact Environmental Scientist Cheri Sanville at [cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov).

Sincerely,



Cheri Sanville  
Senior Environmental Scientist Supervisor

Ec:

Chris Carroll  
Timberland Resource Consultants  
[carroll@timberlandresource.com](mailto:carroll@timberlandresource.com)

North Coast Regional Water Quality Control Board  
[NorthCoast.Cannabis@Waterboards.ca.gov](mailto:NorthCoast.Cannabis@Waterboards.ca.gov)

State Water Resources Control Board, Division of Water Rights  
[cannabisreg@waterboards.ca.gov](mailto:cannabisreg@waterboards.ca.gov), [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Humboldt County Planning and Building Department  
Cliff Johnson, [CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION NO. 1600-2018-0795-R1  
Unnamed Tributary to the Mattole River and the Pacific Ocean

Dejan Petrusevski  
Petrusevski Water Diversion and Stream Crossings Project  
2 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Dejan Petrusevski (Permittee).

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 14, 2018 and revised on July 08, 2019 that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

## **PROJECT LOCATION**

The project to be completed is located within the Mattole River watershed, approximately 1.7 miles SW of the town of Whitethorn, County of Humboldt, State of California. The project is located in Section 6, T05S, R02E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 108-161-034; latitude 40.0591 N and longitude -123.9814 W at the point of diversion (POD).

## **PROJECT DESCRIPTION**

The project is limited to two encroachments (Table 1). One encroachment is for water diversion from the Mattole River. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The other proposed encroachment is to upgrade a failing and undersized

culvert. Work for this encroachment will include excavation, removal of the failing culvert, replacement with new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any ponds, stream crossings, water diversions, reductions in riparian buffers or other encroachments not described in Table 1.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-2	40.0592, -123.9804	Replace undersized 30" diameter culvert with minimum 48" diameter culvert.
POD-1	40.0563, -123.9797	Use and maintenance of water diversion infrastructure in accordance with the measures in this Agreement.

Table 2. Points of Disclosure that are Not covered under this Agreement and may require separate Notification

ID	Latitude/Longitude	Description
Crossing-1	40.0583, -123.9802	Existing 7-foot diameter by 50-foot long CMP culvert crossing on potential Class I tributary to Mattole River. The Notification states the crossing is functioning correctly, properly sized, is not perched and on 4% grade and does not appear to be a barrier to fish. This Agreement does not authorize any maintenance, repair or replacement of this crossing. When work is warranted this crossing shall be fully evaluated for compliance with FGC section 5901 – It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn or ovum of any of those animals) up and down stream).
Pond	40.0609, -123.9817	Notification describes a rain catchment pond used for commercial irrigation. CDFW has not conducted a site inspection to verify the pond is not hydrologically connected and does not pose a risk to downstream resources.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentatus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

**Impacts to water quality:**

increased water temperature;  
reduced instream flow;  
temporary increase in fine sediment transport;

**Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:**

loss or decline of riparian habitat;  
direct impacts on benthic organisms;

**Impacts to natural flow and effects on habitat structure and process:**

cumulative effect when other diversions on the same stream are considered;  
diversion of flow from activity site;  
direct and/or incidental take;  
indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours

advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 Other Agency Permitting Requirements. The U.S. Army Corps of Engineers (Corps) has permitting requirements for certain instream projects under Section 404 of the Federal Clean Water Act. If this project features the placement of dredged or fill materials into the channels of streams (below the ordinary high water mark) that are waters of the United States, a permit may be required by the Corps. If your project needs a permit from the Corps, you will also need to obtain a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act from the Regional Water Quality Control Board (Regional Water Board). In addition, if your project will involve disturbance within or discharges of pollutants to Waters of the State of California, the Regional Water Boards may require a permit, whether or not the Corps requires a permit. If there is any question regarding the possibility of the project meeting the above limitations, the Permittee should contact the Corps and the Regional Water Board prior to beginning work. This Agreement in no way represents permitting requirements by the Corps or the Regional Water Board. It is the responsibility of the Permittee to contact the Corps, and to comply with the provisions of any Section 404 permit issued, if required by the Corps. Similarly, it is the responsibility of the Permittee to contact the Regional Water Board and to comply with the provisions of any Section 401 Certification, Regional Water Board Waste Discharge Requirements or waiver of Waste Discharge Requirements issued by the Regional Water Board.
- 1.7 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this Agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.8 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions as required below.**

- 1.9 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDB) forms to the CNDDB within five (5) working days of the sightings. A summary of CNDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data>.

## **2. Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on 12-14-2018 and revised on 07-08-19.
- 2.2 Listed Species. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 Foothill Yellow-Legged Frog (FYLF) Avoidance. To avoid take of FYLF during its CESA candidacy period, the Permittee shall:
- A. Conduct a Pre-Construction Survey. Within 3-5 days prior to entering or working at the Project Site, a qualified biologist shall examine the project site to determine the presence/absence of standing or flowing water, and the presence and/or the potential for presence of FYLF adults, juveniles, tadpoles or egg masses within the project area and 150 feet upstream and downstream. Prior to commencing work, Permittee shall provide to CDFW for review preconstruction survey notes and observations.
1. If FYLF are found during the pre-construction survey, Permittee shall:
- a) Consult CDFW immediately by either telephone or e-mail and provide a short description of observations, including a count of individuals and the life stage(s), conditions at the site, and other aquatic species observed; and

- b) Either propose site-specific mitigation measures that will be utilized to avoid take, or obtain an Incidental Take Permit (ITP) if take of FYLF cannot be avoided. Instream work shall not commence until CDFW has provided written approval of the proposed avoidance measures or an ITP has been issued.
- 2. If no FYLFs are found during the pre-construction survey and no surface water is present in the project area, work may commence without further surveys.
- 3. If no FYLFs are found but surface water is present during the pre-construction survey, *or if surface water becomes present at any time during the work period*, a qualified biologist shall survey the work site each day before commencement of work activities where equipment and/or materials may come in contact with FYLFs, streams, or riparian habitat.
- 4. If FYLFs are observed at any time during the construction season, work in the immediate area shall be halted, CDFW immediately consulted, and conservation measures developed and agreed to by CDFW prior to recommencing work.

**B. Qualified Biologist.** A qualified biologist is an individual who is experienced in construction level biological monitoring, knowledgeable in the biology, natural history, habits and behaviors of the FYLF, and who is able to recognize all age classes of FYLF relative to other amphibians in the project area. A qualified biologist shall have academic and professional experience in biological sciences or resource management activities. At least 15 days prior to commencement of Project-related surveys for FYLFs, Permittee shall provide to CDFW for review and approval the names and qualifications of individuals requesting qualified biologist status.

**C. Decontamination.** The Permittee is responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species (AIS) Decontamination Protocol for all field gear and equipment that will be in contact with water or FYLFs. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol.

**D. Night Lighting and Water Drafting.** Night lighting and drafting of water (other than what is authorized) is not authorized by this Agreement.

- 2.4 **Nesting Birds.** Actively nesting birds and their nests shall not be disturbed by project activities. If construction, grading, vegetation removal, or other project-related improvements are necessary during the nesting season of protected



raptors and migratory birds (**March 1 through August 15**), the Permittee shall notify CDFW of proposed work and a focused survey for bird nests and/or nesting behavior shall be conducted by a qualified biologist within seven (7) days prior to the beginning of project-related activities. Surveys should encompass the area up to 50 feet from disturbance to account for songbirds, and up to 250 feet from disturbance for raptors. If a nest is found or suspected to be present, Permittee shall consult with CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and FGC. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey, and if required, consultation with CDFW shall be required before project work can be reinitiated.

### **Project Timing**

- 2.5 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.6 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW **at least 10-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 15.
- 2.7 Work Completion. The proposed work shall be completed by no later than **October 15, 2020**. Failure to complete work by this date may result in suspension or revocation of this Agreement. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

### **Vegetation Management**

- 2.8 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.9 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of Authorized Activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.



## **General Stream Protection Measures**

- 2.10 **Fish and Aquatic Amphibians.** If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.
- 2.11 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.12 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.13 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to FGC section 5937.
- 2.14 **Maintain Passing of Fish Up and Down Stream.** It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (*wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn or ovum of any of those animals*) up and down stream pursuant to FGC section 5901
- 2.15 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.16 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the

Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

- 2.17 Clean-up. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

2.18 Erosion Control Measures

2.18.1 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two (2) to four (4) inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.18.2 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify CDFW immediately.

2.18.3 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

2.18.4 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without

welded weaves.

- 2.19 Waste Containment and Disposal. Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use. Photo documentation of newly installed storage containers shall be included in the Work Completion Report.
- 2.20 Site Management Plan. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

### **Water Diversion**

- 2.21 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **ten (10) gallons per minute (gpm)** at any time.
- 2.22 Bypass Flow. The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the POD.
- 2.23 Seasonal Diversion Minimization. No water shall be diverted during the low flow season from **May 15 to October 31** during any year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.24 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.24.1 A log including the date, time and quantity of water diverted from the POD.
- 2.24.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.24.3 Permittee shall make available for review at the request of CDFW the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, §

2925).

- 2.25 Water Management Plan. The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement.

### **Water Diversion Infrastructure**

- 2.26 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.27 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10% of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.28 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.28.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet.
- 2.28.2 The intakes screen shall be designed so that approach velocity is no more than 0.1 foot per second (fps). Approach velocity is the velocity of the water perpendicular to the screen face measured three (3) inches in front of the screen surface.
- 2.28.3 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.28.4 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.28.5 The screen shall be designed to distribute the flow uniformly over the entire

screen area.

- 2.28.6 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.29 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.30 Intake Maintenance. Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed.
- 2.31 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.32 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.33 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.34 Diversion Infrastructure Plan (DIP). The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the **Water Diversion Infrastructure** conditions will be achieved under this Agreement.

### **Diversion to Storage**

- 2.35 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are filled to capacity.
- 2.36 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop

WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.

- 2.37 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.38 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.39 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 *et seq.* as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

## **Reservoirs**

- 2.40 Reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching Waters of the State. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.
- 2.41 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from CDFW pursuant to FGC section 6400.
- 2.42 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
- 2.43 Wildlife Entrapment Prevention. The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond.

## **Stream Crossings**

- 2.44 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.45 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.46 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.47 Crossing Maintenance. The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.47.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.47.2 No heavy equipment shall enter the wetted stream channel.
- 2.47.3 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.47.4 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.47.5 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.48 Isolation of Work Site. No work is authorized in a live flowing stream. All work shall be conducted when the stream channel is dry.



## 2.49 Culvert Installation.

2.49.1 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq 1.0$  times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.49.1 Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.

2.49.2 If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is discouraged.

[http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps)

2.49.3 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.49.4 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.49.5 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.49.6 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

**2.49.7 Project Inspection.** The Project shall be inspected by a licensed professional to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

### **3. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 3.1 **CDFW Notification of Work Initiation.** The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
  - 3.1.1 Prior to commencing work, Permittee shall provide to CDFW for review preconstruction FYLF survey notes and observations.
- 3.2 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2020**. Failure to complete work by this date may result in suspension or revocation of this Agreement. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.3 **Project Inspection.** The Project shall be inspected by a licensed professional to ensure that the stream crossing was installed as designed and the diversion and related infrastructure complies with the terms of this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.4 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **February 1** of each year beginning in **2020**.
- 3.5 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** within **60 days** from the effective date of this Agreement. The Water Management Plan shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.6 **Diversion Infrastructure Plan.** The Permittee shall submit **Diversion Infrastructure Plan** within **60 days** from the effective date of this Agreement. Permittee shall **allow 60 days for CDFW review and approval** after submittal of

a Diversion Infrastructure Plan. This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501.

- 3.7 **Site Management Plan**. The Permittee shall submit to CDFW the project's **Site Management Plan within 30 days of submittal to the Water Board**. Permittee shall submit subsequent revisions and updates to the Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

## **CONTACT INFORMATION**

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

**To Permittee:**

Dejan Petrusevski  
730 7<sup>th</sup> Street Suite C  
Eureka, CA 95501  
707-683-6686  
Hsom16@hotmail.com

**To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2018-0795-R1

## **LIABILITY**

Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

## **SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

#### **AMENDMENT**

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

#### **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

#### **EXTENSIONS**

In accordance with FGC section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

## EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

## TERM

This Agreement shall **expire five (5) years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

## AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

## AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

**CONCURRENCE**

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR DEJAN PETRUSEVSKI**

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Dejan Petrusevski

---

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

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Cheri Sanville  
Senior Environmental Scientist Supervisor

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Date





**Exhibit J**

**Email from Greg Mc'Connell at CDFW to County planner Meghan  
Ryan, dated September 10, 2020**

**From:** [O'connell, Gregory@Wildlife](mailto:O'connell.Gregory@Wildlife)  
**To:** [Ryan, Meghan](#)  
**Cc:** [Planning Clerk](#)  
**Subject:** Rolling Meadows; HumCo PLN-12529-CUP; IS/MND SCH# 2020070339  
**Date:** Thursday, September 10, 2020 10:56:23 AM  
**Attachments:** [RollingMeadows\\_AppendixWellInfo.pdf](#)  
[CEQA\\_2020-R1-HUM\\_RollingMeadows\\_MND\\_LTR\\_FINAL.docx.pdf](#)

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Hi Meghan. I'm writing for two reasons: 1) to get an update on any project or CEQA changes that will be presented at the Sept 17, 2020 Planning Commission hearing, and 2) to provide a suggestion regarding the use of the project's three water wells.

1. I saw that the Rolling Meadows was not heard at the Sept 3 Planning Commission hearing and it was pushed to Sept 17. CDFW submitted a comment letter (attached) for the MND on August 17. Can you provide an update on where the project stands regarding any project or CEQA changes that address CDFW's prior comments?
2. I've attached excerpts from the MND regarding the use of water wells. I recognize that CDFW did not make formal comments on this topic in our Aug 17 letter, but I think it's important to follow up on this topic with some suggestions prior to the first public hearing. Based on available information, CDFW is not likely to require the wells be included in a Lake or Streambed Alteration (LSA) notification. This does not imply that the use of these wells may not indirectly effect surface waters, but rather that they are not direct surface water diversions. CDFW considers potential impacts associated with these wells a CEQA issue and not an LSA topic. I'm glad the MND addressed the use of these wells, but I'm concerned the evidence and analysis in the MND may be insufficient. The MND states the 5.77 acres of proposed new mixed light cultivation would use approximately 4,628,200 gallons of water (14+ acre feet of water) per year. The MND relies on statements from a Feb 15, 2018 letter from David Fisch of Fish Drilling. I do not see any professional certifications or licenses for David Fisch listed on his letter. I understand that there may be certain licensing requirements in California to practice geology and related groundwater interpretations. In light of the project's geologic setting and mapped springs (see attached image), and based on the high volume of proposed groundwater extraction, CDFW recommends the applicant retain a qualified professional licensed to practice in California (e.g. CA Certified Hydrogeologist) to conduct an evaluation of the project's potential impacts to local surface water flows, and to provide recommendations that ensure project activities will not substantially affect aquatic resources. CDFW would normally expect this comment to be addressed prior to completion of CEQA, but given that this is coming to you after the official MND comment period has ended, please consider the addition of a Certified Hydrogeologist assessment as a condition of project approval if there is not enough time to address this prior to completing CEQA. Some relevant literature is included below:
  - i. Streamflow Depletion by Wells—Understanding and Managing the Effects of Groundwater Pumping on Streamflow:  
[https://pubs.usgs.gov/circ/1376/pdf/circ1376\\_barlow\\_report\\_508.pdf](https://pubs.usgs.gov/circ/1376/pdf/circ1376_barlow_report_508.pdf)

- ii. Ground-Water-Level Monitoring and the Importance of Long-Term Water-Level Data: <https://pubs.usgs.gov/circ/circ1217/pdf/circular1217.pdf>
- iii. Basic ground-water hydrology: <https://pubs.usgs.gov/wsp/2220/report.pdf>

Please save this email to the project file and provide a copy to the Planning Commissioners prior to the scheduled Sept 17 hearing.

Thank you,

Greg O'Connell  
Environmental Scientist  
Coastal Conservation Planning  
California Department of Fish and Wildlife  
619 Second Street  
Eureka, CA 95501  
[Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov)

**Exhibit K**

**Cumulative Impacts Analysis from Revised IS/MND for the Hills  
Commercial Cannabis Project.**

- b) Finding: The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). *Less than significant impact with mitigation.*

Discussion: An analysis of cumulative impacts considers the potential impacts of the project combined with the incremental effects of other approved, proposed, and reasonably foreseeable similar projects in the vicinity. The area considered for this cumulative analysis (study area) is the area within a three-mile radius from the project site. Within a three-mile radius, there are 40 approved projects, 36 canceled/closed projects, 15 incomplete projects, 14 approved support facilities, and 29 projects in referrals. The majority of these projects are cannabis-related drying, curing, manufacturing, and distribution projects seeking conditional use permits, zoning clearance certificates, or special permits. In total, these projects amount to 972,724 square feet of cannabis, of which 404,365 square feet are within approved projects and 568,359 square feet are within proposed projects. The total estimated water usage is 9,648,285 gallons, of which 3,169,663 gallons are at approved projects and 6,468,622 gallons are at proposed projects. The table provided in Appendix F summarizes the projects in the three-mile radius, which collectively are referred to as the "cumulative projects."

The proposed project would result in no impact to agriculture and forestry resources, mineral resources, or recreation and would therefore not contribute to cumulative impacts to those resources. Consequently, those resources are not discussed further in this section.

#### *Aesthetics*

As discussed in Section 5.1 – *Aesthetics*, due to topography, distance, or intervening forested landcover, the proposed project is generally not visible from US-101, the nearest eligible scenic highway, nor is it easily visible from sensitive viewers. The proposed project would therefore not contribute to cumulative aesthetic impacts on scenic resources.

The proposed project and the cumulative projects would incorporate minimum lighting and would be required to comply with County lighting standards and ordinances. Therefore, the project's contribution to light and glare would not be considerable, and the cumulative projects would not combine to result in a significant impact.

#### *Air Quality*

As discussed in Section 5.3 – *Air Quality*, the proposed project would have a less than significant impact on cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment. Emissions from construction would be minimal due to compliance with NCUAQMD regulations. Emissions from operations would not be substantial due to relatively low vehicle miles traveled and the project is consistent with the AG land use designation. The cumulative projects would not result in a significant impact to air quality. The applications for the other cumulative projects are at varying levels of completion. Consequently, the projects would have a staggered implementation schedule, and the construction impacts to Air Quality would not be cumulatively considerable. Potential effects from individual projects would be mitigated to less than significant, and the cumulative effects would be less than significant. The proposed project's contribution to air quality resource-related impacts would not be considerable, and the cumulative projects would not combine to result in a significant impact.

#### *Biological Resources*

As discussed in Section 5.4 – *Biological Resources*, no special status species were identified during surveys of the proposed cultivation sites. Although not observed, foothill yellow-legged frog could potentially be at the project site.

Considering the various cumulative projects, it is possible that special status species and habitat occur could be cumulatively affected. The proposed project's contribution to these impacts, however, would be less than significant with implementation of Mitigation Measures BIO-1 through 9. The proposed project would not result in a considerable contribution to cumulative effects on biological resources.

#### *Cultural Resources*

As discussed in Section 5.5 – *Cultural Resources*, an archaeological site was located within the project site. Avoidance of the site would reduce impacts to less than significant (Mitigation Measure CUL-1). The project has potential to affect previously undiscovered cultural resources that may be revealed during ground disturbance activities associated with construction. The inadvertent discovery protocols required would reduce any such impact to less than significant (Mitigation Measure CUL-2). Because each cultural resource is unique to a physical location, and inadvertent discovery protocols require notification and documentation of any cultural resource inadvertently discovered, no cumulative impact to cultural resources is possible from similar potential project-level impacts on other project sites.

#### *Energy*

As discussed in Section 5.6 – *Energy*, off-grid electricity is currently provided by solar systems for all cultivation and domestic uses and use of an on-site generator is limited to emergency power outage events and when the solar energy system is limited by weather conditions. The applicant plans to eventually connect the site to PG&E electricity while maintaining the use of renewable energy. Based on the planned continued use of renewable energy, the proposed project's contribution to cumulative energy impacts would be less than significant.

#### *Geology and Soils*

As discussed in Section 5.7 – *Geology and Soils*, the proposed project has potential to expose people using the project site to geologic hazards from seismic-related movement. Implementation of the site-specific design requirements recommended in the soils report to be prepared as part of the building permit process would reduce impacts to less than significant. The project would create these hazards only for people using the project site, and no component of the project would affect the geologic hazard to any other property. Consequently, the project could not contribute to any cumulative impact to geology and soils.

#### *Greenhouse Gas Emissions*

As discussed in Section 5.8 – *Greenhouse Gas Emissions*, the proposed project would result in less than significant impacts related to GHG emissions. The cumulative projects are consistent with the County's 2012 Draft Climate Action Plan strategies for reducing greenhouse gas emissions. As previously mentioned, the NCUAQMD has not adopted thresholds of significance for greenhouse gas emissions. The project would not result in a considerable contribution to greenhouse gas impacts, and the projects would not combine to result in a cumulatively significant impact.

#### *Hazards and Hazardous Materials*

The cumulative projects would not use large amounts of hazardous materials nor would their proximity create a threat by concentrating these materials in one area. The area is designated for agricultural uses in the area, and improvements at the site would not obstruct emergency services, nor create new hazards. Operation of the proposed cannabis facilities under the cumulative projects would involve the use of fertilizers, pesticides, and solvents. Hazardous materials associated with construction include fuels, lubricants, and paint. The County has ordinances applicable to cannabis operations that address impacts from the storage and use of hazardous materials. The projects would be required to comply with the regulations. With individual projects conforming to all standards for handling hazardous materials, there would be no additive effect of the cumulative

projects. The proposed project would not result in a considerable contribution to hazards and hazardous materials impacts, and the cumulative projects would not combine to result in a significant impact.

#### *Hydrology and Water Quality*

As described in Section 5.10 – *Hydrology and Water Quality*, the proposed project would result in less than significant impacts with mitigation incorporated related to hydrology and water quality. The project would obtain regulatory approvals and permits for LSAA and SMA remediation actions and construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with the General Plan, and would be implemented during construction to minimize the potential for erosion and storm water runoff.

Cumulative project would each be required to comply with water quality regulations and obtain permits, as applicable. Based on the proposed project's and cumulative projects' compliance with regulatory requirements, cumulative impacts on hydrology and water quality would be less than significant with mitigation.

#### *Land Use and Planning*

As discussed in Section 5.11 – *Land Use and Planning*, the proposed land use for the project would be agricultural, which is compatible with the AG land use designation because it allows for non-prime agricultural lands. The proposed project does not fall under the principal permitted uses for lands classified AE or TPZ; however, other uses not specified in the principal permitted uses may be permitted upon the granting of a CUP. As part of the proposed project, the County would issue a CUP to allow for the proposed project operations. Upon County issuance of the CUP, the proposed project would not conflict with any goals, policies, or objectives in the County's General Plan or zoning ordinance. The proposed project does not include any change to the land use designation or zoning of the project site, and therefore any impacts to land use and planning on the site would be unique to the project site and not affect land use and planning on adjacent properties. Consequently, the proposed project could not contribute to any cumulative impacts to land use and planning.

#### *Noise*

As discussed in Section 5.13 - *Noise*, construction activities would result in a temporary increase in noise levels in the area. This noise increase would be short-term and would occur during daytime hours. Nearby noise sensitive receptors include the residence at the project site and residences 200 feet north and 350 feet east of the property line. Mitigation Measure NOI-1 is proposed to reduce potential impacts from construction noise to a level of less than significant. Mitigation Measure NOI-2 is proposed to reduce noise from onsite generators when in use. During operation, the project is not expected to generate significant noise levels that would exceed the Humboldt County General Plan Noise Element standards. Outdoor operations would be consistent with the sorts of activities that occur on the agricultural and rural residential uses, such as deliveries, personal vehicle travel, and routine maintenance. Processing operations would take place inside buildings which would not increase exterior noise levels. Furthermore, other cumulative projects would be required to mitigate noise impacts to less than significant; therefore, the cumulative projects would not have a significant cumulative impact.

#### *Population and Housing*

As discussed in Section 5.14 – *Population and Housing*, the proposed project would not substantially induce population growth or require the construction of replacement housing. The proposed project is anticipated to have up to 21 staff members at peak season. Further, the project proposes employee housing on-site. The construction workers and operational workers for the proposed



project and cumulative projects are expected to be drawn from the existing labor pool in the region and would not directly result in population growth.

The cumulative projects are served by existing roads and would not result in the extension of roads or major utilities to lands not currently served. There would be no displacement of housing or population. The proposed project would not contribute to population and housing impacts, and the cumulative projects would not combine to result in a significant impact.

#### *Public Services*

The proposed project would not result in the need for unanticipated new or expanded facilities.

The potential demand for Sheriff's Department services at the project site may increase due to the project type. The proposed and cumulative projects would be required to implement Safety Plans in accordance with the CMMLUO, which would avoid the need for additional Sheriff's Department services. Individually, the projects would result in less than significant impacts and would not cumulatively result in the need for new or expanded facilities.

There would be little or no demand for other County services from the proposed project and cumulative projects, and thus would not cumulatively result in the need for new or expanded facilities. The proposed project would not result in a considerable contribution to public services, and the cumulative projects would not combine to result in a significant impact.

#### *Transportation/Traffic*

As discussed in Section 5.17 – *Transportation*, the proposed project would result in less than significant impacts related to transportation. Construction traffic would be minimal and temporary. Construction traffic from other cumulative projects would not combine to result in a cumulative transportation/traffic impact.

Operation of the proposed project would generate up to 42 vehicle trips per day. All of the cumulative projects are a relatively short distance (4.5 miles) from US-101. In Garberville, the average annual daily traffic at US-101 is 7,700 to 7,500 vehicles. The cumulative projects would create traffic volumes that are within the historical and designed limits.

The project would result in no impacts to traffic patterns and adopted policies, plans, and programs. The project would not result in a considerable contribution to transportation/traffic impacts, and the projects would not combine to result in a cumulatively significant impact.

#### *Tribal Cultural Resources*

As discussed in Section 5.18 – *Tribal Cultural Resources*, a cultural resource in the project site was identified during preparation of the cultural study. Additionally, the project has potential to affect previously undiscovered tribal cultural resources that may be revealed during ground disturbance activities associated with construction. Mitigation Measure CUL-1, requiring avoidance of the known cultural resource, and Mitigation Measures CUL-2, regarding inadvertent discovery protocols, would reduce impacts to less than significant. Because each tribal cultural resource is unique to a physical location, and inadvertent discovery protocols require notification and documentation of any tribal cultural resource inadvertently discovered, no cumulative impact to tribal cultural resources is possible from similar potential project-level impacts on neighboring properties.

#### *Utilities and Service Systems*

As described in Section 5.19 – *Utilities and Service Systems*, the project-level impacts to utilities and service systems from the proposed project would be less than significant. The proposed on-site septic system would be in compliance with County requirements. The proposed project would not

contribute to any cumulative impact, as all effects of the proposed project on wastewater and storm water treatment would be confined to the project site.

Successful permitting of cumulative projects requires assurances from the provider of water and sewer services that they have the capacity to serve these additional projects. The proposed project has received such assurances. If the capacity is not available to serve subsequent projects, then the service provider will inform the applicant of that, and the project will not be permitted.

Solid waste in Humboldt County is transported to landfills outside the County; therefore, cumulative effects of the project on solid waste disposal would depend on County-wide growth and development, which is outside the scope of this analysis.

#### *Wildfire*

As discussed in Section 5.20 – *Wildfire*, potential project impacts to the risks of wildfire would be less than significant. The proposed project is located in an SRA and is in a “High” to “Very High” hazard severity zone, as is the majority of the community of Garberville. Emergency response services would be provided by the CalFire from a station located at 324 Alderpoint Road, approximately 0.25 miles north of the project site. The proposed project would include improvements on site to meet CalFire SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space setback. Due to the fact that the cultivation on-site is existing, proposed development would be focused in areas with mild slopes and compliance with SRA requirements the risks of wildfire impacts on project occupants would be less than significant. Therefore, no cumulative impact to the risk of wildfire would occur.

- c) Finding: The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. *Less than significant impact with mitigation.*

Discussion: The proposed project’s potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this document. In the instance where the proposed project has the potential to result in direct or indirect adverse effects to human beings, a mitigation measure has been identified to reduce the impact to below a level of significance. With implementation of Mitigation Measure NOI-1 and NOI-2 identified in this document, construction and operation of the proposed project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings. Therefore, impacts that could adversely affect human beings would be less than significant with mitigation.

#### **Mitigation:**

Mitigation Measures AFR-1, BIO-1 through BIO-8, CUL-1 through CUL-2, NOI-1, and NOI-2 discussed in this document shall apply (see Chapter 6, Discussion of Mitigation Measures, Monitoring, and Reporting Program).

Mitigation Measure NOI-1 discussed in this document shall apply (see Chapter 6, Discussion of Mitigation Measures, Monitoring, and Reporting Program).

#### **Findings:**

- a) The project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory: **Less than significant impact with mitigation.**

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 2:14 PM  
**To:** 'Marbled Murrelet'; Planning Clerk; Johnson, Cliff  
**Subject:** RE: Rolling Meadows CUPs, SCH 2020070339

Dear Friends of the Marbled Murrelet - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** Marbled Murrelet <marbledmurreletfriends@gmail.com>  
**Sent:** Wednesday, December 30, 2020 1:41 PM  
**To:** Planning Clerk <planningclerk@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadows CUPs, SCH 2020070339

We urge the county to deny this project. In the alternative, should the county persist in attempting to approve the project, it should be recirculated, and an NOP & EIR must be prepared because there are multiple significant environmental impacts. Nothing in county code requires approval of the project, and the county has complete discretion to deny the project.

Issues of grave concern:

1) Golden Eagle

An active Golden Eagle territory completely overlaps the project, and a mapped nest site is within 1000 yards of the primary development area. The US Fish and Wildlife Service (USFWS) requires a one mile "no disturbance" buffer around Golden Eagle nests. The developers have conducted some surveys but none have occurred in the critical eagle courtship timeframe (January & February) when observers are most likely to see Eagles and potential nest sites. This means that they failed to follow established protocols, either deliberately or because the consultants at NRM are incompetent. If the project is built as proposed it will likely result in the loss of this Eagle territory. And no, Eagles don't just move somewhere else, because those other areas are occupied by Eagles already.

The county has already approved the Adesa project in the Maple Creek area of the Mad River, over the objections of a retired USFWS Eagle expert and without consultation with the USFWS. The county is currently evaluating at least 40 commercial cannabis projects that occur within known Golden Eagle territories, but has failed to analyze these cumulative impacts.

This is a significant issue, and once again the county has totally failed to protect the resources and comes to a false conclusion. If the county persists in approving projects in Golden Eagle territories, we shall work diligently to involve the Enforcement branch of the US Fish and Wildlife Service, US Attorneys and federal courts in order to uphold the federal Bald and Golden Eagle Protection Act. This is an issue of region wide significance that must be evaluated in an EIR.

## 2) Water wells connected to the Eel River

The water wells are absolutely “connected” to the Eel River, and the county has the obligation to evaluate the public trust impacts of water extraction for commercial cannabis cultivation. A letter from the well driller is not sufficient evidence (merely his opinion) as he is not qualified to make such statements about the wells. The well driller further has financial incentive to state his wells are not connected to streams. Only a CA licensed engineering geologist or hydro geologist may evaluate the hydraulic connectivity of wells to surface waters. The county should require an independent evaluation of the wells from a licensed and qualified professional that is not bought and paid for by the developers. In not doing so here and across the county for the many hundreds of wells supplying commercial cannabis, the county has failed in its basic duties under CEQA and the Public Trust Doctrine as put forth by the California Supreme Court.

## 3) Prime Ag Loophole

This project’s location and the fact that it’s a brand new large scale cultivation enterprise is completely counter to the county’s own policies for siting new commercial cannabis development. The use of “prime agricultural” soil to justify this new development turns logic on its head. The county’s first ordinance (CMMLUO) allowed for new cannabis on prime ag soils, but only to minimize environmental impacts by getting cultivation areas out of remote locations. At the time the county passed the first ordinance, it could have only evaluated the currently mapped prime ag soils, all of which occur in traditional farmland, down in the flat valleys and coastal plains. This, of course, made sense to locate cannabis on actual farmland. However, the county never analyzed the impacts of a loophole in the ordinance that creates a path for developers to hire consultants that map “new” prime ag soils. This loophole has been exploited throughout the county, where questionable methods and consultants have produced soil reports miraculously finding new prime ag soils in places that were never analyzed under the CMMLUO and its MND. Thus, that is why this Rolling Meadows project is even being considered, based entirely on a loophole in the law that was never analyzed under CEQA. This is a farce and shall not continue. We shall push to expose this damaging loophole in the county code because it is offensive to basic tenets in CEQA, and counter to policies in place for siting new commercial cannabis development.

## 4) Predetermined Outcome frustrates CEQA’s purpose and public involvement

The county has already set a hearing for this project on January 7, 2021 to move for approval before the planning commission. The deadline for comments on the MND is set as December 30, 2020. This leaves only a few days between the New Years Holiday and the weekend, for county staff to compile, organize, and respond to public and agency comments. This absurd timeframe only leads to a single conclusion for members of the general public that have an interest in this project: that the county planning department has already made up its mind, and will be pushing through the MND and the project for approval regardless of any comments received. The complete lack of transparency and respect for CEQA’s public process has become a hallmark of the Humboldt county planning department. This type of disregard for public comments and input is not new, and has grown out of the complete disaster of a public process that was the damaging TerraGen wind project. It is extremely discouraging and insulting to see it continue under county leadership. Therefore, should the county persist with this damaging proposal, it should propose a new hearing date that is more realistic and in keeping with the spirit of public engagement under CEQA. However, we have zero confidence in the county’s process after observing the deceitful actions that took place over the Adesa hearings and with the total disaster that was TerraGen.

Respectfully submitted,

- Friends of the Marbled Murrelet

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 2:21 PM  
**To:** 'Jim Redd'  
**Cc:** Planning Clerk  
**Subject:** RE: Rolling Meadow Ranch, LLC PLN-12529-CUP

Hi Jim - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** Jim Redd <jim@ranchagent.com>  
**Sent:** Wednesday, December 30, 2020 1:29 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Cc:** Planning Clerk <planningclerk@co.humboldt.ca.us>  
**Subject:** Rolling Meadow Ranch, LLC PLN-12529-CUP

Meghan,

Please find attached my comments to the Rolling Meadow Ranch project.

Thanks!

Jim Redd  
The Ranch Specialist  
[www.ranchagent.com](http://www.ranchagent.com)  
O: 707-444-9234  
C: 707-496-3022



JIM REDD COMMENTS FOR THE ROLLING MEADOW RANCH PROJECT PLN-12529-CUP

Dear Planning Commission,

I am in favor of this project being approved. I have followed this project for the last four years and know that the owner has done everything that the planning department has asked. It meets the criteria for approval.

Social media and others that are opposed to this project like to paint Rolling Meadow Ranch, Inc as a big bad Florida Corporation. Rolling Meadow Ranch, Inc is one person, Andy Machata who happened to choose a corporation as his form of ownership. I first met Andy SIXTEEN YEARS AGO when he purchased the ranch in McCann. I just finished a 43 year career as a Ranch Broker and have sold hundreds of thousands of acres in those years.

Many large ranches were purchased and sold off in smaller parcels using old patent maps. Andy did the exact opposite. He originally bought a little over 5,000 acres. He then proceeded to buy inholdings and other contiguous parcels increasing the size to over 7,000 acres. This project uses only a very small percentage (less than 1%) of that 7,000 plus acres. Andy has always shown to me during the last SIXTEEN years that he cares about the environment. This project will give him some income from the ranch to support it.

I know first hand that special care was taken to site the project out of wetlands and stream buffers. I facilitated soil studies consultants to make sure the greenhouses were sited on prime ag soil as per the code. Wildlife studies took place to make sure that the impact on wildlife was kept to a minimum. Road studies have been performed to make sure that all the roads meet current standards. There are three legal accesses to the ranch. One is from Alderpoint Road and has been used for winter access when the McCann Bridge is under water. There are two accesses from the McCann Road. One is directly from the McCann Road and the second is via a prescriptive easement that has been used as the main access to the ranch for at least the last 50 plus years.

This ranch has a lot of water. Cameron Creek is a major tributary to the Eel River. It originates completely on the Rolling Meadow Ranch. Andy has kept this stream pristine during his sixteen years of ownership unlike most other streams in the area that have been sucked dry by all the straws in those streams. He has drilled three wells up on ridges to stay away from any aquifers of the Eel River or Cameron Creek. The well driller has verified that they are in bedrock.

I believe that Andy has been very thorough and done everything to comply with the code to get the support of the planning department to approve this project.

I would ask that you approve this project.

Jim Redd  
50 year resident of Eureka

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 7:14 PM  
**To:** Toni/Kurt Stoffel  
**Subject:** RE: Rolling Meadow Ranch, LLC

Good evening, Toni and Kurt - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** Toni/Kurt Stoffel <toniandkurtstoffel@gmail.com>  
**Sent:** Wednesday, December 30, 2020 2:27 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadow Ranch, LLC

Date: December 30, 2020

To: Humboldt County Planning Commissioners and Meghan Ryan, Senior Planner, Planning Department

From: Toni and Kurt Stoffel, P.O. Box 488, 185 Cathey Ranch Road, Miranda, CA 95553 (707)943-3025.

Re: Rolling Meadow Ranch, LLC, Conditional Use Permits; APNs:217-201-001; 217-181-027,217-181-028,217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001;Record Number: PLN-12529-CUP.APPLICANT:RollingMeadow Ranch, LLC

We would like to voice our opposition to the proposed cannabis growing operation on McCann Road. We do not need MORE marijuana operations in Humboldt County. We have lived here since 1982, and have witnessed the destruction they have caused to our habitat, roads, society, and security.

What highly troubles us about the escalating number of "grows" in Southern Humboldt, is the increased traffic and reckless drivers on our rural roads. With the "estimated" thirty employees needed to operate this proposed business, (even sporadically throughout the year), the extra traffic would create extremely dangerous situations; not only for the local residents, but for the thousands of tourists who use Dyerville Loop Road every day. What is not mentioned in any of your official reports is that the main southern entrance to this property is accessed by Avenue of the Giants, along Dyerville Loop Road, and through Humboldt Redwoods State Park's Founder's Grove, (which is narrow and one-lane.) At the height of the tourist season there are hundreds of vehicles visiting this popular grove. Our family used to drive four miles of this route for many years when we worked for John LaBoyteaux at Camp Grant Ranch. It is curvy, prone to landslides, one lane in many places, and has absolutely no visibility around some corners.

Other concerns we have are:

- Downward facing security lights may affect the night skies in this remote location, especially when the lights reflect off of low-lying fog.



- Your department has a LEGAL obligation to post public notices, and contact each of the property owners who are directly adjacent to, (or have granted right-of-way easements to), this project. On August 30, 2018 we wrote a letter to the Planning Department mentioning the lack of public notification regarding another application for a cannabis operation on Cathey Road, (Re: Case Number SP16-525; Application Number 1244). Several adjoining property owners were NOT aware of the application. This is what we wrote to you back then....." To whom it may concern, A neighbor of ours informed us that she had received a notice in the mail about a cannabis cultivation permit meeting that is taking place on August 30th. She had no idea who or where the property was located. It turns out it is over a mile away from her home. Only a few residents were sent a letter informing them about this, with no rhyme or reason for the proximity to the site....." NOT properly alerting the public is unacceptable, and illegal, for you to move forward with any permits that will impact the community! Hopefully, you have changed your unwritten strategy of ignoring those rules. It seems that the county could be held liable for any adverse impacts from this enterprise.

- There is a church camp near Camp Grant that hosts several large days-long events every year. It is, also, the site of the annual "Special Olympics" that hundreds of participants attend. When we used to drive that road, we always tried to time our trips for when we knew the traffic would be lightest during those occasions. If we didn't, inevitably ONE of the vehicles would have to back up to an open pull-out.

It is incomprehensible that every day dozens of additional passenger vehicles, heavy equipment, and soil trucks would be given the go-ahead to travel to this remote property. There is no doubt that if you approve of this project, you will be increasing the number of accidents and creating additional pavement damage on this county road, which is already substandard. As individuals who represent the public, please drive out there to experience the adventure yourselves, then consult with your road maintenance crews before you decide to approve this application!

Toni and Kurt Stoffel

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 7:16 PM  
**To:** 'Debra Lake'; clerk@co.humboldt.ca.us  
**Subject:** RE: Comment letter for Rolling Meadows Cannabis permit

Good evening, Debra - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

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**From:** Debra Lake <lake\_95554@yahoo.com>  
**Sent:** Wednesday, December 30, 2020 2:27 PM  
**To:** clerk@co.humboldt.ca.us; Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment letter for Rolling Meadows Cannabis permit

Please enter our letter into the record.  
Thank you,  
Debra Lake  
Board Chair  
Fruitland Ridge Volunteer Fire Protection District



Fruitland Ridge Volunteer Fire Protection District  
75 KELSEY LN  
PO BOX 87  
MYERS FLAT CA 95554  
707-932-1484 message only

Humboldt County Planning Commission Planning  
[clerk@co.humboldt.ca.us](mailto:clerk@co.humboldt.ca.us)

Humboldt County Planning Department  
ATTN: Meghan Ryan, Senior Planner  
3015 H St. Eureka CA 95501  
[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)

Dear Ms. Ryan,

We represent the Fruitland Ridge Volunteer Fire Protection District (FRVFPD).

We are writing this letter in response to the article published in the Redheaded Blackbelt news blog about the Rolling Meadow Ranch, LLC Humboldt County Commercial Cannabis Land Use Application that was published on 12/28/2020.

This is the first our fire district has heard about this project. We are disappointed with the lack of communication to our fire district concerning this project. Cannabis plans are lacking an Emergency Services module.

