
From: Rebecca Manion [rmanion136@gmail.com]
Sent: Tuesday, May 16, 2017 11:37 AM
To: Lazar, Steve
Subject: Scoping Meeting Comment Proposed Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Hi Steve Lazar,

I attended and spoke at the Scoping Meeting to comment about the Humboldt County code regulating cannabis activities. I did not submit a comment sheet so I am doing that now through email...

Name: Rebecca Manion
Organization: California Native Plant Society North Coast Chapter
Mailing Address: California Native Plant Society
North Coast Chapter
P.O. Box 1067
Arcata CA 95521

Email: northcoast_cnps_business@yahoo.com

My name is Rebecca Manion and I sit on the steering committee of the California Native Plant Society's North Coast Chapter.

The primary mission of CNPS is to conserve California native plants and their natural habitats. Our chapter encourages the county to carefully consider the effects of cannabis cultivation on Humboldt County's unique ecosystems. It is important that project occurring in habitats that could support rare plant species or natural communities receive proper botanical screening and field surveys by qualified botanists. The CNPS inventory of rare and endangered plants lists 180 species in Humboldt County, many of which meet the definition of Rare or Endangered under CEQA Guidelines sections 15125 and 15380. Additionally, Humboldt County contains several rare natural communities, such as California oat grass prairies and Oregon white oak woodlands, that must be considered under CEQA checklist IV-B.

Please make sure that all project that have the potential to impact native plants and their natural habitats receive the proper screening and that impacts are disclosed and fully mitigated. Additionally, it is important that the county consider the effects of cumulative impacts of cannabis projects.

If you would like to further discuss our concerns, the Steering Committee would be happy to schedule a meeting with you.

Thank you,

Rebecca Manion
Membership Chair

California Native Plant Society
North Coast Chapter
P.O. Box 1067
Arcata CA 95521

From: Tom Wheeler [tom@wildcalifornia.org]
Sent: Tuesday, May 9, 2017 4:58 PM
To: Lazar, Steve
Subject: NOP Comments
Attachments: NOP comments EPIC.pdf

Dear Steve,

Attached please find comments from EPIC on the cannabis NOP. See you on the 12th.

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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
www.wildcalifornia.org

"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.*



Keeping Northwest California Wild Since 1977

Sent via email on date shown below

May 9, 2017

Steve Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka CA 95501

Dear Mr. Lazar,

Thank you for the opportunity to comment on the Notice of Preparation for the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities. Please accept these comments on behalf of the Environmental Protection Information Center (EPIC)

EPIC supported the development of the Humboldt County Medical Marijuana Land Use Ordinance because we felt that the best path forward for our county was a well regulated marketplace. We continue to believe that environmental destruction hides in the shadows and that we can best minimize and mitigate existing environmental issues associated with cannabis production by bringing operations into the regulatory “light.” Addressed by topic below are EPIC’s concerns with, and thoughts about, the proposed amendments.

Light and Noise Pollution

One of the most frequently mentioned issues with the existing cannabis “scene” is the amount of noise produced by generators and light pollution from grow lights. EPIC recommends completely banning the use of generators, as this is a cleaner and easier solution than setting hard to enforce decibel restrictions. Further, EPIC recommends strict light pollution standards be developed. To ensure the success of the program, we need to ensure that cannabis cultivators will be good neighbors. This is one important step towards that end.

Timberlands

EPIC commends the Board the proposed to prohibition of new or expanded cultivation that would require the conversion of timberlands. This solution is preferable to prohibiting new operations on TPZ—as it was constructed in the medical land use ordinance—as “timberlands,” per the state law definition, is a broader category of land. Fragmentation and conversion of our forests is one of the greatest environmental issues associated with the “green rush.”

Mandatory Water Storage

EPIC encourages the county to consider an alternative that mandates 100% water storage throughout the dry season. EPIC is concerned that allowing surface flow diversions, even those enforced by “flow data or localized water management plan[s],” will inadequately address cumulative affects. Our North Coast salmon are barely holding on; to ensure that future generations can know and appreciate our natural salmon fisheries, it is important that the county acts with an abundance of caution.

Grading Ordinance

Please incorporate, or if already incorporated, make clear that, compliance with the county’s grading ordinance is mandatory. Our poor rural road system is a systemic source of sediment and air pollution. Compliance with the county’s grading ordinance would ensure that major issues with roads and other large disturbances are minimized.

Enforcement

EPIC understands that enforcement of the code is a separate, albeit related, issue to the proposed amendments. That said, the issue is still related. In determining the number of permits and/or the fees associated with permits, ensure that county staff will be able to review sufficient numbers of properties to ensure compliance with the code and to act as a deterrence to scofflaws who may try to hide their bad behavior under the “green dot” of compliances. EPIC is concerned that the county is already beyond its capacity to enforce the medical marijuana ordinance.

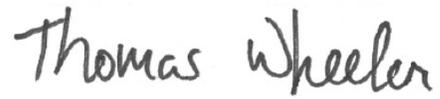
Further, EPIC recommends increasing penalties for violations of the ordinance, including potential liens on properties out of compliance. A successful ordinance requires both a carrot and a stick. Current penalties do not appear to be sufficient as the majority of cannabis farms did not appear to register for the medical land use ordinance.

Conclusion

In fin, EPIC remains committed to working with other stakeholders to develop an effective land use ordinance. EPIC thanks the county for its work thus far and for the opportunity to participate here.

Should you have any questions or need to reach me, my number is (707) 822-7711 or I can be reached at tom@wildcalifornia.org.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas Wheeler". The signature is written in a cursive, slightly slanted style.

Sincerely yours,
Thomas Wheeler
Executive Director
Environmental Protection Information Center

From: Scott Greacen [scott@eelriver.org]
Sent: Tuesday, May 9, 2017 4:03 PM
To: Lazar, Steve
Subject: Friends of the Eel River scoping comments on Green Rush EIR
Attachments: FOER scoping HumCo Green Rush EIR.pdf

Scott Greacen
scott@eelriver.org

707/502.4555 mobile



FRIENDS OF THE EEL RIVER

Working for the recovery of our Wild & Scenic River, its fisheries and communities.