Rolling Meadow Ranch, LLC Humboldt County Commercial Cannabis is within our fire district's sphere of influence. It is not within our formal district boundaries. If there are any forms of emergency, we are the initial responders. There is nothing in this plan that addresses any emergency response except for wildfire. FRVFPD is not compensated for any response.

This project is in SRA (state responsibility area) with CALFire being the responsible entity for Wildfires. But should a wildfire break out, FRVFPD will be the first called and first arriving at said incident. CALFire will be the commanding agency.

Time out to any incident is historically 22 minutes to the McCann bridge. There is additional time added for any location on the east side of the Eel River. The project states the farthest location to be over 5 miles from the bridge. Depending on road conditions, that can take a fire engine or a water tender anywhere from 20 minutes to one hour to navigate to the incident. So now we are dealing with a total

arrival time for a medical emergency or fire from 42 minutes to 1 hr. 22 minutes. Mind you, this is one way. Patient transport is equally time consuming.

The report states there will be an estimated 22 to 30 people at the scene seven days a week. There is a likelihood that some sort of medical emergency will occur.

The roads from Fruitland Ridge to McCann are Class 2 roads, gravel/dirt, with steep slopes and hairpin turns. The private roads across the river are marginal, narrow, and dangerous for large emergency vehicles. We are greatly concerned about the report's estimated 488,000 miles driven annually on these under maintained roads. We respond to about 4 incidents per year, averaging 3 medical and 1 fire in McCann. We are the responding agency for traffic collisions.

Water storage is also a concern regarding wildland fire. The 300,000+ gallons of water are not adequate. Due to the road conditions, the turn around time for a water tender is 45 minutes minimum. The use time for the 2500 gallons carried in a water tender is about 20 minutes. One million stored gallons would be an approximate need at scene for a major wildland fire.

Winter access from the Alderpoint Road side presents an even more difficult access issue that would need to be communicated to Bridgeville Fire Protection District and Alderpoint Volunteer Fire. They would be the initial responders at that time.

I am sure I have more to address. Time constraints are hindering the subject.

Fruitland Ridge Volunteer Fire Protection District requests a delay in approving this project pending mitigation of emergency issues addressed in this letter.

Sincerely,

Debra Lake  
Board Chair

Tina Hensley  
Board Treasurer

Katherine Coleman  
Board Secretary

Jimi Hensley  
Chief 6200

Fruitland Ridge Volunteer Fire Protection District  
707-943-3402 personal phone Debra Lake



## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 7:18 PM  
**To:** andrei hedstrom  
**Subject:** RE: Comment on Rolling Meadow Ranch Proposal

Good evening, Andrei - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

**From:** andrei hedstrom <andrei.hedstrom@gmail.com>  
**Sent:** Wednesday, December 30, 2020 5:30 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Comment on Rolling Meadow Ranch Proposal

Hello Meghan,

As a Humboldt County resident, I am very concerned about this project. Looking it over, it does not seem in keeping with the way land based projects so interconnected with wilderness space should be progressing. I am concerned about the precedence this sets and the sort of projects that will likely follow.

Growers that I know who have worked hard to transition with legalization and maintain the cannabis quality our region offers in terms of brand integrity, should be supported above out of state and new to the industry interests. These local growers have barely had the time to adjust to legalization, and unleashing this sort of scale in their midst will likely only make it harder for them to continue to scale up their own operations while maintaining product integrity and environmental standards.

When I first moved to Humboldt over ten years ago, I asked a local well known contractor what most of the economy was based on if logging and fishing had taken such big hits. He replied "Cannabis". Over the years I have seen that many restaurants, galleries, stores and construction operations have been held up or operated by the then illegal industry. Finally, these entrepreneurs and agriculturalists can be out in the open, but anyone who has opened a legal business knows it takes a few years just to break even and many more to be able to scale and take full advantage of all your years of prep. Watching friends in this industry make this transition has been troubling, with so many good people, hard working, finally being given a shot to do their thing above board, only to face significant setbacks as legalization, regulation, inspection after inspection all take their piece of the pie. This is part of running a business however, but to see what would be approaching these folks with massive outside interests cannonballing into their midst, well I just don't think it will bode well for anyone who truly cares about Humboldt or our local growers.

My hope is that you will see this project disadvantages our community and will look to encourage outside folks looking to make good on the Humboldt brand, operate in a way that is in keeping with the best of our region. We have model farmers, whose operations should be given every advantage to thrive in the years ahead. Keeping the brand alive, not diluting it with massive outside interests, seems like a smart thing to do for our region.

Good Things,

Andrei Hedstrom

[www.andreihedstrom.com](http://www.andreihedstrom.com)

[Facebookishness](#)

650.291.0387



Heidi Carter

Comments on rolling meadow MND

I oppose the Rolling Meadows project. The County of Humboldt has been a third world county due to timber mining and we don't want to continue extracting our resources, we don't want to be like a third world country or a third world county. A big marijuana grow by a legal company will have the same impact of a similar sized grow by the cartel. What will this do to the Eel River and the fish?

Please consider carefully what is the real value of the tax money the county might receive from a project of this magnitude, and what does real value mean?

Provided via phone conversation on 12.30.2020 at 445pm.

## McClenagan, Laura

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**From:** McClenagan, Laura  
**Sent:** Thursday, December 31, 2020 3:27 PM  
**To:** Ryan, Meghan; Johnson, Cliff  
**Cc:** Lippre, Suzanne  
**Subject:** Rolling Meadows PLN-12529-CUP

I received a phone message as a comment for the above mentioned project being heard on the 7<sup>th</sup>.  
I called and left a message with Heidi letting her know that we have received her comment. I have included it below.

I am making a public comment regarding the Florida grow at the headwaters of the Eel. Are we a third world county? A third world country is a place where resources are extracted and greater profits are made some place else. So I urge you to NOT okay the application for the big Florida based company grow in exchange for whatever the tax benefit the county gets. There is the big potential to contaminate the Eel River. There are three big springs up there you know. Big company pollutes the river, they pay a fine, it goes on and on. So, I urge you to, in the interest of the greater good and integrity of the county and citizens in the county to deny the application. It's a legal entity, unlike the cartel grows, but it is going to be pretty much the same thinking, where the welfare of our community and county is not part of the plan. Thank you, Heidi Carter 298-7690.

Thanks,



Laura McClenagan  
Executive Secretary  
County of Humboldt Planning & Building Dept.  
3015 H Street • Eureka, CA 95501  
(707) 445-7541

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 7:42 PM  
**To:** Smith, Diane@Wildlife  
**Cc:** state.clearinghouse@opr.ca.gov; Planning Clerk; Dougherty, Mona@Waterboards; Grady, Kason@Waterboards; Babcock, Curt@Wildlife; Bauer, Scott@Wildlife; Harnsberger, Laurie@Wildlife; O'connell, Gregory@Wildlife; Sanville, Cheri@Wildlife; Wildlife CEQA Comment Letters  
**Subject:** RE: CEQA\_2020-R1-HUM\_RollingMeadows\_ISMND\_LTR\_FINAL

Good evening, Diane - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I anticipate I will be putting together a comprehensive response to comments early next week.

Best,  
Meghan

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**From:** Smith, Diane@Wildlife <Diane.Smith@wildlife.ca.gov>  
**Sent:** Wednesday, December 30, 2020 4:02 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Cc:** state.clearinghouse@opr.ca.gov; Planning Clerk <planningclerk@co.humboldt.ca.us>; Dougherty, Mona@Waterboards <Mona.Dougherty@waterboards.ca.gov>; Grady, Kason@Waterboards <Kason.Grady@waterboards.ca.gov>; Babcock, Curt@Wildlife <Curt.Babcock@wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Harnsberger, Laurie@Wildlife <Laurie.Harnsberger@wildlife.ca.gov>; O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Sanville, Cheri@Wildlife <Cheri.Sanville@wildlife.ca.gov>; Wildlife CEQA Comment Letters <CEQACommentLetters@wildlife.ca.gov>  
**Subject:** CEQA\_2020-R1-HUM\_RollingMeadows\_ISMND\_LTR\_FINAL

Hello:

Please see the attached document. All distribution has been completed electronically.

Regards,

Diane Smith  
Administrative Officer I  
California Department of Fish and Wildlife  
Region 1 - Northern  
[diane.smith@wildlife.ca.gov](mailto:diane.smith@wildlife.ca.gov)  
Cell: (530) 945-0755  
Ph: (530) 225-2851  
Fx: (530) 225-2055

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**McClenagan, Laura**

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**From:** Ryan, Meghan  
**Sent:** Wednesday, December 30, 2020 7:49 PM  
**To:** 'Patrik Griego'  
**Subject:** RE: Letter re McCann Project.pdf Re: (PLN-12529-CUP; SCH# 2020070339)

Good evening, Patrik - Thank you for your comments on the Rolling Meadow Ranch project near the community of McCann. Your comments will be forwarded to the Humboldt County Planning Commission for consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

---

**From:** Patrik Griego <pgriego@janssenlaw.com>  
**Sent:** Wednesday, December 30, 2020 2:59 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Letter re McCann Project.pdf Re: (PLN-12529-CUP; SCH# 2020070339)

Dear Ms. Ryan,

Please see attached letter regarding (PLN-12529-CUP; SCH# 2020070339)

VIA EMAIL AND HAND DELIVERY

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



**Re: Comments Concerning Revised Initial Study / Mitigated Negative Declaration for the Rolling Meadow Ranch, LLC; Six Conditional Use Permits for Commercial Cannabis Facilities (PLN-12529-CUP; SCH# 2020070339)**

Dear Ms. Ryan:

I am writing to comment on the proposed project in my individual capacity as a local resident who currently lives in Humboldt County and had resided in McCann from 2001 through 2015. I am intimately familiar with the access to McCann from Dyerville Loop Road over the Eel River bar onto McCann Road.

I drove on McCann road almost daily for more than a decade. McCann road can best be described as a one lane winding seasonal dirt road with multiple site distance issues. It is a beautiful part of the County which offers glimpses of the wild and scenic Eel River below. I would see deer daily and saw occasional black bears and mountain lions walking along that road. It is the one and only place I have ever seen a ring-tailed cat. Although the road was ideal for nature viewing, it was not a place where you wanted to encounter other people. I saw multiple accidents on McCann Road and had many near accidents myself. There are no guard rails or safe shoulders. I have no doubt that it fails to meet CalTrans guide for safe site distances or appropriate shoulders. McCann road is only designed to maintain the extremely limited traffic for the very few local residents who access their homes along this road.

I recommend that anyone considering the project please drive the road and see for themselves why it would place our citizens and the environment at an unnecessary risk.

The road is not built to handle an industrial cannabis operation. It is a Category 2 road. I was shocked to learn that the applicants have represented the road as the equivalent of anything other than a Category 2 road. If McCann road could be declared the equivalent to a category 4 road it will justifiably open the flood gates to reconsideration of other projects that were denied in this county.

Our county has taken the lead in California in striking the balance of legalizing cannabis cultivation while at the same time protecting our citizens and natural resources. It is something that we have done well. The proposed project would put profit over people and is contrary to our values. It simply makes no sense to bend the rules in this area.

Patrik Griego  
2323 O Street  
Eureka, CA 95501  
(707) 476-2286

A handwritten signature in blue ink, appearing to read "Patrik Griego".

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Monday, January 04, 2021 7:28 AM  
**To:** Carol Ralph  
**Subject:** RE: Rolling Meadow Ranch CUP SCH No. 2020060339

Good morning, Carol – Thank you for providing comments on behalf of the North Coast Chapter of the California Native Plant Society regarding the Rolling Meadows project. These comments will be forwarded to the Planning Commission for their consideration at the January 7, 2021, Planning Commission hearing.

Best,  
Meghan

---

**From:** Carol Ralph <theralphs@humboldt1.com>  
**Sent:** Wednesday, December 30, 2020 9:31 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadow Ranch CUP SCH No. 2020060339

Meghan Ryan:  
Please find attached comments from the North Coast Chapter of the California Native Plant Society about the proposed Rolling Meadow Ranch cannabis farm.

Thank you.

Carol Ralph  
President  
North Coast Chapter  
California Native Plant Society  
707-822-2015





CALIFORNIA  
NATIVE PLANT SOCIETY

North Coast Chapter  
P.O. Box 1067  
Arcata, CA 95518



30 December 2020

Meghan Ryan  
Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501  
mryan2@co.humboldt.ca.us

re: Rolling Meadow Ranch, LLC. Conditional Use Permits SCH No. 2020060339

Dear Meghan Ryan:

Please consider these comments from the North Coast Chapter of the California Native Plant Society. CNPS is a 501(c)3 non-profit dedicated to conserving California native plants and their natural habitats. CNPS has 10,000 members in 33 chapters statewide. The North Coast Chapter represents 320 members in Del Norte, Humboldt, western Trinity, and western Siskiyou counties.

The Chapter is opposed to the project as proposed due to its impacts on sensitive natural prairie communities and other significant native vegetation. We urge the County to evaluate project alternatives and require appropriate mitigation to minimize project impacts on native vegetation and sensitive natural communities.

1. **Prairies.** In northwest California grassy clearings found in the general matrix of forested mountains are called, informally, prairies. (We use the word "meadow" for montane clearings.) These open areas support a high diversity of plant species, much more than grasses. Historically, prairies were important to indigenous people as foraging sites for seeds and bulbs and hunting sites for game that foraged there. In recent times the fact that prairies sequester large amounts of carbon has become important. Though many prairies are now degraded from historic overgrazing and invasive species, many prairies still contain pockets of native flora, including rare plants and sensitive natural communities. As such, prairies have biological value higher than their acreage suggests. Prairies, along with oak woodlands, are being lost to development (easier to build where no trees), agriculture (easier to plow where no trees), livestock grazing (bringing in aggressive, non-native plant species), and lack of burning (trees and shrubs sprout and take over). **Protecting remaining prairies should be a conservation priority for the County.**

**The Rolling Meadow project does the opposite.** The 16 greenhouses, clustered in four places, each with water tanks, a processing plant, a septic field, parking area, road, and path, are all proposed to be built in prairie habitat. Compared to the total area of prairie on the property, as viewed in the aerial photos, the area for development is small. Whether this loss is significant depends on other cumulative effects. Will the remaining prairies be maintained? With cattle grazing removed, the likelihood of forest encroaching the prairies is high. **The County should**



**evaluate the effects of the project on prairie habitat to understand whether the effects are significant and require mitigation.**

The most meaningful mitigation for project impacts on prairie would be a properly researched and professionally executed **prairie restoration**. Restoring prairies is a developing science and art. Non-native species are aggressive and often outgrow the native species planted. Growing deep roots or developing turf takes many years. The diverse mix of species requires attention to many species, not just seeding with one grass. Techniques used in grassland restoration include weeding, fertilizing, weed-eating, mowing, grazing, controlled burning, and planting. We recommend requiring prairie restoration at a minimum 2:1 ratio for any prairie impacts caused by this project.

**2. Sensitive Natural Communities.** Two kinds of prairie that are classed as Sensitive Natural Communities in California, and therefore afforded special protections, are directly in this project's footprint: **California Oatgrass Prairie and Blue Wildrye Prairie**. While the patches of these Sensitive Natural Communities are small, and the prairies in which they occur are somewhat degraded by non-native grasses and forbs, they are highly significant, as they are the legacy of past, native prairies, and they hold the seeds of future native prairies. The proposed plan to enhance these kinds of prairie elsewhere on the property by seeding, weeding, and planting plugs, is a good step toward mitigation. Collecting the seeds on site, as proposed, is essential. Salvaging and transplanting the desired grasses and any desirable, native, non-grass species (e.g. native bulbs) during construction would increase the value.

**3. Prime Agricultural Soils.** The county requirement that cannabis cultivation be on Prime Agricultural Soils dictated the dispersed plan of this cannabis grow in these prairies. On this property the Prime Ag Soils are in the prairies, so the greenhouses are placed there. In the face of this consequence, the County should consider adjusting this Prime Ag requirement.

In fact, most of the greenhouses are not entirely on the Prime Ag Soil. The structures are too big to fit in the small, irregular patches of this soil. For example, facility #1 is only about half on Prime Ag Soil. To fit on the Prime Ag Soils, the facilities would have to be much smaller and irregularly shaped. **By this criterion the project does not comply with county regulations.**

To meet the other part of the requirement, that less than 20% of the available Prime Ag Soil be in "cannabis cultivation," the plan includes in its calculation only the footprint of the actual cannabis plants, not the paths, etc., around them, as though the associated infrastructure were not part of the cultivation. (page 46) Including the entire footprint of the greenhouses puts this project **well over the 20% limit**. The more complex calculation of exactly how much Prime Ag Soil is occupied, given that most greenhouses include area not on such soils, is beyond the scope of this review (and probably the County's). The County should require the project to be downscaled for compliance with applicable code requirements, which would better protect remaining prairie habitats.

This project claims it will preserve 99.5% of the defined Prime Ag Soil by growing cannabis directly in holes in the prairie soil rather than grading and pouring a hardened floor. Conceivably that is true, depending on the definition of Prime Ag Soil and of "preserve." For preserving the prairie soil for possible future daylighting, it is false. Soil heavily amended and irrigated and compacted by foot and vehicle traffic will give rise to non-native weeds, not native prairie.



4. **Tree removal.** Some of the trees that might be removed are large enough to be considered legacy trees: a 36-inch California Bay, two 30-inch Douglas-fir, and a 25-inch Madrone. Large California Bay were valued trees by the Native Americans. This slow-growing species could have shaded Native American camps and provided them with nuts. Planting groves of trees in **no way mitigates** for removing trees of this age. The County should evaluate alternatives to the removal of legacy trees and consider whether there are any feasible alternatives that would avoid tree removal.

Planting groves of trees in this forest-prairie mosaic might actually be futile or harmful. Where there is already forest, there is no room and no sun for new trees. Where there is not forest, there is prairie, which should not be planted with trees.

The proposed planting plan **mistakenly** calls for *Laurus nobilis* and *Quercus alba*, probably intending *Umbellularia californica* and *Quercus garryana*. The botanist's report says that *Quercus kelloggii* is the more common oak existing there, so it might be the more appropriate choice. Any mitigation for this project should be of prairie. (See above)

**Conclusion.** We urge the County to evaluate fully the project effects on the ranch's prairies and require appropriate mitigation in the form of prairie enhancement and restoration.

This project does not meet the County's requirement for new cannabis grows to be on Prime Ag Soils, and it exceeds the 20% limit. It removes irreplaceable trees. It removes, with mitigation, patches of Sensitive Natural Communities while failing to consider alternatives that would avoid impacts to Sensitive Natural Communities.

The County should consider the cumulative effect of this and many other farms being planned on the County's natural prairie habitats. The County's requirement that new cannabis cultivation be on Prime Ag Soils is leading directly to the careful destruction of these prairies. The County should explore ways to modify this regulation to avoid serious, cumulative impacts to this important natural resource.

On behalf of our chapter members and of future generations of members, we thank you for your careful consideration.

Sincerely,



Carol Ralph  
President  
North Coast Chapter  
California Native Plant Society  
707-822-2015

## McClenagan, Laura

---

**From:** Ryan, Meghan  
**Sent:** Monday, January 04, 2021 7:37 AM  
**To:** Tom Wheeler  
**Subject:** RE: Rolling Meadows

Good morning, Tom – Thank you for providing comments on behalf of the Environmental Protection Information Center regarding the Rolling Meadow Ranch project. These comments will be forwarded to the Planning Commission for their consideration at the January 7, 2021, Planning Commission hearing.

Best,  
Meghan

**From:** Tom Wheeler <tom@wildcalifornia.org>  
**Sent:** Thursday, December 31, 2020 11:09 AM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Rolling Meadows

Dear Meghan,

On behalf of the Environmental Protection Information Center, please accept these on the draft mitigated negative declaration and proposed conditional use permits for Rolling Meadows, LLC (SCH #2020070339).

EPIC writes to join in the concerns raised by the California Department of Fish and Wildlife in their December 30, 2020 comment letter and to the concerns raised by the Holder Law Group and the California Native Plant Society. I have attached this letters here and incorporate their concerns by reference. In particular, EPIC is concerned about the impacts to golden eagles and the hydrologic connectivity between the wells and the Eel River. EPIC's concerns are twofold: first, the draft document's conclusions are not supported by substantial evidence; and second, substantial evidence suggests that the impacts to these resources are going to be significant, requiring a full environmental impact report and mitigations.

Should you have any concerns, please contact me at (206) 356-8689 or [tom@wildcalifornia.org](mailto:tom@wildcalifornia.org).

Best,  
Tom

--

Tom Wheeler  
Executive Director and Staff Attorney  
Environmental Protection Information Center  
145 G Street Suite A  
Arcata, CA 95521  
Office: (707) 822-7711 | Cell: (206) 356-8689  
[tom@wildcalifornia.org](mailto:tom@wildcalifornia.org)  
[www.wildcalifornia.org](http://www.wildcalifornia.org)  
Pronouns: he/him/his

"If EPIC had not undertaken its lonely efforts on behalf of the Marbled Murrelet, it is doubtful that the species would

have maintained its existence throughout its historical range in California." - Judge L. Bechtel, *Marbled Murrelet v. Pacific Lumber Co.*



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Northern Region  
 601 Locust Street  
 Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



December 30, 2020

Meghan Ryan, Senior Planner  
 Humboldt County Planning and Building Department  
 3015 H Street  
 Eureka, CA. 95501  
[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)

Governor's Office of Planning & Research

**Dec 31 2020**

**STATE CLEARINGHOUSE**

**Subject: Rolling Meadows ([SCH# 2020070339](#)) Conditional Use Permits Initial Study and Draft Mitigated Negative Declaration**

Dear Meghan Ryan:

The California Department of Fish and Wildlife (CDFW) received from the County of Humboldt (Lead Agency) a recirculated Initial Study and Draft Mitigated Negative Declaration (IS/MND), dated November 25, 2020, for the Rolling Meadows (Project), in McCann, Humboldt County, California. CDFW understands the Lead Agency will accept comments on the Project through December 30, 2020.

Previously, on July 16, 2020, the Lead Agency circulated an IS/MND. On Thursday, August 13, 2020, CDFW staff conducted a site visit of Facilities #1-16 of the Project area. On August 17, 2020, CDFW submitted written comments on the IS/MND. On October 8, 2020, CDFW issued a final Lake or Streambed Alteration (LSA) Agreement to rebuild an existing bridge on Larabee Creek that will serve as an alternate access to the Project from Alderpoint Road. Work at several additional stream crossing locations disclosed in the IS/MND are subject to LSA Notification and have not yet been evaluated or authorized by CDFW.

The Project is located on Humboldt County Assessor's Parcel Numbers (APNs) 217-181-028, 217-201-001, 217-022-004, 217-201-001, 211-281-006, and 217-181-017. The project proposes 306,648 square feet (7 acres) of new cannabis facility space, including 249,739 square feet (5.73 acres) of new mixed-light cannabis cultivation. The Project also proposes use of three wells for irrigation in addition to 320,000 gallons of proposed greenhouse roof rainwater catchment that will be stored in tanks. The mixed-light cultivation is proposed to be powered by Pacific Gas and Electric, however new connection lines and associated infrastructure will be needed.

As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize project impacts and

Meghan Ryan, Senior Planner  
 Humboldt County Planning and Building Department  
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avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

### **Clarification of CEQA Document Type**

The CEQA document currently in circulation is called an “Initial Study and Environmental Checklist”, however the November 30, 2020 Notice of Intent calls the document an IS/MND. For this comment letter, CDFW assumes the document currently in circulation is an IS/MND. However, the Environmental Checklist on page 33 of the November 25, 2020 IS/MND was not completed or signed.

Please provide clarification if the document is 1) IS/MND or 2) an Initial Study and Environmental Checklist that will be used to determine the appropriate CEQA Environmental Document (i.e., Mitigated Negative Declaration or an Environmental Impact Report) (**Recommendation 1**).

### **Golden Eagle**

The IS/MND discloses a previously documented golden eagle (*Aquila chrysaetos*) nest site within line-of-site from the Project (California Natural Diversity Database occurrence #80, Nelson 2000), however complete protocol level golden eagle surveys for the Project have not yet occurred. The IS/MND acknowledges golden eagles are designated as Fully Protected pursuant to FGC section 3511, and that take of Fully Protected Species is prohibited. Additionally, the low and declining population numbers of golden eagles within northwestern California (Harris 2005, Hunter et al. 2005) and the broader Bird Conservation Region (BCR) where the Project occurs (Millsap et al. 2016, USFWS 2016) suggest impacts to golden eagle may be potentially significant (CEQA Guidelines section 15125 (c)). However, the IS/MND does not contain complete or adequate survey results for this species (Pagel et al. 2010). Without sufficient and complete surveys for golden eagle, CDFW cannot adequately comment on the potential for take or significant impacts to this species nor the effectiveness and feasibility of mitigations.

No Sustainable Take Rates. The importance of conserving golden eagle populations and their habitats is highlighted by their low and declining population numbers within BCR, where the Project occurs. BCR 5 spans from Alaska to Sonoma County, California and is estimated to contain only 189 golden eagle breeding pairs with no sustainable take rates (Millsap et al. 2016, USFWS 2016). While avoiding disturbance to nest locations is important during courtship, breeding, and rearing of young, it is also important to ensure that adequate grassland foraging habitat remains within a golden eagle territory. Prior studies in the western US suggest a radius of two miles encompasses 50 to 80 percent of golden eagle use and represents densely used core area (Watson et al. 2014, Hansen et al. 2017).

Project Juxtaposition to Golden Eagle Breeding Habitat. Grasslands within one mile of nest sites may be particularly vulnerable to disturbance effects on golden eagle while



Meghan Ryan, Senior Planner  
Humboldt County Planning and Building Department  
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they are feeding nestlings (USFWS 2020). From the location of the documented 2003 nest site, the Project's two eastern most clusters of greenhouse facilities lie within one-mile and are within in line-of-site of the nest location (Figure 1- 2). The juxtaposition of the Project area to the 2003 nest site would maximize visual and other disturbances perceived at the nest site and potentially eliminate the majority of the foraging habitat within the core area (Figure 1 – 2).

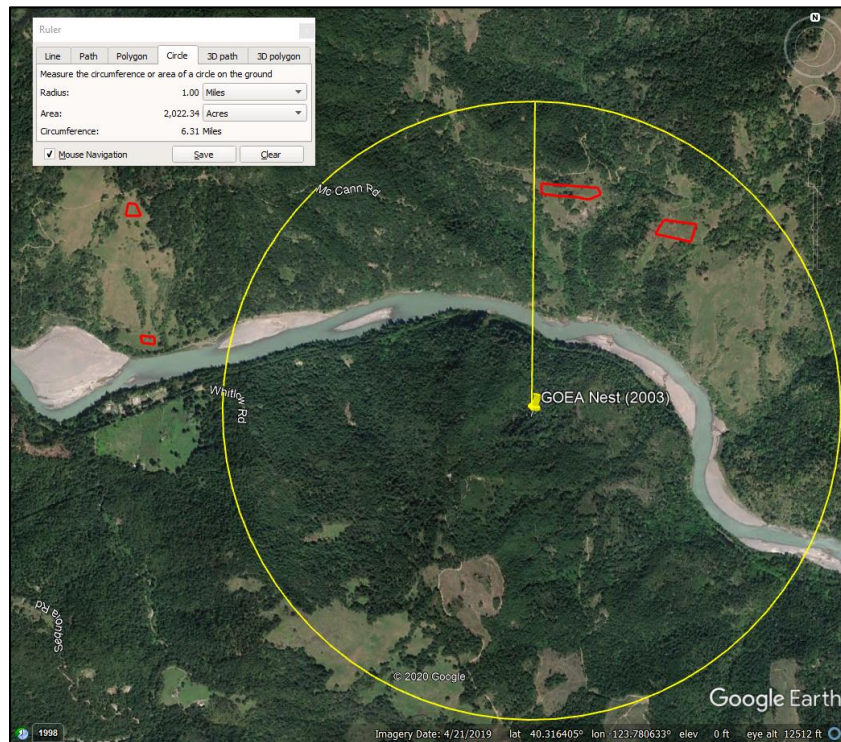


Figure 1. A one-mile radius around the 2003 nest site. Project areas are shown in red and two locations are within the one-mile no disturbance buffer. Note: alternative nest sites may be closer to the Project.



Meghan Ryan, Senior Planner  
Humboldt County Planning and Building Department  
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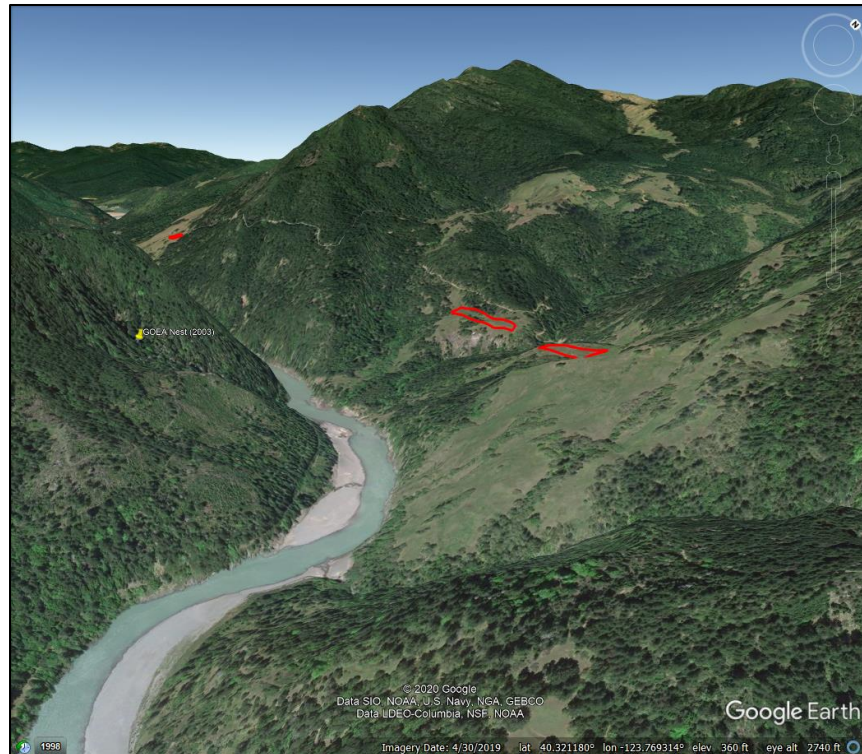


Figure 2. A documented golden eagle nest site (yellow pin) is within line-of-site of Project cultivations areas (shown in red). Note: alternative nest sites may be closer to the Project.

**Golden Eagle Sensitivity to Disturbance.** Although not well described in the Environmental Setting section of the IS/MND, the pre-Project baseline level of anthropogenic disturbance (e.g., visual, noise, and light) is very low or non-existent within the Project area. Any golden eagles in this vicinity are likely to be especially sensitive to human disturbance. Based on the range of disturbance distance thresholds for golden eagles (Hansen et al. 2017), they may flush from their nests or reduce feeding young with even low to moderate disturbance (including pedestrian activity) occurs within 1,000 meters (3,281 feet or 0.62 miles). Furthermore, nest-site protection is only beneficial if there is adequate access to prey. While male golden eagle's presence at nests is generally limited to prey delivery or brief assistance with young, they frequently rest on perches in view of nests (Watson et al. 2014). In southwestern Idaho, golden eagles perched away from nests were 12 times more likely to flush in response to recreationists than eagles at nests (Hansen et al. 2017). This suggests frequent human activity away from nests could result in chronic disturbance of foraging golden eagles and reduced provisioning rates at the nest. For example, if the 1,000-meter disturbance metric is applied to Project cultivation areas that may affect grassland foraging areas within a one-mile no disturbance buffer of the 2003 nest site, approximately 125 acres of 219 acres (57 percent) of foraging area may be avoided by foraging golden eagles attempting to feed their young (Figure 3).

Meghan Ryan, Senior Planner  
Humboldt County Planning and Building Department  
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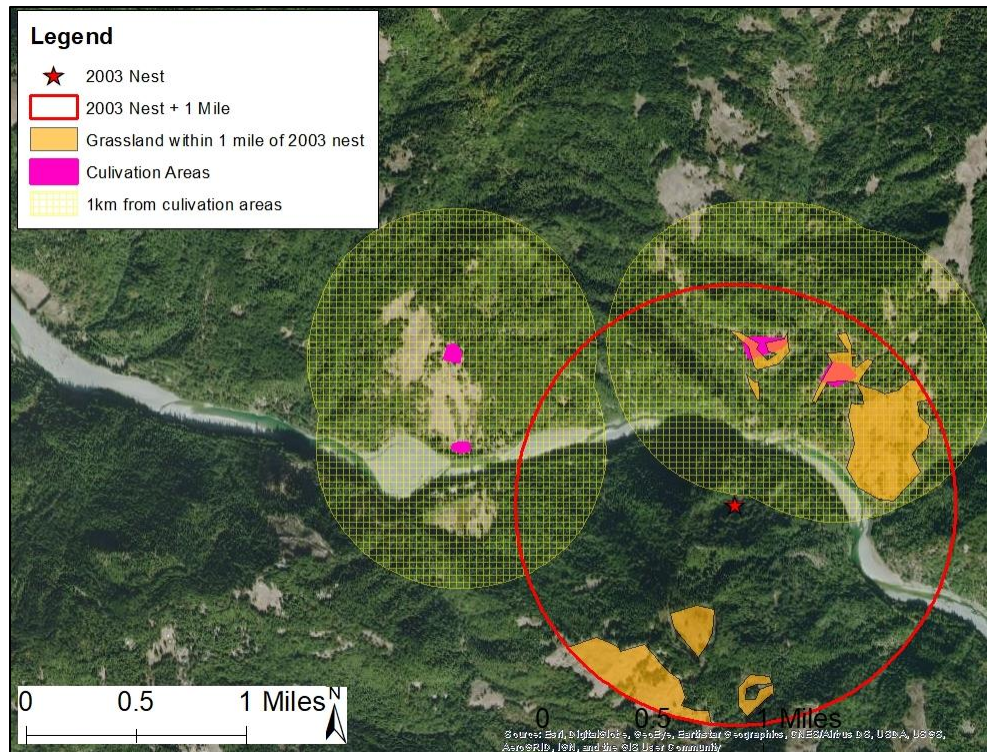


Figure 3. Assuming no golden eagles forage within 1,000 meters of cultivation sites, the Project would result in a 57 percent reduction of foraging habitat within a one-mile no disturbance buffer.

Unlike short term disturbance impacts (e.g., timber harvest), ongoing chronic disturbance may warrant buffers in excess of 1,000 meters, further supporting the USFWS' one-mile no disturbance buffer for golden eagle nest sites. Importantly, the IS/MND Mitigation Measure Bio-16 calling for a 660-foot buffer from nest sites was intended by the USFWS for bald eagles (*Haliaeetus leucocephalus*) (USFWS 2017), who are much less sensitive to disturbance than golden eagles (USFWS 2016).

Golden Eagle Surveys. Deficiencies in Project golden eagle surveys include: 1) none of the golden eagle surveys conducted for the Project occurred during the courtship season when golden eagles are most likely to be detected. Once golden eagles have paired and laid eggs after courtship, they become secretive and difficult to detect. The protocol specifically states the first inventory and monitoring surveys should be conducted during courtship when adults are mobile and conspicuous. Other deficiencies of the Project's golden eagle surveys include: 2) survey duration less than four hours (as recommended in the protocol), 3) surveyor location movement during surveys (survey should occur in blinds or other cryptic locations because golden eagles will avoid human presence and activities, potentially resulting in false negative survey results), 4) insufficient Project area coverage from survey locations (cultivation locations are nearly two miles apart and likely require multiple four-hour protocol observation points), 5) anecdotal conclusions based on out-of-season observations that the documented 2003 nest site is unoccupied, and 6) no evaluation of potential alternative nest sites within the Project vicinity (golden eagles often rotate annual occupancy of several alternative nest sites within a core area (Watson et al., 2014)).

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Humboldt County Planning and Building Department  
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Regarding anecdotal conclusions based on out-of-season observations, the IS/MND provides insufficient evidence to support current unoccupancy at the 2003 golden eagle nest that occurs about 1,000 meters south of the Project. The nest was last reported occupied in 2003 (Nelson 2020), but there are no records of attempts to verify continued nesting until one month ago, outside the breeding season. Project biologists visited the 2003 nest vicinity in November 2020 and concluded the nest is no longer present due to a lack of visible white-wash (fecal matter) or prey remains on the ground. If that nest location was occupied in 2020, young may have fledged from the nest several months prior and evidence of white-wash and prey remains may no longer have been present in November. The lack of a physical nest observation in 2020 does not support the conclusion a nesting site is no longer there because, 1) nests can occur in any portion of trees that could support a large stick platform and can be obscured from ground view when located at the top of a tree or in complex side-branch structures, 2) nest structures can be 10-feet in diameter and retain white-wash and discarded prey remnants where they cannot be observed from the ground, and 3) nests platforms occasionally fall out of trees and are rebuilt by golden eagles when they choose to nest in that tree again as part of their semi-annual rotation of alternative nest sites within a territory, of which they exhibit nest site fidelity over years and decades (Hansen et al., 2017).

Regarding no evaluation of potential alternative nest sites within the Project vicinity, the IS/MND states that no golden eagle nesting habitat exists in the immediate vicinity of the Project based on the assumption that potential nesting habitat is synonymous with northern spotted owl (NSO) high quality nesting/roosting habitat, but this statement is not supported. While NSO may be more likely to utilize forested areas with many larger trees, golden eagles can nest in locations with just one tree large enough to support a nest platform anywhere within the tree (Menkens et al. 1987, Baglien 1975). Given that many large diameter trees (e.g., Douglas fir [*Pseudotsuga menziesii*] crown diameter 40+ft visible on Google Earth) occur within one mile of Project locations, suitable nesting trees with complex branch structures may occur closer to the Project than the 2003 nest location.

Given the high-quality nesting and foraging habitat in the Project vicinity (large trees and grasslands), the previously documented nest site, 2018 golden eagle flyover observation during Project surveys, multiple other recent reports of juvenile golden eagles in the vicinity (Gaffin 2014 and 2015), and fidelity to nesting sites over years or decades (Hansen et al. 2017), the potential for an active breeding territory within the Project vicinity is high. Without adequate surveys for this species and, if present, a detailed effects analysis of potential Project impacts, CDFW is concerned that the Project could interfere with breeding, nesting success, feeding, sheltering behavior, and result in a loss of productivity, nest failure (e.g., disturbance-induced reduced provisioning of young), or complete abandonment of a golden eagle breeding territory (due to long term chronic disturbance).

Based on the golden eagle information discussed above, CDFW recommends the Project complete protocol golden eagles surveys and consult with CDFW prior to completion of CEQA (**Recommendation 2**). There is a reasonable likelihood an active



Meghan Ryan, Senior Planner  
 Humboldt County Planning and Building Department  
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golden eagle breeding territory occurs within the Project vicinity and that several alternative nest sites may exist within relatively close proximity to the Project. Without sufficient protocol surveys for this species, we cannot adequately comment on the potential for significant impacts nor the effectiveness and feasibility of take avoidance or mitigations. Additionally, as proposed in the IS/MND, mitigation measure Bio-16's 660-foot nest buffer may be inadequate for this species and could potentially result in take of a Fully Protected species.

### **Cumulative Impacts to Grassland Prairies**

The Lead Agency's Commercial Medical Marijuana Land Use Ordinance states no more than 20 percent of the area of prime agricultural soils on a parcel may be permitted for commercial cannabis cultivation. It is unclear if the ordinance and its supporting CEQA analysis intended new cultivation sites to be located within remote (i.e., exurban), hillside grassland prairies (where sensitive species may occur) as opposed to traditional agricultural lands already associated with crop production. An unintended consequence of requiring new cultivation on prime agricultural soils (and allowing new areas to be classified as such with no minimum size) is the targeting of small, isolated, flat grasslands within larger prairie complexes on steeper slopes. These habitats are vital elements of biodiversity and provide important habitat for wildlife (Stromberg et al. 2007, CNPS 2011, CDFW 2014a). For example, grasslands in less developed portions of the County correspond with golden eagle foraging habitat and may be occupied by sensitive breeding territories, as described previously in this letter.

The Humboldt County Planning and Building Department has received at least 45 commercial cannabis applications occurring within 1 mile (recommended no disturbance buffer) of documented golden eagle nest sites (Table 1, Battistone, 2020). Furthermore, over 150 commercial cannabis cultivation applications occur within two miles of documented golden eagle nest sites. Given the number of proposed projects within one mile of documented nest sites and that 50 to 80 percent of eagle habitat use is reported to occur within 2 miles of nest sites, CDFW is concerned cumulative project impacts could eliminate golden eagle territories within Humboldt County.

Additional cumulative impacts could occur to other grassland-dependent special status species such as northern red-legged frog (*Rana aurora*), grasshopper sparrow (*Ammodramus savannarum*), mountain plover (*Charadrius montanus*), northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), Pacific gilia (*Gilia capitata* ssp. *pacifica*), short-leaved evax (*Hesperis matronalis* var. *brevifolia*), Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*), Kneeland prairie pennycress (*Noccaea fendleri* ssp. *californica*), maple-leaved checkerbloom (*Sidalcea malachroides*), Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*), beaked tracyina (*Tracyina rostrata*), leafy reed grass (*Calamagrostis foliosa*), Hitchcock's blue-eyed grass (*Sisyrinchium hitchcockii*), and other special status species (CDFW 2020a).

Meghan Ryan, Senior Planner  
Humboldt County Planning and Building Department  
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Table 1. Humboldt County commercial cannabis applications within two miles of documented golden eagle nest sites.

Key Parcel Distance to Mapped Golden Eagle Nest (Miles)	Number of County Cannabis Cultivation Applications
0 - 0.25	9
0.26 - 0.5	9
0.51 - 1	27
1.1 - 2	112
Total	157

Cumulative impacts could also occur to rare vegetation types known as Sensitive Natural Communities. Using the best available data on the abundance, distribution, and threat, CDFW assigns natural communities rarity ranks and/or a designation as “Sensitive” (\*). Rarity ranks range from 1 (very rare and threatened) to 5 (demonstrably secure). Sensitive Natural Communities (S1 – S3 or otherwise designated as sensitive) should be addressed in the environmental review processes of CEQA and its equivalents (CDFW 2020b). Cumulative impacts could occur to grassland-associated Sensitive Natural Communities in Humboldt County including California brome – blue wildrye prairie (*Bromus carinatus* – *Elymus glaucus*; S3), Oatgrass - Tufted Hairgrass - Camas wet meadow (*Danthonia californica* – *Deschampsia cespitosa* – *Camassia quamash*; S4\*), Idaho fescue - California oatgrass grassland (*Festuca idahoensis* – *Danthonia californica*; S3), California goldfields – dwarf plantain – small fescue flower fields (*Lasthenia californica* – *Plantago erecta* – *Vulpia microstachys*; S4\*), and other sensitive natural communities.

The IS/MND should evaluate cumulative impacts to grassland prairies, particularly special status species and sensitive natural communities (**Recommendation 3**).

### Use of Water Wells

The IS/MND relies on written statements from David Fisch of Fisch Drilling to assess well use impacts to groundwater. Although Mr. Fisch is a Licensed Water Well Contractor, it is not apparent that he is licensed to provide geologic interpretations and/or related evaluations of groundwater/surface water connectivity. The scientific and engineering community universally accepts the connectivity of surface water and groundwater systems and that groundwater discharge to streams constitutes a sizeable and important fraction of streamflow (Fetter 1988, Winter et al. 1998, Department of Water Resources 2003, Barlow and Leake 2012, Province of British Columbia 2016).

In light of the Project’s geologic setting, mapped springs, wetlands, and other surface water features (IS/MND Figure 61 on page 197), and based on the potential total volume of groundwater extraction from the three new wells, CDFW recommends the applicant retain a qualified professional (e.g. geologist or engineer with hydrogeology background) licensed to practice in California to conduct a preliminary evaluation of the Project’s potential impacts to local surface water flows, and to provide

Meghan Ryan, Senior Planner  
Humboldt County Planning and Building Department  
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recommendations that ensure Project activities will not substantially affect aquatic resources (**Recommendation 4**).

### **Post-project Reclamation and Restoration**

As described in the IS/MND, the Project will occur in a remote area of the County that supports numerous special status species and habitats. The Project's seven acres of new cannabis facility development and infrastructure will have lasting effects on the landscape if the Project permanently ceases operations at some point in the future. Similar to other industries with this spatial magnitude of ground disturbance (e.g., mining) it is appropriate to decommission facilities and restore the area at the end of a project's life.

CDFW recommends a mitigation measure or condition of approval to require a Post-project Reclamation and Restoration Plan. That plan should be implemented if project activities cease for five years (**Recommendation 5**).

***The following resource topics were brought up in our August 17, 2020 letter for this Project, and are reiterated with additional information here as the revised IS/MND did not appear to fully address these:***

### **Botanical Surveys and Impact Analysis**

The IS/MND states botanical surveys for rare plants did not encompass the entire Project area, specifically Facilities #6 through #9. The entire Project area should include the "whole of the action" (CEQA Guidelines section 15003 (h)), including all proposed buildings, new powerlines, borrow pits, access roads, and other areas of new ground disturbance. The IS/MND proposes completing botanical surveys as a mitigation measure. Based on the IS/MND, it appears floristic botanical surveys have not yet covered the entire Project area, including proposed work on the access road to Alderpoint, which contains suitable habitat for a Humboldt County milk-vetch (*Astragalus agnicidus*), a State Endangered Species.

To avoid deferred analysis, and potential deferred mitigation, the IS/MND should include the results of floristically appropriate botanical surveys for the entire Project area. Surveys and reporting should be in accordance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* and propose avoidance/mitigation where appropriate (**Recommendation 6**).

### **Wetland Fill and Development Setbacks**

The IS/MND indicates development of Facility #9 will require wetland fill and encroachments on wetland setbacks at Facilities #1 and #2. Approximately 90 percent of California's historical wetlands have been filled or converted to other uses, with a consequent reduction in the functions and values wetlands provide (CDFW 2014b). Additionally, there may not be a viable path for wetland fill to create cultivation sites

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Humboldt County Planning and Building Department  
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pursuant to the SWRCB's Cannabis Cultivation General Order (SWRCB 2019a).

CDFW recommends the Project adhere to Humboldt County General Plan wetland setbacks through Project layout changes to avoid wetland fill and associated development setbacks (**Recommendation 7**). CDFW also recommends the Project consult with the North Coast Regional Water Quality Control Board regarding the State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy and its mandate to protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation (SWRCB 2019b).

### **Development within the 100-year Flood Zone**

The Project proposes locating two greenhouses (Facilities #1 and #2) within the 100-year flood zone of the Eel River (IS/MND Figure 63 on page 200). 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 2014b). Grading within the floodplain and placement of complex, automated mixed-light greenhouses, and ancillary facilities, would likely result in pollution and debris during a 100-year flood event.

CDFW recommends Project layout changes to avoid non-essential development in Eel River 100-year floodplain. (**Recommendation 8**).

### **Electric Infrastructure Expansion**

The IS/MND indicates approximately four miles of new electrical lines will be installed to connect existing powerlines to proposed cannabis cultivation sites. Based on the IS/MND, it appears the new electrical lines will be installed, primarily buried within the road prism.

Although CDFW appreciates the Project using existing disturbed areas for the utility alignment, the IS/MND should include further analysis on potential additional development or growth inducing impacts within the local region that may be facilitated by the creation of four miles of new electrical utilities (**Recommendation 9**). If the Project will not be growth inducing, as stated in the IS/MND, it may be appropriate to include development limitations on these parcels in the form of a Development Plan recorded with the County.

### **Mixed-light Cultivation**

Light pollution effects on wildlife include disruption of circadian rhythms and suppressed immune response, changes in foraging behavior, altered navigation and migration patterns, altered predator-prey relationships, impacts on reproduction, and phototaxis (CDFW 2018, CDFW 2020c). CDFW and others have observed light pollution originating from greenhouses throughout the County. This is inconstant with the County General Plan and International Dark Sky Standards. The IS/MND suggests International Dark Sky Standards will be upheld by the Project.



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Humboldt County Planning and Building Department  
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Based on experience with other similar cultivation projects, it is difficult to monitor and regulate potential light pollution impacts from non-compliance with permit conditions. The County should ensure the measures to comply with International Dark Sky Standards are implementable and easy to confirm or monitor (**Recommendation 10**).

### **Invasive Species**

The IS/MND does not address potential significant effects from introduction or spread of invasive plant and animal species. Invasive species are known to result in habitat loss and other impacts to native species and may result in an overall loss of biodiversity, particularly special status species (Duenas et al. 2018). Invasive plant species may enter or spread through the Project area from imported soil, attachment to vehicles, and other means of accidental introduction.

CDFW recommends a mitigation measure or condition of approval to require an invasive species management plan that would manage any existing invasive species and prohibit planting, seeding or otherwise introducing terrestrial or aquatic invasive species on Project parcels, including all access roads (**Recommendation 11**).

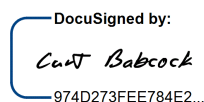
### **Rodenticides and Similar Harmful Substances**

This Project has potential high use areas for birds of prey including, white-tailed kite (*Elanus leucurus*), red-tailed hawk (*Buteo jamaicensis*), ferruginous hawk (*Buteo regalis*), golden eagle, and other species. New agricultural development has the potential to increase rodent populations, which are sometimes treated with rodenticides. Rodents killed by rodenticide have the potential to be consumed by raptors, other birds of prey, and wildlife species, resulting in harm or mortality (CDFW 2018, CDFW 2020c).

CDFW recommends a condition of approval that will prohibit the use of rodenticides and similar harmful substances on Project parcels (**Recommendation 12**).

We appreciate the opportunity to comment on this IS/MND. If you have any questions please contact Environmental Scientist Greg O'Connell by email at [Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
974D273FEE784E2...

**Curt Babcock**

Northern Region Habitat Conservation Program Manager  
California Department of Fish and Wildlife

Meghan Ryan, Senior Planner  
Humboldt County Planning and Building Department  
December 30, 2020  
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ec:

State Clearinghouse, Office of Planning and Research  
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Humboldt County Planning Commission Clerk  
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Mona Dougherty, Kason Grady  
Regional Water Quality Control Board  
[mona.doherty@waterboards.ca.gov](mailto:mona.doherty@waterboards.ca.gov); [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

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California Department of Fish and Wildlife  
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[Cheri.Sanville@wildlife.ca.gov](mailto:Cheri.Sanville@wildlife.ca.gov); [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

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CALIFORNIA  
NATIVE PLANT SOCIETY

North Coast Chapter  
P.O. Box 1067  
Arcata, CA 95518



30 December 2020

Meghan Ryan  
Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501  
mryan2@co.humboldt.ca.us

re: Rolling Meadow Ranch, LLC. Conditional Use Permits SCH No. 2020060339

Dear Meghan Ryan:

Please consider these comments from the North Coast Chapter of the California Native Plant Society. CNPS is a 501(c)3 non-profit dedicated to conserving California native plants and their natural habitats. CNPS has 10,000 members in 33 chapters statewide. The North Coast Chapter represents 320 members in Del Norte, Humboldt, western Trinity, and western Siskiyou counties.

The Chapter is opposed to the project as proposed due to its impacts on sensitive natural prairie communities and other significant native vegetation. We urge the County to evaluate project alternatives and require appropriate mitigation to minimize project impacts on native vegetation and sensitive natural communities.

1. **Prairies.** In northwest California grassy clearings found in the general matrix of forested mountains are called, informally, prairies. (We use the word "meadow" for montane clearings.) These open areas support a high diversity of plant species, much more than grasses. Historically, prairies were important to indigenous people as foraging sites for seeds and bulbs and hunting sites for game that foraged there. In recent times the fact that prairies sequester large amounts of carbon has become important. Though many prairies are now degraded from historic overgrazing and invasive species, many prairies still contain pockets of native flora, including rare plants and sensitive natural communities. As such, prairies have biological value higher than their acreage suggests. Prairies, along with oak woodlands, are being lost to development (easier to build where no trees), agriculture (easier to plow where no trees), livestock grazing (bringing in aggressive, non-native plant species), and lack of burning (trees and shrubs sprout and take over). **Protecting remaining prairies should be a conservation priority for the County.**

The **Rolling Meadow project does the opposite.** The 16 greenhouses, clustered in four places, each with water tanks, a processing plant, a septic field, parking area, road, and path, are all proposed to be built in prairie habitat. Compared to the total area of prairie on the property, as viewed in the aerial photos, the area for development is small. Whether this loss is significant depends on other cumulative effects. Will the remaining prairies be maintained? With cattle grazing removed, the likelihood of forest encroaching the prairies is high. **The County should**



**evaluate the effects of the project on prairie habitat to understand whether the effects are significant and require mitigation.**

The most meaningful mitigation for project impacts on prairie would be a properly researched and professionally executed **prairie restoration**. Restoring prairies is a developing science and art. Non-native species are aggressive and often outgrow the native species planted. Growing deep roots or developing turf takes many years. The diverse mix of species requires attention to many species, not just seeding with one grass. Techniques used in grassland restoration include weeding, fertilizing, weed-eating, mowing, grazing, controlled burning, and planting. We recommend requiring prairie restoration at a minimum 2:1 ratio for any prairie impacts caused by this project.

**2. Sensitive Natural Communities.** Two kinds of prairie that are classed as Sensitive Natural Communities in California, and therefore afforded special protections, are directly in this project's footprint: **California Oatgrass Prairie and Blue Wildrye Prairie**. While the patches of these Sensitive Natural Communities are small, and the prairies in which they occur are somewhat degraded by non-native grasses and forbs, they are highly significant, as they are the legacy of past, native prairies, and they hold the seeds of future native prairies. The proposed plan to enhance these kinds of prairie elsewhere on the property by seeding, weeding, and planting plugs, is a good step toward mitigation. Collecting the seeds on site, as proposed, is essential. Salvaging and transplanting the desired grasses and any desirable, native, non-grass species (e.g. native bulbs) during construction would increase the value.

**3. Prime Agricultural Soils.** The county requirement that cannabis cultivation be on Prime Agricultural Soils dictated the dispersed plan of this cannabis grow in these prairies. On this property the Prime Ag Soils are in the prairies, so the greenhouses are placed there. In the face of this consequence, the County should consider adjusting this Prime Ag requirement.

In fact, most of the greenhouses are not entirely on the Prime Ag Soil. The structures are too big to fit in the small, irregular patches of this soil. For example, facility #1 is only about half on Prime Ag Soil. To fit on the Prime Ag Soils, the facilities would have to be much smaller and irregularly shaped. **By this criterion the project does not comply with county regulations.**

To meet the other part of the requirement, that less than 20% of the available Prime Ag Soil be in "cannabis cultivation," the plan includes in its calculation only the footprint of the actual cannabis plants, not the paths, etc., around them, as though the associated infrastructure were not part of the cultivation. (page 46) Including the entire footprint of the greenhouses puts this project **well over the 20% limit**. The more complex calculation of exactly how much Prime Ag Soil is occupied, given that most greenhouses include area not on such soils, is beyond the scope of this review (and probably the County's). The County should require the project to be downscaled for compliance with applicable code requirements, which would better protect remaining prairie habitats.

This project claims it will preserve 99.5% of the defined Prime Ag Soil by growing cannabis directly in holes in the prairie soil rather than grading and pouring a hardened floor. Conceivably that is true, depending on the definition of Prime Ag Soil and of "preserve." For preserving the prairie soil for possible future daylighting, it is false. Soil heavily amended and irrigated and compacted by foot and vehicle traffic will give rise to non-native weeds, not native prairie.



4. **Tree removal.** Some of the trees that might be removed are large enough to be considered legacy trees: a 36-inch California Bay, two 30-inch Douglas-fir, and a 25-inch Madrone. Large California Bay were valued trees by the Native Americans. This slow-growing species could have shaded Native American camps and provided them with nuts. Planting groves of trees in **no way mitigates** for removing trees of this age. The County should evaluate alternatives to the removal of legacy trees and consider whether there are any feasible alternatives that would avoid tree removal.

Planting groves of trees in this forest-prairie mosaic might actually be futile or harmful. Where there is already forest, there is no room and no sun for new trees. Where there is not forest, there is prairie, which should not be planted with trees.

The proposed planting plan **mistakenly** calls for *Laurus nobilis* and *Quercus alba*, probably intending *Umbellularia californica* and *Quercus garryana*. The botanist's report says that *Quercus kelloggii* is the more common oak existing there, so it might be the more appropriate choice. Any mitigation for this project should be of prairie. (See above)

**Conclusion.** We urge the County to evaluate fully the project effects on the ranch's prairies and require appropriate mitigation in the form of prairie enhancement and restoration.

This project does not meet the County's requirement for new cannabis grows to be on Prime Ag Soils, and it exceeds the 20% limit. It removes irreplaceable trees. It removes, with mitigation, patches of Sensitive Natural Communities while failing to consider alternatives that would avoid impacts to Sensitive Natural Communities.

The County should consider the cumulative effect of this and many other farms being planned on the County's natural prairie habitats. The County's requirement that new cannabis cultivation be on Prime Ag Soils is leading directly to the careful destruction of these prairies. The County should explore ways to modify this regulation to avoid serious, cumulative impacts to this important natural resource.

On behalf of our chapter members and of future generations of members, we thank you for your careful consideration.

Sincerely,



Carol Ralph  
President  
North Coast Chapter  
California Native Plant Society  
707-822-2015

## McClenagan, Laura

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**From:** Ryan, Meghan  
**Sent:** Monday, January 04, 2021 7:49 AM  
**To:** DeGraff  
**Subject:** RE: Comment on Rolling Meadow Ranch, LLC, Conditional Use Permits

Good morning, Ernie – Thank you for providing comments regarding the Rolling Meadow Ranch, LLC, project. These comments will be forwarded to the Planning Commission for their consideration at the January 7, 2021, Planning Commission hearing.

I appreciate your participation in the public process.

Best,  
Meghan

-----Original Message-----

From: DeGraff <ernieorjudy@suddenlink.net>  
Sent: Thursday, December 31, 2020 1:16 PM  
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Subject: Comment on Rolling Meadow Ranch, LLC, Conditional Use Permits

My main concerns are:

1. Even though proposed project is to take well water for growing, that well water is destined for the Eel River to support the steelhead and salmon, especially during low water years.
2. The structures will be a visible from the river and the new trail that is proposed for the Eel River. The landscape will be impaired significantly.
3. I assume lights will be used for 24 hr. growing. This is very disturbing to wildlife and can't be mitigated.
4. The construction of a power line to the "ranch" will adversely affect the landscape and will power equipment that will adversely affect wildlife and human use of the area. In addition during extreme weather in the dry summer, will be a source of fire from downed power lines/transformers. Much too risky to permit that.
5. There are much better places in Humboldt Co. to locate a marijuana grow than this "ranch".

Please deny the Conditional Use Permits and inform them to find a more suitable environment to start their operations.

Sincerely, Ernie DeGraff, Fortuna, CA (707) 725-0451

Humboldt County Planning and Building Department

3015 H Street

Eureka, CA 95501



Re: Rolling Meadows Ranch

I have some concerns regarding allowing Rolling Meadows Ranch to grow cannabis on such a large scale.

1. **Risk of fire.** The proposed industrial scale project will see an influx of significant numbers of employees and service providers and their vehicles into an area that is extremely prone to wildfire. The project site is distant from any fire suppression staging areas and the access roads are narrow and have many tight, blind curves which will delay the arrival of fire suppression vehicles so any fire that starts will quickly burn out of control.
2. **Threat to wildlife.** Killing deer and poisoning wood rats etc. There is another industrial scale cannabis project that was recently approved in this area: Black Bear Farms. We have noticed deer carcasses recently in the area and assume they are a result of Black Bear Farms employees shooting them so the deer won't eat their crop. A similar result will likely happen with the proposed project.
3. **Increased traffic.** The risk of accidents will be higher due to any increase in traffic from this project on top of the increase of traffic from Black Bear Farms and because of the condition of Dyerville loop road and McCann road.

Oral M. Whittow

Trause Moore

Wanda Chadbourne

Chester Chadbourne

Dan Whittow

Jo Whittow

## McClenagan, Laura

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**From:** Patrick Carr <nedlud432@gmail.com>  
**Sent:** Monday, January 04, 2021 8:53 PM  
**To:** Planning Clerk  
**Subject:** Comment on Agenda Item G-2 for 1/7 meeting

Humboldt County Planning Commission  
Eureka, California

January 4, 2020

RE: Rolling Meadow Ranch, LLC, Conditional Use Permits<sup>[1]</sup> Record Number PLN-12529-CUP<sup>[1]</sup>  
Honorable Commission members,

I appreciate the opportunity to comment on this proposed project.

I am concerned about the inadequate level of review that this project has received from the Humboldt County Planning Department. A project of this size and likely impacts, located in a part of our county wild enough that Golden Eagles have nested either onsite or nearby, should receive more thorough analysis than an IS/MND. Wildlife and botanic impacts need more review (as well as the recognition that a botanic survey is NOT a mitigation measure!).

However, the biggest concern for me is the degree to which the Planning Commission will allow Humboldt's rural wildlands to be turned into massive cannabis farms. Seven acres of intensive impacted land, with much of it indoor cultivation with mixed light conditions? Not to mention the growth-inducing impacts of a four-mile extension of power lines.

Developments of this level of intensity should not be sited in remote locations where impacts to wildlife and rare and significant ecosystems may likely occur, and where projects will likely induce further growth. They should be located near existing infrastructure, on land that already has a significant human footprint, and close to housing for their workers to reduce unavoidable transportation impacts.

At the very least I hope that this project is sent back for further review by Planning Department staff. Personally I'm not sure any amount of review and resulting mitigation will be enough to make Rolling Meadow acceptable, but a valid environmental analysis would be a first (and legally required) step.

Sincerely,

Patrick Carr  
1704 Virginia Way  
Arcata CA 95521  
Email: [nedlud432@gmail.com](mailto:nedlud432@gmail.com)

**From:** [Ferryyn Collett](#)  
**To:** [Ryan, Meghan](#)  
**Subject:** Proposed rolling meadow ranch project  
**Date:** Thursday, January 14, 2021 10:15:18 AM

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Hi there.

May this message find you well in these times.

Please reconsider the allowance of this project to move forward. The proposed amount of water usage will be detrimental to the already struggling eel river. This river supports an immense amount of wildlife and plant diversity, all of which rely heavily on the water that it holds. As a member of the southern Humboldt community, please respect the local public's opinion to keep our lands wild and conserved.

The lack of requirement for regenerative or chemical free farming will also cause immense problems to the river. Of which already undergoes a massive change to its water quality due to prolific algal blooms in late summer. These blooms come from low water levels and large amounts of nutrient runoff. Allowing such a large scale farm with heavy use of fertilizers of non organic nature as well as many hard surfaces such as buildings and roads will contribute more to this runoff problem. There have been several documentaries about this river and its last chance. Please help us to save our river that influences so much of our community and its wildlands.

Consider encouraging smaller scale growing, requiring permaculture/regenerative/organic growing methods, limit water and fertilizer usage, limiting power consumption, and put the lands that support us and the endangered creatures that live here before profits, especially from an outside entity that will not spend their money in our local community.

I appreciate your time and trust you will follow your heart and listen to more than money talking.

Bless you and yours,  
Ferryyn Caldwell



**From:** [Jake Hussin](#)  
**To:** [Ryan, Meghan](#)  
**Subject:** Rolling Meadow Ranch Project Proposal  
**Date:** Wednesday, January 13, 2021 12:28:01 PM

---

Meghan,

Hope you are doing well throughout these trying times. I wanted to reach out to you today to encourage you deny the Rolling Meadow Ranch Project.

I'm not asking you do this today because the owner is an out-of-state transplant from Florida. Nor because the project site location. Though I want to add that I think you and I both agree large scale projects like this have no place above our coveted Eel River. I'm not writing you today because of the possible environmental impact of more workers, vehicles, lights, fans, nutrients, plastic, waste, etc. on our already threatened Eel River Watershed. Though I am concerned about the Owls, Eagles, and many creatures that inhabit the area—I don't think the proprietors of this project feel the same way. Allowing someone to legally cultivate five acres of cannabis is atrocious. Especially when that entity is attempting to do so in a rural wetland and overall sensitive area. We're not talking about five acres on the farmland outside of Fortuna. This is a large scale commercial project in an area that has never been desecrated to such a degree. I know, we as private land owners should be able to do whatever we want on our land. However I think we have a duty as true community members to take a stand against projects like this. As a long time cannabis farmer and user, I think this is a terrible look for Humboldt County. We as a people have failed our county by choosing the all mighty dollar over the environment, love, and life. This property is question was almost purchased as a nature preserve, and it was outbid at the last moment. "David Myers, executive director of the Wildlands Conservancy, which specializes in the purchasing of properties with significant environmental value and turning them into nature preserves, confirmed last week that he had been in the process of finalizing a \$15 million purchase agreement for the Myers Flat parcel when someone stepped forward and outbid him — or at least seemed to." That is an absolute travesty. Why do we allow our county to be completely transformed by greed? Please do the right thing and deny this project. It sets a very dangerous precedent for large scale cannabis cultivation.

NO ONE needs to cultivate 5 acres of cannabis. Especially when there are so many things that are screaming, don't let it happen. Please make the right decision today and DENY the Rolling Meadow Ranch Project. We are already so deep down this terrible path, let us turn around and make the path back to the light. We need to conserve our wild lands. We have a duty to protect the wildlife that inhabited the area long before us. Let us also not forget that this land was stolen from a group of people by force. Now we're allowing benefactors to profit millions of dollars on the very same land? There are so many egregious ideals associated with this project, it has no place in our county.

Please do the right thing today. Thank you.

Jake Hussin

Sent from my iPhone

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August 17, 2020

Humboldt County Planning Commission  
Planningclerk@co.humboldt.ca.us

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



Re: Comments on July 15, 2020 ISMND by NRM for Rolling Meadow Ranch, LLC Humboldt County Commercial Cannabis Land Use Ordinance CUP Application, Record # PLN-12529-CUP, SCH #2020070339

Dear Ms. Ryan:

Our office represents Fran Greenleaf, John Richards, and Patty Richards, concerned property owners along McCann Road who will be significantly impacted by the cannabis project proposed by Rolling Meadows Ranch, LLC. We respectfully submit these comments in opposition to the adoption of the Initial Study and Draft Mitigated Negative Declaration ("ISMND") prepared by Natural Resources Management on behalf of Rolling Meadows Ranch, LLC's application for one or more commercial cannabis conditional use permits. The ISMND should not be adopted because it fails to adequately analyze the significant adverse environmental effects of the project. In particular, the ISMND fails to:

- (1) adequately analyze the impacts from increased road traffic along McCann and Dyerville Loop Roads;

(2) adequately analyze the project's impacts to biological resources, hydrology and water quality, housing and population, public services, air quality, and greenhouse gas and tribal cultural resources;

(3) analyze or identify the cumulative impacts of this project and other projects, such as existing or proposed cannabis cultivation sites in the area; and

(4) identify the fact that, even with any proposed mitigation, the project does not have "no impact" or a "less than significant impact" and that potentially significant impacts remain.

The ISMND relies on insufficient evidence and inaccurate facts to conclude that there will not be a significant impact to transportation on McCann Road resulting from the proposed project. First, the project description proposes primary access to a major portion of the project site over a private road for which the project applicant has no easement. Second, the evidence presented definitively shows that McCann Road does not meet Category 4 width and surface requirements for access roads to cannabis projects. Numerous pinch points and blind spots exist along McCann Road without the pull outs required of a Category 4 road. Failure of McCann Road to meet Category 4 or its equivalent should be fatal to this project as proposed with McCann Road as the primary access.

Third, the ISMND fails to provide sufficient mitigation for increased road traffic, as the proposed mitigation measure of building a park and ride type feature on the project's proposed premises and private roads will not sufficiently mitigate the impact of the increased average daily trips (ADT) resulting from the project on McCann Road itself. Also not recognized or analyzed in the ISMND is the County of Humboldt's ("County") public right of way easement for a turnaround (cul-de-sac) along a portion of McCann Road on the project applicant's property and how the proposed project impacts this retained public easement and turnaround. [See Document 2011-26008-7, recorded December 19, 2011, Official Records, Humboldt County]. Fourth, the ISMND fails to analyze McCann Road's compliance with the County of Humboldt's Fire Safe Regulation and the impacts to public services servicing health and safety due to the project's construction and operation. Fifth, the ISMND's analysis of the seasonal bridge to cross the Eel River on McCann Road is flawed. The ISMND fails to take into account the baseline condition of the existing infrastructure of McCann Road and makes assumptions as to the replacement of the seasonal bridge with a year round bridge which are inaccurate and violate the basic tenets of a CEQA analysis.

The ISMND fails to adequately analyze and mitigate the potential significant environmental effects on biological resources. The ISMND does not reflect the true scope of sensitive plant species, communities, and habitats and fails to adequately quantify impacts to sensitive plant species to determine if the proposed mitigation will result in less than significant impacts. There are no metrics

or standards contained in the ISMND that would allow a determination that the mitigation measures designed to ensure revegetation of sensitive plant species are successful. Although discussed in the ISMND, the impact to red legged frogs affected by the project is not sufficiently analyzed or mitigated. Red legged frogs can be found in dry creeks, despite the ISMND's claim to the contrary. Because no mitigation measures are proposed other than performing work during dry times, potential significant impacts to this species remain. The ISMND does not provide significant information to determine project and construction impacts to migratory and nesting birds. Although the ISMND states that pre-construction surveys will be conducted, it provides no window of time for which nesting birds are present, leaving this potential impact unmitigated and potentially significant.

The ISMND paints a murky picture of the project's impacts to hydrology and water quality. From the record presented, there is no post well drilling conclusion stated that the wells drilled on the property are not hydrologically connected to surface waters. If in fact such wells are hydrologically connected to surface waters, at a minimum a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife should have been obtained and the impacts to water resources should have been analyzed in the ISMND.

The ISMND also fails to take into account any potential impacts to housing, population, and growth inducement in the McCann Road area if the project will result in further road development of either McCann Road or the Alderpoint access road. The ISMND suffers further from a lack of discussion of whether the County, as lead agency, has complied with CEQA by providing an AB52 consultation letter to the applicable Tribes in the area. Without any mention of tribal consultation, the impacts from the project to Tribal Cultural Resources cannot be said to be sufficiently mitigated or deemed less than significant.

The project also suffers from inadequate referrals to the California Department of State Parks and Recreation ("State Parks"). Dyerville Loop Road, the only feeder public access road to McCann Road, passes through Founder's Grove within Humboldt Redwoods State Park. Founder's Grove, and indeed Humboldt Redwoods State Park as a whole, is a popular tourist destination. Significant traffic results from river bar access and the parking lot and hiking trails accessed by Dyerville Loop Road. The road is often reduced to a single lane with blind spots. The ISMND fails to analyze the potential significant adverse impacts to transportation or health and safety from the increased road traffic along Dyerville Loop Road. The ISMND also fails to propose any mitigation for the potential significant impacts to transportation and safety from the project on Dyerville Loop Road. The ISMND fails to adequately analyze the cumulative impacts from the project as proposed, any other listed projects, and the existing recreational uses on Dyerville Loop Road.

The ISMND recognizes that the project has an alternative access road off Alderpoint Road. However, the ISMND makes conclusory statements that this access road is not a currently feasible

alternative because it would require upgrading a bridge and further development to meet County Fire Safe Standards. Due to remaining significant impacts and issues with the McCann Road access, the project applicant and County are required to further evaluate Alderpoint Road as the primary access for the project to determine whether the use of the Alderpoint access road is both feasible and would sufficiently mitigate the potential adverse environmental effects of using McCann Road for the project. For this reason and all other reasons stated herein, the County and project applicant must recirculate an appropriate CEQA document.

In short, the ISMND suffers from a raft of deficiencies and should not be adopted. Having summarized the main issues in the above introduction, this letter goes into additional detail, with documentary and photographic support included as attachments, below.

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#### **I. Transportation and Access**

The ISMND is misleading and glosses over significant deficiencies regarding access to the project, including its effect on existing public transportation infrastructure (roads and a seasonal bridge), and the fact that it calls for trespassing onto and over a neighboring landowner's property.

##### **A. McCann Road Is Not a Category 4 or Category 4-Equivalent Road, Does Not Meet Fire Safe Standards, and Is Inappropriate as the Sole Means of Access to the Project.**

McCann Road is a rural, mostly unpaved, narrow, winding road that includes blind corners, pinch points, travel over a gravel river bar, and two landslides. Despite conclusory statements in the ISMND that it is a Category 4 Road or Category 4 Equivalent, McCann Road does not meet the requirements for a Category 4 Road. *See* Humboldt County Code, Title III, Div. 2, Appendix §4-1, a copy of which is appended to this letter as **Attachment A**.

Most obviously, McCann Road becomes impassable for a period of time in the winter due to the low-water bridge. Furthermore, immediately adjacent to the low water bridge McCann Road is essentially a sand and gravel track on the river bar. There is no compacted or improved road surface and the surface is limiting for two-wheel drive vehicles. *See* **Attachment B**. Additionally, McCann Road does not contain a traveled width of 18 to 20 feet and may not meet any of the other Category 4 road requirements. At a point near proposed access to private property for the project, McCann Road was measured with a maximum width of 15 feet, measured well off the actual traveled width. At a cattle guard on McCann Road, the road measured 12 feet of maximum width. At two historical slides and curved areas of the roadway, McCann Road measured a maximum 14 feet of width and 12 feet of width. *See* **Attachment C**. McCann Road does not contain a seal coat or paving in most sections. McCann Road does not contain the required sight distance requirements or other design requirements. Numerous pinch points do not provide visibility to allow an "oncoming vehicle to stop and wait in a 20-foot-wide section of the road for the other vehicle to pass." *See* **Attachment D**. The low-water bridge across the Eel River on McCann Road, when accessible, contains a maximum width of only 10 feet 6 inches and is substantially deteriorated. *See* **Attachment E**.

In support of the blanket assertion that McCann Road is a Category 4 road for the entire road segment, the ISMND cites to a single-page document from 2017, attributed to, but not signed by, David Rask, conceding that McCann Road is not a Category 4 Road but claiming, without legal or factual support, that it is “developed to the equivalent of a road category 4 standard.” (ISMND, Appendix C). David Rask’s qualifications are not stated. There is no information suggesting that he is a licensed civil or traffic engineer, in California or otherwise. Moreover, as discussed more fully below, the ISMND relies on this one page November 14, 2017 Road Evaluation Report for Rolling Meadow Ranch Inc. and a statement in the Humboldt County General Plan EIR that McCann Road is not projected to be above capacity. If the “no impact” determination in the ISMND is based on such scant support, it should not be adopted.

In reality, McCann Road likely qualifies as a Category 1 or 2 road with a road width of 12-20 feet, one lane with turnouts, and unimproved or unpaved. No improvements to the 2.6 miles of McCann Road between Dyerville Loop Road and the Project site are proposed by the County or project applicant for this project in the ISMND.

The ISMND does not analyze whether McCann Road meets Humboldt County’s Fire Safe Standards for Roads as provided for in Title III Div. 11 Chapter 2 of the Humboldt County Code. The stated intent of these regulations is that, “Road and street networks, whether public or private, unless exempted under Section 3111-3(b), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with Sections 3112-2 through 3112-13.” Humboldt County Code §3112-1. The ISMND fails to include a traffic, engineering, drainage, or safety study of McCann Road. Had such a study been conducted, it would demonstrate not only that McCann Road is neither a Category 4 nor Category 4-Equivalent Roadway, but also that it does not meet Humboldt County’s Fire Safe Regulations.

The fire severity rating for the Project is Very High. The nearest Cal Fire station is located in Weott, 12 miles away. Cal Fire would reach the project location via Dyerville Loop and McCann Roads.” See ISMND, Public Services, p. 170. Although the ISMND states that the project will not operate when the McCann Bridge is inaccessible, the ISMND does not discuss or analyze ongoing fire safety hazards at the Project site, such as some traffic, generators, electrical supply, when the McCann Road is closed and cultivation activities are supposed to be suspended. While it may be obvious to point out, when the McCann bridge is out, firefighting personnel cannot reach the property by McCann Road, leaving only the questionably feasible and unanalyzed Alderpoint Road potential access as the only means of reaching the project in an emergency. There is no analysis or discussion of increased fire risks along McCann Road due to increased traffic on a dirt road with frequently overgrown brush.

Pursuant to Emergency Access Regulations, road width in “mountains terrain and/or where geologic or other natural features make infeasible full development of two ten (10) foot wide traffic lanes” is a minimum of 16 feet. See Humboldt County Code Section 3112- (4) (b) - (c). Here, portions of McCann Road do not meet this 16-foot-wide requirement, especially at the areas of the road where slides have occurred. Further, the roadway surface does not provide unobstructed access to conventional drive vehicles and is not designed or maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds. Portions of McCann Road are on the riverbed of Eel River. There is no analysis of whether the roadbed could support such a load or that it is sufficient to provide unobstructed access to conventional drive vehicles. Further complicating the matter is the slide/slip outs along McCann Road. The geology of the road and area, being in a river canyon, makes a determination that McCann Road can support the access of emergency vehicles dubious. Further, the curve alignments of McCann Road do not compensate for off tracking characteristics of trucks and trailers as required by the Emergency Access Ordinance. See Humboldt County Code Section 3112-6 (b). No evidence has been presented that the curves with radius between 50-100 feet along McCann Road provide the sufficient additional surface width of four (4) feet in addition to the 18-20 feet already required of all category 4 roads. This is problematic for emergency access. Roadway Turnouts along McCann Road also do not conform to the Emergency Access standards as they are not a minimum of twenty foot in width and 80 feet in length. See Humboldt County Code Section 3112-8 and attached photos. There are also gated entrances to private roads from McCann Road that have not been analyzed under Humboldt County Code Section 3112-3. Gate entrances are required to be at least two (2) feet wider than the width of the traffic lanes serving the gate and a minimum width of 14 feet of unobstructed horizontal clearance. It is unclear whether the gates from McCann Road comply with these provisions.

Similarly, sheriff and ambulance access is not available to the Project site on McCann Road and Dyerville Loop Road when McCann Road is closed because the bridge is out. The ISMND provides no alternative evaluation of such potential significant impacts.

The ISMND states: “Equipment will reach the site using the McCann Road and the existing network of roads on the property (Figure 13). The roads, construction sites and associated temporary construction stockpiles will be watered as necessary to keep dust down. Water used for dust abatement will come from project wells and be administered with a water truck provided by the contractor.” (ISMND Construction Phase, p. 10). “In order to eliminate dust from driving on the private ranch road network during ongoing project operations these roads will be heavily rocked to reduce airborne particulate.” However, absolutely no dust mitigation is proposed on McCann Road during construction or normal operation of the Project – despite the fact that, as noted above, McCann road for a majority of its distance is unpaved. Clouds of dust are constantly witnessed on



McCann Road and the gravel bar from any passing vehicle. This is a significant impact for which no mitigation is proposed.

Any possible use of Alderpoint Road is not meaningfully analyzed in the ISMND. Only if properly studied, proposed under CEQA, and improved to required standards could this alternative “Alderpoint access” be utilized and considered for Project approval. If that were the case, traffic and safety impacts to Alderpoint Road would have to be considered. The project description states: “Secondary access through Alderpoint road will be utilized during the rainy season when the low-water bridge is not in use.” See Rolling Meadow Ranch LLC – Project Description, Notice of Completion, July 14, 2020. However, this statement of use contradicts the remaining ISMND. The ISMND states: “There is an alternative access route from the Alderpoint Road (Figure 1). To meet Fire Safe Standards this road requires bridge work as well [*sic*] maintenance (brushing and rocking). The ranch had plans to complete this work as part of ongoing ranch and timber operations.” The letter from Manhard Consulting dated January 10, 2018 to the Humboldt County Planning Department [ISMND Appendix C] further contradicts the ISMND statements by referring to access and transportation of employees and a security guard at the Alderpoint access road. The ISMND is not clear as to the proposed alternative “Alderpoint access” and therefore does not meet CEQA requirements.

**B. The Project Significantly Burdens Dyerville Loop Road, Which the ISMND Does Not Address.**

Dyerville Loop Road also may not classify as a Category 4 road -- as it is extremely narrow, winding, and unpaved in many portions with landslides, poor condition, and poor visibility. The ISMND claims on pages 178-179 that Dyerville Loop Road is a “two lane road with pullouts.” Contrary to this misleading assertion, the vast majority of Dyerville Loop Road from the South Fork/Honeydew exit of US-101 to the McCann seasonal bridge is a single lane road lacking pull outs. As Dyerville Loop Road wends its way through Founder’s Grove and Humboldt Redwoods State Park, it weaves through old growth redwood trees and lacks any roadway markings that would denote two lanes. Although paved in this section, the road is in poor condition, is narrow, and runs parallel to the busy Founder’s Grove parking lot and restroom, and through a crosswalk and pedestrian access to trails. During high tourist season, pedestrians frequently cross the road and overflow parking occurs on the road, further narrowing the roadway. It is unclear from the ISMND and distribution list whether the California Department of Parks and Recreation is included as a “reviewing agency.” Due to the traffic and safety impacts on Dyerville Loop Road and possibly on State Route 254 (Avenue of the Giants) to access Dyerville Loop Road, California Department of Parks and Recreation and California Department of Transportation should be consulted. Either way, the ISMND and Project contains no traffic analysis or proposed mitigation of these significant traffic and safety impacts to Founder’s Grove.

After Dyerville Loop Road leaves Founder's Grove, it winds through rural properties, servicing residences, a church camp, and farms. Near the church camp, there is a low-height underpass that can only be avoided by an awkward, narrow dirt surface bypass.

Although the California Governor's Office of Planning and Research ("OPR") has issued guidance that 110 vehicle trips per day may be assumed to cause a less than significant impact transportation impact, that guidance cannot and should not apply to the rural roads at issue here, which also do not meet Category 4 standards. While the screening threshold may apply to an improved or paved 2-lane urban/suburban roads according to OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018, such an evaluation should not apply to McCann Road or Dyerville Loop Road.

Unfortunately, as with McCann Road, the ISMND refers to no traffic study, safety, drainage, or geometric evaluation of Dyerville Loop Road. There is no meaningful discussion of the current condition of McCann Road or Dyerville Loop Road and the ISMND does not address the potential long-term impacts to the public roads by the Project's increase in traffic on these public roads. Together Dyerville Loop and McCann Roads are the primary means of access to the project site. Somehow, the ISMND concludes that the Project will have no impact on public roads. This conclusion is so obviously incorrect as to a subject of analysis that the ISMND should not be adopted. It also undermines the credibility of the document as a whole.

C. CEQA Analysis Requires Consideration of Baseline Conditions, such as the Current Road Conditions and Existing McCann Seasonal Bridge.

The project and ISMND also rely on the following analysis: "The County will be replacing the low-water bridge with a year-round bridge sometime in the next few years ([www.mccannbridge.com](http://www.mccannbridge.com))." [ISMND Roads and Access, p.9 (emphasis and underline added)]. This statement is incorrect and misleading. The *estimated* timeline (subject to change) on the McCann Bridge replacement project lists construction beginning in 2023 and construction complete in 2025. See **Attachment F**. Five years is not a "few years" but half a decade.

Any CEQA analysis, including an ISMND, must be based on current baseline conditions. See Guidelines Section 15063(d)(2); *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310. Reliance or assumption based on a year-round bridge to be completed a minimum of five (5) years in the future violates this foundational tenant of a CEQA analysis. The ISMND therefore fails to analyze the correct baseline condition for McCann road, both in terms of the existing bridge, and its current condition generally with existing slip-outs and landslides.