Tuesday, May 9, 2017

Humboldt County Planning & Building Department
Attn: Steve Lazar, Senior Planner
3015 H Street
Eureka, CA 95501-4484

via email to slazar@co.humboldt.ca.us

Re: Scoping Comments – Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar,

The following comments are offered on behalf of the board, staff, and supporters of Friends of the Eel River. FOER advocates for the protection and restoration of our Wild and Scenic Eel River, with a focus on the fisheries that are the keystone of ecosystem health in our watershed. FOER has been working for years to identify effective solutions to the environmental impacts resulting from the ongoing explosion in commercial marijuana cultivation, until now nominally for medicinal purposes, in the Eel River watershed.

The South Fork Eel River has been the focus of decades of restoration work undertaken at significant public expense. Though already listed under §303(d) of the Clean Water Act for both high temperatures and excess sediment, tributaries of the South Fork Eel River vital to the recovery of coho have been subject to significant diversions even in historic drought, and to unplanned development that often results in significant and continuing increases in fish-killing sediment loads throughout the watershed.

As a consequence, key South Fork tributaries have suffered the loss of several year-classes of coho salmon in tributaries critical to the hope of population recovery as diversions to marijuana gardens continued despite severe drought.¹ Because Eel River coho and steelhead, as well as chinook salmon, are listed under the federal Endangered Species Act as a Threatened species, not only does each fish killed by dewatered or dirt-filled streams, and every instance in which salmon and steelhead reproduction is impaired, amount to a 'take' under the Endangered Species Act, these losses threaten to so severely undermine

¹ See, e.g., *State Water Board Comments on Sproul Creek Inspection at* <http://www.willitsnews.com/article/NR/20150220/NEWS/150229984>

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the viability of coho in the region as to constitute 'jeopardy' – the highest level of threat under the ESA. It is long past time that the County initiated consultation with the National Marine Fisheries Service (NMFS) to insure that jeopardy will be avoided and take limited to the extent possible by Humboldt County's commercial cannabis industry.

We have repeatedly written to the County on these matters, expressing variations on a theme we have repeated many times in our public statements: the existing marijuana industry in Humboldt County is causing significant, often effectively irreversible, impacts to key public trust resources in the Eel River watershed, especially to the fisheries of coho salmon and steelhead. The rapid rate of increase in the number of new growing operations, and their average size and concomitant impacts, generally shorthanded as the Green Rush, is making these problems worse, and more intractable, every year.

While we strongly support legalization and regulation as the best hope of addressing these impacts, we must continue to insist that regulation which fails to effectively address the overwhelmingly larger black market industry must fail to protect the public trust resources, including clean water and functional fish habitat, for which the county and the state are jointly responsible.

We outlined the nature of the impacts that most concern us in our comments to the Planning Commission in November of 2015:

There can be no question that substantial evidence exists of the significant environmental harms which have accompanied the dramatic expansion of commercial marijuana cultivation, for allegedly medical purposes, in Humboldt County since Proposition 215 provided a defense to growers charged under state law.

These harms include a dramatic increase in sediment loads in creeks which had previously been laboriously restored after decades of abusive industrial logging; streams diminished, and even entirely dewatered, by unpermitted water diversions; and by loss of their habitat, runs of native fish lost to extinction, with potentially catastrophic implications for the recovery of coho salmon and steelhead in the Eel River watershed, among others. Poorly designed and maintained roads, stream crossings, grading sites, and ponds have, are now, and will continue to discharge sediment into tributaries of the Eel River, all of which are already listed by the State Water Board under §303(d) of the Clean Water Act as "impaired" by both sediment and high water temperature.

As well, there is substantial evidence that the use of pesticides and fungicides by commercial marijuana growers has led to the release into the ecosystem of highly toxic substances, including poisons deadly to fish at very low levels, as well as bioaccumulating rodenticides that are causing predator mortality to increase rapidly, and that workers and consumers are being exposed to potentially harmful levels of quite dangerous materials. (Note, for example, that the EPA is now moving to ban the

use of chlorpyrifos, a neurotoxin used to kill mites.² Chlorpyrifos is one many pesticides and fungicides recently detected in tests of concentrated cannabis product sold in Oregon.³) Even the unregulated use of less toxic materials, such as fertilizers, has led to aquatic impacts that could readily prove cumulatively significant under close scrutiny.

These harms rise in some instances to violations not only of the county's existing ordinances, but of state and federal law, including the Clean Water Act, the Porter-Cologne Water Quality Control Act and the associated Basin Plan; the California Fish and Game Code; and the California and federal Endangered Species Act. Such impacts are without question potentially significant under the California Environmental Quality Act (CEQA).

Unfortunately, the County has responded to our concerns with a combination of empty assurances that state agencies will surely get right on dealing with those issues and its own "regulatory framework," which appears devised more to insure that the County collects revenue and growers who want to be legal get a permit than to actually limit the watershed impacts of Humboldt's incredibly lucrative pot industry.

Our fundamental problem appears to be that the County has no guiding vision, no articulable principles which control the construction of our new legal weed industry – other than the industry's familiar maxim: whatever you can get away with. The question is, does this mean we are looking to state agencies to set the limits? To what the land, and the rivers, and the fish, can bear? Or to the limits of the law? One fact seems indisputable: the black market industry is driving a real estate boom, which is making many of the county's elected leaders and their supporters quite happy.

The County seems more than reluctant to take any steps that will deter the golden goose from laying all she wants. But the golden goose is crapping in the creek. The real estate boom is just another face of the cumulative effects which are now, today, killing Humboldt's real treasure – its watersheds, fisheries, wildlife and wild lands.

Thus far, the County's strategy for dealing with the black market industry has been almost entirely carrots – attempts to guide behavior by incentives and rewards – combined with only a few flimsy enforcement sticks, whose lack of use only reinforces their impotence. We deserve better leadership than this. The basic questions about Humboldt's commercial cannabis industry are land use issues. It is the County's responsibility to regulate land use, even if some of its officials would prefer not to.