Notably, by relying on access on McCann Road, which may be inaccessible from “late November through late April” [ISMND Roads and Access, p.9], and lacking any other appropriately developed or legal access, the Applicant is forced to state in the ISMND it submitted:

“Until the County completes the new year round bridge over the Eel River on McCann Road, or until the bridge on the Alderpoint access is repaired, this project will only operate when the low water bridge is accessible. While the McCann bridge remains a seasonal low-water bridge and remains the only access for the project, the project will only operate when the low water bridge is accessible. While the McCann bridge remains a seasonal low-water bridge and remains the only access for the project, the project will begin operations again in the Spring at the end of April or the beginning of May and wrap up cultivation by the end of November (depending on anticipated weather and Middle main Eel River water volume). During this phase (until the McCann bridge is built or the access through Alderpoint Road is repaired) it is estimated that the site will do two to three cycles per year. Employees will only be on site when the low-water bridge is accessible. Once the Alderpoint access is repaired, or the year-round bridge on McCann Road is finished the project will operate year-round.” [ISMND Ongoing Project Operations, pp.10-11]. “During the Winter, when the low-water bridge is not accessible and preceding the construction of the year-round bridge, there will only be one employee on site one day a week. This employee will use the Humboldt County provided ferry to travel across the river once a week during the Winter to check on and maintain storm water systems for roads...and facilities as well as general site checks.” [ISMND Employees, pp. 13-14].

Therefore, according to the ISMND, the applicant proposes either to limit operations for the first approximately five years of the Project, or intends to utilize Alderpoint Road to access the project site. Unfortunately, although Alderpoint Road may in fact be a more feasible means of accessing the project, it has not been analyzed in the ISMND. There are also no proposed measures for monitoring project compliance with such a limited operational schedule.

Additionally, any proposed increased use of the McCann ferry boat for one employee is unsafe, an unmitigated safety impact, and should not be approved by the County. It is also questionable from an operational or safety viewpoint that the proposed Project will have no employees or residents – other than one day a week – during the winter period.

It is unrealistic to assume that the Project Applicant will be able to time their agricultural operations to access over the low-water bridge based on “anticipated weather.” Weather is inherently unpredictable, and the McCann bridge and river bar access are prone to flooding with any large weather event. The Humboldt County Public Works Department and all residents of McCann are

aware that McCann Bridge and the sand and gravel approach may be underwater from October to May, and even possibly June, for unpredictable periods of time. See Attachment G. There is no discussion in the ISMND as to what will actually happen with its self-imposed limited schedule of operations if weather prevents the applicant from running its two to three cycles as it intends or if operations have commenced or not concluded when the McCann bridge access is eliminated due to high water or otherwise.

The ISMND and Appendix C Road Evaluations refer to landslides on McCann road as “being repaired by Humboldt County.” To date, the County has placed warning signs at the slides on McCann Road but has otherwise not concluded all repair work. Historically, one of these slide-outs completely closed McCann Road for at least a four (4) month period into May and continues to constrict the roadway width of McCann Road.

Additionally, the ISMND states: “The 5 miles of private road contains one bridge and 20 culverts. These culverts are likely a mix of stream crossings and ditch relief culverts. *Once the permits* are approved the project will assess all the stream crossings for compliance with the Standard Conditions of the State Water Board Cannabis Cultivation Order. Any crossings that do not meet standards *will* be upgraded.” [ISMND Roads and Access, pp. 9-10 (*emphasis added*)].

With regard to private ranch roads on the Rollings Meadows Ranch, LLC property, submitted as part of Appendix C to the ISMND are two evaluations by Oscar Larson and Associates. The January 14, 2019 report identifies many deficiencies and recommends numerous improvements to these roads to meet Fire Safe Regulations and County Road standards. The ISMND states: “Road maintenance work recommended by Oscar Larson and Associates in their 2019, Supplemental Internal Road evaluation reports (Appendix C) was done on these roads during the summer of 2019,” with further narrative description. [ISMND Roads and Access, p.9]. However, this statement is not supported by any road analysis or study as an appendix. Therefore, at a minimum the County should insist that Applicant provide evidence that these required improvements were completed. The ISMND states: “The existing Ranch roads from McCann Road to the proposed developments have been improved to meet to [*sic*] the CAL FIRE Safe Standards.” [ISMND, Setting, p. 36.) However, there is no road study or evidence in an appendix to support this statement. A less than significant impact determination with no proposed mitigation cannot be supported for hazards and fires.

D. The Proposed Project Calls for - but the ISMND Avoids Acknowledging - Ongoing Trespass Over Neighboring Private Property.

The ISMND states on page 9 that “[o]nce McCann Road (West) reaches the property line, the roads become private ranch roads [Figure 1].” This statement, while technically correct, is misleading. These “private ranch roads” include a portion of private road immediately adjacent to

McCann Road that lies on private property belonging to the neighboring landowner (APN 217-181-009, 1625 W. McCann Road) -- not to Rolling Meadows Ranch LLC. *See* ISMND, Figures 2-5, map of Overall Cannabis Development, pp. 15-19; Figure 13, Road Exhibit, p. 26; all showing private ranch road before and off Rolling Meadows Ranch LLC property to the north. *See* **Attachment H**.

Rolling Ranch Meadows Ranch LLC has no deeded easement or other easement access to utilize this segment of the “private ranch” road. The neighboring landowner objects to use of this road segment on private property for the Project. The applicant did not contact the neighboring landowner requesting access for the Project. Instead, the first she learned about the applicant’s intention to access the project site over her property was upon receiving a copy of the ISMND and Appendices from the Humboldt County Planning Department. Furthermore, Rolling Meadows Ranch LLC is well aware that the “private ranch road” proposed to be utilized for the Project lies on the neighboring landowner’s property and that there is no easement access for this road segment, as this road has already been the subject of litigation, involving these and other parties. *Whitlow Ranches, Inc. v. Eel River Sawmills, Inc., et al.*, Humboldt County Superior Court Case No. DR040494. Contrary to the statement on page 14 of the ISMND, any proposed security gate would not in fact be placed at the entrance to all “private ranch roads,” as the property does not belong to Rolling Meadows Ranch LLC. As with the public road analysis, or lack thereof, the deficiencies on this subject should cause the ISMND not to be adopted.

The Project Applicant may argue that other alternative access roads exist on private ranch roads on Rolling Meadows Ranch LLC property adjacent to or from McCann Road. However, any such alternative private ranch road access is not evaluated in the ISMND and likely does not meet required roadway category or fire safe standards and requirements. Therefore, the ISMND may also not be adopted on that possible basis.

#### E. The County’s Turnaround (Cul-de-Sac) Public Roads Easement from McCann Road Is Not Analyzed.

At the time a portion of McCann Road on Rolling Meadows Ranch LLC property was vacated by the County at the request of the property owner, the County required a turnaround or cul-de-sac to be installed. For this purpose, the property owner deeded to Humboldt County a “Grant of Public Road Easement” for an approximately 300 foot portion of McCann road and a 60 foot wide turnaround on the project applicant’s property. Therefore, the County retains a public roads easement over a portion of the project applicant’s property and private ranch roads do not begin at property boundary. This public easement and turnaround are not addressed or analyzed in the ISMND for traffic impact or any other impact. Due to this fact and the further issue discussed below with the proposed parking area, shuttle, and security gate, potential significant impacts are unanalyzed and unknown.

#### F. The Parking and Shuttle Plan Is Vague and Would Not Significantly Mitigate Impacts.

The ISMND does not contain any analysis of, location of, or proposed plot plan for the proposed parking area, shuttle bus parking, and security gate. Without such analysis, location, and plot plan, environmental impacts cannot be ascertained. The proposed parking is for “15 cars” and presumably a shuttle bus. Such a proposed parking area will be large in size and may impact sensitive species and habitats. Parking stalls should be a minimum of 18 feet long and 8 feet wide. At a minimum estimate, parking area for 15 cars would be at least 120 feet wide and 18 feet deep, not including aisles and not including space for shuttle bus parking and access. The ISMND does not analyze the required size of the parking area and any necessary grading or construction. Consequently, it is unknown if this proposal will impact the retained County road easement, is feasible under applicable development requirements, or has significant unmitigated impacts.

In conclusion, the determination of “no impact” for the four transportation categories for CEQA, as shown on ISMND p. 176 (CEQA Appendix G checklist), is both incorrect and internally inconsistent, since the ISMND narrative discusses “less than significant impacts” with no mitigation measures proposed. *See* ISMND p. 177-179. A CEQA document and its determinations must be clear, understandable, and internally consistent; otherwise the ISMND may not support approval of the Project. There are significant individual environmental impacts for the Project that are either not mitigated or not analyzed appropriately under CEQA. The ISMND for Rolling Meadow Ranch LLC contains a wholly inadequate analysis under CEQA of: (1) road access; (2) traffic and transportation; and (3) safety impacts, including emergency and fire vehicle access.

## II. Additional Deficient Analysis by Subject

### A. Biological Resources

Mitigation measures are listed at the end of this resource section (as well as other resource sections) rather than at the end of each impact. This is problematic as it is not clear what each mitigation measure is mitigating what impact. In addition, after each mitigation measures is presented, there are no conclusion statements on post-mitigation significance so it is unclear if the impact has been reduced to a less than significance level (required for an ISMND).

Table 3, page 59, does not list all sensitive plant communities onsite, specifically *Elymus glaucus* stands (S3) and *Danthonia californica* Herbaceous Alliance (S3). It is misleading not to list these sensitive communities in a table of “known to occur.”

Top of page 69, states that construction noise will be “temporary in nature” which is true, but can still have significant impacts on nesting bird species projected by the Migratory Bird Act and CDFG code. Mitigation Measure 11 (on page 114), discusses preconstruction surveys, but does not state the

window for nesting birds, and thus the window for needed preconstruction surveys is unclear and thus a potentially significant impact remains.

Page 62 the ISMND states that *Elymus glaucus* stands (S3) and *Danthonia californica* Herbaceous Alliance (S3) will be impacted, but does not quantify the impacts. On this same page, the ISMND states “This seed will then be used to revegetate fill slope and other bare areas once construction is complete.” Further, on page 111, Mitigation Measure Biology 1 has a similar statement. Soils for these communities have developed over thousands or tens of thousands of years. Placement of seeds on a “fill slope” is not appropriate and will likely fail to produce the desired replacement plant community. There are no success criteria or performance standards outlined in this Mitigation Measure. Given these facts, impacts to these two sensitive plant communities REMAINS significant after mitigation, and thus an ISMND is not the appropriate CEQA document for this project.

Page 101, discussion of Northern Red-legged frogs states there will be no direct impact to frogs to upgrade stream crossing, as work will be done when the stream is dry. Red-legged frogs can be found year round in and around stream (dry and wet), and can be found under culverts. This statement is misleading and impacts to this species is still possible, and a potentially significant impact remains.

Page 105 uses the word “hydrophobic” for wetlands plants. The correct word is “hydrophytic.” Misuse of this word casts doubt on the author’s understanding of wetlands science.

Page 107, states that “approximately 0.799 acres” of wetlands will be impacted. Mitigation Measure Bio-2 discusses Goals, Success Criteria and Monitoring, but nowhere in the document is the location of this mitigation discussion or depicted on maps. At a ratio of 3:1, the creation of 2.397 acres of wetlands would occur. Impacts can occur from grading/construction for wetlands creation on other resources, including but not limited to biological and culture resources. Not analyzing the location or impacts of the wetlands create can result in significant secondary impacts, and thus a potentially significant impact remains. In addition, creating wetlands that perpetuate themselves is difficult in this hot, water-limiting inland environment.

## B. Energy and Utilities

The ISMND discusses that the Project will obtain its power through the Redwood Coast Energy Authority’s renewable energy program, in compliance with the County’s Commercial Cannabis Ordinance and CDFA regulations. However, it does not include the letter from RCEA confirming availability for the project’s power demand (see p. 128). Other sections of the ISMND mention “[t]he owner’s decision to employ PG&E to bring power to the project,” (pp. 166, 168), but no other



evidence supports the implied assertion that the project site already provides sufficient electrical infrastructure to support the proposed finding of No Impact.

#### C. Hazards and Hazardous Materials/Wildfire

As discussed more fully above in Sections I.A.-B., the Project's apparent deficiencies in terms of access and fire safety are of paramount concern.

#### D. Hydrology and Water Quality

Two issues related to hydrology and water quality undermine the conclusion of No Impact in this area. First, on Page 152 the ISMND with regard to the letter from David Fisch drilling of the three recently installed wells, states "The wells were completed in the Franciscan Sandstone." However, the letter itself from David Fisch, dated February 15, 2018, is included in Appendix E and it states that, "The wells will be completed in Franciscan Sandstone." Thus, it appears no post well drilling conclusion or facts exist in the record. If these wells are hydrologically connected to an aquifer that is hydrologically connected to a stream or river (surface water body), then use of the wells requires agreements from the CDFW for a CDFG code section 1600 permit. If in fact this is the case, then the ISMND fails to analyze impacts to surface waters and a potentially significant impact remains. A complete hydrologic study is necessary to evaluate the impacts properly.

Second, the project proposes four cannabis-related structures within the flood zone, and the ISMND finds Less Than Significant Impact by concluding that these buildings will not, "store chemicals in significance [sic] amounts" and that "the flood event itself will result in an undetermined amount of soil erosion and displacement of which the greenhouse soils would not constitute a significant pollutant release." (ISMND p. 155.) This surface-level analysis also fails to state whether the structures themselves are engineered to withstand significant flood and therefore minimize impacts to the environment during a flood.

#### E. Population and Housing

Interestingly, this section of the ISMND acknowledges the fact that other cannabis cultivation operations in the area are active and have many employees. (ISMND p. 169.) However, this fact does not result in an analysis of cumulative effect, and as to the potential Population and Housing effects of this project, the ISMND concludes that there is No Impact.

#### F. Public Services

Issues related to the Project's impact on fire, law enforcement, and first responder access and response times to the site are discussed above under the Transportation heading. This section of the

ISMND acknowledges the distance from the Sheriff's Office substation in Garberville, but otherwise fails to address these significant issues. Moreover, as discussed below regarding the Project's proposed Security Plan, the placement of any security gate is vague and may present an issue if Applicant in fact intends to place a gate on a County easement or neighbor's property.

#### G. Tribal Cultural Resources

As part of Tribal Cultural Resources for compliance with CEQA the lead agency MUST complete AB52 consultation with the tribes that have requested such consultation. There is no mention, nor any evidence, that the lead agency has completed this required consultation with the tribes. This section of the CEQA document should include information about when and which tribes were sent the consultation letter and if a response was received. If the tribes asked to initiate consultation, then this section of the CEQA document should discuss the issues and lead agency responses and whether AB52 consultation is currently ongoing or complete.

#### H. Air Quality

As to the Construction Phase, the impact analysis falls short in two areas. First, the ISMND identifies no thresholds of significance. The analysis simply states that the Project will not exceed baseline levels, without defining either "baseline level" or what would constitute a significant impact. There is no detail to support the determination that the project would in fact reduce PM10 dust from "baseline." Without at least some plausible explanation, this conclusion is dubious. The project is greatly increasing the use of unpaved dirt roads in a windy area. Second, the analysis does not substantiate construction equipment or vehicle emissions.

In the Operational Phase, emissions appear to be based on a percent of trips on a highway. This is not the standard means of analyzing operational emissions, and begs the question why the ISMND adopted this approach. Like the flawed Construction Phase analysis, neither baseline nor significant impact is defined, and the claimed reduction in dust is not supported by evidence or explanation.

The Cumulative Effect portion of the analysis appears to be focused on the Ranch itself. However, as discussed at length in the Transportation and Access section above, the vast majority of the impact to public roads on this project will come from dozens of employees driving their personal vehicles daily to and from the proposed parking site. Once on Rolling Meadows Ranch's private property, the employees will be shuttled to the various structures by an electric bus. The Cumulative Effect that should be analyzed in this Subject Area should be the impact to Dyerville Loop and, especially, given the fact that it consists in part of the Eel River bar and unpaved roadway, McCann Road. However, the ISMND chooses to focus instead solely on the private property itself, which

conveniently allows it to avoid analyzing how the additional vehicle trips on Dyerville Loop and McCann Roads will in fact have cumulative significant effects.

### I. Greenhouse Gases

Several idiosyncrasies in this section undermine the credibility of its overall Less than Significant Impact and No Impact conclusions. First, the section is organized into two sections: Setting, and Discussion. At the conclusion of “Setting” and prior to Discussion and the actual impact analysis, the ISMND has already concluded that simply, “[b]y purchasing 100% renewable power the project will not have a significant impact of greenhouse gas emissions.” Next, the percent trips on a highway attributable to the project is analyzed, despite the fact that under CEQA this has no relevance to the impact analysis or determination.

The ISMND provides multiple determinations within the section. The first determination has no threshold of significance. The ISMND quantifies the operational vehicle emissions, and states “less than significant,” without any substantiation/comparison to either qualitative or quantitative threshold. The second determination borrows BAAQMD’s threshold of 1,100 MTCO<sub>2</sub>e. This section concludes that the project is less than that threshold, but fails to further state a final significance threshold.

Under subsection b), finding No Impact, the analysis consists of three lines and seems cursory at best. No applicable plan, policy, or regulation is identified as having been considered and verified as not conflicting with the project. Therefore, no threshold of significance is stated or identified.

### III. Concerns Not Otherwise Addressed

Aesthetics. The ISMND states: “It is possible, but unlikely that residents [to the South] will be [sic] have a clear view of the facilities #1 through #6.” (ISMND Setting p. 37.) The ISMND also discusses that recreational users of the Eel River will have a clear view of the facilities. (ISMND Figure 18, p. 38, and discussion p. 39.) The ISMND and Figure 18 do not clearly depict or describe the visual and aesthetic impacts, and no photographs or visual simulation is included. Further visual analysis must be completed to identify potential significant impacts on sensitive viewshed receptors.

Security. A security gate is not proposed in the ISMND and may not be legally placed at the entrance to the Project on each of the private ranch roads due to Rolling Meadows Ranch LLC’s lack of ownership of or easement over a private access road from McCann Road. The Project’s failure to propose a security gate at each private McCann Road access or any potential Alderpoint Road access constitutes a security risk given the size of the project and multiple locations for grow sites. The Project ISMND does not disclose whether security personnel will be present during operations 7

days a week, 24 hours a day. If so, the security personnel will either be residing on the property, which is not evaluated or disclosed in the ISMND, or additional traffic will be generated from security guard shifts not discussed in the ISMND.

River Bar Fire Escape & Recreational Access. The Project Applicant does not discuss or disclose that the neighboring landowner (APN 217-181-009) and other McCann landowners and residents, claim historical and on-going access over Rolling Meadows Ranch LLC property from McCann Road, County public roads easement, or the now private ranch road along a lower portion of Rolling Meadows Ranch LLC property to access a continuation of neighboring parcel APN 217-181-009 bordering the Eel River. In other words, the neighboring landowner's property and the river bar are accessed by an existing, cleared and maintained dirt road that lies partially on Rolling Meadows Ranch LLC property. The Project will interfere with this access and will have a detrimental environmental impact because currently neighboring landowners help ensure that this access is clear for fire safety and fire escape reasons and utilized for river access and recreational use. Rolling Meadows Ranch LLC is aware of this claimed historical use and access easement which ties into APN 217-181-009. As proposed, the Project eliminates such access without any legal or CEQA analysis.

Inaccuracy & Inconsistency Re: Neighboring Residences. ISMND Figures 2 through 7, pp. 15-20, contain a notation stating that, "No...off-site residences located within 2 miles of proposed facilities." This is incorrect. The residences at 1625 McCann Rd. and 1465 McCann Rd. are both located within two (2) miles of the project site including its western most facilities. In addition, there are residences across the river from this location that are well within 2 miles. Elsewhere, the ISMND more accurately states that, "[t]he nearest greenhouse is Facility #1 which is approximately 900-feet away from the nearest residence." (ISMND p.52.)

Inaccuracy Re: Pre-Existing Cultivation. ISMND Figure 8 (Facility #1, #2, and #3 Details) p.21, incorrectly labels a "Pre-Existing Mixed Light Facility." There is no Pre-Existing Mixed Light Facility on this Project. Contrary to the ISMND, there is no known or recorded historic cannabis cultivation on the Rolling Meadows Ranch LLC property. See ISMND, III. Environmental Setting and Surrounding Land Uses, p. 29.

Location of Cultivation Activity. The proposed project and conditional use permits are not in conformance with the County Code as provided for in the ISMND. There is no evidence presented in the ISMND that the proposed cultivation sites are located on prime agricultural soils, which would be a requirement of all new cultivation under Humboldt County Ordinance 1.0 [Ord. No. 2559]. This would result in the project's non-compliance with the ordinance and should be considered. In addition, in Figure 20 on page 44 of the ISMND, at least one of the project facilities appears to be located on land zoned TPZ.

#### **IV. Cumulative Effects Not Properly or Meaningfully Analyzed**

The term “cumulative impact” refers to two or more individual effects which, when considered together, are considerable and which compound or increase other environmental impacts. “The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (California Code of Regulations [CCR], Title 14, Division 6, Chapter 3, Section 15355.) Any CEQA project and analysis must list past, present, and proposed future projects to evaluate cumulative impacts. This Project ISMND fails to do so. Therefore, it is impossible for anyone reviewing the ISMND to determine what projects were considered as part of a cumulative impacts analysis and casts doubt on the ISMND’s repeated assertion in each Environmental Checklist category that the project’s contribution to cumulative effect will result in Less than Significant or No Impact.

Glaringly absent from any discussion of Cumulative Effect is the fact that Humboldt County very recently approved another approximately 4.4 acre cannabis project on McCann Road, PLN-12083-SP, etc., for Black Bear Farms, LLC situated on APN 211-283-007. Another much smaller legal, permitted cannabis project also operates on McCann Road. Yet despite the fact that the Black Bear Farms operation uses Dyerville Loop and McCann Roads to access its site and relies on 23 employees, none of that project’s environmental impact is considered or discussed.

Any transportation analysis must account for cumulative impacts, including from foreseeable projects such as the planned year-round McCann Bridge. It appears that vehicles from the Black Bear Farms project are now parking at the McCann Ferry put-in on the South side of the Eel River, which is likely further evidence of the vehicle limitations crossing the river bar on McCann Road. See Attachment I.

#### **V. Conclusion**

For all the foregoing reasons, the ISMND should not be adopted. Instead, an Environmental Impact Report should be prepared. Further environmental analysis should consider the use of Alderpoint Road, not McCann Road, for primary access.

Respectfully submitted;

*David S. Nims*

David S. Nims

# ATTACHMENT A

#### 4-1. *Integrating the County Classification System into the Roadway Design Process*

It is the policy of Humboldt County that design will be based upon the following roadway classification, use and level of service factors.

The Director of Public Works is responsible for placing roads serving subdivisions into one or more of the following roadway categories:

##### a. *ROADWAY CATEGORY #1.*

- (1) Single lane - low speed, less than 20 mph.
- (2) No parking permitted on traveled way.
- (3) Maximum length - 1/4 mile.
- (4) Serves maximum of four (4) parcels having no more than one dwelling unit per parcel.
- (5) Rural area only.

##### b. *ROADWAY CATEGORY #2.*

- (1) Single lane - with intervisible turnouts not to exceed 1/4 mile spacing.
- (2) No parking on traveled way.
- (3) Serves a maximum of ten (10) parcels having no more than one dwelling unit per parcel.
- (4) Rural area only.
- (5) Low speed - 25 mph design.

##### c. *ROADWAY CATEGORY #3.*

- (1) Single lane - will allow for vehicles to pass each other at slow speeds.
- (2) No parking on traveled way.
- (3) Serves a maximum of 20 parcels having no more than one dwelling unit per parcel.
- (4) Rural situations - low density area.
- (5) Low speed - 25 mph design.

##### d. *ROADWAY CATEGORY #4.*

- (1) Two lane - narrow roadway, low to moderate speed - 25-40 mph.
- (2) No parking on traveled way.



- (3) Serves a maximum of 100 parcels with no more than one dwelling unit per parcel.
- (4) *Urbanization situation.* Vicinity is beginning to undergo a transition from rural to urban.

e. *ROADWAY CATEGORY #5.*

- (1) Full two lane with at least two 4-foot shoulders.
- (2) No parking on traveled way.
- (3) *Urban or urbanizing area.* Vicinity normally will have intermittent high density lots and large lots or acreage.

f. *ROADWAY CATEGORY #6.*

- (1) Full two lane with at least two 8-foot parking lanes.
- (2) Provides on-street parking and/or sidewalks as approved by Department of Public Works.

Topography or design may require deletion of parking on one side as approved by Department of Public Works.

- (3) Urban area.

4-2. *Guidelines for Determining Roadway Categories*

a. If on-street parking is expected, then a parking lane must be provided. The parking lane need not accommodate more than three (3) vehicles if the lot frontage exceeds 120 feet. If the subdivider does not provide for on-street parking, the topography of the lots must permit normal site development and provide room for the parking of five (5) vehicles.

b. Applicant is responsible for all drainage requirements.

c. In estimating average daily traffic (ADT), the number of lots served by the road in urban or urbanizing areas shall be multiplied by eight (8). In rural areas, the number of lots served by the road shall be multiplied by five(5).

d. Upon satisfactory completion, roads constructed in accordance with standards of Categories 4 through 6 would qualify for inclusion into the County maintained road system. Roads under Category 3 would qualify if surfaced with seal coat or asphalt. Roads under Categories 1, 2 and 3 (if gravel) would be considered on an individual basis. Consideration would be given to building setbacks, area's density, length of road, size of parcels, if it connected to a public maintained road, and public use.

e. Nothing herein permits the submittal of subdivision improvement plans which do not reflect sound engineering judgment and practices. The subdivider's engineer shall certify that all subdivision improvement plans represent sound engineering judgment and practices.

f. Dead end roads shall have an adequate turnaround at their termination.

g. Design standards herein are not intended to be all inclusive. The Roadway Categories contained in this Appendix are excerpts from the County Design Manual. The County and State Design Manuals should be referred to, when applicable. All work, including water and sewer lines, shall conform to the State Standard Specifications.

Figures.

1

# ROADWAY CATEGORY I (SINGLE LANE- NARROW TRAVELED WAY) LENGTH LIMITATION- QUARTER MILE

Service Provided:

Mobility	Volume
Approximately 20 MPH Safe Driving Speed	0-20 ADT

Notes:

- (1) Traveled Way Width: 10 feet
- (2) Shoulder Width: -0-
- (3) Roadbed Width: As approved by the Dept. of Public Works
- (4) Right of Way Width: Minimum 40 feet
- (5) Drainage: Must be adequate to protect road and adjacent properties and approved by the Dept. of Public Works

- (6) Structural Section: Depends upon engineering analysis of materials and soil. (Approved by Public Works Department)

- (7) Surface: Native Rock or gravel. (Seal coat or A.C. may be required, depending on proposed use and parcel size.)

- (8) Ditch and Shoulders: To vary to suit conditions as approved by Department of Public Works

- (9) No Parking Permitted on Travelled Way

Notes: Length Limitation - quarter mile  
Superlevation and Curve Widening Must be Considered for Short

Geometric Standards

Element Design Speed	DESIGN SPEEDS/TERRAIN					
	Flat		Rolling		Mountainous	
	10-20	30	10-20	30	10-20	30
Grade (1)	10	8	13	10	13	11
Maximum Grade * (2)	15	12	20	15	20	17
Sight Distance	100'	150'	200'			
Stopping	100'	150'	200'			
Intersection	100'	200'	300'			
Minimum Curve Radius	75'	120'	300'			
Horizontal Clearance to Obstructions	10'	10'	10'			
Surface Cross Slope	4%	4%	4%			

Gutter and backup to vary to suit conditions backup on outsloped road shall be a minimum 3 feet wide

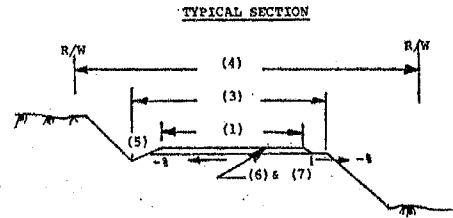
\* For short distances. (300' maximum and/or approved by the Department of Public Works)

(1) Minimum Grade 1%

(2) Maximum allowable grades may be 4% steeper for paved roads when approved by Dept. of Public Works

For further information see Humboldt County Road 2

Figure 1



# ROADWAY CATEGORY 2 (SINGLE LANE-NARROW TRAVELED WAY-TURNOUTS)

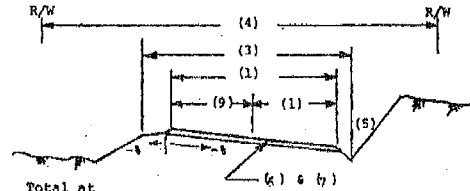
Service Provided:

Mobility	Volume
25-35 MPH Safe Driving Speed	Low 0-50 ADT

Notes:

- (1) Traveled Way Width: Traveled Way Section  
10 - 12 ft. 10 ft. Total at Turnout 20 - 22 ft.
- (2) Shoulder Width: -0- -0- -0-
- (3) Roadbed Width: As approved by Dept. of Public Works
- (4) Right of Way Width: Minimum 40 feet
- (5) Drainage: Must be adequate to protect road and adjacent properties, and approved by Dept. of Public Works
- (6) Structural Section: Depends upon engineering analysis of materials and soil, must be approved by the Dept. of Public Works.

TYPICAL SECTION (Turnout)



- (7) Surface: Native Rock, gravel or Seal Coat (double). (A.C. may be required, depending on proposed use and parcel size)
- (8) Ditch and Shoulders: To vary to suit conditions as approved by the Dept. of Public Works
- (9) Turnout Section: 10 feet wide by 80 feet minimum length, having flared ends approved by Dept. of Public Works
- (10) Distance Between Turnouts: Not to exceed 1/4 mile spacing or as approved by the Dept. of Public Works.
- (11) No Parking on traveled way

Geometric Standards

ELEMENT	DESIGN SPEED/TERRAIN							
	Flat			Rolling			Mountainous	
	20	30	40	20	30	40	20	30
Grade (1)	9	8	6	12	10	8	13	11
Maximum Grade * (2)	13	12	9	16	15	12	20	17
Sight Distance	20	30	40					
Stopping	150'	200'	275'					
Intersection	200'	300'	550'					
Minimum Curve Radius	120'	300'	550'					
Horizontal Clearance to Obstructions	10'	10'	10'					
Surface Cross Slope	4%	4%	4%					

Notes: see publication "Turnout Spacing on Logging Roads by Conrad L. Mandt (ITPE, Univ. of Calif.)

Superelevation and Curve Widening must be considered for short radius curves. Gutter and backup to vary to suit conditions. Backup on outslapped roads shall be 3 feet min.

\* For short distances. (300' maximum and/or approved by the Department of Public Works)

(1) Minimum Grade 1%

(2) Maximum allowable grades may be 4% steeper for paved road when approved by Dept. of Public Works

For further information please see Handbook on Road Design

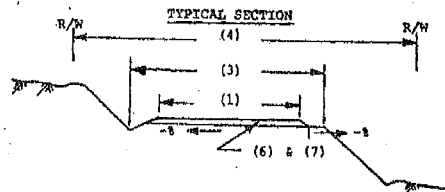
Figure 2

# ROADWAY CATEGORY 3 (ONE LANE-WIDE TRAVELED WAY)

Service Provided:

Mobility	Volume
25-35 MPH Safe Driving Speed	Low 0-100 ADT

Notes:



- (1) Travelled Way Width: 16 feet
- (2) Shoulder Width: 4 feet, when required by the Department of Public Works
- (3) Roadbed Width: As approved by the Dept. of Public Works
- (4) Right of Way Width: Minimum 40 feet.
- (5) Drainage: Must be adequate to protect road and adjacent properties, and approved by Dept. of Public Works

(6) Structural Section: Depends upon results of engineering analysis of materials and soil, and approval by the Department of Public Works.

(7) Surface: Gravel, Seal Coat (double) or A.C.

(8) No Parking on Travelled Way

Notes: Gutter and backup will vary to suit conditions (3'min)

Superelevation requirements see Section 2-312 of the Roadway Design Manual

Geometric Standards:

ELEMENT	DESIGN SPEED/TERRAIN								
	Flat				Rolling			Mountainous	
	30	40	50	20	30	40	20	30	40
Grade (1)	7	7	6	10	9	8	12	10	9
Maximum Grade * (2)	11	11	9	15	14	12	18	15	14
Sight Distance	20	30	40	50					
Stopping	150	200	275	350					
Passing		1100	1500	1800					
Intersection	200	300	400	500					
Minimum Curve Radius	120	300	550	850					
Horizontal Clearance to Obstructions	10	10	10	10					
Surface Cross Slope	2%	2%	2%	2%					

\* For short distances, (300' maximum and/or approved by the Department of Public Works)

† If surfaced with Seal Coat or A.C. - 4% if gravel and 4% higher if paved

(1) minimum Grade 1%

(2) Maximum allowable grades may be 4% steeper for paved road when approved by Dept. of Public Works

Figure 3

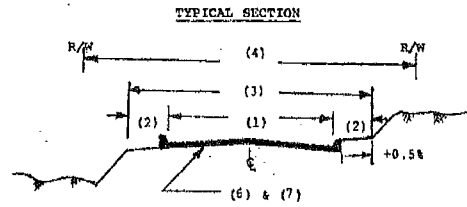
# ROADWAY CATEGORY 4 (TWO LANE- NARROW TRAVELED WAY)

## Service Provided:

Mobility	Volume
25-40 MPH Safe Driving Speed	Low to Moderate 0 - 800 ADT

## Notes

- (1) Traveled Way Width: 18- 20 ft.
- (2) Shoulder Width: 4 ft. (when required by the Dept. of Public Works)
- (3) Roadbed Width: As approved by the Dept. of Public Works
- (4) Right of Way Width: Minimum 50 ft.
- (5) Drainage: Must be adequate to protect road and adjacent properties and approved by the Department of Public Works
- (6) Structural Section: Depends upon engineering analysis of materials and soil. Approved by the Dept. of Public Works
- (7) Surface: Seal Coat (double) or Asphalt Concrete with dikes as approved by the Department of Public Works
- (8) No Parking On Travelled Way



## Geometric Standards

ELEMENT	DESIGN SPEED/TERRAIN								
	Flat			Rolling			Mountainous		
	30	40	50	30	40	50	20	30	40
Grade (1)	9	7	6	12	10	9	15	12	10
Maximum Grade*	17	11	9	18	15	12	22	18	15
Sight Distance	30	40	50						
Stopping	200	275	350						
Passing	1100	1500	1800						
Intersection	300	400	500						
Minimum Curve Radius	300	550	850						
Horizontal Clearance to Obstruction	10	10	10						
Surface Cross Slope	2 1/4 %	2 1/4 %	2 1/4 %						

Notes: Typical paved gutter with asphalt dike is shown in embankment condition but should only be used as required for surface drainage control.

Superelevation requirements see Section 2-312 of the Roadway Design Manual

- \* For short distances. (300' maximum and/or approved by the Department of Public Works)  
(No gravel allowed)  
(1) Minimum Grade 1%  
For further information see Humboldt County Roadway Design Manual

Figure 4

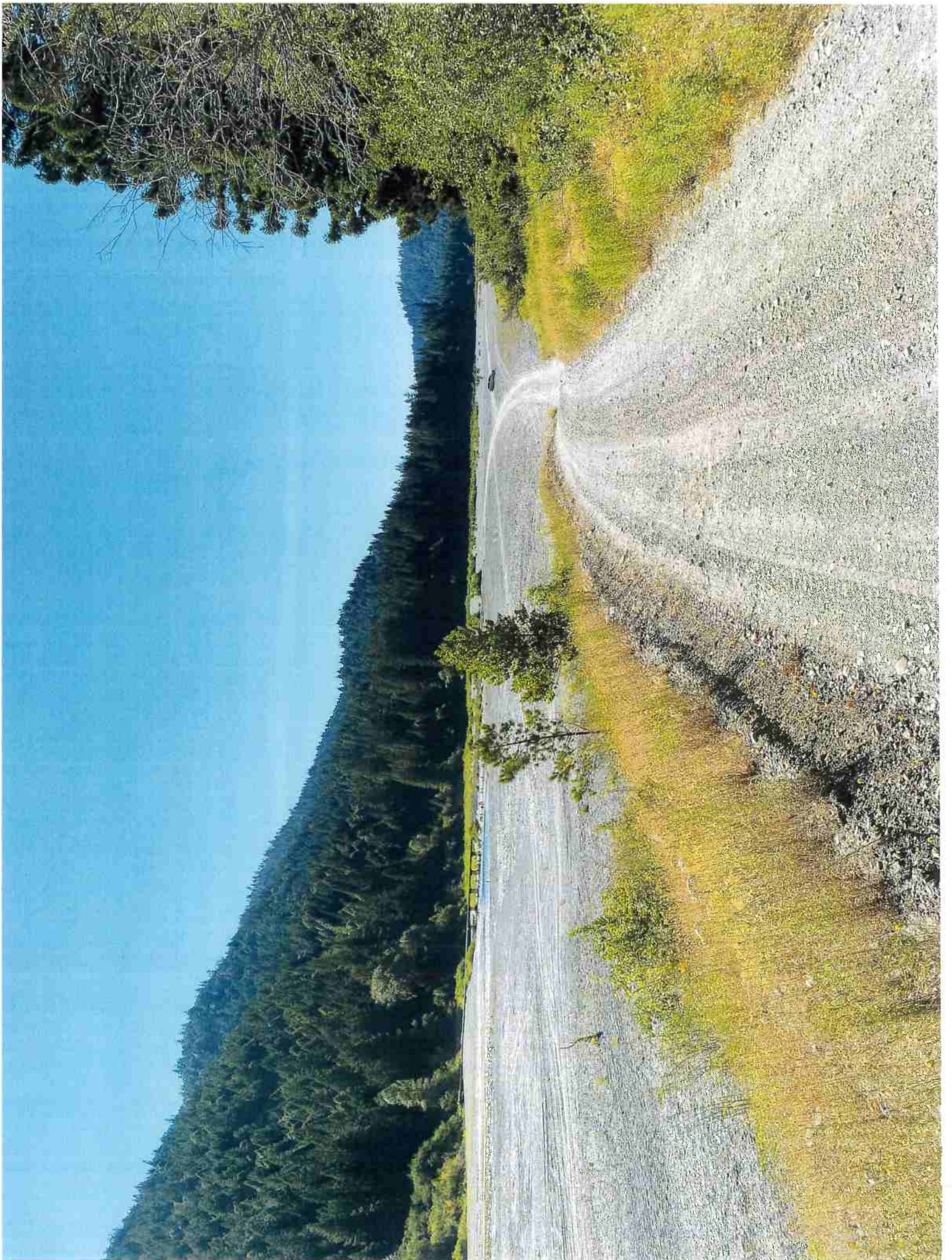
# ATTACHMENT B





ROAD  
SUBJECT  
TO CLOSE  
AT  
ANYTIME





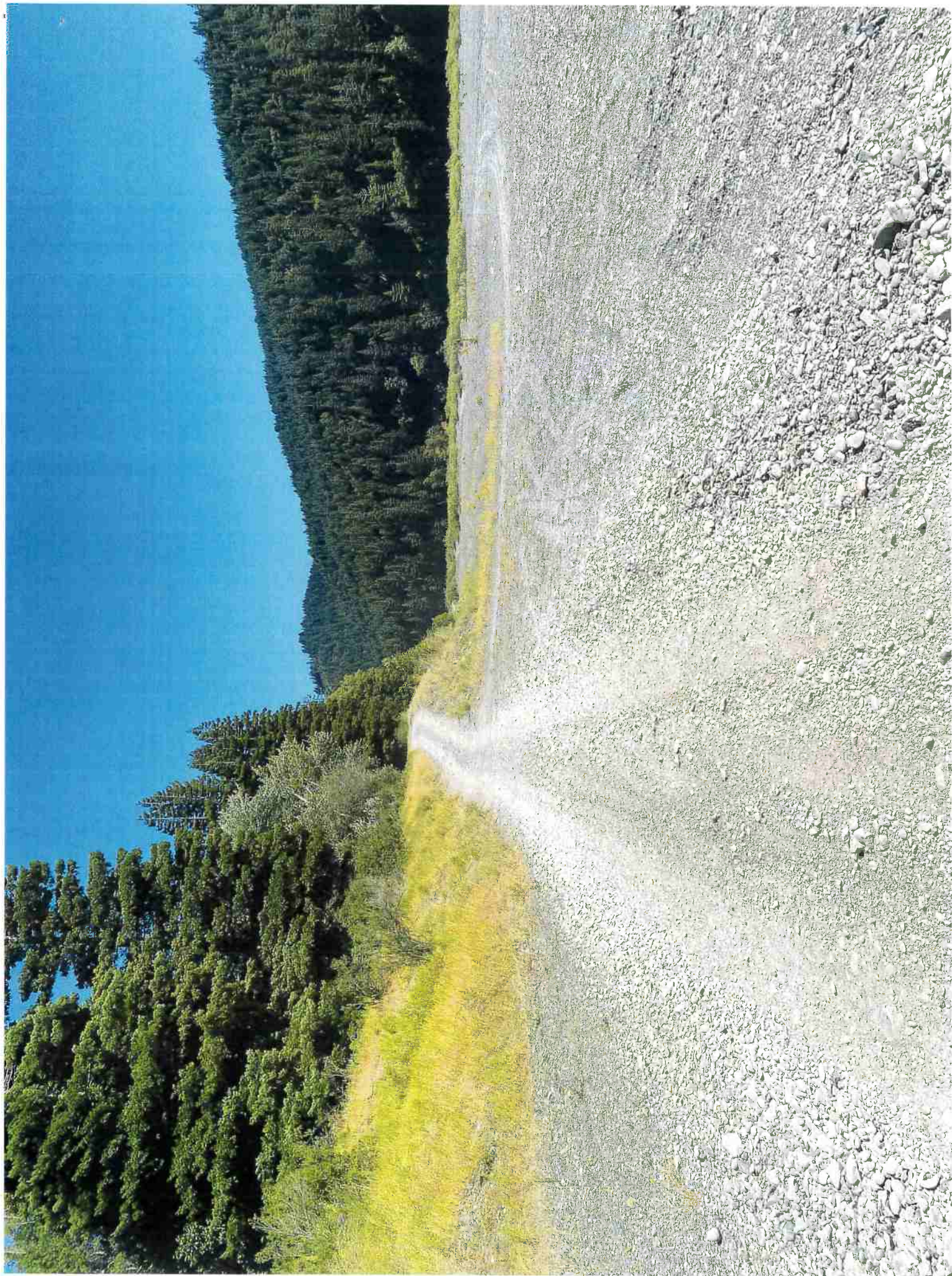




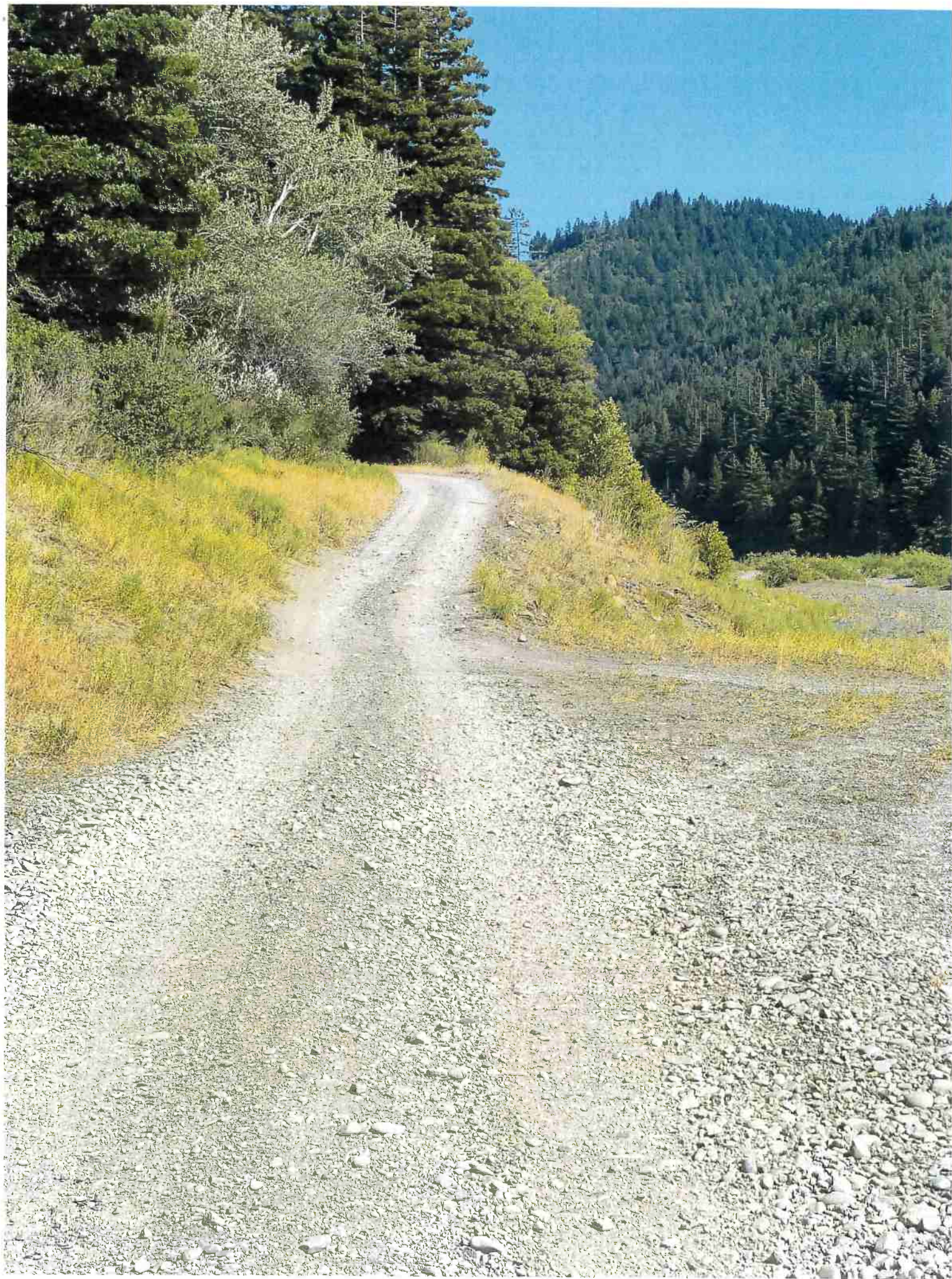




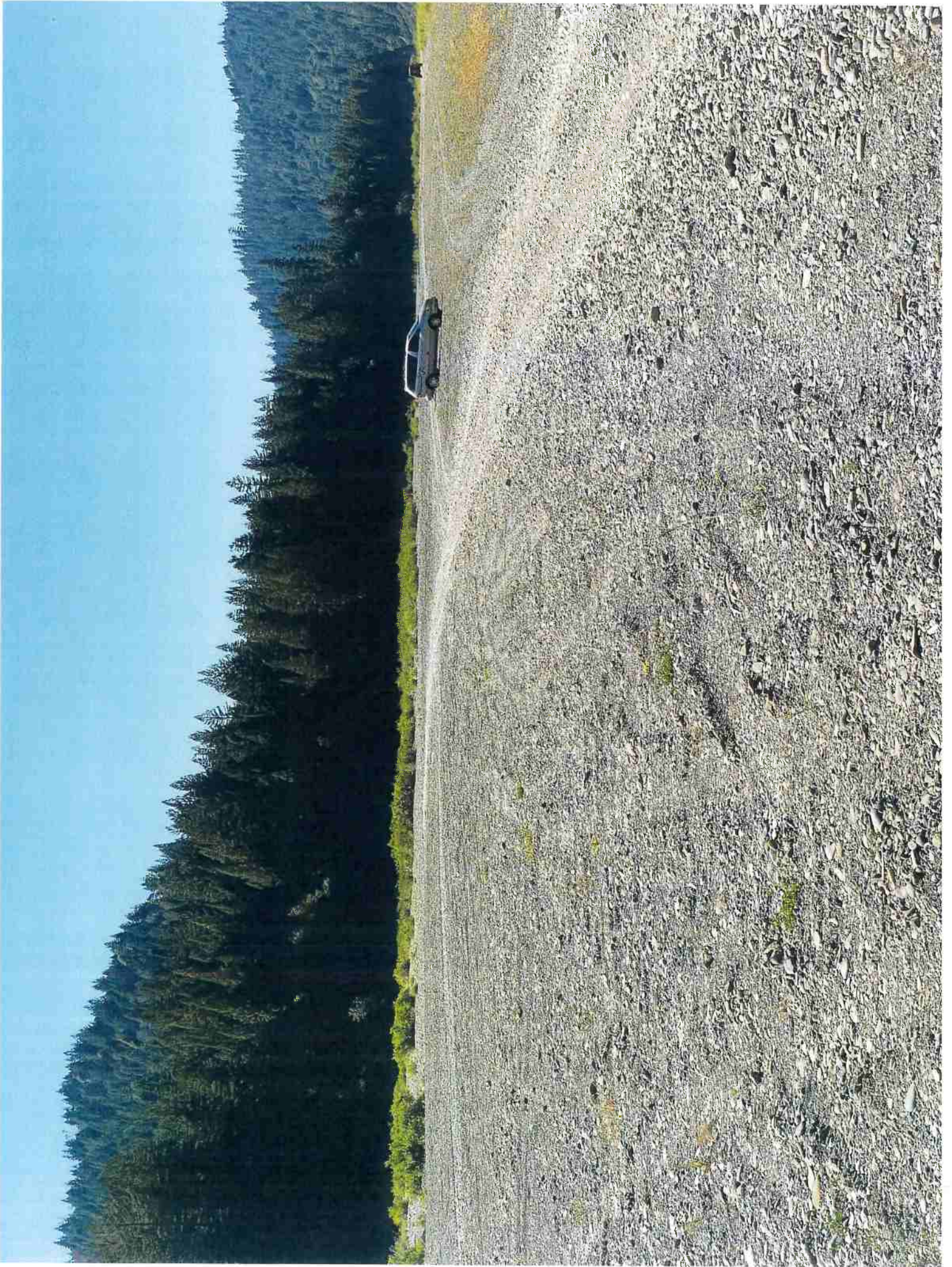




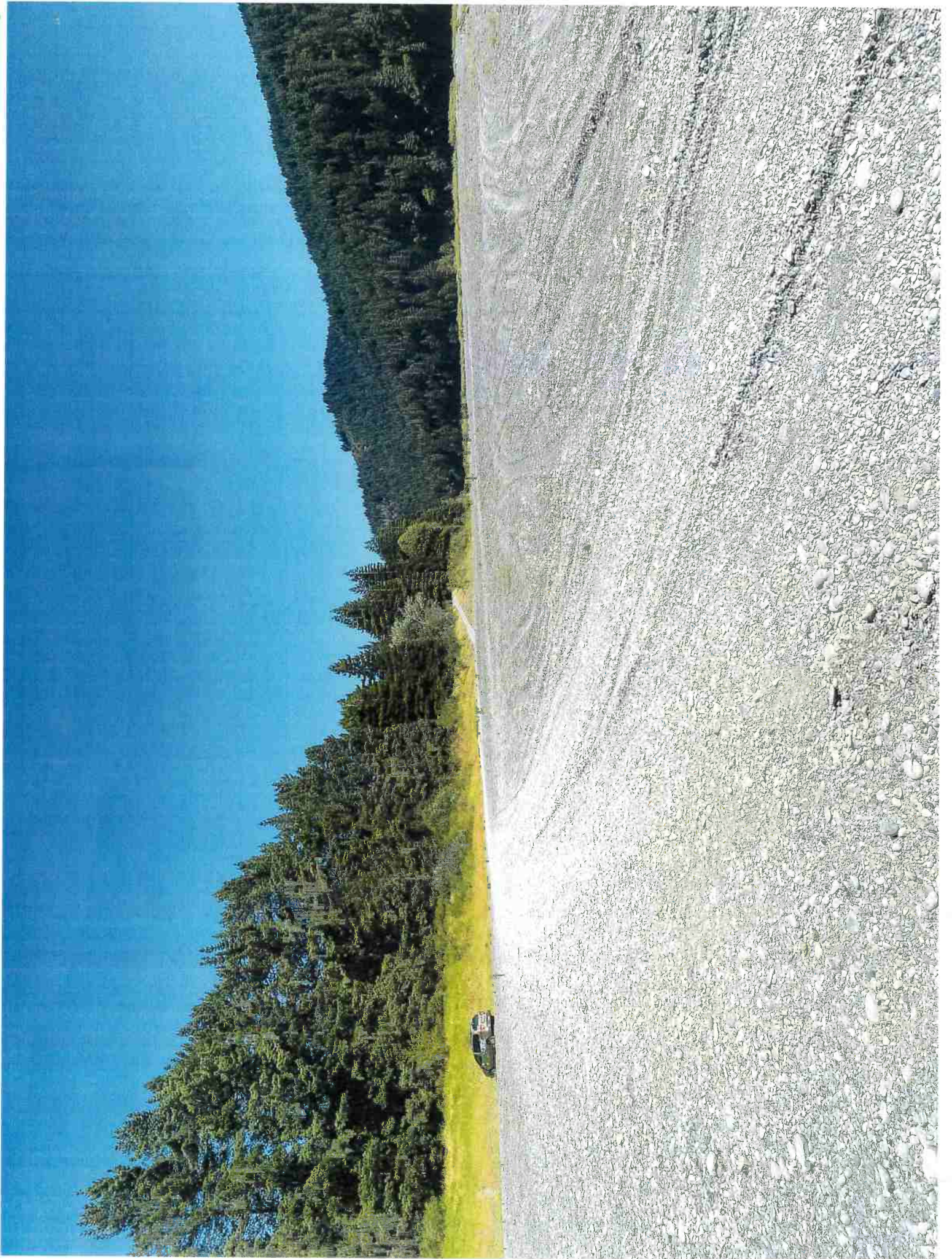




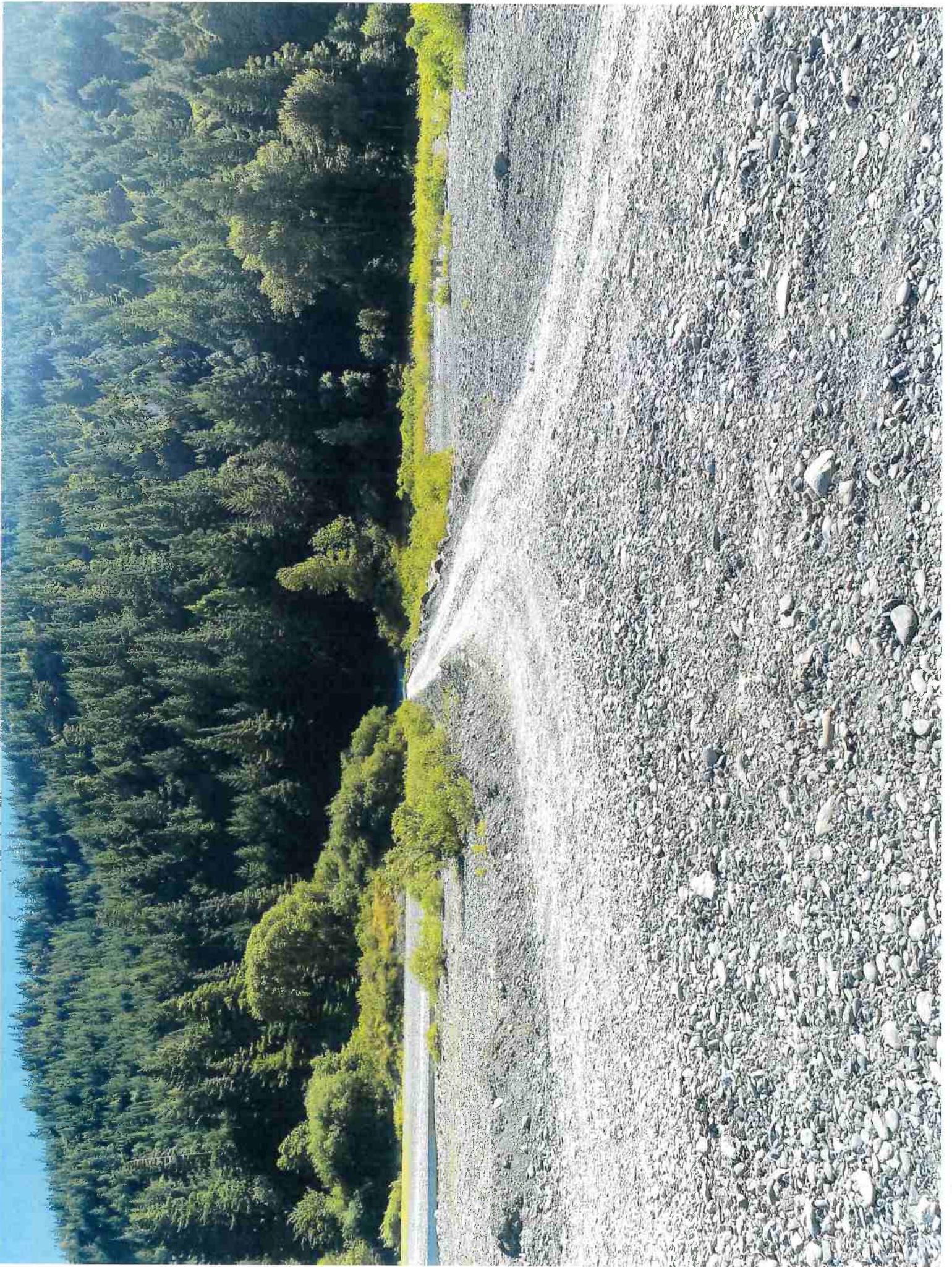














# ATTACHMENT C





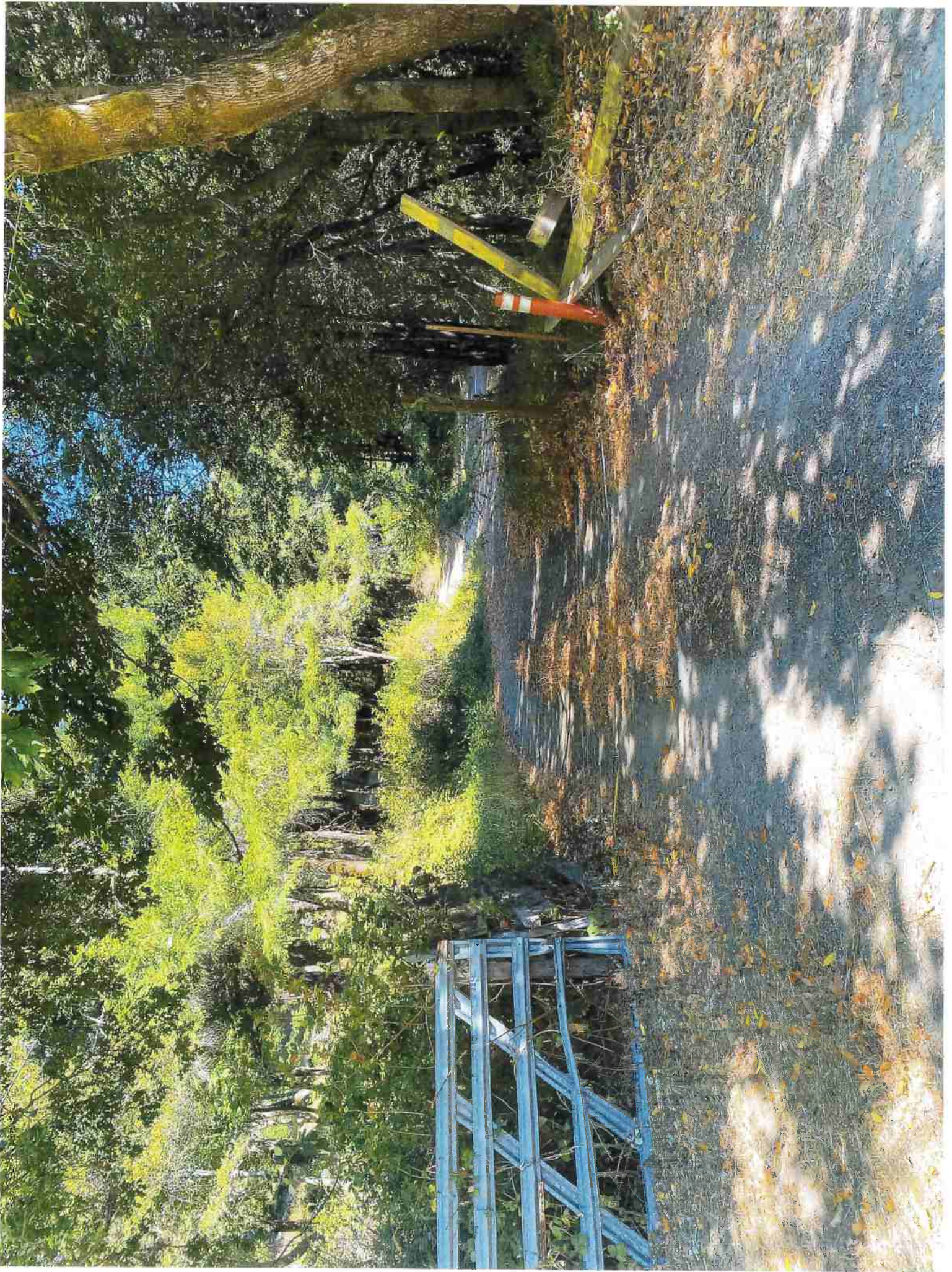




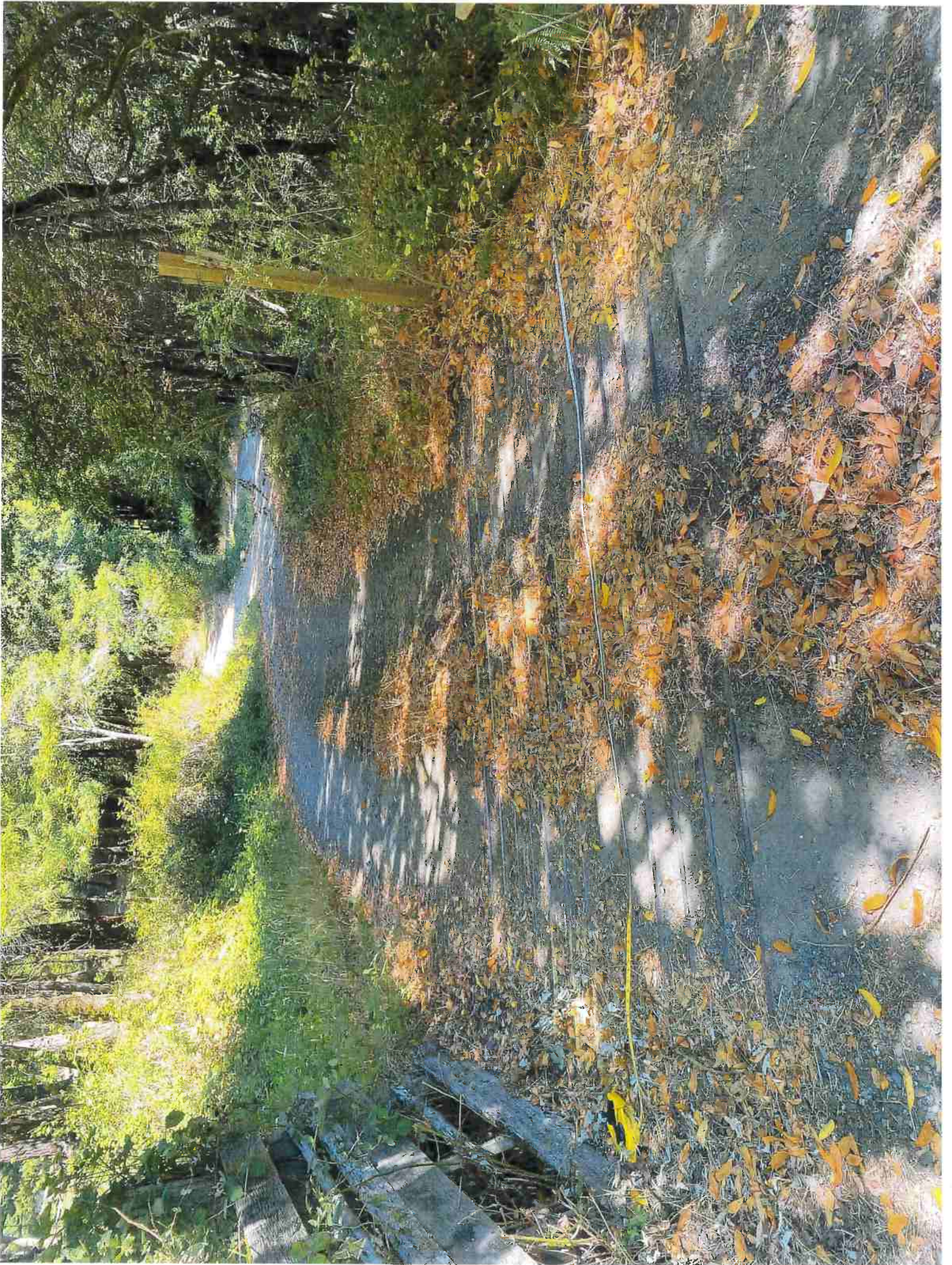












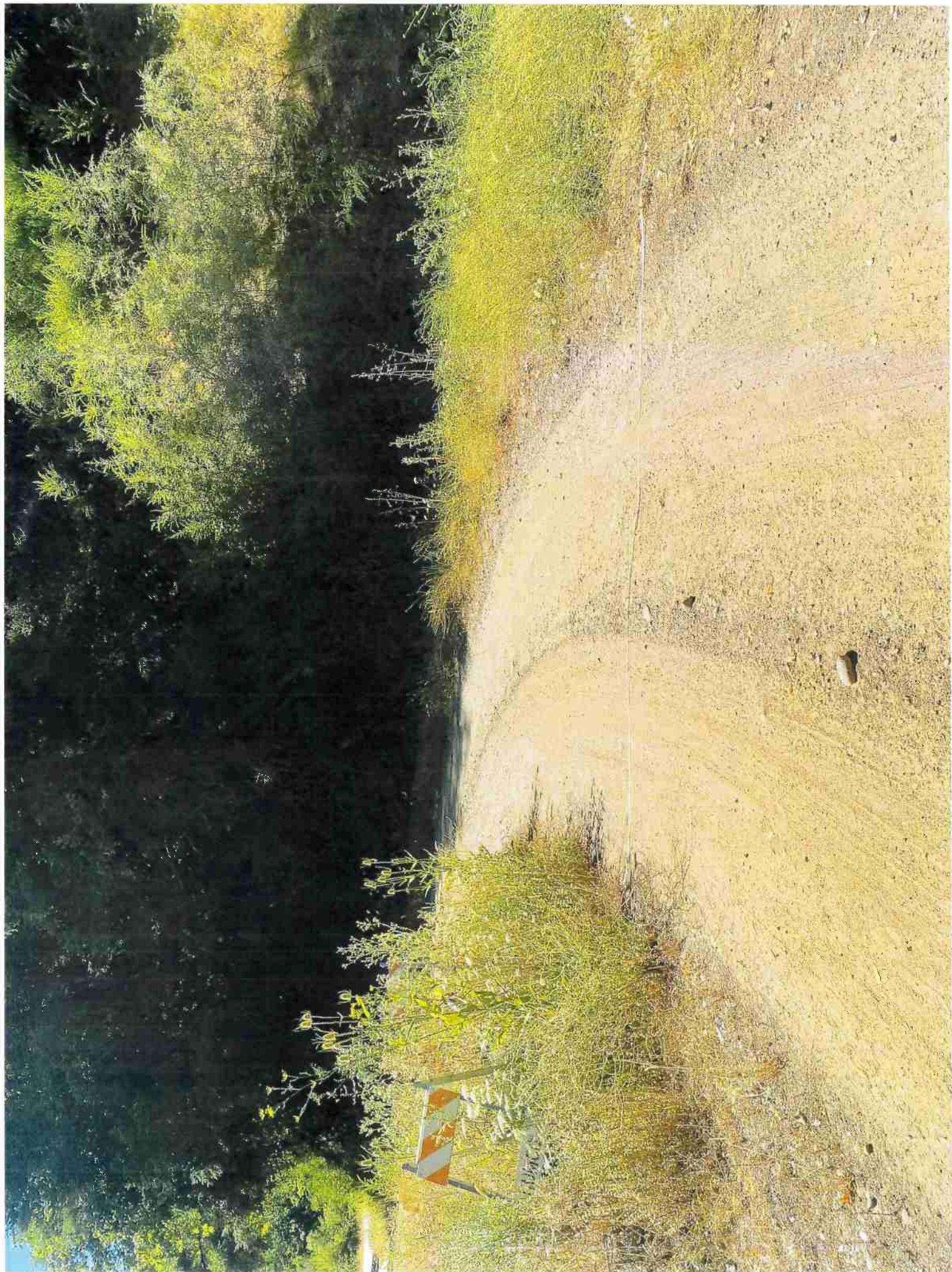








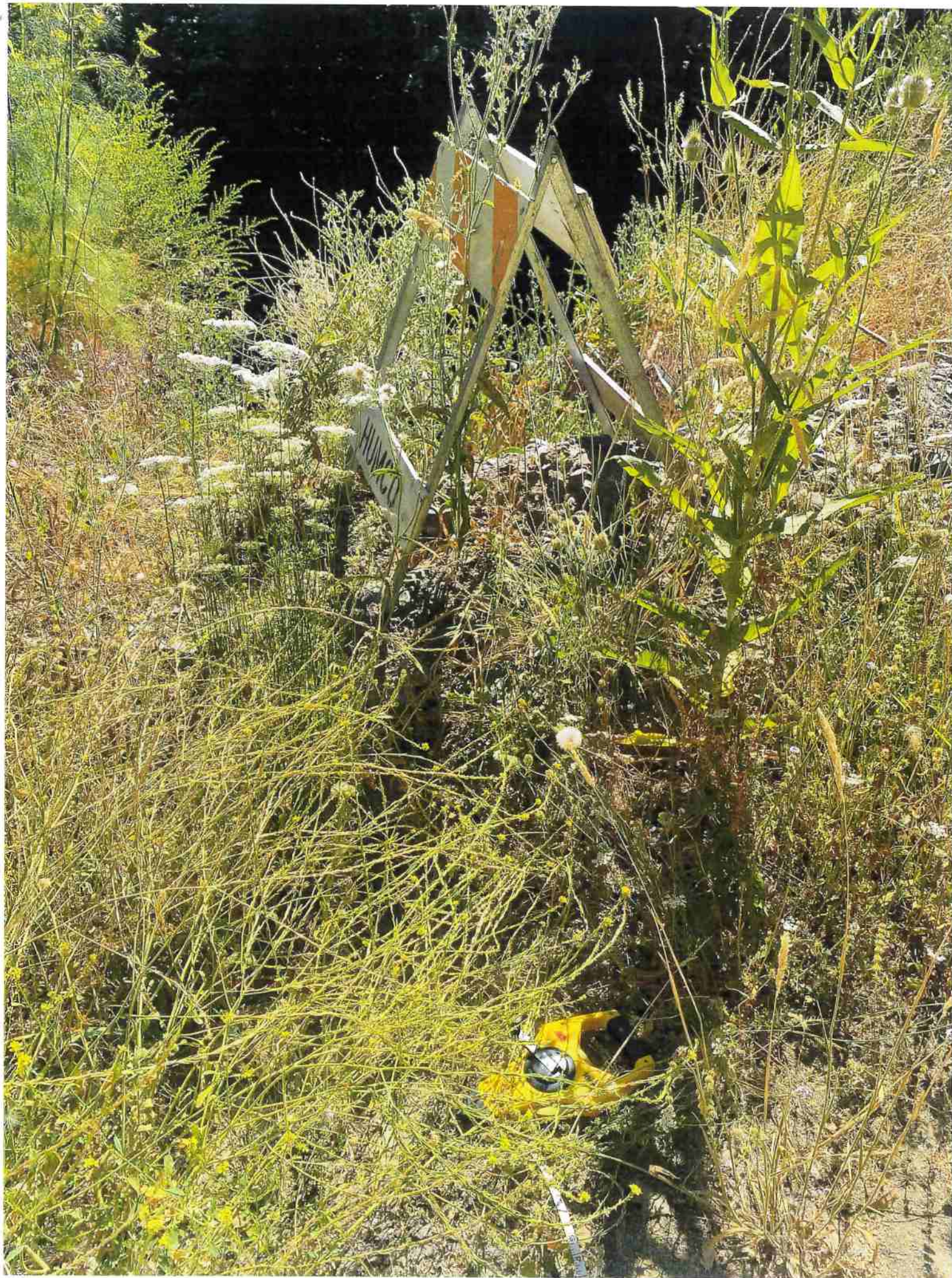
























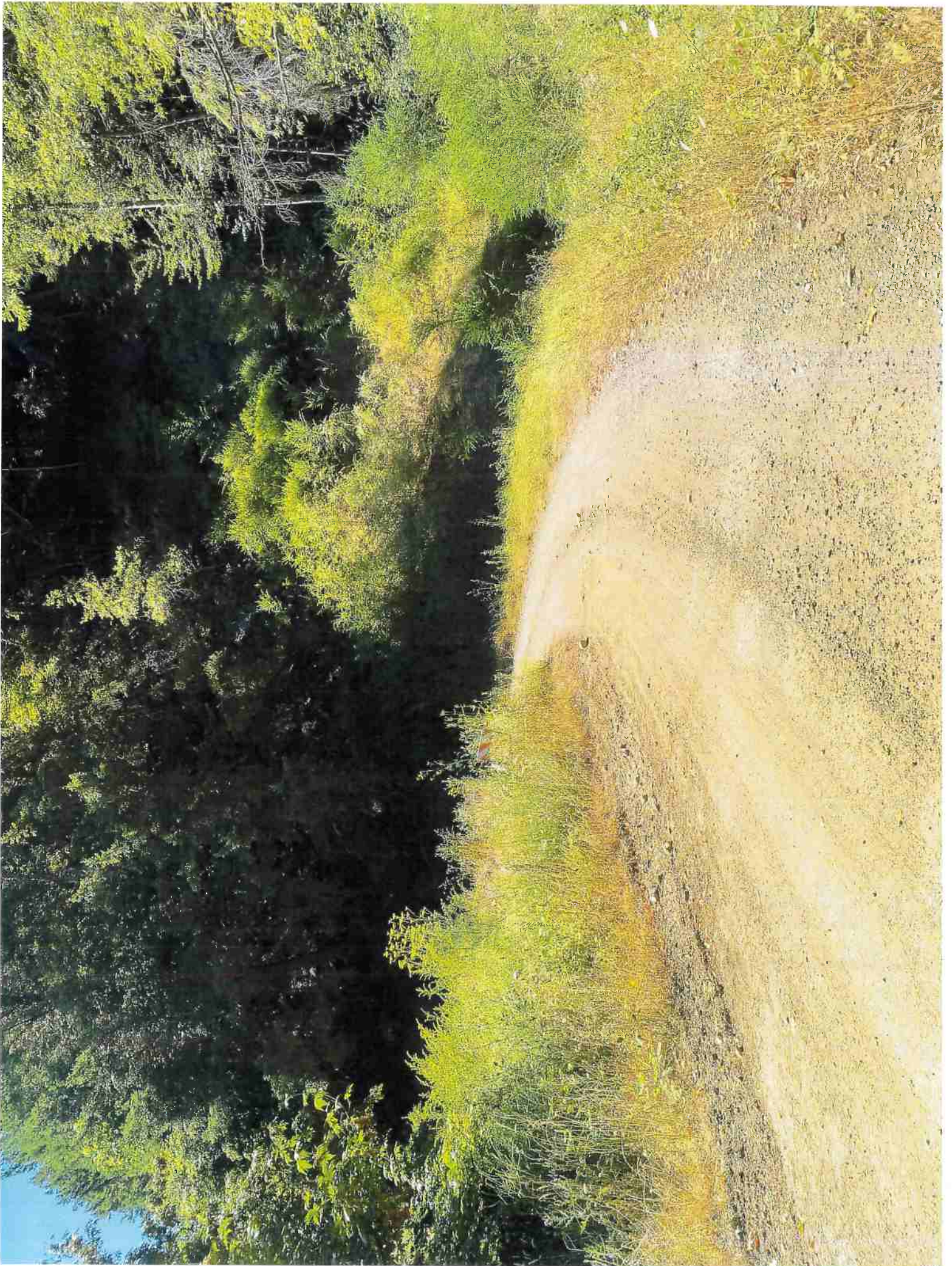




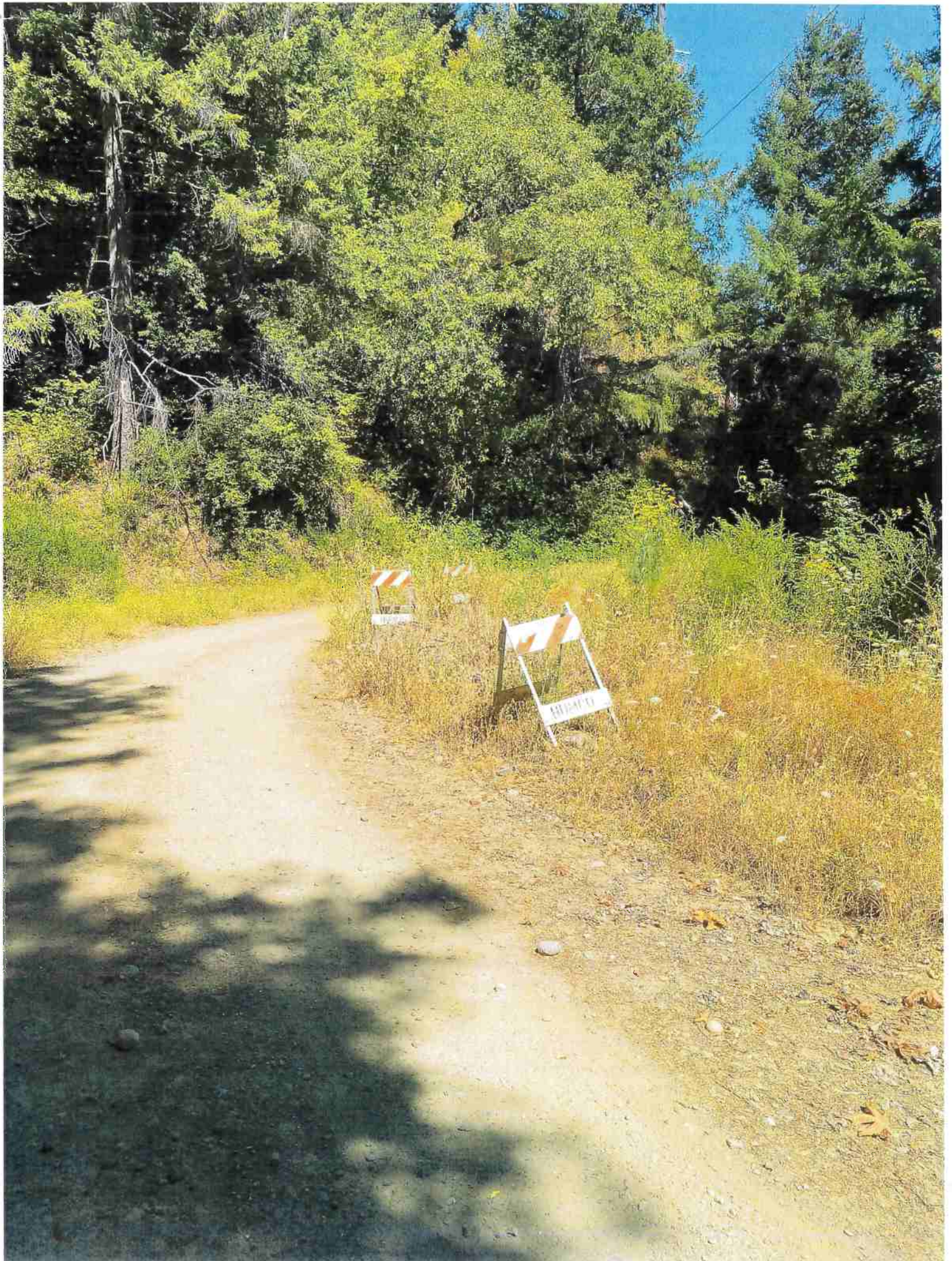


# ATTACHMENT D





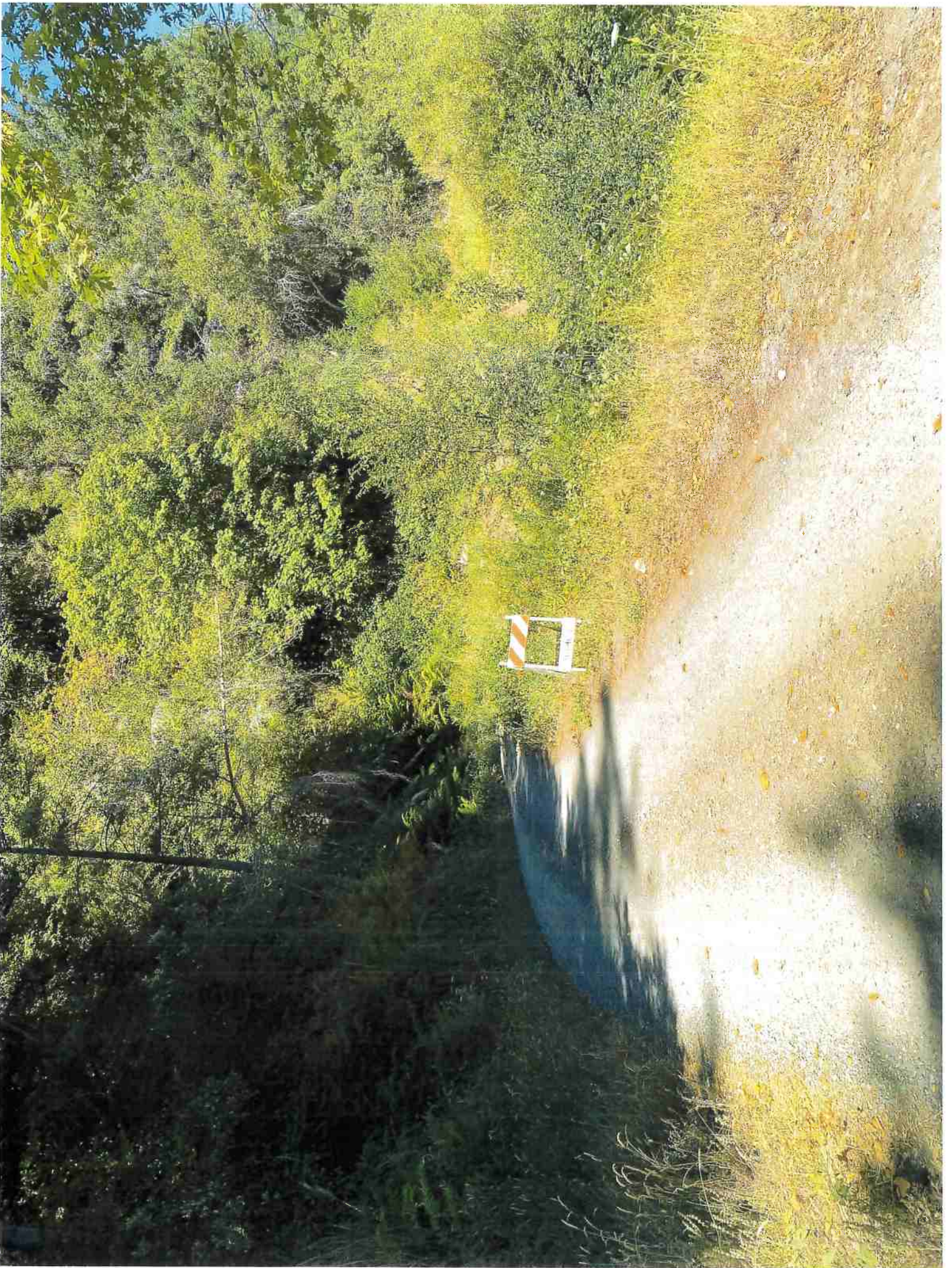








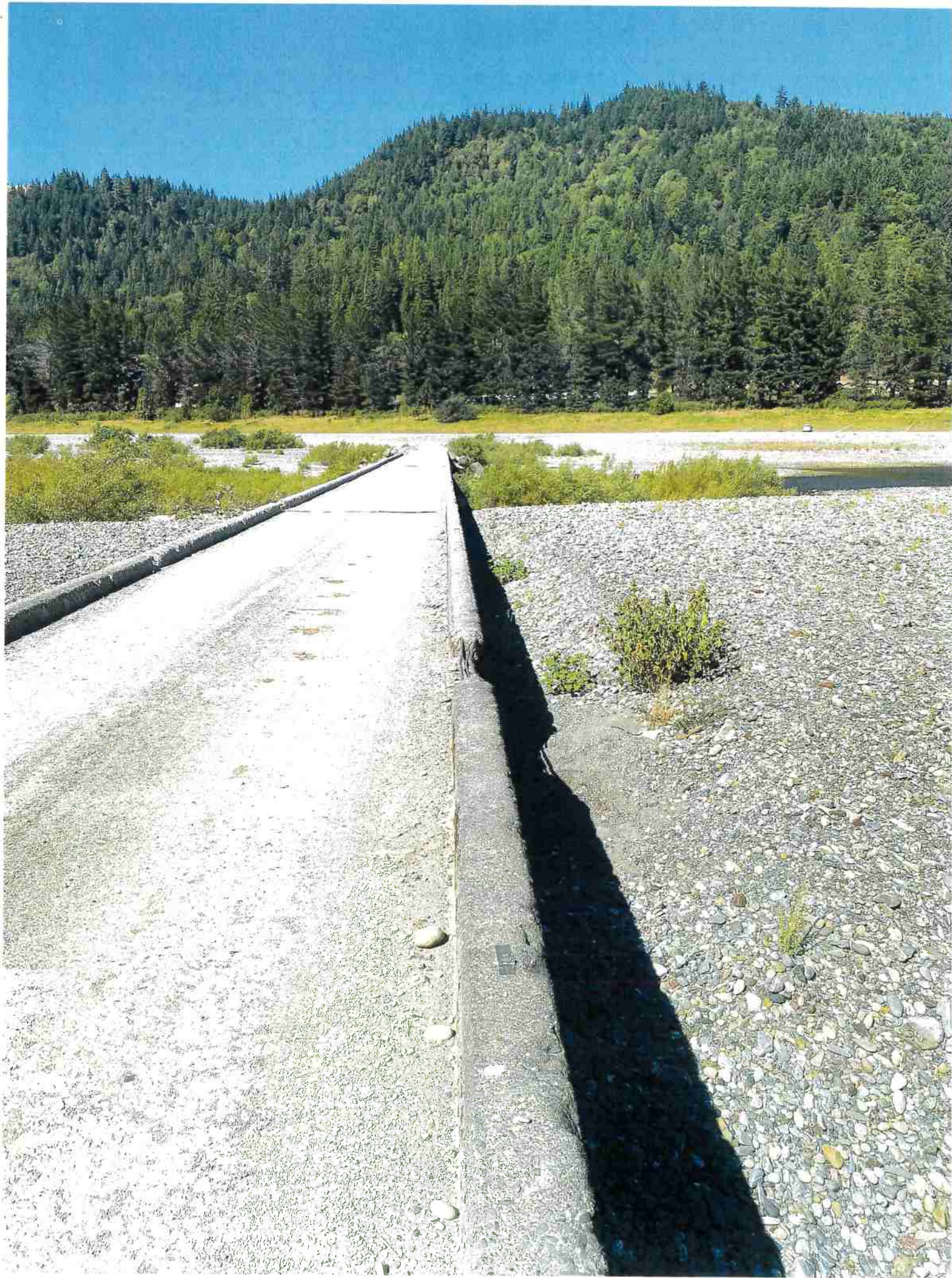






# ATTACHMENT E

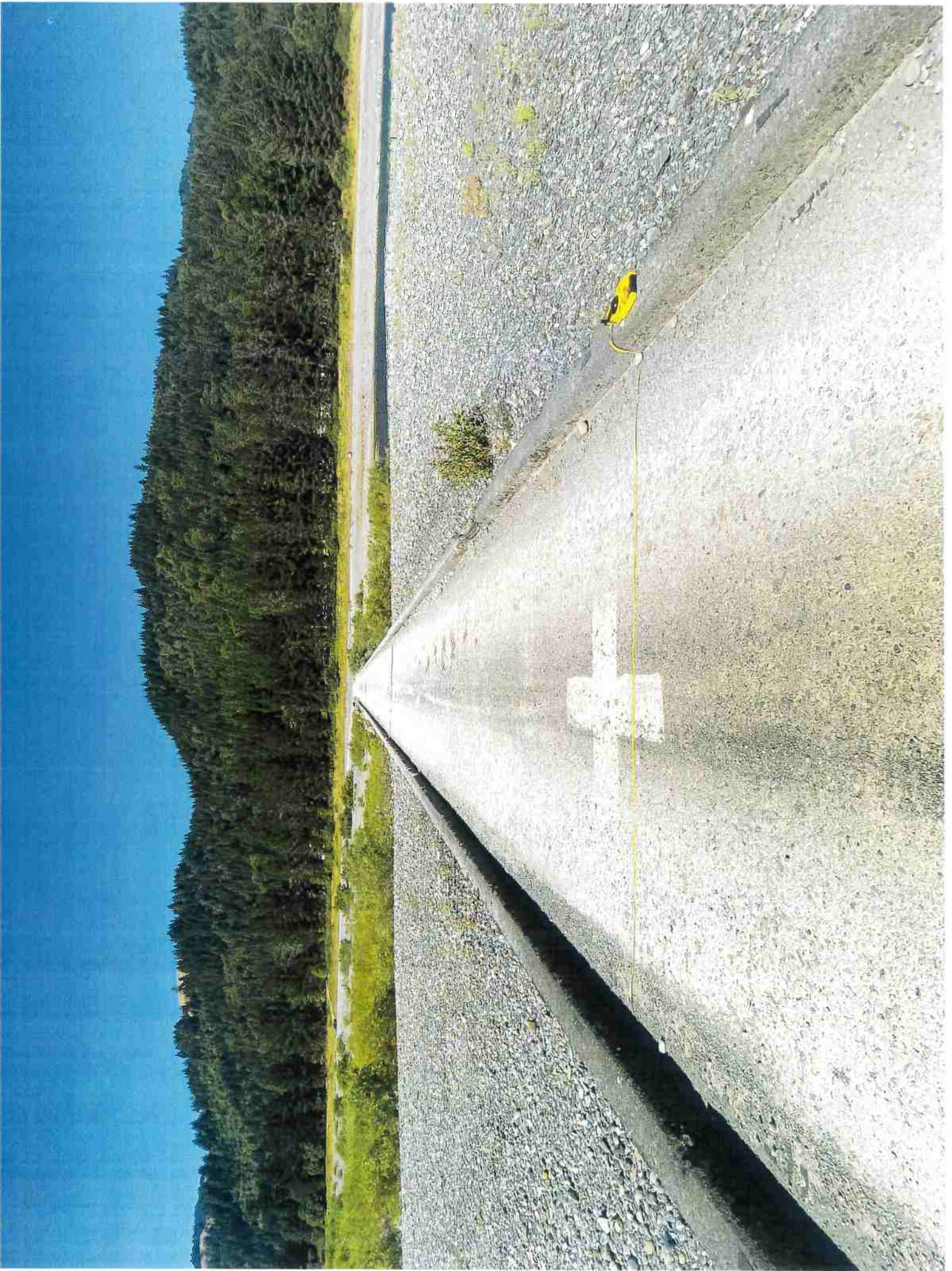




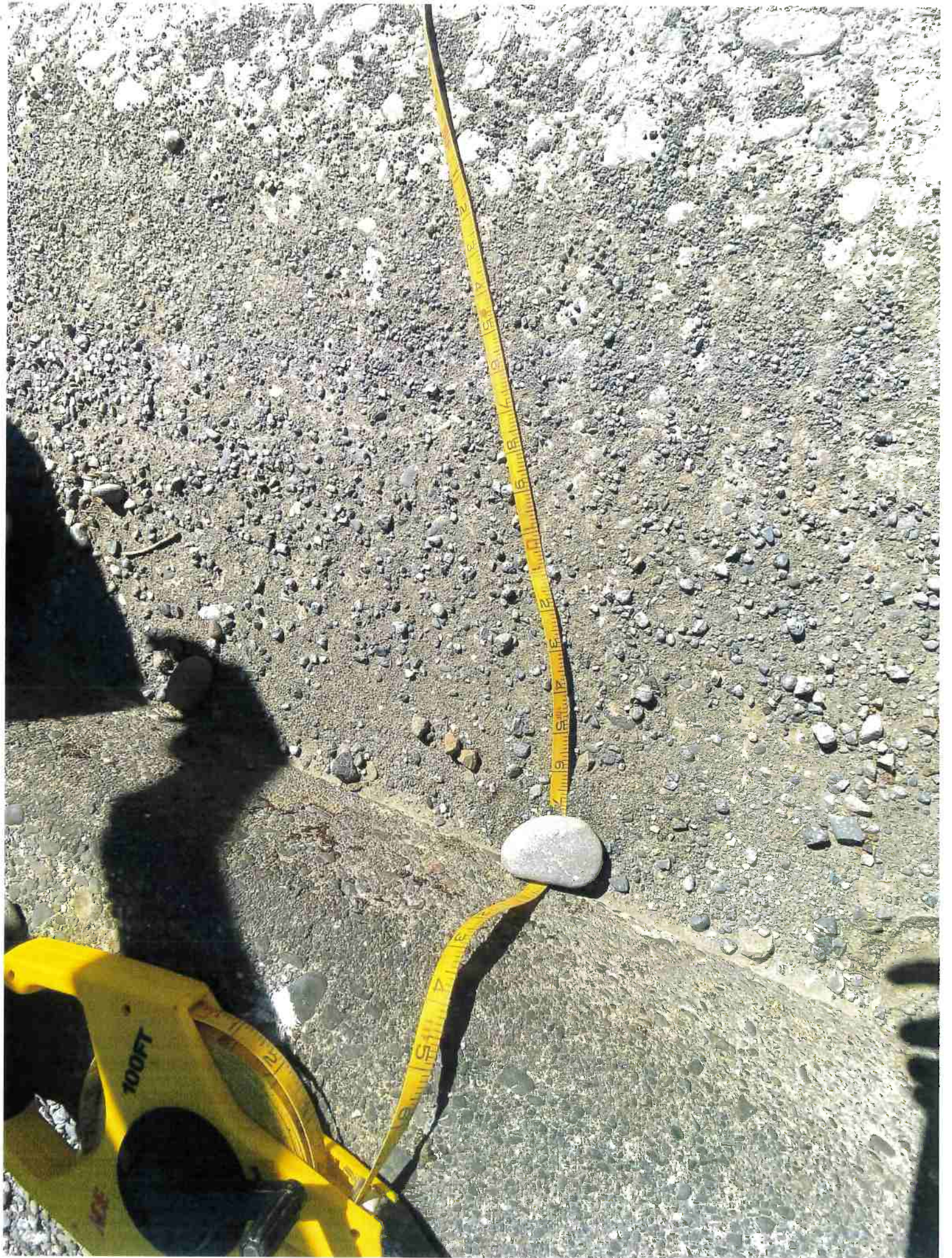














# ATTACHMENT F



# McCANN BRIDGE REPLACEMENT PROJECT

## HISTORY

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McCann is in an unincorporated area of Humboldt County located along the Wild and Scenic Eel River. Dyerville Loop Road is connected to McCann Road and the east side of the Eel River via a seasonal low-water crossing/bridge across the Eel River. This crossing becomes inundated and is formally open only 5 months a year. When the low-water crossing is closed, the residents on the east side of the river use a County-operated ferry boat.

In 1950, the Lindsey Lumber Company relocated to McCann from Bridgeville. Around this time, Humboldt County began operating the ferry to get residents and lumber mill workers across the river during the winter high water.

The existing low-water crossing was built in 1965 and is reportedly the third bridge at this location. Each of the two other bridges were washed out during flooding. The current bridge spans about half of the typical river channel, and each spring the County



grades roadway approaches across the gravel bar to allow for summertime use.

Unfortunately, several fatalities have occurred at the bridge over the years. In 1956, a man fell off the bridge and drowned while trying to push a vehicle after the driver dropped a wheel off the side of the bridge. In 1957, a husband and wife drowned when they fell in the river while trying to retie their own boat during a rising river. In 2015, a woman drowned when her kayak overturned while going under the existing bridge. The swift water pinned her kayak against the steel supports and she was unable to escape. The McCann Bridge Replacement Project aims to address these safety-related issues in addition to providing a reliable, year-round crossing.

To read more about the proposed McCann Bridge Replacement Project click [here](#).



## Milestones\*

2018

Project  
Development  
(Phase I)

2021

Final Project  
Design Begins  
(Phase II)

2023

Construction  
Begins  
(Phase III)

2025

Construction  
Complete

\*Estimated timeline subject to change

# ATTACHMENT G

McCann Ferry		
Date	Time	Message
<b>2020</b>		
1/6/2020	846	Road Closed, running the boat at McCann
1/13/2020	742	Running the boat at McCann
1/16/2020	737	Running the boat at McCann
1/17/2020	827	McCann Road is closed. Ferry is operational.
1/22/2020	754	McCann Road is closed. Ferry is operational.
1/28/2020	724	Running the boat at McCann
1/29/2020	740	Running the boat at McCann
1/30/2020	746	Running the boat at McCann
1/31/2020	729	Running the boat at McCann
4/6/2020	847	MC CANN RD closed, Ferry in operation
4/7/2020	1630	McCann Road is back open and the boat is out of the water.
5/17/2020	741	Boat operations at McCann
5/19/2020	645	Boat operations at McCann
<b>2019</b>		
1/07/2019	755	McCann Bridge is closed and the boat is in the water.
1/08/19	734	Running the boat at McCann
1/9/19	754	Running the boat at McCann
1/10/19	735	Running the boat at McCann
1/11/2019	756	Running the boat at McCann
1/13/19	756	Running the boat at McCann
1/14/2019	807	Running the boat at McCann
1/15/2019	753	Running the boat at McCann
1/17/2019	749	McCann Bridge Ferry is shut down for the day. The water is out of control and there is too much debris,
1/18/2019	810	McCann Ferry is open today.
1/22/2019	740	Running the boat at McCann
1/23/2019	754	Running the boat at McCann
1/24/2019	804	Running the boat at McCann
1/25/2019	834	Running the boat at McCann
1/28/2019	758	Running the boat at McCann
1/29/2019	733	Running the boat at McCann
1/30/2019	804	Running the boat at McCann
2/1/2019	739	Running the boat at McCann
2/3/2019	736	Running the boat at McCann
2/4/2019	737	Running the boat at McCann
2/5/2019	743	Running the boat at McCann
2/6/2019	807	Running the boat at McCann
2/7/2019	730	Running the boat at McCann
2/8/2019	750	Running the boat at McCann
2/13/2019	735	Running the boat at McCann
2/14/2019	747	McCann Ferry is shut down for the day due to high river conditions.
2/15/2019	843	McCann Ferry is shut down for the day due to high river conditions.
2/19/2019	900	Running the boat at McCann
2/20/2019	716	Running the boat at McCann
2/21/2019	756	Running the boat at McCann
2/22/2019	745	Running the boat at McCann
2/25/2019	735	Running the boat at McCann
2/26/2019	732	Not running McCann Ferry today due to unsafe river conditions.
3/1/2019	807	McCann is back open.
3/4/2019	736	Running the boat at McCann
3/6/2019	732	Running the boat at McCann
3/7/2019	744	Running the boat at McCann
3/8/2019	750	Running the boat at McCann
3/11/2019	638	Running the boat at McCann
3/12/2019	644	Running the boat at McCann
3/13/2019	646	Running the boat at McCann
3/14/2019	628	Running the boat at McCann
3/18/2019	701	Running the boat at McCann
3/19/2019	636	Running the boat at McCann
3/20/2019	723	Running the boat at McCann
3/21/2019	810	Running the boat at McCann
3/25/2019	656	Running the boat at McCann
3/26/2019	700	Running the boat at McCann
3/27/2019	649	Running the boat at McCann
3/28/2019	639	Running the boat at McCann
4/2/2019	646	Running the boat at McCann
4/3/2019	643	Running the boat at McCann
4/4/2019	648	Running the boat at McCann
4/8/2019	644	Running the boat at McCann

4/9/2019	646	Running the boat at McCann
4/10/2019	635	Running the boat at McCann
4/11/2019	634	Running the boat at McCann
4/15/2019	646	Running the boat at McCann
4/16/2019	834	Running the boat at McCann
4/17/2019	642	Running the boat at McCann
4/18/2019	645	Running the boat at McCann
4/22/2019	651	McCann Bridge is back open.
5/17/2019	816	McCann bridge is closed and McCann Ferry is running
5/20/2019	641	Running the boat at McCann
5/21/2019	638	Running the boat at McCann
5/22/2019	637	Running the boat at McCann
5/23/2019	631	Running the boat at McCann
6/6/2019	629	Running the boat at McCann
10/15/2019	630	Running the boat at McCann
11/4/2019	741	Running the boat at McCann
11/6/2019	801	Running the boat at McCann
11/7/2019	920	Running the boat at McCann
11/8/2019	746	Running the boat at McCann
12/9/2019	1525	McCann Bridge is now open and the boat is out of the water.
<b>2018</b>		
1/19/2018	804	Running the boat at McCann
1/22/2018	733	Running the boat at McCann
1/23/2018	744	Running the boat at McCann
1/24/2018	721	Running the boat at McCann
1/25/2018	735	Running the boat at McCann
1/26/2018	745	Running the boat at McCann
1/29/2018	743	Running the boat at McCann
1/30/2018	737	Running the boat at McCann
1/31/2018	747	Running the boat at McCann
2/5/2018	652	Caller- How to access McCann area? Bridge is in. No ferry needed until we get significant rain
3/2/2018	816	McCann Road closed. Ferry is running.
3/5/2018	749	Running the boat at McCann
3/6/2018	729	McCann Road is open.
3/13/2018	631	Running the boat at McCann
3/14/2018	709	Running the boat at McCann
3/15/2018	632	Running the boat at McCann
3/19/2018	640	Running the boat at McCann
3/20/2018	644	Running the boat at McCann
3/21/2018	647	Running the boat at McCann
3/22/2018	631	Running the boat at McCann
3/26/2018	642	Running the boat at McCann
3/27/2018	647	Running the boat at McCann
3/28/2018	634	Running the boat at McCann
3/29/2018	632	Running the boat at McCann
4/2/2018	644	Working on bridge approach
4/9/2018	647	Running the boat at McCann
4/10/2018	642	Running the boat at McCann
4/11/2018	642	Running the boat at McCann
4/12/2018	632	Running the boat at McCann
4/16/2018	641	Running the boat at McCann
4/17/2018	641	Running the boat at McCann
4/18/2019	649	Running the boat at McCann
4/19/2018	648	Running the boat at McCann
12/27/2018	640	Working on bridge approach
<b>2017</b>		
1/4/2017	742	Running the boat at McCann
1/5/2017	734	Running the boat at McCann
1/6/2017	739	Running the boat at McCann
1/8/2017	1037	Ferry not running- dangerous conditions
1/9/2017	900	McCann Ferry suspended – too much debris in water
1/10/2017	738	The McCann Ferry will not operate today due to wood drift.
1/11/2017	751	Boat operations at McCann are suspended ( Debris )
1/12/2017	737	Boat operations at McCann limited schedule today.
1/17/2017	748	Running the boat at McCann
1/17/2017	749	Running the boat at McCann
1/20/2017	738	Running the boat at McCann
1/23/2017	738	Running the boat at McCann
1/24/2017	739	Running the boat at McCann
1/26/2017	803	Running the boat at McCann



1/30/2017	724	Running the boat at McCann
1/31/2017	734	Running the boat at McCann
2/1/2017	730	Running the boat at McCann
2/2/2017	733	Running the boat at McCann
2/3/2017	737	Running the boat at McCann
2/6/2017	727	Running the boat at McCann
2/7/2017	751	Boat operations at McCann have been suspended due to water and road conditions in area
2/8/2017	730	Boat operations at McCann have been suspended due to River & road conditions
2/9/2017	736	Boat operations at McCann have been suspended due to River & road conditions
2/10/2017	731	Boat operations at McCann have been suspended, will try to run Ferry this weekend
2/14/2017	746	Running the boat at McCann
2/15/2017	736	Running the boat at McCann
2/16/2017	736	Running the boat at McCann
		Running the boat at McCann. The Boat operations at McCann may be interrupted early next
2/17/2017	805	week if the NOAA's predictions are correct
2/21/2017	740	Boat operations at McCann have been suspended
2/22/2017	738	Running the boat at McCann
2/23/2017	735	Running the boat at McCann
2/24/2017	738	Running the boat at McCann
2/27/2017	745	Running the boat at McCann
2/28/2017	746	Running the boat at McCann
3/1/2017	749	Running the boat at McCann
3/2/2017	746	Running the boat at McCann
3/3/2017	734	Running the boat at McCann
3/6/2017	739	Running the boat at McCann
3/7/2017	710	Running the boat at McCann
3/8/2017	735	Running the boat at McCann
3/9/2017	744	Running the boat at McCann
3/10/2017	744	Running boat at McCann, Saturday and Sunday too
3/13/2017	739	Running the boat at McCann
3/14/2017	635	Running the boat at McCann
3/15/2017	703	Running the boat at McCann
3/16/2017	713	Running the boat at McCann
3/20/2017	644	Running the boat at McCann
3/21/2017	635	Running the boat at McCann
3/22/2017	637	Running the boat at McCann
3/23/2017	634	Running the boat at McCann
3/27/2017	638	Running the boat at McCann
3/28/2017	628	Running the boat at McCann