In our November 2015 comments to the Humboldt County Planning Commission, we noted that:

² See *EPA Proposes to Revoke Chlorpyrifos Food Residue Tolerances* at <http://www2.epa.gov/pesticides/epa-proposes-revoke-chlorpyrifos-food-residue-tolerances>

³ See *A tainted high - Lax state rules, inconsistent lab practices and inaccurate test results put pesticide-laced pot on dispensary shelves* at <http://www.oregonlive.com/marijuana-legalization/pesticides/>

*The county must provide clear means to distinguish the minority of such operations which may be permitted under an effective system of regulation from the majority which should never have been established. **Given the county's long history of feckless land-use regulation, it is particularly important that the county establish straightforward enforcement mechanisms, including the use of common-law nuisance, that can and will be used to shut down thousands of large, damaging operations which cannot be, should not be, or simply are not properly permitted.***

(emphasis added)

The County has not only failed to establish such mechanisms; it has continued to tolerate (and even to create incentives which invite) the establishment of additional new, large, commercial marijuana growing operations across the county, leading inevitably to new and increased environmental impacts.

Optimally, the county would systematically use the contemplated ordinance to shut down and force remediation of the vast majority of the class of large operations that generate disproportionate harms. Such enforcement would itself constitute perhaps the most effective potential mitigation of the environmental impacts generated by the commercial marijuana industry.

But there can be no question that significant environmental harms could – and should – have been prevented if only the county had seen fit to enforce its existing regulations as the Green Rush swept over the Humboldt hills.

In our comments to the Board in December of 2015, we wrote that:

That those operations decline to obtain permits does not allow the County to ignore their impacts in order to determine that operations it does permit will incur no significant watershed impacts. We note here that the County's practice of ignoring violations of its grading ordinance may have some relationship to the significant sediment inputs that are causing continuing harms to the Eel River and its fisheries.

The environmental and social consequences of a legal pot industry operating at a given scale in Humboldt cannot be meaningfully evaluated in isolation from the key questions about the (still booming, bigger this year than ever) illegal industry, which operates on the same landscape, takes water from the same sources, and puts the same dirt in the same fish habitat as the legal industry – except all at a much larger scale.

Thresholds matter. If the impacts of the illegal industry can be, and are, sharply reduced – as a whole, or at least at a watershed scale, not merely on the level of this or that specific operation – then there may be 'room' for the impacts of an enlarged legal industry. But if the illegal industry remains unrestrained, its impacts remain unbearably large, and the addition of even limited impacts, however legal they may be on a per-operation basis, must be considered at least potentially intolerable for watersheds already over thresholds.

For the purposes of CEQA analysis, the county has claimed the benefit of moving operations into legal status, claiming that results in net lower impacts. But if the whole industry is

actually evaluated as it actually exists, it is far from clear that the effect of the County's strategy is actually net lower impacts on the watersheds and fisheries which are the ultimate object of FOER's concerns. **By bringing many of the lower impact operations into legal status, but failing to effectively restrain the still-growing black market sector, which almost certainly generate higher impacts both on average and by their much greater number, we may not have actually reduced the amount of dirt reaching spawning grounds, or increased the number and improved the condition of the young fish that make it out of our watersheds every year.** Those are the numbers that matter to us – not how many permits the County has issued, or the fees it has collected.

Evidence of ongoing harms is abundant and readily available to the County.

The most important index of cumulative effects – the increase in the number and size of commercial cannabis operations -- is plainly visible over time on Google Earth and other remote sensing data, now widely available. The Department of Fish and Wildlife, FOER and our partners, the Regional Board, and even the Lost Coast Outpost have all conducted similar evaluations of Google Earth and other remote sensing data and reached broadly congruent conclusions about the scale and rate of growth of the marijuana industry in the county.

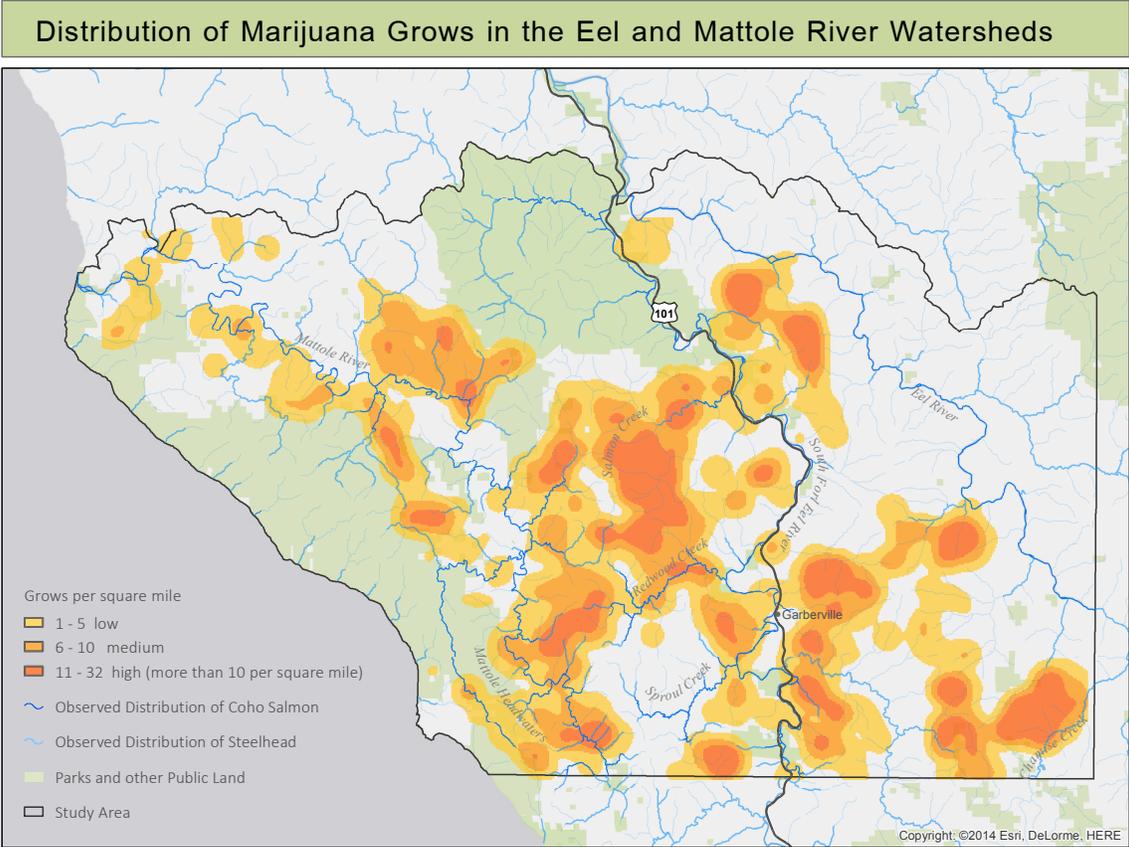
We must note that all these studies show the Butsic study dramatically underestimates the number of operations in the county. This is because that study chose to randomly sample watersheds to examine. Such a technique is useful and appropriate where impacts can be assumed to be evenly distributed. However, it is very clear that the marijuana industry is not randomly distributed in Humboldt County. Two of the watersheds Butsic et al did not examine – Redwood Creek and Salmon Creek – have long had some of the highest concentrations of operations found in the county. (See Fig 1 below.)