3/29/2017	642	Running the boat at McCann
3/30/2017	632	Running the boat at McCann
4/3/2017	638	Running the boat at McCann
4/4/2017	637	Running the boat at McCann
4/4/2017	1600	Road is open
4/10/2017	641	Running the boat at McCann
4/11/2017	625	Running the boat at McCann
4/12/2017	640	Running the boat at McCann
4/13/2017	637	Running the boat at McCann
4/17/2017	645	Running the boat at McCann
4/18/2017	649	Running the boat at McCann
4/19/2017	643	Running the boat at McCann
4/20/2017	637	Running the boat at McCann
4/24/2017	646	Running the boat at McCann
4/25/2017	647	Running the boat at McCann
5/1/2017	638	Running the boat at McCann
5/2/2017	1700	McCann Rd is now open for the season.
11/17/2017	822	McCann Road closed. Ferry is running.
11/22/2017		Ferry will be running this weekend
11/27/2017	749	Running the boat at McCann
11/28/2017	733	Running the boat at McCann
<b>2016</b>		
1/04/16	714	Running the boat at McCann
1/05/16	739	Running the boat at McCann
1/06/19	734	Running the boat at McCann
1/07/19	734	Running the boat at McCann
1/08/16	739	Running the boat at McCann
1/11/16	730	Running the boat at McCann
1/12/16	745	Running the boat at McCann
1/13/16	730	Running the boat at McCann
1/14/16	733	Running the boat at McCann
1/15/16	730	Running the boat at McCann

1/17/16	625	McCann Ferry shut down, possible start-up on Tuesday, January 19.
1/19/16	930	McCann Ferry still not running
1/20/16	830	McCann Ferry is running
1/21/16	742	Running the boat at McCann
1/22/16	730	Running the boat at McCann
1/25/16	746	Running the boat at McCann
1/26/16	930	McCann Ferry will be shut down until 2:30
1/27/16	815	Running the boat at McCann
		McCann Ferry will be shut down until 230 today. Also, may run ferry on Sunday vs. Saturday
1/28/2016	901	due to weather.
1/29/2016	1030	McCann Ferry will be shut down until 2:30
2/1/2016	748	Ferry not running today, due to illness
2/3/2016	735	Running the boat at McCann
2/4/2016	736	Ferry not running today, due to illness
2/5/2016	734	Running the boat at McCann, working on approach
2/8/2016	750	McCann open
2/18/2016	731	Running the boat at McCann
2/19/2016	743	Running the boat at McCann
2/22/2016	748	Working on bridge approach
3/7/2016	738	Running the boat at McCann
3/8/2016	741	Running the boat at McCann
3/9/2016	730	Running the boat at McCann
3/10/2016	730	Running the boat at McCann
3/11/2016	749	Running the boat at McCann
3/14/2016	647	Running the boat at McCann
3/16/2016	630	Running the boat at McCann
3/17/2016	638	Running the boat at McCann
3/18/2019		Running the boat at McCann
3/19/2016		Running the boat at McCann
3/21/2016	640	Running the boat at McCann
3/22/2016	644	Running the boat at McCann
3/23/2016	636	Running the boat at McCann
3/24/2016	634	Running the boat at McCann
3/28/2016	646	Running the boat at McCann
3/29/2016	656	Running the boat at McCann
3/30/2016	646	Running the boat at McCann
5/9/2016	638	Grading bridge approach
10/17/2016	643	Running the boat at McCann
10/31/2016	659	Bridge is closed, boat is in the water
11/1/2016	640	Running the boat at McCann
11/3/2016	647	Running the boat at McCann
11/7/2016	730	Running the boat at McCann
11/21/2016	740	Running the boat at McCann
11/22/2016	802	Running the boat at McCann
11/23/2016	823	Running the boat at McCann
11/28/2016	731	Running the boat at McCann
11/29/2016	751	Running the boat at McCann
11/30/2016	736	Running the boat at McCann
12/1/2016	804	Running the boat at McCann
12/9/2016	753	Running the boat at McCann
12/12/2016	736	Running the boat at McCann
12/13/2016	818	Running the boat at McCann
12/14/2016	742	Running the boat at McCann
12/15/2016	810	Running the boat at McCann
12/16/2016	745	Running the boat at McCann
12/19/2016	726	Running the boat at McCann
12/20/2016	715	Running the boat at McCann
12/21/2016	729	Running the boat at McCann
12/22/2019	734	Running the boat at McCann
12/23/2016	730	Running the boat at McCann
12/27/2016	758	Running the boat at McCann, working on bridge approach
<b>2015</b>		
2/6/2015	730	Running the boat at McCann
2/9/2015	730	Running the boat at McCann
2/10/2015	730	Running the boat at McCann
2/11/2015	730	Running the boat at McCann
2/13/2015	737	Running the boat at McCann
2/17/2015	738	Running the boat at McCann
12/1/2015	816	Running the boat at McCann
12/10/2015	733	Running the boat at McCann
12/11/2015	744	Running the boat at McCann
12/14/2015	810	Boat not working

12/15/2015	747	Running the boat at McCann
12/16/2015	736	Running the boat at McCann
12/17/2015	732	Running the boat at McCann
12/18/2015	734	Running the boat at McCann
12/21/2015	718	Running the boat at McCann
12/22/2015	714	Running the boat at McCann
12/23/2015	730	Running the boat at McCann
12/24/2015	730	Running the boat at McCann
12/28/2015	747	Running the boat at McCann
12/29/2015	738	Running the boat at McCann
<b>2014</b>		
2/10/2014	1030	McCann Road closed a low water bridge, boat in operation
2/11/2014	807	Running the boat at McCann
2/13/2014	730	Running the boat at McCann
2/14/2014	741	Boat Operations as required
2/27/2014	735	Running the boat at McCann
2/28/2014	743	Running the boat at McCann
3/3/2014	742	Running the boat at McCann
3/4/2014	730	Running the boat at McCann
3/5/2014	750	Running the boat at McCann
3/6/2014	731	Running the boat at McCann
3/7/2014	755	Running the boat at McCann
3/10/2014	742	Running the boat at McCann
3/11/2014	741	Running the boat at McCann
3/12/2014	734	Running the boat at McCann
3/13/2014	741	Running the boat at McCann
3/13/2014	1422	McCann Road is open
3/26/2014	637	Running the boat at McCann
3/31/2014	641	Running the boat at McCann
4/1/2014	639	Running the boat at McCann
4/2/2014	648	Running the boat at McCann
4/3/2014	642	Running the boat at McCann
4/7/2014	631	Running the boat at McCann
11/24/2014	733	Running the boat at McCann
12/1/2014	734	Running the boat at McCann
12/3/2014	730	Running the boat at McCann
12/4/2014	737	Running the boat at McCann
12/5/2014	730	Running the boat at McCann
12/8/2014	737	Running the boat at McCann
12/9/2014	731	Running the boat at McCann
12/10/2014	737	Running the boat at McCann
12/12/2014	739	Running the boat at McCann
12/15/2014	730	Running the boat at McCann
12/16/2014	734	Running the boat at McCann
12/17/2014	748	Running the boat at McCann
12/18/2014	737	Running the boat at McCann
12/19/2014	741	Running the boat at McCann
12/22/2014	734	Running the boat at McCann
12/23/2014	738	Running the boat at McCann
12/24/2014	730	Running the boat at McCann
12/29/2014	737	Running the boat at McCann, working on bridge approach
<b>2013</b>		
1/2/13	748	Running the boat at McCann
1/10/13	735	Boat Operations as required
1/11/13	733	Boat Operations as required
1/25/2013	1445	The Bridge at McCann is closed. The boat is running
1/28/2013	737	Running the boat at McCann
3/6/2013	1556	Bridge @ McCann Closed, boat is running
3/7/2013	735	Running the boat at McCann
3/8/2013	1325	McCann Road is open, boat no longer running.
4/8/2013	646	Running the boat at McCann
10/8/2016	645	Running the boat at McCann
11/6/2013	739	Running the boat at McCann
<b>2012</b>		
1/20/2012	837	McCann closed, boat in operation
1/23/2012	727	Running the boat at McCann
1/24/2013	743	Running the boat at McCann
1/25/2012	726	Running the boat at McCann
1/26/2012	721	Running the boat at McCann
1/30/2012	730	Running the boat at McCann

2/29/2012	730	Running the boat at McCann
3/5/2012	730	Unpaved rd. restoration at McCann bridge approach
3/6/2012	743	Unpaved rd. restoration at McCann bridge approach
3/14/2012	744	Running the boat at McCann
3/16/2012	730	Running the boat at McCann
3/19/2012	647	Running the boat at McCann
3/20/2012	648	Running the boat at McCann
3/21/2012	640	Running the boat at McCann
3/22/2012	649	Running the boat at McCann
3/28/2012	752	The Boat operation at McCann has been shut down due to excessive wood drifts
3/29/2012	642	Conditions will be monitored for the next several days, We will resume operations ASAP
3/30/2012	1057	Boat shut down until 1300
4/2/2012	648	Running the boat at McCann
4/3/2012	638	Running the boat at McCann
4/5/2012	645	Running the boat at McCann
4/9/2012	652	Running the boat at McCann
4/10/2012	639	Running the boat at McCann
4/11/2012	644	Running the boat at McCann
4/12/2012	713	Running the boat at McCann
4/16/2012	646	Running the boat at McCann
4/18/2012	639	Running the boat at McCann
4/19/2012	644	Running the boat at McCann
4/23/2012	650	Running the boat at McCann
4/24/2012	640	Running the boat at McCann
11/21/2012	1006	McCann Road is closed and the boat is in the water
12/2/2012	903	Too much debris in water, boat will not be running
12/17/2012	920	Bridge on McCann Road is closed, boat is operating
12/18/2012	742	Running the boat at McCann
12/19/2012	722	Running the boat at McCann
12/20/2012	733	Running the boat at McCann
12/21/2012	751	Running the boat at McCann
12/24/2012	743	Running the boat at McCann
12/26/2012	728	Running the boat at McCann
12/27/2012	729	Running the boat at McCann
12/28/2012	734	Running the boat at McCann
12/31/2012	728	Running the boat at McCann



# ATTACHMENT H







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STATE OF COLORADO  
REGISTERED PROFESSIONAL ENGINEER  
No. 10000  
Exp. 12/31/2025

DATE: 10/15/2024  
BY: J. B. BROWN



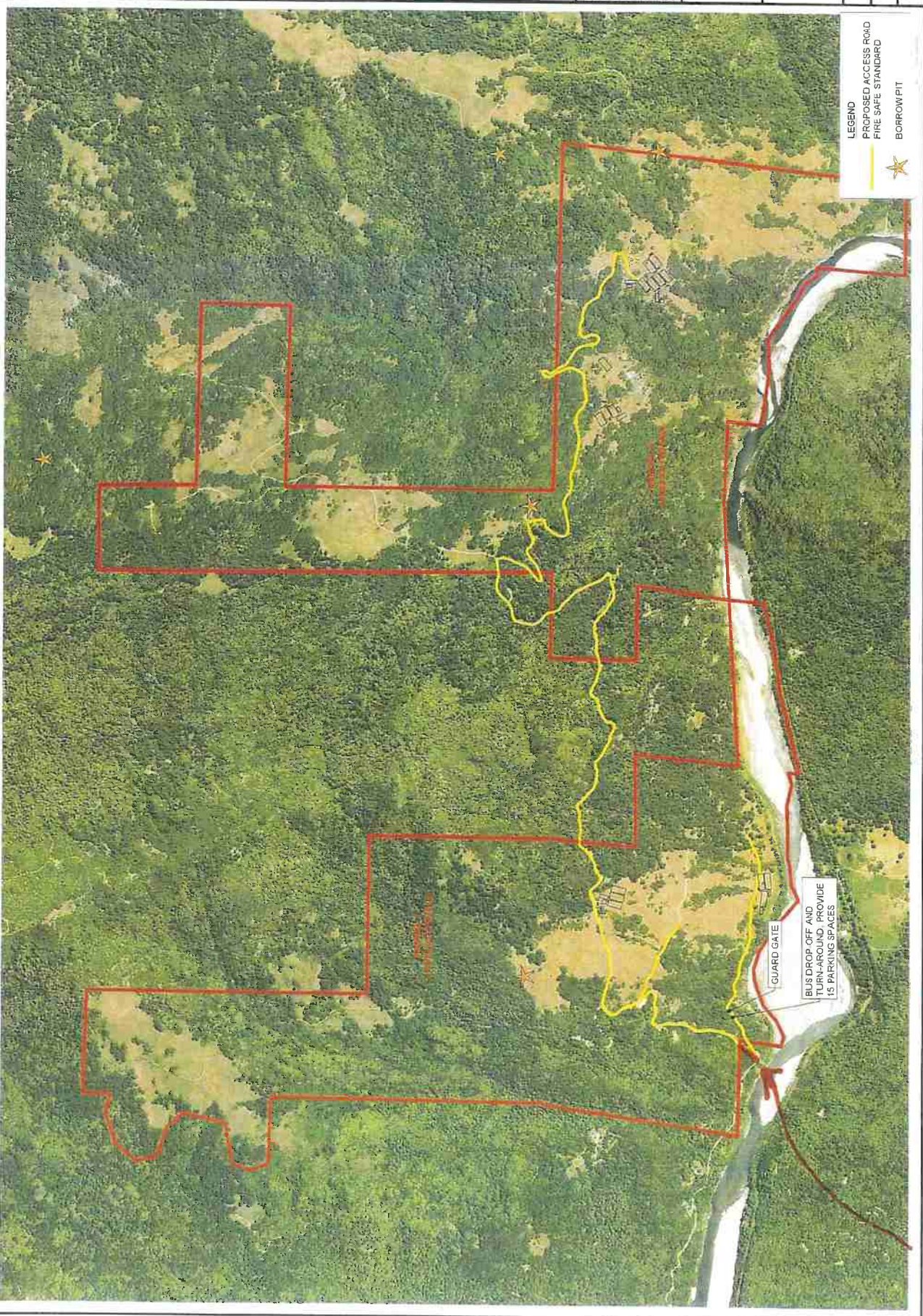
PROJECT TITLE  
**ROLLING MEADOWS RANCH  
HUMBOLDT COUNTY, CA**

SHEET TITLE  
**ACCESS ROAD  
EXHIBIT**

PROJECT NO.  
11387

DRAWING NO.  
11387-200-005

SHEET  
1 of 1



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Part of Private Road  
Not on Rolling Meadows Ranch



# DEED MAP for ROLLING MEADOWS RANCH INC. SECTION 2, TOWNSHIP 2 SOUTH, RANGE 3 EAST, H.M.

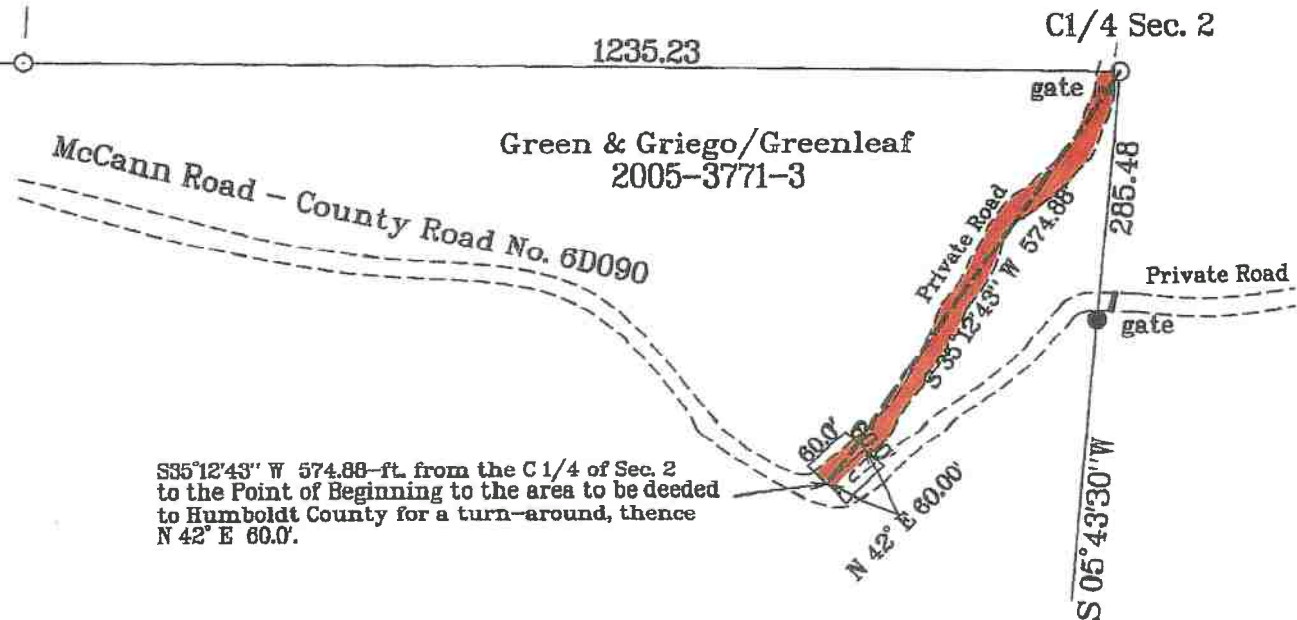
## LEGEND:

- 5/8-in. X 36-in. rebar with 1 1/2-in. LS 4570 plastic cap
- Found and accepted a 5/8-in. rebar with aluminum cap stamped "LS 3945" per Book 52 of Surveys, page 55
- Road, approximate location



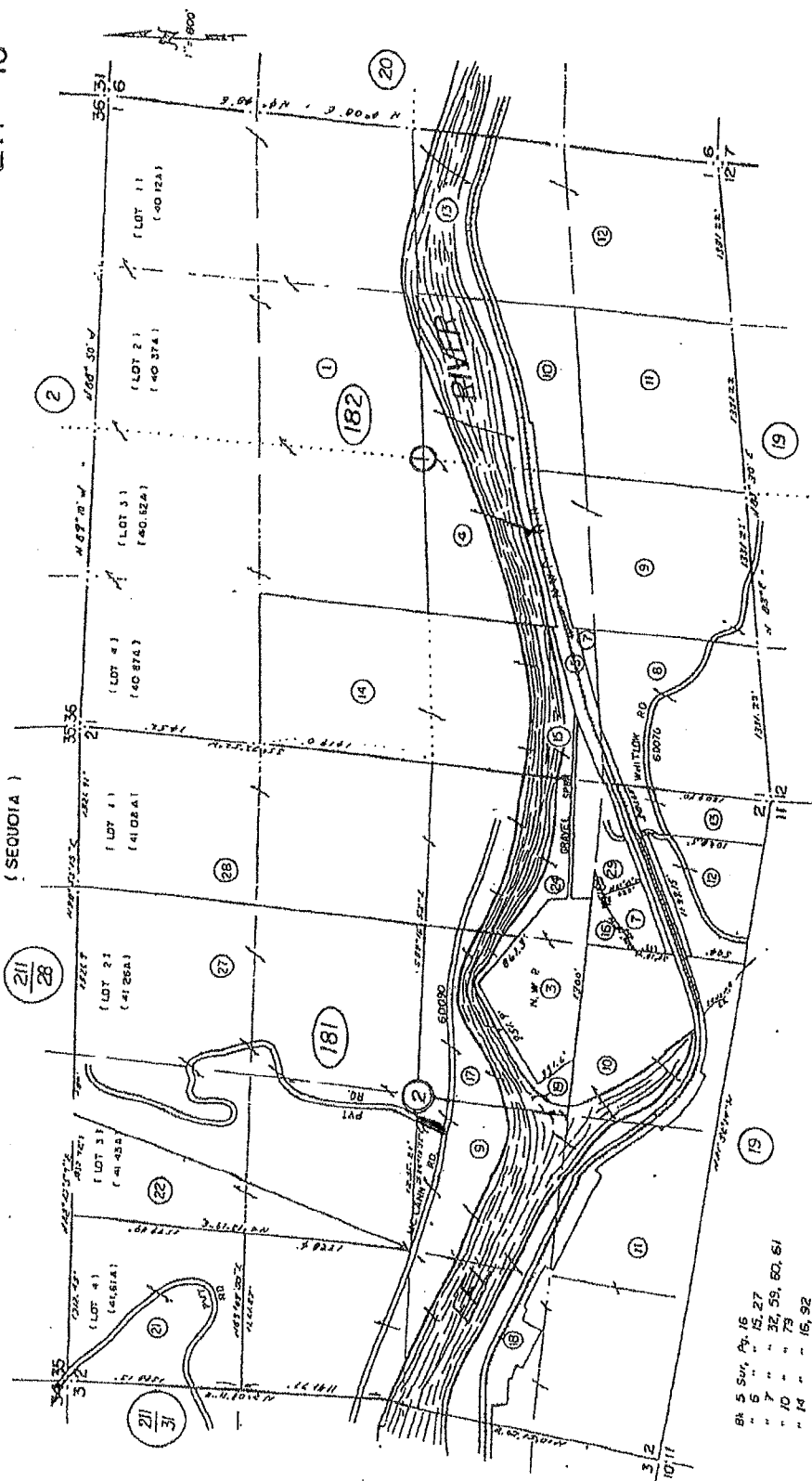
Scale 1"=200'

Rolling Meadow Ranch Inc.  
2005-32130-6  
(Tract Three-B Parcel One & Parcel Two)





SECS 1 & 2, 2S 3E 217-18



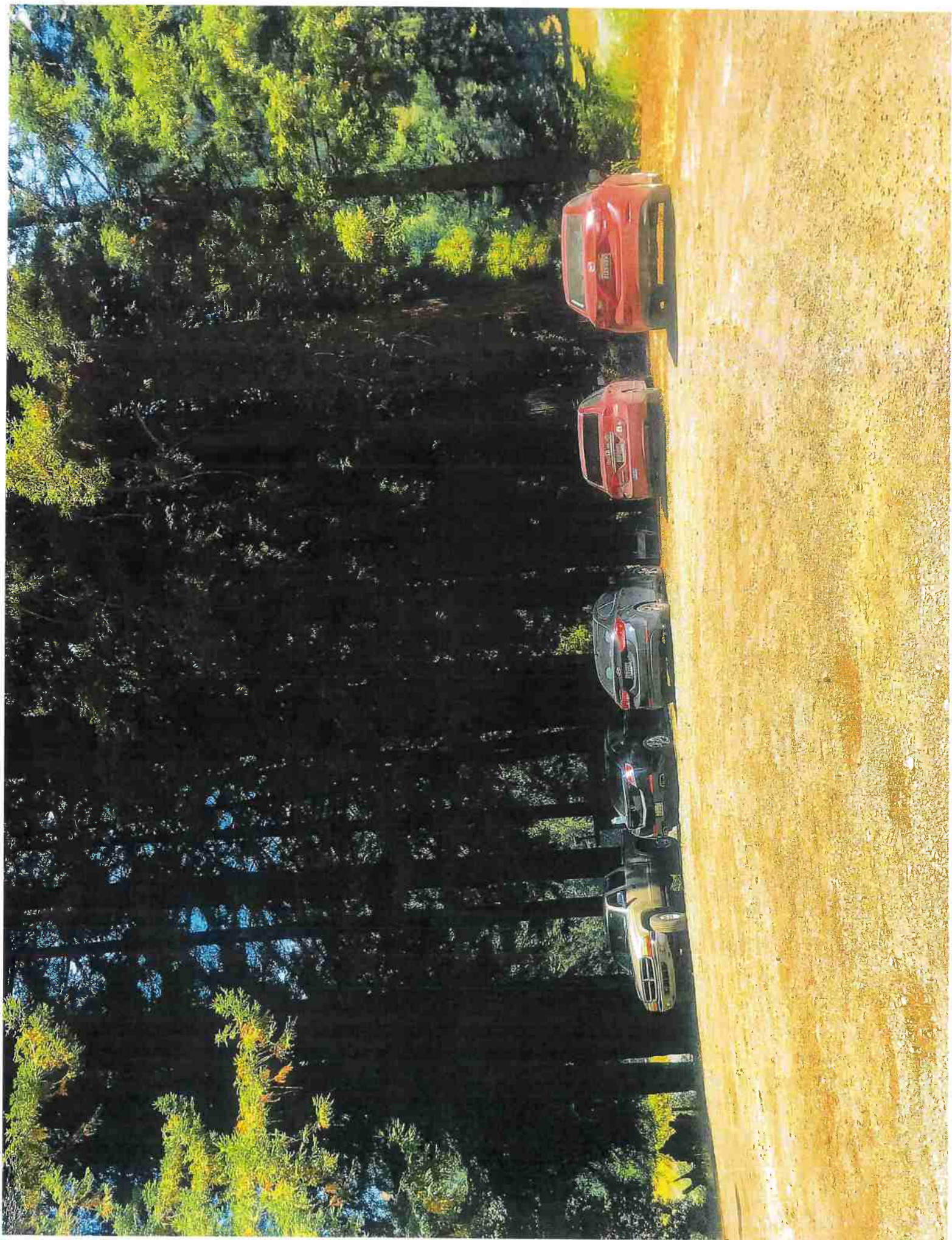
NOTES

217-182-03 : PTN SEE NO 853-12-84 PAK 5  
217-181-18 : PTN SEE NO 853-12-84 PAK 5

- BA 5 Sur, Pk 16
- " 6 " " 15, 27
- " 7 " " 32, 55, 80, 61
- " 10 " " 75
- " 14 " " 16, 92
- " 33 " " 33
- " 52 " " 55

# ATTACHMENT I









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September 10, 2020

VIA EMAIL AND HAND DELIVERY

County of Humboldt  
Humboldt County Planning Commission  
Hon. Alan Bongio, Chair  
825 5th Street, Room 111  
Eureka, CA 95501  
[Planningclerk@co.humboldt.ca.us](mailto: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](mailto:mryan2@co.humboldt.ca.us)

Re: **Supplemental Comments Concerning IS/MND for the Rolling Meadow Ranch, LLC;  
Conditional Use Permits for Commercial Cannabis Facilities**  
(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 and objections, which supplement those outlined in Petitioners' previous comment letter dated August 17, 2020, concerning the proposed Rolling Meadow Ranch, LLC Commercial Cannabis Project ("Project").