Thus, Butsic's estimates are not likely to prove useful guides for policy makers. The county should assemble all of the information and analysis available and reach its own conclusions. We note that the Assessor's office has had remarkable success in identifying structures on Humboldt County parcels when other parts of the county have been unable to do so. Maybe they can help.

In addition, the County should be considering what part Humboldt will play in California's legal marketplace. The California Growers Association has estimated that the state will need 1100 acres of legal pot production to meet the new recreational demand.⁴ Assume they're off by a lot, and that 2000 acres will actually be needed. How many acres has Humboldt County already got in the permitting pipeline? 500? Can Humboldt reasonably expect to have fully a quarter of the whole state's production in the future? Or are we planning to permit most of the estimated 15,000 outdoor operations in the County? To what market will they be selling? How are they going to compete with places that don't need to truck in their soil?

⁴ "Allen said the industry estimates 1,100 acres of marijuana farms will be needed to meet the state demand." See *The push to legalize pot for all has deeply divided the medical marijuana community*, <http://www.latimes.com/politics/la-pol-ca-proposition-64-recreational-pot-opponents-20161004-snap-story.html>

Figure 1. Concentrations of cultivation sites in Eel and Mattole Watersheds in Coho Critical Habitat. 2014 data.



We have repeatedly noted the critical importance of understanding, and addressing, the impacts of the commercial cannabis industry as cumulative impacts. From our November 2015 comments to the Planning Commission:

*However, while controls must be implemented at the level of the individual operation, **it is not sufficient merely to insure that no single operation has significant impacts.** To insure the cumulative impacts of all permitted operations do not rise to the level of significant impacts, the county must consider how the impacts of similarly situated permitted operations will affect the environmental values at risk, at the scales appropriate to the resources at risk (e.g. at the subwatershed level for imperiled fish runs), given the number and scale of operations contemplated for permitting, and given proposed restrictions to the extent they are certain of enforcement.*

All of these different kinds of growers are selling primarily to the black market, and the black market remains the critical driver of land and water abuse by the commercial marijuana industry. While Humboldt County cannot by itself do away with the black

market, it can and should build regulations that recognize the threat that continued black market operations pose to its environment, public health, and safety. A regulatory scheme that would allow most current large-scale grows to continue under a pretense of permitting will only fail to protect public health, safety, and the environment less catastrophically than today's entire absence of regulation.

Under these circumstances, where the County is aware of the significant impacts of the illegal industry, and declines to take even modest steps to prevent those impacts, but instead sets up a parallel, regulated legal industry – but neither accounts for nor attempts to regulate those who don't choose to seek permits – a strong argument could be made that the County must not only analyze and disclose the cumulative impacts of the industry as a whole under CEQA, but must also consult with the National Marine Fisheries Service pursuant to the requirements of the federal Endangered Species Act, and seek incidental take coverage for the entire commercial cannabis industry that is normally required where listed species will be subject to harms that cannot be prevented.

In its EIR, the County must disclose and analyze not only the current condition of Humboldt's watersheds, fisheries, and related public trust resources, but the trends in each of the relevant metrics, and what must be done to achieve thresholds necessary for watershed and fishery recovery, at a subwatershed level.

We have emphasized the need for an enforcement program with the scope, authority, and resources necessary to rein in the Green Rush activities which are driving increased and more severe watershed impacts.

The ... MND fails to adequately assess not only the current level of impacts, but even more critically the devastating trend line of increasing impacts. If the status quo of rapid growth continues, significant impacts to watershed and fisheries are certain to continue as well. The continuing, rapid expansion in the number and size of pot farms, and the geographic expansion of high-intensity cultivation areas, are at this point clear trends.

If adequate regulations controlling the activities generating these impacts are not established and effectively implemented, these serious, significant, and cumulative harms are certain to continue, and likely to worsen. Put another way, if the county adopts a regulatory scheme that allows the continued expansion of both individual operations and the industry overall, and/or fails to effectively enforce the rules once adopted, these significant environmental harms will continue, and will likely continue to get worse. Both clear, adequate rules and effective enforcement are necessary to prevent significant impacts in the near future.

Unfortunately, we have seen neither clear, adequate rules, nor effective enforcement. It is thus unsurprising that we are continuing to see significant impacts from the ongoing increase in the number and size of commercial-scale marijuana growing operations across the County. In the pending EIR, the County should outline the scope and scale of enforcement measures reasonably necessary to reduce the watershed impacts of the

marijuana industry to a less than significant level. It should outline at least some ways in which such measures could be made relatively certain of accomplishment. It must provide at least some estimates of the cost, and probable benefits, of such enforcement measures. The County should be able to describe in at least outline form the resources necessary to, for example:

- a) provide enough code enforcement officers to inspect every permitted operation at least once a year;
- b) serve nuisance notices on a substantial fraction (say a quarter) of the existing non-permitted operations every year;
- c) enforce Humboldt County's grading ordinance.

Unless and until it does so, we will continue to assume that the County's representations regarding effective enforcement are just hollow talk.

We have outlined in some detail tools available to the County which might prove more effective in addressing unpermitted/ illegal/ black market weed operations. The County conspicuously failed even to address these suggestions, which we reiterate:

Consequences of Violations

Ineligibility

Persons found to have violated the county's ordinance should not be eligible for a permit for a period of at least five years. Similarly, parcels where violations of the county's ordinance have occurred should not be eligible for future permits for a period of at least five years.

Fines

The county has the ordinary power to punish violations of its ordinance by fines. Given that the county needs to secure funding to support a dramatically increased oversight and enforcement program, and that deterring abusive operations will both support the establishment of a high standard for Humboldt County's products and significantly reduce environmental impacts, FOER encourages the county to consider a schedule of fines that would support the proposed regulatory framework. We would respectfully suggest that the county consider establishing fines for unpermitted cultivation that reflect the scale of the operation in question. Fines should, of course, run against the parcel where the violation took place.

Operations of less than 2000 ft² which do not involve other violations of law or environmental harm should be subject to a fine of up to \$10,000 for failing to obtain a county permit. Operations from 2000-5000 ft² should be subject, however, to fines of up to \$250,000; those smaller than 10,000 ft² should be subject to fines of \$500,000; and larger operations should be subject to fines of at least \$1 million. Such fines would provide the county a powerful incentive to stay on top of the large, unpermitted operations that need the most attention, and would give growers who are not

interested in following the county's requirements an immediate incentive to relocate their operations outside the county's borders.

One permit per natural person per parcel.

The county should issue permits to cultivate marijuana only to natural persons who are residents of Humboldt County – not to corporations or other entities. Permits should be limited to one per person, and to one per parcel. The permittee should generally be expected to be present at the permitted operation.

Disincentive for land splits.

If a parcel with a permitted operation is divided, by any legal means, the resulting parcels should only be eligible for permits that are less than or equal to the amount of production that would have been allowed on the original parcel under its permit, for a period of at least five years.

Continued compliance with all other permit terms to maintain county permits.

We assume the intent of the ordinance is to require not just compliance at permitting, but continued compliance over time, with all requirements that may be imposed by any state agency with appropriate jurisdiction. The ordinance should explicitly condition permits on such continued compliance with all legal requirements.

County may reduce sizes for any reason, may also increase if watershed conditions improve, continue on trend toward recovery

It is difficult to overemphasize the importance of the Department of Fish and Wildlife's suggestion that many watersheds, particularly in the South Fork Eel River basin, are already subject to greater impacts than their biological systems can sustain without suffering the loss of critical functions, degrading public trust values, and even losing imperiled species like coho salmon. It is particularly in these watersheds that key impacts must be reduced as quickly as possible, and effective mitigations undertaken. FOER is gravely concerned that a regulatory framework that proposes to issue permits to the vast majority of currently existing operations will necessarily be incapable of accomplishing such a reduction in impacts.

FOER strongly supports, and greatly appreciates, the county explicitly stating what must be true under California law: that it retains the power to reduce the size of cultivation permits where the impacts on watersheds require a reduction in impacts. It would be even better for the county to make it clear that cultivation permits issued under the contemplated ordinance do not constitute any form of property right or entitlement, and are subject to reduction if the people, through their county government, decide that's warranted.

Association with Trespass Grows and other heinous activities should be a permit violation.

Permits should be made subject to revocation if, in the judgment of inspecting staff, it is clear that a permitted operation is linked to a trespass grow, to production of methamphetamine, or to trafficking in Schedule 1 narcotics other than marijuana.

We would further suggest that the EIR consider additional regulatory improvements, including:

- a) Unannounced inspections for all commercial permit holders;
- b) Emphasizing enforcement measures to shut down unpermitted operations which frustrate the purpose of existing regulations and impair watersheds:
 - a. large operations;
 - b. key fish watersheds;
 - c. multiple operations associated with same persons;
 - d. absentee landowners.

In our December 2015 comments to the Board of Supervisors on the drastically altered draft ordinance submitted by the Planning Commission, we noted three areas where, in FOER's view, the Board needed most to revise the draft. Unfortunately, the Board chose to ignore our advice here as well. We urge the County to reconsider, to adopt reasonable limits, and to construct effective enforcement mechanisms in its revision of its regulations.

We sought, and still seek:

- **(a) Meaningful cap on overall number of permits.** *FOER has proposed a limit of 1500 permits for the first few years, pending completion of full environmental review. Effectively administering a program of that scale should present more than sufficient challenge as the county begins to regulate its cannabis industry.*

The Board flatly refused to consider capping the number of permits, and instead has announced its intention to offer an apparently unlimited number of additional permits before we even know how it will regulate the estimated 2700 permit applications now before the county in some form. We at FOER still think 2700 is probably too much, but let's at least stop there until the County figures out what industry we actually want to have in 5-10 years.

- **Reasonable scales.** *We thought the staff draft made a lot of sense. The 3000 square foot grows advocated by HUMMAP seem workable with proper oversight as an appropriate scale for ordinary commercial cultivation. 10,000 square foot megagrows and even larger operations should be very limited in number, subject to exacting review, and restricted to sites most appropriate for large commercial operations.*

Needless to say, the County listened to the big growers, who wanted big grows. And now that's the standard. Bigger grows are providing bigger incentives to establish more black market operations. That's leading to more impacts.

• **Real enforcement tools and resources.** *FOER has proposed that the County adopt a schedule of meaningful fines for operators who choose to continue to grow large amounts of cannabis without a permit. We have also proposed that the county provide that significant violations of permit terms will result not only in the loss of the permit, but in both the permittee and the property becoming ineligible for a future permit.*

As noted above, we still think the County should seriously consider such disincentives and related policies that might be effective in limiting the watershed harms created by the Green Rush.

In our comments to the Board in December of 2015, we noted that “the County’s continuing failure to address its black market cannabis industry may result in additional liability for the environmental harms caused by its cannabis industry.” That none of us has solutions certain to work does not relieve us of the responsibility to face the problems squarely.