The Project involves large-scale cultivation and processing of cannabis on an isolated "greenfield" property located adjacent to the Eel River in rural Humboldt County. The Project site is previously undeveloped and has limited road access. The applicant seeks seven (7) Conditional Use Permits ("CUPs") for 5.77 acres of cultivation and processing facilities. Cultivation would occur in 16 greenhouses. Operations would occur year-round, with a maximum of four cultivation cycles annually.

After careful review of the IS/MND, the comments submitted by the California Department of Fish and Wildlife ("CDFW") and other available information concerning this Project and its setting, Petitioners maintain that the IS/MND does not fulfill the fundamental objectives under the California Environmental Quality Act ("CEQA") of informing the public and the decision makers of the significant environmental effects of the Project and avoiding or



mitigating those significant impacts to the extent feasible.<sup>1</sup> As explained previously and reiterated in the comments below, based on our review, we conclude that the IS/MND does not analyze the impacts from the “whole of the project” as required and attempts to “sweep under the rug” difficult issues concerning site access, traffic safety impacts, impacts to biological resources, land use impacts, and cumulative impacts. Thus, the environmental analysis of the Project conducted pursuant to CEQA remains fundamentally flawed. Accordingly, either an environmental impact report (“EIR”) must be prepared that squarely addresses these significant impacts and the flawed and/or incomplete analysis contained in the Project’s IS/MND or the Planning Commission should deny the permit application.

The experience and expertise of government officials, such as CDFW’s Curt Babcock, CDFW’s Northern Region Habitat Conservation Program Manager, qualifies CDFW’s comments on the IS/MND to serve as substantial evidence of the numerous ways in which the IS/MND does not comply with the procedural and substantive requirements of CEQA.<sup>2</sup> Petitioners’ comments, CDFW’s comments, and the evidence cited in these comments demonstrate that the Planning Commission may not approve the Project unless and until an adequate project-level EIR is prepared and is recirculated for public review and comment.

By submitting these comments and otherwise participating in the administrative process for this Project, Petitioners intend to protect the quality of the environment in the County and in the vicinity of this area of the Eel River for all residents, businesses, and visitors in the area, both now and for future generations. The failures in the IS/MND to describe the “whole of the project”, establish an accurate environmental baseline, squarely address the potential impacts of this Project with proper analysis, and propose adequate mitigation violates CEQA’s purposes. By participating in the environmental review process for this Project, our clients seek to enforce important rights affecting a broad public interest.

With this background, Petitioners respectfully submit the following additional comments on the IS/MND and supplemental materials prepared and recently made available for the Planning Commission meeting. We request that the Planning Commission members carefully consider these and prior comments before deciding whether to certify the IS/MND and approve the Project.<sup>3</sup>

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<sup>1</sup> See, e.g., Pub. Resources Code, §§ 21000, 21001; see also CEQA Guidelines, § 15002(a); see also *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 254-256; *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354 .

<sup>2</sup> See *Sierra Club v. California Dept. of Forestry & Fire Protection* (2007) 150 Cal.App.4th 370, 382 [comments by qualified experts constitute substantial evidence that EIR is inadequate]; see also *City of Arcadia v. SWRCB* (2006) 135 Cal.App.4th 1392, 1425 [comments of government officials on anticipated environmental impacts constitutes substantial evidence that EIR is inadequate]; see also *City of Rancho Cucamonga v. Regional Water Quality Control Board* (2006) 135 Cal.App.4th 1377, 1387 [comments of agency staff constitute substantial evidence].)

<sup>3</sup> See Petitioners’ comments on the IS/MND, dated August 17, 2020.

**I. Introduction:****A. Overview of IS/MND Deficiencies**

As described in more detail below, the IS/MND is deficient in the following respects:

- *Piecemealed environmental review:* The IS/MND fails to analyze the whole of the project by failing to consider necessary improvements for (1) all Project access roads so that they comply with applicable “Category 4” road requirements and (2) all internal ranch roads and stream crossings to meet other regulatory requirements.
- *Inadequate Project Description:* The IS/MND’s description of the Project fails to identify important details concerning Project roadway and parking lot design, Project construction, and details concerning Project operation.
- *Potentially significant unmitigated traffic safety impacts:* The IS/MND glosses over potentially significant traffic safety impacts that may be caused by the impermissibly narrow access roads.
- *Potentially significant unmitigated public services impacts:* The Project’s impermissibly narrow access roads also may cause potentially significant impacts to public services, including fire and police protection, and other emergency responses. The IS/MND disregards these potentially significant impacts.
- *Potentially significant unmitigated biological resources impacts:* Because protocol wildlife and wetland surveys were not conducted as required, the IS/MND fails to establish an accurate baseline by which to measure Project impacts. The IS/MND disregards the Project’s potential to significantly impact threatened and endangered species, rare plant communities, and wetlands. Comments from the California Department of Fish and Wildlife (“CDFW”) suggest that the preparers did not consult with that agency concerning the scope of environmental review in general and these potentially significant impacts in particular, as required.
- *Potentially significant unmitigated construction-period air quality impacts:* The IS/MND fails to quantify the emissions that will result from Project construction. Construction activities may expose offsite receptors to diesel exhaust and fugitive dust. The IS/MND relies on unspecified conditions that may be included in a permit from the air district to conclude that air quality impacts would be reduced to less-than-significant. There is no substantial evidence to support this finding.
- *Potentially significant unmitigated land use impacts:* The IS/MND disregards, without careful factually supported analysis, the Project’s substantial inconsistencies with Humboldt County Code (“HCC”) requirements applicable to commercial cannabis operations.

- *Potentially significant unmitigated cumulative impacts:* The cumulative impact analysis is perfunctory and fails to satisfy the requirements of CEQA. The analysis must be revised to consider all relevant past, present, and reasonably foreseeable probable future projects that will cause impacts that can combine with the impacts of this Project. The conclusory analysis, fails to identify, much less consider, the cumulative impacts caused by numerous past, present, and reasonably probable future projects in the nearby vicinity and the region. The IS/MND must also analyze whether the Project's incremental contributions to cumulative impacts, even if not directly or indirectly significant, are cumulatively considerable.

The Planning Commission should not approve the Project based on this inadequate IS/MND. Instead, 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 prepare an EIR or deny the application for the 7 CUPs.

#### **B. CEQA's Provisions Militate in Favor of Preparing an EIR**

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the "fair argument" standard. Under that standard, a lead agency must prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.<sup>4</sup> In contrast,

"CEQA excuses the preparation of an EIR and allows the use of a negative declaration when an initial study shows that there is no substantial evidence that the project may have a significant effect on the environment." [Citations.] In certain situations where a straightforward negative declaration is not appropriate, the agency may permit the use of a mitigated negative declaration. [Citations.]<sup>5</sup>

A mitigated negative declaration may be prepared instead of an EIR only when, after preparing an initial study, a lead agency determines that a project may have a significant effect on the environment, but:

- (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released

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<sup>4</sup> Pub. Res. Code § 21082.2; CEQA Guidelines § 15064(f), (h); *Laurel Heights II*, *supra*, 6 Cal. 4th at p. 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602.

<sup>5</sup> *Inyo Citizens for Better Planning v. Board of Supervisors* (2009) 180 Cal.App.4th 1, 6-7 (emphasis added), quoting *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1372-1374.

for public review *would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur*, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.<sup>6</sup>

Courts have held that, “[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.”<sup>7</sup> The fair argument standard creates a “low threshold” favoring environmental review through an EIR, rather than through issuance of a negative declaration or notices of exemption from CEQA.<sup>8</sup> An agency’s decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.<sup>9</sup> Substantial evidence can be provided by technical experts or members of the public.<sup>10</sup>

With respect to the Project at issue here, the IS/MND fails to satisfy both the basic purposes and requirements of CEQA. Specifically, among other problems with the analysis, the IS/MND does not: (1) adequately describe the whole of the Project; (2) establish an accurate environmental baseline, (3) adequately analyze the Project’s potentially significant impacts; and (4) provide substantial evidence to conclude that Project impacts will be avoided or mitigated to less-than-significant levels. The public cannot meaningfully evaluate and comment on the Project and its potentially significant impacts without this and other missing basic information. In addition, because the IS/MND lacks basic information regarding the Project’s potentially significant impacts, there is no evidence to support the necessary conclusion that the Project will “clearly” have a less-than-significant impact on the environment. Because there is a dearth of relevant data to support a finding of no significant impacts, and substantial evidence shows that the Project may result in at least one potentially significant impact, there is a fair argument that the Project may cause significant impacts requiring the preparation of an EIR.

An EIR is appropriate here, given that this large-scale commercial project (involving 5.77 acres of cultivation or 248,292 square feet of grow area, thirty (30) employees with an average of twenty two (22) employees on-site daily, and over 4,628,200 gallons of water annually) located on a currently undeveloped “greenfield” site in a remote area with limited access, sensitive species, and vulnerable water resources.

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<sup>6</sup> Pub. Resources Code, § 21064.5, emphasis added.

<sup>7</sup> See, e.g., *Communities For A Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320 (*CBE v. SCAQMD*), citing *No Oil, supra*, 13 Cal.3d at p. 75 and *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504-505.

<sup>8</sup> *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754.

<sup>9</sup> *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318.

<sup>10</sup> CEQA Guidelines § 15063(a)(3); *Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 199.



## II. The IS/MND Fails to Satisfy CEQA's Requirements.

### A. Inaccurate Project Description

Under CEQA, a negative declaration is legally defective if it fails to describe the proposed project accurately.<sup>11</sup> The courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document].”<sup>12</sup> The CEQA Guidelines define “project” broadly to encompass the “whole of the action.”<sup>13</sup> As the Guidelines state, “the term ‘project’ has been interpreted to mean far more than the ordinary dictionary definition of the term.”<sup>14</sup> Any activity “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” constitutes a “project” and is necessarily a part of the “whole of the action.”<sup>15</sup> This includes, but is not limited to, “later phases of the project, and any secondary, support, or off-site features necessary for its implementation.”<sup>16</sup> If later phases or future activities are reasonably foreseeable consequences of a proposed project, an agency must include a description of the actions in the environmental review document and analyze their impacts.<sup>17</sup>

#### 1. Inadequate Disclosure and Description of Necessary Access Road Improvements, Internal Road Improvements, Required Riparian Setbacks, and a Required Easement

The IS/MND did not disclose or describe a considerable number of Project features. Most notably, the IS/MND glosses over and downplays the considerable site access challenges posed by this Project. Due to their narrow widths, gravel surfaces, and ubiquitous blind curves,<sup>18</sup> McCann Road and Dyerville Loop Road do not qualify as “Category 4” access roads, as required for commercial cannabis operations under the applicable Humboldt County

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<sup>11</sup> CEQA Guidelines, § 15071(a); see also *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1202, quoting *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597; see also *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180.

<sup>12</sup> *County of Inyo v. County of Los Angeles* (1977) 71 Cal.App.3d 185, 193.

<sup>13</sup> CEQA Guidelines, §§ 15003(h), 15165, 15378(a).

<sup>14</sup> CEQA Guidelines, § 15002(d).

<sup>15</sup> Pub. Resources Code, § 21065.

<sup>16</sup> CEQA Guidelines, Appendix G [explanation regarding description of project].

<sup>17</sup> *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592; *Laurel Heights I, supra*, 47 Cal.3d at pp. 396-397 [EIR held inadequate for failure to assess impacts of second phase of pharmacy school's occupancy of a new medical research facility].

<sup>18</sup> See comment letter sent on behalf of Fran Greenleaf, John Richards, and Patty Richards re IS/MND, dated August 7, 2020, Attachments B through G [photos of McCann Road].

Commercial Cannabis Land Use Ordinance (“CCLUO”).<sup>19</sup> Any argument by the Applicant or County Public Works that these roads are “Category 4 Equivalent” is not supported by citation to the HCC, which contains no definition of or even reference to “Category 4 Equivalent.”

McCann road is largely unpaved, narrow (i.e., varying from 12 – 16-feet wide), winding road, through dense riparian forest, and includes a 10-foot wide bridge over the Eel River that is closed during winter months, and a portion of the “road” consists of an often rutted section of the gravel and silt Eel River bar; Dyerville Loop Road, while paved in some areas, is unpaved near its intersection with McCann Road and is not a two-lane road or its equivalent for long stretches.<sup>20</sup> The Staff Report purports to evaluate the Project’s consistency with CMMLUO (and not the CCLUO), hence the necessary evaluation of the Project’s consistency with the Category 4 access road requirements is conspicuously omitted.

In order to meet the two-lane width requirements for a Category 4 road, the Project would require extensive modifications to McCann Road and also to portions of Dyerville Loop Road. The IS/MND and the Planning Department’s staff report are both silent on this subject; it is unclear whether and how such necessary, substantial improvements would be made a condition of the Project, or how they would be funded. Alternatively, the Project would require another suitable access road, such as Alderpoint Road. With bridge repair and improvements, it is possible that Alderpoint Road would provide suitable access to the Project. However, unfortunately, this was not analyzed in the IS/MND.

Also, as pointed out in comments from CDFW, internal roads may need to be modified to satisfy State Water Recourses Control Board (“SWRCB” or “State Water Board”) Cannabis Cultivation Policy stream crossing specifications.<sup>21</sup> The IS/MND fails to describe internal road “upgrades” and improperly defers the necessary impact analysis associated with bringing the stream crossings and other culverts up to regulatory standards.

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<sup>19</sup> Humboldt County Code, §§ 314-55, 55.4, et seq.; see *id.* at § 55.4.12.1.8.2 [Standard 2 – Functional Capacity].

\*Note: Because the Project has changed substantially since the original application was submitted in December 2016, the CCLUO (a.k.a., Ordinance 2.0) applies to this Project and not the repealed Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (“CMMLUO”) (a.k.a., Ordinance 1.0).

<sup>20</sup> See three videos showing the drive on McCann Road and Dyerville Loop Road in the Project vicinity, filmed on August 23, 2020, available at: <https://youtu.be/8D6BaBicQ4E>, [https://youtu.be/b\\_nrLzk\\_iec](https://youtu.be/b_nrLzk_iec), and [https://youtu.be/gjQj\\_Ikhas8](https://youtu.be/gjQj_Ikhas8); see also three videos showing different drives on McCann Road and Dyerville Loop Road in the Project vicinity, filmed on September 4 and 7, 2020, available at: <https://youtu.be/HRIJwmkSuEU>; <https://youtu.be/nVSzdiC-ySc>; and <https://youtu.be/2t3AxG9zoqo>.

<sup>21</sup> See SWRCB Cannabis Cultivation Policy, Attachment A: Definitions and Requirements for Cannabis Cultivation, pp. , available at: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy/final\\_cannabis\\_policy\\_with\\_attachment\\_a.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf).

The 5 miles of private road contains one bridge and 20 culverts. These culverts are likely a mix of stream crossing and ditch relief culverts. Once the permits are approved the project will assess all stream crossings for compliance with the Standard Conditions of the State Water Board Cannabis Cultivation Order. Any crossings that do not meet standards will be upgraded.<sup>22</sup>

As explained in Petitioners' prior comments, the Project will also require an easement over private property adjacent to the Project site and may require modifications of a cul-de-sac and a public road easement granted to the County at the end of McCann Road.<sup>23</sup> The IS/MND also does not describe these necessary road modifications. Nor does the IS/MND address whether the Project will require modification of the existing cul-de-sac or a change to the public road easement. It is silent with respect to an easement that would be required over adjacent private property to connect the Project site to McCann Road. Instead, the IS/MND inaccurately posits, without supporting substantial evidence, that Dyerville Loop Road and McCann Road can serve as the Project's primary access roads. The IS/MND did not analyze using a "secondary" access road such as Alderpoint Road.

Because the Project does not currently have year-round access via McCann Road, and will not have winter season access for what is expected to be at least five years, the Staff Report and the proposed resolution for this Project should not simply assert "Operations would occur year-round and there will be a maximum of four cultivation cycles annually." (See Staff Report, p. 2; *see also* draft resolution, p. 1.) If the Project includes, as the staff report asserts, "secondary access" through Alderpoint Road which "will be utilized during the rainy season when the low-water bridge is not in use," then the IS/MND analysis of impacts should have considered this year round use, with seasonal use of a secondary access road. It did not.<sup>24</sup> The EIR required for the Project must accurately describe the "whole of the project" including any necessary modifications to access roads and the internal private roads to bring them up to required standards.

## 2. Inconsistent Descriptions of the Parking Area

The IS/MND also does not adequately describe the parking area that will be required for the Project or analyze the associated impacts of constructing this large parking area. The staff report refers to 30 parking spaces required for the Project, yet the IS/MND refers to 15 parking

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<sup>22</sup> See IS/MND, pp. 9-10, emphasis added; *see also* IS/MND, pp. 149-150.

<sup>23</sup> See Exh. 1 – Encroachment and Maintenance Agreement between County and Rolling Meadow Ranch, Inc., dated Dec. 6, 2011; *see also* Exh. 2 – Resolution 11-79, adopted by the Humboldt County BOS on Dec. 6, 2011; *see also* Exh. 3 – Grant of Public Road Easement, dated Dec. 6, 2011.

<sup>24</sup> See, e.g., IS/MND, pp. 9-11, 40, 65, 69, 170, 179.

spaces.<sup>25</sup> This discrepancy must be rectified and the analysis revised based on a stable, finite, and accurate project description.

### 3. Omitted Information Concerning the Project's Construction Schedule

The IS/MND's description of the proposed construction schedule for the Project omits important information.<sup>26</sup> This generalized description does not state the how long the construction phase will last from start to finish nor does it indicate how many people will be present at the Project site during this period.

Water trucks, pickups and flatbed trucks, boom trucks, dump trucks, material delivery trucks and workers' vehicles will presumably all be on the site during Project construction.<sup>27</sup> While the IS/MND does state that some of this equipment *may* be onsite during the construction period, it does not provide an estimate of the number of trucks that will be onsite and will deliver material to the Project site per day.<sup>28</sup> In addition, the IS/MND does not provide information regarding the average number of workers expected to commute to the Project site.<sup>29</sup> The revised environmental review document must specify where vehicles will be parked during both construction and operation so that decision makers and the public can assess the Project's impacts

The severity of Project impacts to air quality, biological resources, traffic, and cumulative impacts depends in part on the timing and intensity of Project construction activities. Consequently, this information must be provided and reflected in the impact analyses.

### 4. Insufficient Information to Confirm Allowable Cultivation Acreage

The applicable CCLUO limits the allowable cannabis cultivation square footage to 20% of the prime agricultural soil located on the subject property.<sup>30</sup> The IS/MND relies on a consultant's estimate of the amount of prime agricultural soil on the parcel to identify the maximum amount of cultivation square footage (251,493 sq. ft.) and to conclude that the proposed cultivation area (251,451 sq. ft.) is within the allowable limits.<sup>31</sup> However, the summary explanation concerning prime agricultural square footage, included in Appendix F,

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<sup>25</sup> Compare Staff Report, p. 63 with IS/MND, pp. 9, 151, and Access Road Exhibit.

<sup>26</sup> IS/MND, p. 10.

<sup>27</sup> The IS does not describe the equipment that will be used for Project construction. IS, at p. 10.

<sup>28</sup> *Id.*, at p. 3.

<sup>29</sup> *Id.*, at p. 3.

<sup>30</sup> See Humboldt County Code, §§ 314-55, 55.4.6.4.3 Limitation on Use of Prime Soils.

<sup>31</sup> See IS/MND, pp. 44-46, 136.



provides inadequate public information and analysis to support the determination of allowable cannabis facility space.<sup>32</sup>

**B. Substantial Evidence Supports Several Fair Arguments that the Project May Result in Significant Environmental Impacts**

Substantial evidence presented in this comment letter, the documents referenced in this letter, and the attachments to this letter (together with substantial evidence presented in CDFW's comment letter) support a fair argument that the Project will have significant direct, indirect and cumulative environmental impacts in the impact areas described below. For these reasons, the County should withdraw the IS/MND and prepare a draft EIR for the Project or simply deny the permit application.

**1. Unanalyzed Traffic and Traffic Safety Impacts**

*(a) A Traffic Impact Analysis is Required*

Because the Project will generate traffic that is above the existing baseline, it will necessarily result in increased vehicle miles traveled ("VMT"). In the technical advisory issued by the Office of Planning and Research ("OPR") re traffic impact analysis, OPR recommended "a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold."<sup>33</sup> As a screening threshold for significant impacts, OPR opined that "Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact."<sup>34</sup> OPR acknowledges that location specific VMT thresholds, especially in rural areas ("i.e., areas not near established or incorporated cities or towns"), may be appropriate.<sup>35</sup>

According to the VMT Significance Thresholds Resolution proposed for Planning Commission consideration at its meeting on September 3, 2020 (and since indefinitely continued), Planning staff proposed 110 or fewer trips per day as the threshold for less than significant transportation impacts for "small projects" located within identified Urban Service Areas.<sup>36</sup> The only "small cannabis projects" that are not considered to have significant VMT

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<sup>32</sup> See IS/MND, Appendix F [excluding referenced Prime Agricultural Soil Assessment].

<sup>33</sup> See OPR Technical Advisory on Evaluating Transportation Impacts, dated Dec. 2018, p. 10, available at: [https://www.opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://www.opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf), accessed Sept. 9, 2020.

<sup>34</sup> *Id.* at p. 12.

<sup>35</sup> *Id.* at pp. 17, 19.

<sup>36</sup> See Staff Report re VMT Screening Criteria and Thresholds of Significance (Case Number PLN-2020-16529), Exhibit A to proposed Resolution, originally prepared for the Aug. 20, 2020 Planning Commission meeting, p. 7, incorporated herein by this reference.

increases are those that house all employees onsite or those that have eight or fewer employees.<sup>37</sup>

When a project does not meet the screening criteria listed, a “detailed CEQA transportation analysis will required. This analysis is used to evaluate a project's VMT generation against the appropriate Thresholds of Significance.”<sup>38</sup> Commercial cannabis projects are to be “determined on a case-by-case basis ... Otherwise, the analysis should compare project VMT to the baseline VMT in the TAZ where the project is located.”<sup>39</sup>

The Project does not meet the screening criteria listed in the proposed Resolution. The Project is located in a remote area and will have approximately 22 employees.<sup>40</sup> These factors indicate the Project will generate substantial VMT. Thus, there is substantial evidence to support a fair argument that the Project may cause significant transportation impacts. Therefore, a traffic impact analysis is required. Because the IS/MND does not provide the required analysis, the required EIR will need to analyze the Project’s potentially significant traffic impacts.

*(b) The Project’s Access Roads do not Satisfy Minimum Standards  
Thereby Posing Traffic Safety Hazards*

Neither McCann Road nor Dyerville Loop Road can be considered a “Category 4” road as required under the County Code, Title III, Div. 2, Appendix §4-1. (See, e.g., photos of narrow width of these roads attached to comment letter on IS/MND.) A “Category 4” road requires the following:

- (1) Two lane - narrow roadway, low to moderate speed - 25-40 mph.
- (2) No parking on traveled way.
- (3) Serves a maximum of 100 parcels with no more than one dwelling unit per parcel.
- (4) Urbanization situation. Vicinity is beginning to undergo a transition from rural to urban.

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<sup>37</sup> See *ibid.*

<sup>38</sup> *Id.* at p. 8.

<sup>39</sup> *Id.* at p. 9; see also *id.* at p. 13 [“[A] number of highly variable project features—such as proximity to existing communities, number of employees and timing and length of harvest periods—make it difficult to establish a relationship between trip generation and VMT that holds across all projects. ¶ For many commercial cannabis projects, employee travel is the most significant source of VMT. Therefore, absent substantial evidence indicating otherwise, the provision of permitted on-site employee housing for all employees is assumed to result in less than significant transportation impacts. The “small projects” screening criteria described above may also apply to cannabis projects. Projects with eight or fewer employees may not require VMT analysis”].

<sup>40</sup> See IS/MND, p. 13.

Because McCann Road and the internal access roads are not, in many places, 2-lane roads and do not safely allow 25-40 mph speeds, they do not meet Category 4 requirements. Using these narrow, windy, gravel roads to access this commercial operation presumptively poses traffic hazards. The IS/MND fails to analyze the traffic safety impacts of the Project.

*(c) Conditions of Approval Do Not Compensate for the Lack of Enforceable and Effective Mitigation Measures*

The proposed Conditions of Approval include a condition requiring the Project applicant to make efforts to form a Road Maintenance Association “for the maintenance of the privately maintained portions of the access roads (from the intersections of McCann Road and Alderpoint Road) to the Rolling Meadow Ranch.” The IS/MND does not mention this requirement or evaluate the measures efficacy in reducing traffic safety hazards.

Moreover, this condition would have questionable legal and practical effect. For example, what would constitute adequate “effort” by the applicant to form a Road Maintenance Association? Given that the only portion of private road relevant to the Project (other than the private roads existing on the Project site) belongs to one of a neighboring landowner, who may not consent to the Applicant’s use of this private road, it is unclear what “efforts” to form a Road Maintenance Association would in fact achieve.

2. Unanalyzed Impacts to Public Services

Because McCann Road does not meet minimum width and permissible speed requirements for an access road for this type of Project, its use as the primary access road for the Project also would pose potentially significant conflicts with emergency services. Project-related could interfere with and delay fire, police, or ambulance responses.

3. Unanalyzed Impacts to Biological Resources

If approved, this proposed industrial cannabis cultivation and processing operation would be located on property containing wetlands, springs, and streams, within the watershed of the already seasonally depleted mainstem of the Eel River, home to threatened fish species.

Petitioners have reviewed the comments on the IS/MND submitted by CDFW and agree with those comments. The IS/MND fails to properly analyze the Project’s potentially significant impacts to listed species, rare plant communities, wetlands, and streams. While the IS/MND does consider direct impacts to sensitive species, wetlands, riparian vegetation, and water quality, it only considers these impacts in the context of the footprint of Project disturbance areas and the potential for pollutant discharges, it omits any consideration of the indirect impacts to biological resources and other resources that will result from removing an estimated 4,628,200 gallons of groundwater per year that would otherwise benefit these resources.

Substantial evidence supports a fair argument that the Project may cause significant adverse impacts to these biological resources.

#### 4. Unanalyzed Air Quality Impacts

The IS/MND does not describe with any degree of precision the amount of grading that will be required for the Project.<sup>41</sup> The amount of grading (e.g. volume of soil disturbed) is highly relevant to measuring the severity of project impacts, including impacts to air quality. Thus, this aspect of the Project must be described in greater detail so that the Project's impacts can be accurately measured.

The IS/MND did not analyze the Project's offsite air quality impacts, including PM<sub>10</sub> and PM<sub>2.5</sub> dust pollution along McCann Road.<sup>42</sup> Instead, the IS/MND attempts to diminish the significance of fugitive dust emissions caused by the Project by claiming, with no evidentiary support, that prior cannabis operations on the Project site caused fugitive dust emissions. This is inaccurate. Rolling Meadows Ranch has owned the Project site since approximately 2005-2006. It took RMR 10 years of no agricultural activity to bring the ranch out of Williamson Act. For those 10 years, no legal cannabis cultivation has occurred on the Project site. Thus, any illegal cultivation would have taken place well over 10 years ago. Over the last 10 to 15 years since RMR has owned the Project site there has been very minimal ranch/caretaker/maintenance/permissive hunting traffic, estimated by residents of McCann to total perhaps a few cars or trucks per week). This should be considered the "baseline" on the relevant portion of McCann Rd. for the analysis of the Project's construction period and operational fugitive dust emissions.

Because the IS/MND disregards fugitive dust emissions as a potentially significant impact, it does not require dust suppression on McCann Road during Project construction. The required EIR should include mitigation measures to minimize construction-period offsite air quality impacts.

#### 5. Disregarded Land Use Impacts

##### *(a) Inconsistencies with applicable commercial cannabis regulations*

As explained above, the Project must comply with the requirements of Humboldt County CCLUO. (HCC, §§ 314-55, 55.4, *et seq.*) The Project is inconsistent with several mandatory requirements applicable to commercial cannabis facilities. Most notably, as discussed above in the section concerning traffic safety hazards, the Project does not have access via a Category 4 road, as required. (HCC, §§ 314-55, 55.4.12.1.8.2.2.)

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<sup>41</sup> See IS/MND, pp. 10, 49-50, 52, 136.

<sup>42</sup> See Exh. 4 – Photos of fugitive dust on Dyerville Loop Rd. and McCann Rd.



Because McCann Road and Dyerville Loop Road do not have centerline stripe(s) with 10-foot wide lanes on either side of the stripe(s), the applicant was required to submit a “written assessment of the functional capacity of the road segments.” (HCC, §§314-55, 55.4.12.1.8.2.2.) The applicant does not appear to have provided such a written assessment. Further the applicant has not applied for the required “special permit” required when the access road does not comply with Category 4 standards. (*See id.* at § 314-55, 55.4.12.1.8.2.3.)

Because a 5-mile network of private roads will be used to access to the Project facilities, HCC, § 314-55, 55.4.12.1.8.3.2 applies. Under that provision, the application to permit this commercial cannabis Project was required to “include a report evaluating the design, condition, and performance of all private road segments within the defined roadshed.” Finally, the Project, which is located over 2 miles east of the intersection of Dyerville Loop Road and McCann Road, conflicts with 55.4.12.1.8.1 Standard 1 – Dead-End Road Length.

Additionally, as discussed above with respect to the inadequate project description, the IS/MND does not include the information necessary for the public and decision makers to confirm that the Project site has sufficient prime agricultural soil to allow 251,451 square feet of cultivation area. Thus, there is insufficient information to confirm the Project’s consistency with 55.4.6.4.3 Limitation on Use of Prime Soils.

In summary, the Project is inconsistent with a number of applicable mandatory roadway and access requirements imposed by CMMLUO. The IS/MND does not identify these inconsistencies with land use regulations, in violation of CEQA.

*(b) Inconsistencies with Humboldt General Plan policies.*

The Staff Report description of the Project’s consistency with applicable General Plan policies states that the project is outside the 100-year flood zone and thus adheres to General Plan Safety Element Chapter 14, Flooding.<sup>43</sup> This is not correct. According to the comments from CDFW, several Project buildings would be located within the 100-year flood zone. Therefore, the required EIR must analyze the Project’s potential inconsistency with General Plan Safety Element policies S-P12 (Federal Flood Insurance Program), S-P13 (Flood Plains), and SP15 (Construction Within Special Flood Hazard Areas).

6. Unanalyzed Water Quality Impacts

Because the IS/MND does not describe the “upgrades” to the stream crossings and culverts along the 5 miles of internal roads, it defers all analysis of the impacts to water quality that may occur during construction.

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<sup>43</sup> See Staff Report, p. 58.

The IS/MND also improperly relies upon the following unenforceable and toothless restriction to downplay the Project's potential to cause impacts to water quality: "Instream work related to stream crossing improvements will, *when possible*, take place when the streams are dry." This standard-less restriction does not satisfy CEQA's requirement for effective mitigation.

#### 7. Disregarded Water Supply Impacts

According to the IS/MND, the Project will have an annual water demand of approximately 4,628,200 gallons.<sup>44</sup> This is the equivalent of 7 olympic-size swimming pools. All of the water for cultivation will be supplied with groundwater from 3 wells located in close proximity to the Eel River and to surface stream tributaries to the river. Approximately, 320,000 gallons of rain catchment is to be used for "summertime landscaping" and "lawn maintenance" as well as fire protection and dust mitigation.

The ISMND does not contain any assurance that the Project's intensive use of groundwater will not cause significant impacts to watershed and surface water hydrology and depletion of the Eel River. Reliance on wells and pumping groundwater does not eliminate the potential for significant effects to water supply. For in this area, with limited alluvial deposits, all groundwater either drains to or is otherwise hydrologically connected to the mainstem of the Eel River. Indeed, according to the most recent comprehensive update to Bulletin 118, prepared by the Department of Water Resources ("DWR"):

Groundwater development in the inland coastal valleys north of the divide between the Russian and Eel Rivers is generally of limited extent. Most problems stemming from reliance on groundwater in these areas is a lack of alluvial aquifer storage capacity. Many groundwater wells rely on hydrologic connection to the rivers and streams of the valleys.<sup>45</sup>

Bulletin 118 also points out that "[u]nder California law, the water produced in [from shallow wells installed in the sand and gravel beds of several of the region's rivers] is considered surface water underflow."<sup>46</sup> In light of this substantial evidence that the Project may significantly impact water supplies, the required EIR should analyze the Project's 3 wells potential hydrological connection to all surface waters and support the analysis with substantial evidence.

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<sup>44</sup> IS/MND, p. 12.

<sup>45</sup> DWR's Bulletin 118 Update (2003), p. 123, available at: [https://cawaterlibrary.net/wp-content/uploads/2003/10/Bulletin\\_118\\_Update\\_2003.pdf](https://cawaterlibrary.net/wp-content/uploads/2003/10/Bulletin_118_Update_2003.pdf), accessed Sept. 9, 2020.

<sup>46</sup> See *id.* at p. 122.

*(a) The IS/MND Fails to Identify Secondary Sources of Water and Analyze the Environmental Impacts of those Sources.*

While the IS/MND assumes that the 3 Project wells will provide enough water for the Project's construction and cultivation activities,<sup>47</sup> it assumes without supporting evidence that the 3 wells are not hydrologically connected to the Eel River. Because the groundwater from the Project wells may be considered "surface water underflow," for which the Project applicant does not have a right to divert, the planned sole water supply is uncertain.

In *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (*Vineyard Area Citizens*), the California Supreme Court set forth a set of principles, derived from over a decade of Court of Appeal case law, governing the manner in which lead agencies must address water-related issues in land use EIRs. Among other principles, the Court stated that:

If the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives—including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases—and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact.<sup>48</sup>

Here, the IS/MND does not acknowledge the uncertainties concerning the Project's sole groundwater supply, nor does it include the required analysis that would follow from this acknowledgment. Instead, it simply assumes that sufficient groundwater would be available for the Project in perpetuity and that if this sole water supply proved insufficient, the Project could curtail water use.<sup>49</sup>

Consequently, according to *Vineyard Area Citizens*, the EIR required for this Project must acknowledge the uncertainties inherent in the Project's sole groundwater supply, identify secondary/alternative sources of water for cultivation and other needs, and analyze the impacts of obtaining the required water from those sources. For this Project, such secondary/alternative sources are likely to be (1) increased groundwater pumping from additional wells, (2) increased rainwater capture, or (3) diversions of Eel River water under currently nonexistent appropriative rights. Yet, for both hydrological and legal reasons, any

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<sup>47</sup> See IS/MND, p. 184 ["The wells will be the extent of the water supplied to the project; no holding ponds nor any surface water diversions are included in the project proposal *at this time*"].

<sup>48</sup> *Vineyard, supra*, 40 Cal.4th at p. 434.

<sup>49</sup> See IS/MND, pp. 12, 151-153, 184-185.

claims regarding the availability of these secondary/ alternative sources to serve as a water supply for the Project would themselves be highly uncertain and problematic.

To the extent that the Project applicant proposes increased groundwater pumping from new wells as a secondary/alternative water supply to make up for uncertain or unavailable groundwater from the 3 existing wells or from surface water, CEQA would require assessment of the actual availability of and environmental impacts associated with such groundwater resources, and such assessment cannot be undertaken without first providing up to date information on baseline groundwater conditions and any hydrologic connection between groundwater underlying the Project site and any surface waters, including the Eel River.

The Project's proposed rooftop rainwater capture water source may be exempt from the requirement for a water right permit, pursuant to the Rainwater Capture Act of 2012.<sup>50</sup> However, any proposed increase in the capture of rainwater as a secondary/alternative water supply source, unless also (and exclusively) from greenhouse or other Project rooftops, would be subject to the water right permit requirement.<sup>51</sup>

Any appropriative diversions of Eel River water as a secondary/alternative source would require the owners of the Project lands to apply to the California State Water Resource Control Board ("SWRCB") for a permit. Quite apart from the fact that there is no indication that the owners of the Project lands have even applied for such appropriative water rights, it is highly uncertain that such an appropriative water right application would be approved.

In light of the uncertainty of the identified groundwater supply for the Project, the required EIR must identify secondary/alternative sources of water, identify any permits that would be required for such sources, and analyze the environmental effects that would stem from utilizing those sources.