Because the County has failed to date to prioritize its responsibilities to effectively regulate the industry and protect public trust resources, FOER respectfully requests the County prepare an Alternative in the pending EIR which focuses on the prevention of unnecessary watershed, fisheries, and other wildlife-related and environmental impacts. We propose the County denote this Alternative the “**Watershed and Wildlife Protection Alternative.**”

This alternative should focus on reducing, and where possible, eliminating, the excessive watershed impacts of the existing marijuana industry and preventing additional or future impacts. Its central consideration should be to provide for the attainment of watershed conditions conducive to the survival and recovery of native, imperiled fisheries, as well as the management systems and enforcement tools necessary to ensure continued attainment of such conditions.

Under this Alternative, the County should not issue additional permits for commercial cannabis cultivation in subwatersheds which are designated as critical habitat for one or more species listed under the federal Endangered Species Act (ESA), if fisheries in that subwatershed are not showing a trend toward recovery, and if sediment and temperature levels in that subwatershed continue to be above the thresholds designated by the EPA and Regional Board for, e.g., sediment and temperature. The County should maintain a moratorium on the issuance of additional permits for commercial cannabis cultivation in such watersheds until there are no unpermitted commercial operations in the watershed, and pollutant levels are below thresholds, and fisheries are not declining.

Please note that there are a number of other environmental issues, and many social and cultural issues, on which we are not providing detailed comments. That doesn't mean they're not a problem, or that the EIR need not consider these issues. The use of pesticides remains a critical issue for workers, consumers, and others who may be exposed to these

chemicals, as well as for the harms they do to wildlife and fisheries. We strongly urge the County to take the strongest possible measures to restrict and deter the use of pesticides in cannabis cultivation beyond those outlined by the Regional Board.

The use of artificial lights is disrupting wildlife. They should be banned as a public nuisance. And despite the profitability of indoor marijuana production, there is no way to justify the carbon impacts of energy-hungry intensive lights when we are finally legalizing outdoor production. As we noted in our Planning Commission comments on *Indoor Grows and 'Mixed Light' Operations*:

The most credible study of indoor marijuana cultivation in California to date concluded that the amount of electricity then being used to grow indoor pot in the state was approximately equal to the total reductions in energy use achieved in the state's attempt to reduce its carbon footprint.⁵ Given these impacts alone, it is impossible to conceive of an environmental justification for growing marijuana to harvest under artificial lights. The county should not permit indoor operations except, as noted, for closely regulated nursery operations. Those should be restricted to industrial sites serviced by the electrical grid, and required to fully offset their carbon footprints. Similarly, the county should not permit 'mixed light' operations.

If Humboldt took its rhetoric about branding and environmental consciousness even half-seriously we'd ban indoor growing altogether, and reclaim a lot of desperately needed housing in the process. Because the climate impacts of indoor cultivation are so substantial, the County must consider a **"No Indoor Cultivation, No Artificial Lights"** alternative, particularly in its greenhouse gas analysis.

Conclusion

The County should consider at least two additional Alternatives as outlined above.

Thank you for your patient attention to these comments, and for your diligent efforts toward the creation of a truly sustainable cannabis industry in Humboldt County.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Scott Greacen', with a long horizontal line extending to the right.

Scott Greacen
executive director

⁵ See Evan Mills, Ph.D., *ENERGY UP IN SMOKE: THE CARBON FOOTPRINT OF INDOOR CANNABIS PRODUCTION*, Lawrence Livermore Labs April 2011

From: Denise Marshall [denise@mcleanfoundation.org]
Sent: Monday, May 8, 2017 4:21 PM
To: Lazar, Steve
Subject: cannabis EIR

Hello,

With the current issues facing Fortuna and cannabis grows, I hope that there will not be any kind of a repeal for the permit deadline. Especially in light of changes that need to occur to the current approved regulations that allows cultivation/growing near neighborhoods and community/youth space in the Eel River Valley on county lands that are too close to the people and children who do not need to be living or recreating near this kind of agriculture.

Cities with county property that is adjacent to above locations should have the ability to not allow close proximity cultivation. Restrictions should be created and these farms moved out into open spaces more conducive for agriculture.

Thank you.

Denise Marshall
Director
McLean Foundation
1336 Main St
Fortuna, Ca
707-725-1722
www.mcleanfoundation.org

stewarding what we have been given...

From: Bill Thorington [tcgroup@suddenlink.net]
Sent: Tuesday, May 9, 2017 1:20 PM
To: Lazar, Steve
Cc: Patrick Soluri ; Laurent Cleenewerck; Mark Wheatley
Subject: NOP Comments
Attachments: NOP Comments P-1.jpg; NOP Comments P-2.jpg; NOP Comments P-3.jpg

Hi Steve,

Attached are the comments pursuant to your NOP of the amended Cannabis Ordinance, from the Nelson-Hillside Association (NHA) for your consideration.

Bill Thorington, Co-Chairman
Nelson-Hillside Association
nha@suddenlink.net
707-496-4703

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Nelson-Hillside Association

501 Maya Ln. Fortuna, CA 95540
NHA@suddenlink.net / 707-496-4703

May 1, 2017

Steven Lazar
Humboldt County Planning
& Building Department
3015 H Street
Eureka, CA 95501

Sent by email: slazar@co.humboldt.ca.us

Re: Response to DIER NOP

Dear Steve:

The Nelson-Hillside Association (NHA) is an association of nearly 50 property owners that reside either adjacent to or within a few blocks of the Nelson Lane parcel (Fortuna) that contains 3 pending applications (HCCMM Land Use Ordinance and Applications: 12160, 12157, and 12158). The majority of our members reside within the City Limits of Fortuna, which is adjacent to the Nelson parcel on three sides; with about a dozen that reside on the 4th side that is within the County. The NHA is an interested party and wishes to remain active in the drafting and discussions concerning the amended Ordinance. The following issues are those that specifically affect this neighborhood and the City of Fortuna. The order of response follows the items in your Project Description of the NOP dated April 4, 2017 and is not listed in any priority.

Repeal the deadline for applications...

We believe the County should institute an immediate moratorium and freeze all decisions on existing applications until the amended ordinance has been accepted and enacted. We believe that all new applications, and those received prior to 12/31/16, should be subject to the revisions that will be contained in the amended ordinance. So we object to repealing the deadline to accept more applications "without significant change"

Expand the areas where new cultivation...

We do not agree that cultivation areas should be expanded into lower portions of principal watersheds. Protection of our watersheds, and the flora and fauna that depend of these should be protected against surface runoff associated with these sites and from excess irrigation. The use of amendments in this industry is well known, organic or not and will adversely affect algae growth and all downstream uses and users.

Surface water diversion, if allowed, should be highly controlled. This industry has a dismal track record of surface water diversions to the detriment of down stream flows and users. We know that the cumulative effect of surface water diversions has been detrimental to our major river systems, especially the Eel, Klamath and Mad Rivers.

Ground water must be carefully monitored as to not have adverse effects on nearby citizens who depend on existing wells for domestic water. Residents should not have to claim “competing water” in order to protect their wells. The amount of water pumped by a commercial cannabis operation is substantial, therefore, the burden of proof to show NO IMPACT on neighboring wells should be on the applicant, prior to cultivation, and not after the neighbors wells have been affected.

Private or privately maintained roads should be protected from the degradation resulting in high traffic and commercial vehicles that will result from these large commercial operations. It is already a travesty that the County will not maintain it’s road system, but to permit a use of the road that will deteriorate it further without planned and mandated maintenance by the new user only adds to the neighbors discomfort and financial burdens.

Apply special requirements/limitations for projects located within spheres of influence or community areas...

We object to the approach of “special requirements/limitations” and fervently believe a buffer zone, exclusion zone and a substantial set-back should be established around all City limits and all rural neighborhoods. Cities must be allowed to protect and have input as to developments being considered within their Sphere of Influence (SOI), especially when otherwise qualified sites exist immediately adjacent to City boundaries. Likewise, there are many areas, just outside of City boundaries where rural neighborhoods are developing and hope to someday be annexed into the City. In many cases the City is already supplying water, sewage and public protection to these areas. To allow a commercial operation of this nature adjacent to or within very close proximity to children, families and neighborhoods is wrong in every aspect of the action. The County must also look at its own General Plan to see that draft pre-zoning of these areas has already been established with more appropriate land use classifications, indicating that these areas are being recognized for what they are and are planned to be rezoned to Residential in varying sized parcels, usually 2.5-5. This zoning would immediately prohibit such commercial applications, yet because the County has taken years to approve its GP update, commercial applications are being accepted and approved in these areas, in spite of its own pre-zoning. Therefore the amended ordinance must establish a substantial buffer zone around any SOI or rural neighborhoods. Most City and County ordinances for retail sales, dispensaries and processing facilities have substantial set-back or exclusion zones ranging from 500’ to 1000’ from schools, churches, bus stops, playgrounds or anywhere children congregate. All of these cannabis related businesses are done inside and out of the public’s eye and still have protective set-backs. So simply apply the same principal for these outside, in “plain view” operations when being considered in and around family neighborhoods.

Provide for additional amendments to existing ordinance provisions including: application requirements, performance standards, general provisions, and permit types...

While the recent proposition to allow and expand the uses and cultivation of cannabis was approved by the voters, and will soon be codified in State Laws, these do not in any way eliminate the public’s right to comment and influence local ordinances, general provisions or permits dealing

with implementation at the local level. CEQA fundamentals should be embraced and followed in all instances, allowing for proper environmental review and providing the public with a forum on issues germane to them, their homes and communities. No aspect of the amended ordinance should be non-discretionary or ministerial. These are serious matters that impact the public's welfare, peace of mind, the welfare and impact on children and the communities where we live. The public has the right to be involved and comment on issues that will impact their lives and families.

We seem to be moving in a direction to make the cannabis industry transparent, supervised, regulated and taxed; **all good directions**. But this move should NOT bar the public from participating in these changes. Rendering the current ordinance primarily non-discretionary and ministerial bars the public from any form of comment, objections or participation. Again, the NHA calls for an immediate moratorium on all existing applications until the amended ordinance has been written, vetted and approved. Continuing to process applications, in view of the many failures and omissions that this amending process is trying to correct, is wrong and will have serious repercussions on the County if it continues on its present course.

We also ask to be notified and invited to any further meetings, discussions, workshops or scoping sessions that may be scheduled concerning the amended ordinance. We will be happy to send one or two representatives to participate. Direct all notices to:

NHA
501 Maya Lane
Fortuna, CA 95540
or by email to NHA@suddenlink.net

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bill Thorington", with a large, stylized flourish extending to the right.

Bill Thorington, Co-Chairman
Nelson-Hillside Association

From Fortuna Residents
who use Home Avenue

To Steve Lazar

Everyone prefers
300 ft set backs
from residents that
are on adjoining property or
across the street from a grow

and grows property is
200 feet from

The "attached" letter from Tim Meade
was copied and handed to residents
who wanted more time to read it,
I will mail you one of the copies
even though it was already
mailed to you from Tim.

4/20/2017

To: Steve Lazar and everyone who can improve cannabis growing regulations.

Cannabis growers have rights but so do citizens who rent or own homes in Humboldt County. Many people in the Nob Hill area of Fortuna, CA border sections of land ~~of land that~~ that are in the county but not in the city. If a cannabis grow is suddenly 40 feet from our property line, the smell will no doubt ruin the quality of life in our houses and yards.

Grows should be at least 300 feet from a neighbors houses and at least 200 feet from property lines. This would at least lessen the "skunky" smell. No visible lights and no audible sounds (not just from generators, but from any noise connected to the grow) are also essential.

Excessive use and contamination of water are also concerns. In many places on our hill, water flows downhill from one person's property across another's. If the water is contaminated this should not be allowed.

Increased traffic would also be an issue in our area which is accessible by only Home Avenue, a collector road.

There are many instances where grows have brought in people who ruin the security of an area. That is a concern in a neighborhood with many families nearby, such as in our area.

Nearby cannabis grows can also lower property values of homeowners.

There are many places in Humboldt County where cannabis can more easily be grown at least 300 feet from neighbor's homes and at least 200 feet from property lines. Cannabis growers have rights but so do their neighbors. These setbacks are essential. We are counting on you not to just think of the cannabis business but the rights of the neighbors impacted by your decisions.