*(b) Duty of County to Independently Assess Water Supply Information*

The County has a statutory obligation under CEQA, PRC section 21082.1 to "independently" review and analyze the legal adequacy of the environmental impact assessment performed for the Project. This duty includes the duty to undertake an independent assessment by the County of the claimed entitlements to water supply and the claimed sufficiency of the identified groundwater supply. For the reasons discussed above, the Project proponents' assertions concerning the sufficiency of groundwater supplies are, at very best, uncertain. The County must independently review and analyze the water supply for the proposed Project and may not merely rely upon opinions or bald assertions of advocates for the

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<sup>50</sup> See Water Code, §§ 10571(c), (d), 10573(d), 10574.

<sup>51</sup> See Staff Report for Aug. 20 Planning Commission meeting, p. 4.



proposed development. In conducting an independent assessment, the County also may not ignore the vast amount of evidence and contrary opinion, discussed above.

Furthermore, because the proposed groundwater extraction proposed for this Project may cause impacts to surface waters, including to the Eel River, the Public Trust Doctrine is implicated.<sup>52</sup> The County has an independent responsibility, under this doctrine, to ensure the Project does not cause impacts to surface waters and the species that depend on them. In this instance, the Staff Report suggests that County staff have simply accepted the scantily supported representations made by the applicant's consultants concerning the lack of a hydrological connection between the Project's groundwater source (Wells 1, 2, and 3) and surface waters.<sup>53</sup>

### **C. Inadequate Analysis of Cumulative Impacts**

The IS/MND does not identify or discuss past, present, and reasonably probable future projects considered in the cumulative impacts analysis. The IS/MND also failed to describe the geographic scope of analysis for each area of cumulative impacts analysis, as required under CEQA.<sup>54</sup> The IS/MND's consideration of cumulative impacts to aesthetics, biological resources, public services, air quality, traffic, land use and water supply is deficient for failing to disclose other related projects that could combine with this Project to create cumulatively significant impacts in each of those categories.

Other commercial cannabis projects have been approved in the area. Employees for these operations use Dyerville Loop Road and the McCann Ferry parking lot.<sup>55</sup> The required EIR must evaluate the cumulative traffic, air quality, noise, and other impacts that would result from the addition of another commercial cannabis facility in this remote rural area.

### **D. Failure to Consider Project Alternatives**

The IS/MND fails to consider a project alternative that would utilize Alderpoint Road as the primary access point (rather than McCann Road). Because there is substantial evidence supporting a fair argument that the Project may cause a significant environmental impacts, an EIR must be prepared and that EIR must consider a range of reasonable project alternatives.<sup>56</sup> Among the project alternatives that the County should consider is an alternative with a Project access point at Alderpoint Road.

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<sup>52</sup> See *Environmental Law Found. v. State Water Resources Control Bd.* (2018) 26 Cal.App.5th 844, 867-68.

<sup>53</sup> See Staff Report for Aug. 20 Planning Commission meeting, p. 4.

<sup>54</sup> See CEQA Guidelines, § 15130(b)(3).

<sup>55</sup> See Exh. 5: Photo of Vehicles Parked at McCann Ferry Parking Lot.

<sup>56</sup> See CEQA Guidelines, §§ 15120, 15126.6.

**III. Conclusion: The Planning Commission Should Not Approve the Project and, if the Project is Pursued, it Should Require the Preparation of an EIR.**

The courts have repeatedly emphasized the importance of the public's role in the CEQA process – such participation supplies both vitality and legitimacy to the environmental review process.<sup>57</sup> For these reasons, an IS/MND must “include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.”<sup>58</sup> As the comments herein 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 before this Project can be considered for approval.

For the foregoing reasons, and as previously stated in Petitioners' comments on the IS/MND, Petitioners hereby object to the Planning Commission's approval of the Project. On behalf of Petitioners, please provide the undersigned with any notices required pursuant to CEQA.

Very Truly Yours,



Jason Holder

cc: (Via e-mail only)  
David Nims, co-counsel  
Client contacts

**Attachments:**

- Exh. 1. Encroachment and Maintenance Agreement between County and Rolling Meadow Ranch, Inc., dated Dec. 6, 2011;
- Exh. 2. Resolution 11-79, adopted by the Humboldt County BOS on Dec. 6, 2011;
- Exh. 3. Grant of Public Road Easement, dated Dec. 6, 2011;
- Exh. 4. Photos of fugitive dust on Dyerville Loop Rd. and McCann Rd; and
- Exh. 5. Photo of Vehicles Parked at McCann Ferry Parking Lot.

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<sup>57</sup> *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1169 [citing and quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 (*Laurel Heights II*)].

<sup>58</sup> *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1303, quoting *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 404-405 (*Laurel Heights I*).)

**ENCROACHMENT AND MAINTENANCE AGREEMENT**

This Encroachment and Maintenance Agreement, hereinafter referred to as AGREEMENT, is made this 10<sup>th</sup> day of December, 2011, between ROLLING MEADOW RANCH, Inc., a Florida Corporation, hereinafter referred to as OWNER, and the COUNTY OF HUMBOLDT, a political subdivision of the State of California, hereinafter referred to as COUNTY.

**WITNESSETH:**

WHEREAS, OWNER represents and warrants that it is the owner in fee of a parcel of land in the Southeast Quarter of Section 2, Township 2 South, Range 3 East, Humboldt Meridian, County of Humboldt, State of California, identified as Assessor's Parcel Number 217-181-017 (see Attachment A1), and as such has the exclusive right to enter into this AGREEMENT; and

WHEREAS, COUNTY, at OWNER'S request, is vacating the end portion of a county road known as McCann Road (6D090). Said vacated road lies easterly beyond southeast center section line of the Southeast Quarter of Section 2, Township 2 South, Range 3 East, Humboldt Meridian. Said vacated road is also situated north of the Eel River (See Attachment A & A1). Said vacated road is located entirely within OWNER'S property and is the last or end portion of McCann Road; and

WHEREAS, OWNER has conveyed to COUNTY an easement for public right of way to extend a portion of McCann Road easterly to a new turnaround (cul-de-sac). Said road extension, which is approximately three hundred (300) feet in length and forty (40) feet in width, lies easterly beginning on the southeast quarter section line and ending at cul-de-sac, which is sixty (60) feet square (See Attachment B). Said extended road and cul-de-sac are both located entirely within OWNER'S property; and

WHEREAS, OWNER, at COUNTY'S request, constructed the new cul-de-sac at a location more convenient and topographically suitable for construction purposes than the original turnaround, but access to the new cul-de-sac requires extension of McCann Road; and

WHEREAS, OWNER is willing to maintain the new cul-de-sac for five (5) years;

NOW, THEREFORE, the following is mutually agreed:

1. OWNER, as requested by COUNTY, constructed a new cul-de-sac partially into a minor/moderate slope. The finished cut slope of said cul-de-sac appears to exceed the engineering standard slope ratio of 2:1 (horizontal to vertical). An R2 soils report was not prepared in order to justify the finish slope. In order to ensure the area of said cul-de-sac does not cause an undue maintenance burden on COUNTY, OWNER shall maintain the area of said cul-de-sac for a term of five (5) years. Said term shall begin upon execution of this AGREEMENT by COUNTY and shall terminate five (5) years thereafter.

2. During the term of this AGREEMENT, OWNER shall be responsible for all maintenance required by COUNTY for the area of said cul-de-sac within COUNTY'S right of way, including but not limited to the surface and any debris from cut slopes of said cul-de-sac. All such maintenance shall be performed by OWNER, its agents, employees, representatives, or contractors, at OWNER'S sole cost and expense.

3. OWNER, or its agents, employees, representatives, or contractors, shall routinely inspect said cul-de-sac as necessary to ensure that it is maintained in a condition that meets COUNTY'S requirements for public safety.

4. This AGREEMENT shall serve as an Encroachment Permit for OWNER, its agents, employees, representatives, or contractors to perform work in the area of COUNTY'S right of way as needed to maintain said cul-de-sac.

5. At least six (6) months before the expiration of this AGREEMENT, OWNER and COUNTY shall meet at cul-de-sac site to inspect the condition of said cul-de-sac area and determine what additional maintenance, if any, OWNER shall complete before COUNTY assumes maintenance responsibilities. OWNER shall complete such additional maintenance, if any, at least thirty (30) days before the expiration of this AGREEMENT.

6. OWNER shall take out and maintain throughout the term of this AGREEMENT Comprehensive General Liability Insurance with minimum limits of \$1,000,000.00 for bodily injury and property damage arising out of its obligations under this AGREEMENT.

Said policy shall name COUNTY as an additional insured and shall constitute primary insurance as to COUNTY, COUNTY'S Board of Supervisors, officers, agents, employees, and volunteers so that any other policies held by COUNTY shall not contribute to any loss under said insurance. Said policy shall provide for thirty (30) days prior written notice to COUNTY of cancellation or material change.

No maintenance shall be performed by OWNER within the area of COUNTY'S right of way of said cul-de-sac until the certificate or other sufficient proof that the insurance provision has been complied with is filed with the Land Use Division of Humboldt County Department of Public Works.

If OWNER does not keep such insurance in full force and effect, COUNTY may take out the necessary insurance, and OWNER agrees to pay the cost of said insurance or, in the alternative, COUNTY may deem such failure to maintain insurance coverage a breach of this AGREEMENT.

7. The Director of the Department of Public Works may terminate this AGREEMENT and all activities within COUNTY'S right of way for said cul-de-sac at his discretion upon written notice to OWNER.

8. While engaged in carrying out and complying with the terms and conditions of this AGREEMENT, the parties shall have a relationship of independent contractors and neither party shall be considered to be an officer, employee, or agent of the other party.



9. All provisions of this AGREEMENT shall be fully binding upon, and inure to the benefit of, the parties and to each of their heirs, executors, successors, and assigns.

10. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent by certified mail, return receipt requested, to the respective addresses set forth below. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

OWNER: Rolling Meadow Ranch Inc.  
C/O Jim Redd  
331 Harris Street  
Eureka, CA 95503

COUNTY: County of Humboldt  
Department of Public Works  
1106 Second Street  
Eureka, CA 95501-0531

IN WITNESS WHEREOF, this AGREEMENT shall be executed in duplicate.

(SEAL)  
ATTEST:  
CLERK OF THE BOARD

BY Nikki Turner

APPROVED AS TO FORM:  
COUNTY COUNSEL

BY Joyce Stigter  
DEPUTY

RISK MANAGEMENT

BY Angela Olsen

OWNER  
ROLLING MEADOW RANCH, Inc.

By [Signature]

Title PRESIDENT

By [Signature]

Title Land Manager


COUNTY OF HUMBOLDT:

[Signature]  
CHAIRPERSON,  
BOARD OF SUPERVISORS,  
COUNTY OF HUMBOLDT,  
STATE OF CALIFORNIA

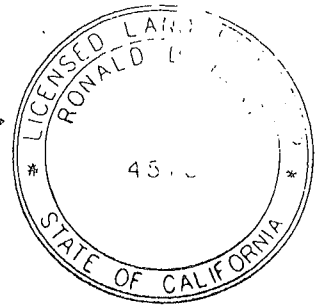
LEGAL DESCRIPTION  
TO BE  
VACATED

All that portion of the County Road known as McCann Road, County Road No. 6D090, that is located in the East Half of Section 2, Township 2 South, Range 3 East, Humboldt Meridian, and lying northerly of the Eel River.

END OF DESCRIPTION

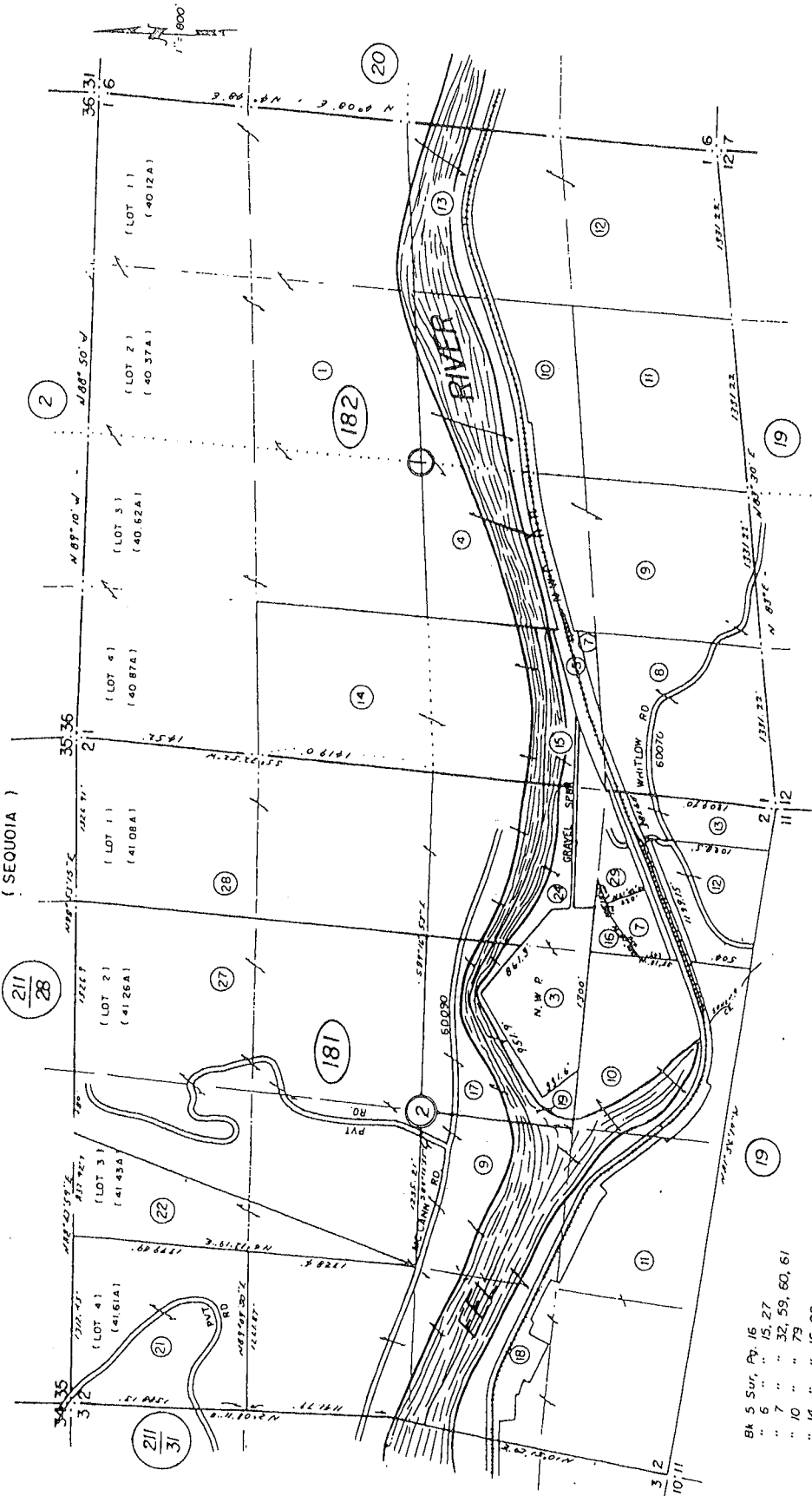
  
\_\_\_\_\_  
Ronald D. Hunt  
California Licensed Land Surveyor No. 4570  
Expires - September 30, 2008

7/27/07  
Date



217-18

SECS 1 & 2, 2S 3E



Blk 5 Sur, Pgs. 15, 27  
 " 6 " " 32, 59, 60, 61  
 " 7 " " 32, 59, 60, 61  
 " 10 " " 79  
 " 14 " " 16, 92  
 " 33 " " 33  
 " 52 " " 55

NOTES

217-182-05 : PTN SBE NO 853-12-8A PAK 5  
 217-181-18 : PTN SBE NO 853-12-8A PAK 5

# Legend

○ Found and accepted a 5/8-in. rebar with 1 1/2-in aluminum cap stamped "LS 3945" per Book 52 of Surveys, page 55

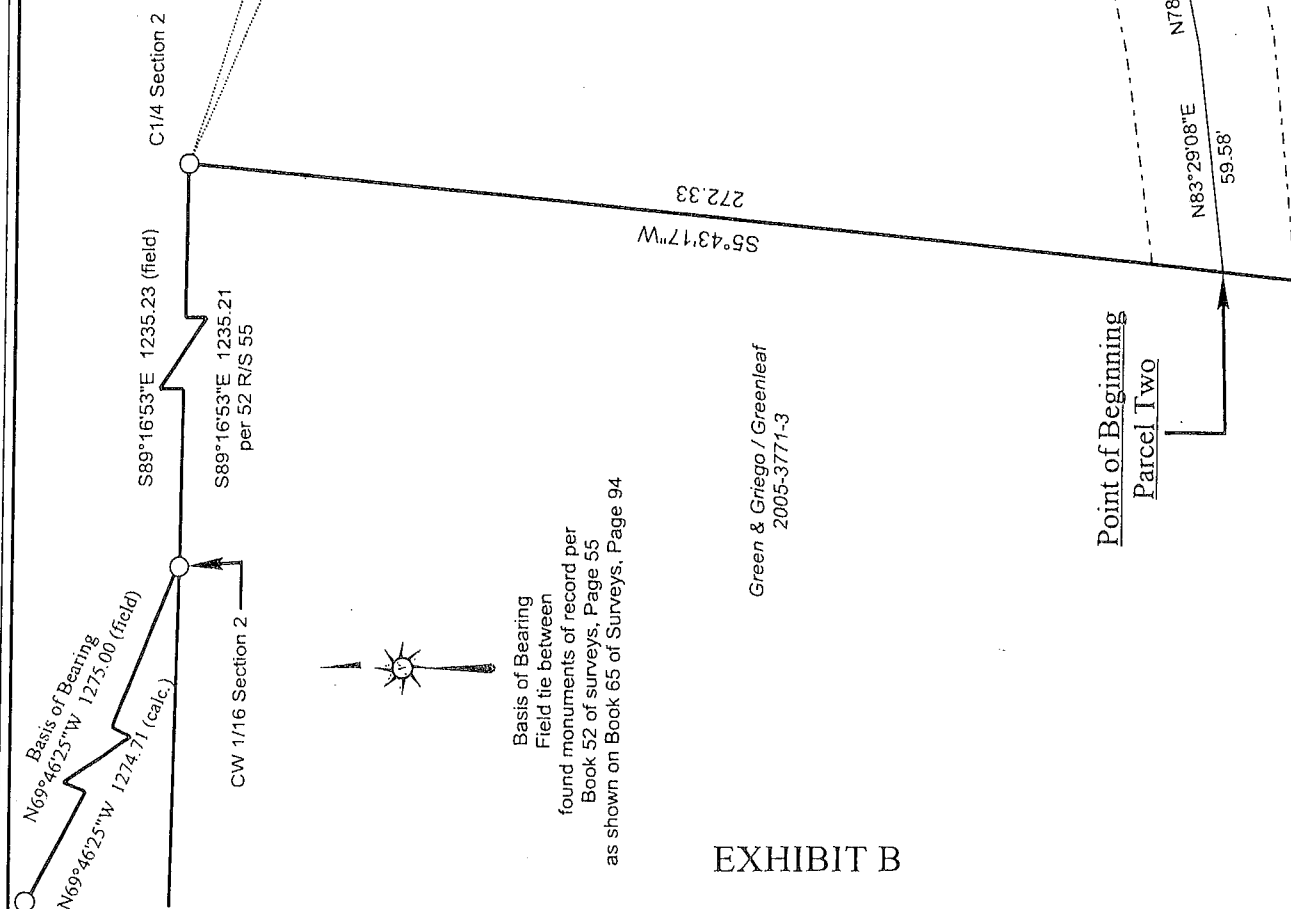


EXHIBIT B



**2011-26007-5**

Recorded — Official Records  
**Humboldt County, California**  
Carolyn Crnich, Recorder

Recorded by HUMBOLDT CNTY  
Exempt from payment of fees  
Clerk: MM Total: 0.00  
Dec 19, 2011 at 11:40

**AFTER RECORDED RETURN TO:**

DEPARTMENT OF PUBLIC WORKS  
LAND USE SECTION  
3033 H STREET, ROOM 17  
EUREKA CA 95501-4409

This instrument is for the benefit of  
the County of Humboldt and is  
entitled to be recorded without fee  
(Govt. Code 6103).

**Exhibit 2**

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**RESOLUTION NO. 11-79**

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting on December 6, 2011

**RESOLUTION NO.** 11-79

**RESOLUTION TO SUMMARILY VACATE  
A PORTION OF McCANN ROAD (6D090),**

**WHEREAS**, a county street for purposes of the Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code §8300 et seq.) includes all or part of, or any right in, a public highway, road, street, avenue, alley or lane (Streets and Highways Code §8308); and

**WHEREAS**, the hereafter described portion of McCann Road, a county road, is excess right-of-way not required for road purposes and that portion lies within property under one ownership and does not continue through such ownership or end touching property of another; and

**WHEREAS**, there are no public utilities in place that are in use or would be affected by the vacation of said portion of the county road; and

**WHEREAS**, the vacation will not terminate any public service easement; and

**WHEREAS**, the vacation will not cut off all access to any person's property; and

**WHEREAS**, this summary vacation is made pursuant to the provisions of Section 8334 of the Streets and Highways Code; and

**WHEREAS**, the vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code §65402(a) and Resolution No. 72-69; and

**WHEREAS**, the vacation is in conformity with the General Plan; and

**WHEREAS**, the vacation will have no significant environmental effect and is exempt from CEQA as per the provisions in the Guidelines for Implementation of CEQA, 14 Cal. Adm. Code §§15061(b)(2), 15305, 15312; and

**WHEREAS**, the portion of the road proposed for vacation is not necessary for present or prospective public use or useful as a nonmotorized transportation facility;

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on December 6, 2011

**NOW, THEREFORE, BE IT RESOLVED** that:

SECTION 1. The Board of Supervisors finds that all of the recitations made hereinabove are true and correct.

SECTION 2. The portion of McCann Road, a county road, described in Exhibit A, which is attached hereto and made a part hereof by reference, is excess right-of-way not required for road purposes and that portion lies within property under one ownership and does not continue through such ownership or end touching property of another.

SECTION 3. There are no public utilities in place that are in use or would be affected by the vacation of said portion of county road.

SECTION 4. The vacation will not terminate any public service easement.

SECTION 5. The vacation will not cut off all access to any person's property.

SECTION 6. The summary vacation is pursuant to the provisions of Section 8334 (a) and (b) of the Streets and Highways Code.

SECTION 7. The vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code §65402(a) and Resolution No. 72-69.

SECTION 8. The vacation is not in conflict with the General Plan.

SECTION 9. The vacation does not have a significant environmental effect and is exempt from CEQA as per the provisions in the Guidelines for Implementation of CEQA, 14 Cal. Adm. Code §§15061(b)(2), 15305, and 15312.

SECTION 10. The portion of McCann Road, a county road, to be vacated is not necessary for present or prospective public use or useful as a nonmotorized transportation facility.

SECTION 11. The portion of McCann Road, a county road, described in Exhibit A is hereby ordered vacated.

SECTION 12. From and after the date of recordation of this resolution, the portion of McCann Road described in Exhibit A will no longer constitute a street, public highway or public service easement.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on December 6, 2011

SECTION 13. The Clerk of the Board of Supervisors is directed to record a certified copy of this Resolution in the Office of the Humboldt County Recorder.



Chair, Humboldt County Board of Supervisors

(SEAL)

Adopted on motion by Clendenen, seconded by Smith  
and the following vote:

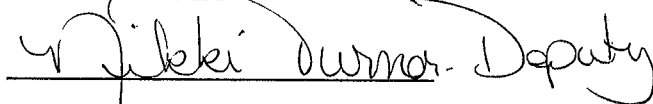
AYES: Clendenen Smith Sundberg Bass Lovelace  
NAYS:  
ABSENT:  
ABSTAIN:

STATE OF CALIFORNIA )  
County of Humboldt )

I Kathy Hayes, Clerk of the Board of Supervisors, County of Humboldt, State of California, certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the seal of said  
Board of Supervisors

KATHY HAYES




Clerk of the Board of Supervisors of the  
County of Humboldt, State of California



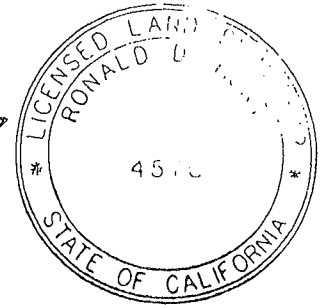
LEGAL DESCRIPTION  
TO BE  
VACATED

All that portion of the County Road known as McCann Road, County Road No. 6D090, that is located in the East Half of Section 2, Township 2 South, Range 3 East, Humboldt Meridian, and lying northerly of the Eel River.

END OF DESCRIPTION

  
\_\_\_\_\_  
Ronald D. Hunt  
California Licensed Land Surveyor No. 4570  
Expires – September 30, 2008

7/27/07  
Date



Attachment A

2011-26008-7

Recorded — Official Records  
Humboldt County, California

Carolyn Crnich, Recorder

Recorded by HUMBOLDT CNTY

Exempt from payment of fees

Clerk: MM Total: 0.00

Dec 19, 2011 at 11:40

**AFTER RECORDING RETURN TO:**

DEPARTMENT OF PUBLIC WORKS  
LAND USE DIVISION  
3033 H STREET, ROOM 17  
EUREKA CA 95501-4409

This instrument is for the benefit of the  
County of Humboldt and is entitled to be  
recorded without fee. (Govt. Code 27383)

**Exhibit 3**

APN 217-181-017

**GRANT OF PUBLIC ROAD EASEMENT**

THIS agreement made on this 6<sup>th</sup> day of December, 2011, by  
and between ROLLING MEADOW RANCH, INC., a Florida corporation authorized to do  
business in the State of California, hereinafter referred to as GRANTOR and the  
COUNTY OF HUMBOLDT, a political subdivision of the State of California, hereinafter  
referred to as GRANTEE.

**RECITALS**

WHEREAS, GRANTOR is the owner of that certain real property in the County of  
Humboldt, California, hereinafter referred to as the GRANTOR'S PROPERTY  
commonly known as Humboldt County Assessor's Parcel No. 217-181-017.

WHEREAS, GRANTEE has vacated a portion of McCann Road (County Rd. No.  
6D090) conditioned upon this Grant of Public Road Easement;

NOW THEREFORE, it is agreed as follows:

1. **Grant of Easement.** GRANTOR hereby grants to GRANTEE a  
perpetual easement as hereinafter described.
2. **Type of Easement.** The easement herein granted is for public road  
purposes.
3. **Location of Easement.** The easement herein granted is more  
particularly described in Exhibit A (attached hereto), and depicted in  
Exhibit B (attached hereto).
4. **Secondary Easements.** The easement herein granted includes the  
incidental rights of improvement, maintenance and repair.

1

5. **Entire Agreement.** This instrument contains the entire agreement between the parties related to the rights herein granted and the obligations herein assumed.
6. **Binding Effect.** This instrument shall be binding upon and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

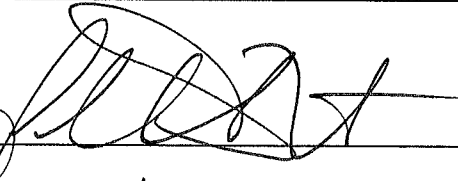
**IN WITNESS WHEREOF**, the parties hereto have executed this instrument the day and year first above written.

**GRANTOR:**

ROLLING MEADOW RANCH, Inc  
A Florida Corporation, authorized to do  
Business in the State of California

By 

Title PRESIDENT

By 

Title VP / SECRETARY

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**CERTIFICATE OF ACKNOWLEDGMENT**

STATE OF Florida }  
: SS  
COUNTY OF Brevard }

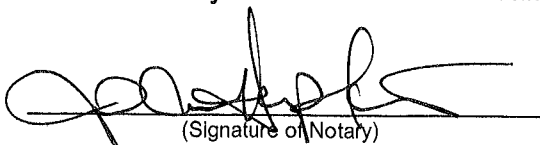
On February 28th, 2011 before me, Jo Ann Hopkins a Notary  
(Date)

Public, personally appeared, Andrew R. Machata, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
**is/are** subscribed to the within instrument and acknowledged to me that **he/she/they**  
executed the same in **his/her/their** authorized capacity(ies), and that by **his/her/their**  
signature(s) on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

(SEAL)

WITNESS my hand and official seal.

  
(Signature of Notary)  
Jo Ann Hopkins 9-30-2012





=====

**CERTIFICATE OF ACKNOWLEDGMENT**

STATE OF Florida }  
: SS  
COUNTY OF Brevard }

On February 28th 2011 before me, Jo Ann Hopkins a Notary  
(Date)

Public, personally appeared, Adele Bucci-Machata, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
**is/are** subscribed to the within instrument and acknowledged to me that **he/she/they**  
executed the same in **his/her/their** authorized capacity(ies), and that by **his/her/their**  
signature(s) on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

(SEAL)

WITNESS my hand and official seal.

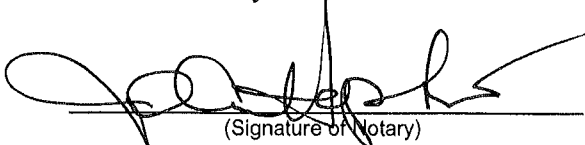
  
(Signature of Notary)  
Jo Ann Hopkins 9-30-2011



EXHIBIT "A"

PARCEL ONE

An easement 60-foot wide situated in that portion of land described in Instrument Number 2005-32130-6 (Parcel One of Tract 3-A), Humboldt County Records, situated in the Northwest Quarter of the Southeast Quarter of Section 2, Township 2 South, Range 3 East, Humboldt Meridian, 30-feet on each side of a centerline described as follows:

BEGINNING at a point that is South 66 degrees 16 minutes 03 seconds East, 286.94 feet from the Center One-Quarter Corner of Section 2, Township 2 South, Range 3 East, Humboldt Meridian per Book 52 of Surveys, page 55, Humboldt County Records;

thence North 29 degrees West, 60.00 feet;

END OF EASEMENT

PARCEL TWO


An easement 40-feet in width over that portion of land described in Instrument Number 2005-32130-6 (Parcel One of Tract 3-A), Humboldt County Records, situated in the Northwest Quarter of the Southeast Quarter of Section 2, Township 2 South, Range 3 East, Humboldt Meridian, the centerline of said easement being more particularly described as follows:

BEGINNING at a point that is South 05 degrees 43 minutes 17 seconds West, 272.33 feet from the Center Quarter Corner of Section 2, Township 2 South, Range 3 East, Humboldt Meridian as shown on Book 52 of Surveys, page 55, Humboldt County Records;

thence North 83 degrees 29 minutes 08 seconds East, 59.58 feet;  
thence North 78 degrees 30 minutes 20 seconds East, 37.70 feet;  
thence North 60 degrees 08 minutes 44 seconds East, 35.63 feet;  
thence North 45 degrees 02 minutes 05 seconds East, 100.16 feet;  
thence North 55 degrees 57 minutes 36 seconds East, 136.50 feet to the easterly line of Parcel One described above, said point is South 72 degrees 05 minutes 07 seconds East, 298.34 feet from the Center Quarter Corner of Section 2, Township 2 South, Range 3 East, Humboldt Meridian as shown on Book 52 of Surveys, page 55, Humboldt County Records;  
Basis of bearing: Field tie between found monuments of North 69 degrees 46 minutes 25 seconds West, 1275.00 feet and calculated of North 69 degrees 46 minutes 25 seconds West, 1274.71 feet per Book 52 of Surveys, Page 55 as shown on Book 65 of Surveys, Page 94.

The sidelines of said 40-foot wide easement strip to be shortened or lengthened to extend to or terminate at the exterior boundaries of land described in said Instrument Number 2005-32130-6

END OF EASEMENT



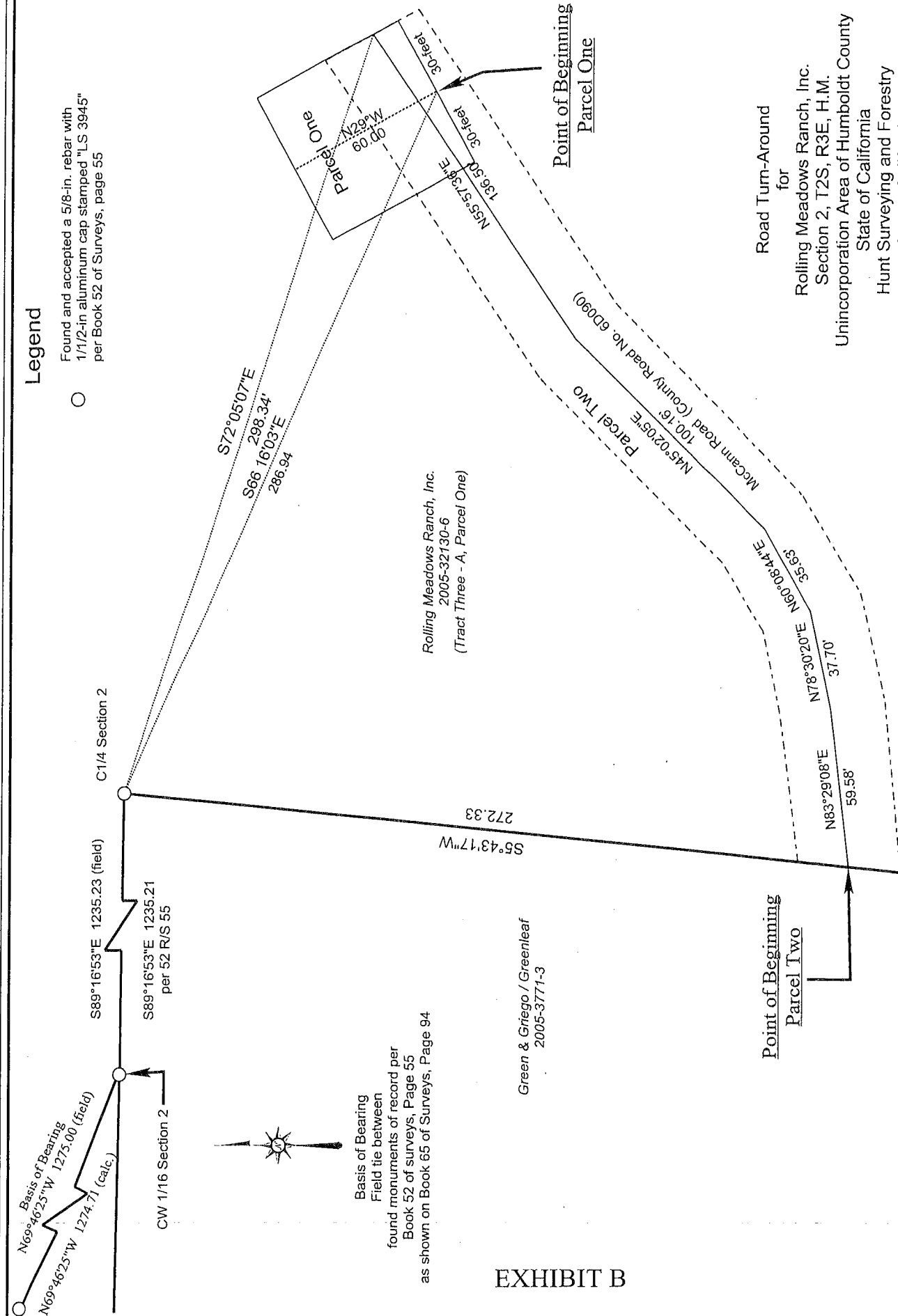
Ronald D. Hunt  
California Licensed Land Surveyor No. 4570

1/25/11  
Date



### Legend

Found and accepted a 5/8-in. rebar with 1 1/2-in aluminum cap stamped "LS 3945" per Book 52 of Surveys, page 55



Road Turn-Around  
for  
Rolling Meadows Ranch, Inc.  
Section 2, T2S, R3E, H.M.  
Unincorporation Area of Humboldt County  
State of California  
Hunt Surveying and Forestry  
Arcata California  
June 2010  
Scale 1" = 50'  
Sheet 1 of 1

EXHIBIT B

**AFTER RECORDING RETURN TO:**

Department of Public Works  
Land Use Division  
3033 H Street, Room 17  
Eureka, CA 95501-4409

This instrument is for the benefit of the  
County of Humboldt and is entitled to be  
recorded without fee. (Govt. Code 27383)

**CERTIFICATE OF ACCEPTANCE**

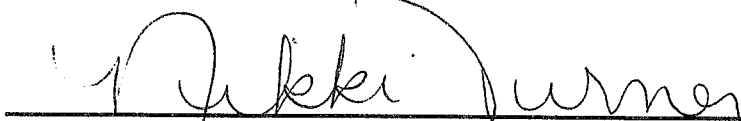
This is to certify that the interest in real property conveyed by the **EASEMENT DEED** dated **December 6, 2011**, from **Rolling Meadow Ranch, Inc, (GRANTOR)** to the **COUNTY OF HUMBOLDT**, a political subdivision of the State of California, is hereby accepted by the Grantee. The Grantee consents to recordation thereof. Such acceptance and consent to recordation are made pursuant to Resolution No. 2000-1, dated January 4, 2000, and Board Order No. **C-21**, dated **December 6, 2011**, of the Board of Supervisors of the County of Humboldt.



Mark Lovelace, Chair of the Humboldt  
County Board of Supervisors

ATTEST:

NIKKI TURNER  
Deputy Clerk of the Board of Supervisors

  
December 6, 2011



**Exhibit 4: Photos of Fugitive Dust on Dyerville Loop Road and McCann Road (and Showing Narrow McCann Bridge), taken August 2020**





Exhibit 5: Photo of Vehicles Parked at McCann Ferry Parking Lot



## Lippre, Suzanne

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**From:** Ryan, Meghan  
**Sent:** Thursday, January 7, 2021 10:38 AM  
**To:** harrieth6@gmail.com; Planning Clerk  
**Subject:** RE: Comments on Planning Commission's Consideration of Six Conditional Use Permits for the Rolling Meadow Ranch, LLC Commercial Cannabis Project (PLN-12529-CUP; SCH# 2020070339)

Good morning, Harriet – Thank you for your comments regarding the Rolling Meadow Ranch, LLC, project. Your comments will be provided to the Planning Commission for their consideration.

I appreciate your participation in the public process.

Best,

Meghan

---

**From:** harrieth6@gmail.com <harrieth6@gmail.com>  
**Sent:** Thursday, January 7, 2021 7:51 AM  
**To:** Planning Clerk <planningclerk@co.humboldt.ca.us>  
**Subject:** Comments on 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 and Honorable Planning Commissioners,

I believe that approving the development of an industrial cannabis development in our remote backcountry which will be funded by an out of state party is a very unwise decision from a planning perspective. But more on that later.

As proposed in the Initial Study/Mitigated Negative Declaration (IS/MND) the project will result in significant impacts and therefore, issuance of the Six Conditional Use Permits must be denied. The IS/MND should either be revised to include all the needed information and proper mitigations to avoid significant impacts, or an Environmental Impact Report should be prepared.

The IS/MND is incomplete and therefore does not fully consider potential project impacts on resources such as prairie habitat, Golden Eagles, rare plants, and groundwater connectivity with the Eel River. The California Department of Fish and Wildlife (CDFW) and the Redwood Region Audubon Society letters (both dated 12-30-2020) detail their many concerns about the project's potential impacts to biological resources, my primary focus. In addition, several surveys (for breeding golden eagles and special status plants) have yet to be carried out. The CDFW letter devotes over 6 pages to the document's flawed analysis of impacts to Golden Eagles alone.

I will not reiterate all the detailed suggestions of these two letters, but instead, add some additional information related to their points.

- The IS/MND largely ignores the potential impacts on Golden Eagle foraging habitat, even though the project would be mostly located on its grassland prairie feeding grounds. It states that the project will directly impact 16 acres of habitat. But it does not account for the serious indirect consequences of human disturbance on Golden Eagles. CDFW predicts that if the proposed undersized buffer zone

around eagle nests is retained, there will be significant indirect impacts on over half of the foraging habitat (approximately 125 acres) for Golden Eagles. The IS/MND does not consider that daily operations at a cannabis project site (especially one of this size and sprawl) are likely to greatly exceed historic levels of human and vehicular activity, resulting in chronic, long term disturbance to nesting and foraging eagles (B. Woodbridge, “Golden Eagles in the Vicinity of the Proposed Adesa Organics LLC Cannabis Cultivation Project”, October 21, 2020).

- The cumulative effects of the current project combined with the many other proposed cannabis operations to be located on grasslands within a few miles of the project will be significant. As well as Golden Eagles, at least 14 species of grassland-related animals and plants, and several other types of Sensitive Natural Communities could be impacted. It should be noted that grasslands have become increasingly rare nationwide, putting at peril the many animals that depend on it. A 2019 Cornell study that revealed massive bird losses in North America since 1970, found that grassland-dependent birds have declined more steeply than other bird species, dropping by 53% since 1970 (<https://science.sciencemag.org/content/366/6461/120>). Every effort should be made to retain and protect grassland areas from disturbance.
- I believe that the elephant in the room is the requirement of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) that new cultivation must be located on prime agricultural soils. This provision was originally intended to discourage cannabis development in our remote backcountry areas and relocate it to the more traditional farmlands on river bottoms and coastal plains. Now this provision is being used to do the opposite – that is, establish new cannabis grows on heretofore undiscovered “prime agricultural soils” in the back of beyond. In the case of Rolling Hills, the development will create additional fire hazard in this highly susceptible area, threaten water resources, and result in growth-inducing infrastructure development, including many miles of road improvements and the installation of PG & E power lines.
- The Planning Department and County Counsel must work together to modify this requirement so that its original intent of locating and relocating cannabis on existing farmlands is restored. Otherwise, new cannabis projects will continue to be proposed on Humboldt’s less expensive, remote ranch and timberlands far from the county’s existing infrastructure and labor market. That is simply bad planning!

Sincerely,

Harriet Hill

1695 Timothy Road

McKinleyville, CA 95519