We also agree with everything in Tim Meade's attached letter concerning cannabis grows.

Print Name	Signature	Address
Helen Winfrey	Helen Winfrey	525 Garland Ave, Fortuna
Jeff Northern	Jeff Northern	372 Garland Ave. Fortuna
DEB DEARDOR	DEB DEARDOR	3400 GARLAND AVE.
Boggs DEES	Boggs DEES	341 Garland Ave.
Tim Ireland	Tim Ireland	357 Garland Ave
Katharine Ireland	Katharine Ireland	351 Garland Ave
Marilyn Lewis	Marilyn Lewis	300 Garland Ave, Fortuna
Dennis Lewis	Dennis Lewis	300 Garland Ave, Fortuna
DeAnn Willis-Sharkey	DeAnn Willis-Sharkey	402 Garland Ave, Fortuna
Dena Kovai	Dena Kovai	570 Garland Fortuna
Kris Wohless	Kris Wohless	598 Garland Ave
Martin Abshire	Martin Abshire	817 Holman way
Elizabeth Abshire	Elizabeth Abshire	817 Holman Way Fortuna
Sharon Vinum	Sharon Vinum	833 Formally, Fortuna
Ann Benton	Ann Benton	840 Holman Way - Fortuna
Tom ...	Tom ...	NEB ... HILL - Fortuna
Dee Debat Harrow	Dee Debat Harrow	546 Garland Ave
Steve Harrow	Steve Harrow	546 Garland Ave
Kenneth Patmore	Kenneth Patmore	528 Garland Ave
Linda S. Patmore	Linda S. Patmore	528 Garland Ave
Pamella ...	Pamella ...	361 Garland Ave
Douglas Pressler	Douglas Pressler	536 Garland Ave, Fortuna
Dawn Beechler	Dawn Beechler	535 Garland Ave Fortuna



Print Name

Signature

Address

Sheldon Boechler

Sheldon Boechler

535 Garland Ave Fortuna

4/20/2017

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We also agree with everything in Tim Meade's attached letter concerning cannabis grows.

Print Name

Signature

Address

Print Name	Signature	Address
Joan Bennett	Joan Bennett	475 Nob Hill Rd Fortuna, Ca
Virginia Meadors	Virginia Meadors	884 Baer Ct, Fortuna, CA
JERRY W MEADORS	Jerry W Meadors	884 Baer Ct, Fortuna, CA.
Cynthia Cowell	Cynthia Cowell	548 Nob Hill Rd, Fortuna CA
Jessica Crotty	Jessica Crotty	545 Nob Hill Rd, Fortuna CA
Marilyn Moore	Marilyn Moore	540 Nob Hill Rd Fortuna CA
Jordae Herrera	Jordae Herrera	529 Nob Hill Rd Fortuna, CA
Gary K Gundlach	Gary K Gundlach	512 Nob Hill Rd Fortuna
Shawn Gundlach	Shawn Gundlach	512 Nob Hill Rd Fortuna CA.
Kenneth Bowler	Kenneth Bowler	500 Nob Hill Rd Fortuna CA
KEP CAMPBELL	KEP Campbell	450 NOB HILL RD Fortuna
VICKIE COLLINS	Vickie Collins	400 Nob Hill Rd Fortuna CA
Rose Hoas	Rose Hoas	551 Nob Hill Rd Fortuna Ca
Philip Johnson	Philip Johnson	830 Baer Ct. Fortuna, CA
Casen Eamons	Casen Eamons	802 Baer Ct. Fortuna, Ca
Angela Johnson	Angela Johnson	830 Baer Ct. Fortuna. Ca
Kyle Cooper	Kyle Cooper	2020 Home Ave
AARON STACY	Aaron Stacy	820 HOLMAN WY
Shannon Stacy	Shannon Stacy	820 Holman way
Stacey Edgmon	Stacey Edgmon	1990 Home Ave, Fortuna, CA
Elizabeth Kwardell	Elizabeth Kwardell	1970 Home Ave, Fortuna, CA
FRED W. LONG	Fred W. Long	1970 Home Ave, Fortuna, CA
Reid Fisher	Reid Fisher	522 Nob Hill Fortuna Ca

This is the letter that every person was shown and offered a copy of as the petition was signed. Please attach it to the petition if you want to.

Thanks for talking with me yesterday.

I will continue to tell people to trust that you will make changes to protect residences from grow issues

REC
MAY -
Number
Plumbing

Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
ATTN: Steven Lazar

4-16-17



Steve: Some of these suggestions are rewrites from other ordinances and have been adopted as practical.

Ref: **NOP REVIEW**

The following suggestions are for the Notice of Preparation to the Environmental Impact Report scheduled to be implemented in 2017. The goal of these comments are to maintain or improve the character, appearance, and livability of established neighborhoods to include our surrounding environment. I'm asking that we protect this environment from incompatible uses, excessive noise, traffic, dust, light spillage, glare, odor, and similar significant nuisances that may be caused by cannabis cultivation.

By considering these recommendations we can ensure our environment is adequately protected both inside and outside any Sphere of Influence (SOI) within Humboldt County.

* **Residential setback**

On eligible parcels regardless of size, any commercial marijuana cultivation area must be setback at least a minimum of three hundred (300) feet from existing residences on adjoining parcels. This will provide a reasonable buffer zone to help eliminate nuisances.

* **Property Line Setback**

Any cannabis cultivation area must be setback a minimum of at least one hundred (100) feet from the property line.

* **Prime Ag Land**

As you had mentioned in your NOP; Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils that are planned and zoned for agricultural use.

This would be extremely helpful where cultivators have prime soils close to adjacent neighbors but also have the opportunity to relocate. Gaining access to some of these prime ag locations may cause significant environmental harm.

* Odor

1. A greenhouse utilizing a mixed-light operation used for marijuana production or a building used for marijuana processing shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
6. The filtration system shall be designed by a mechanical engineer licensed in the State of California. The engineer shall stamp the design and certify that it complies with the amended Commercial Medical Marijuana Land Use Ordinance.
7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of California demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

* Noise

The applicant shall submit a noise study by an acoustic engineer licensed in the State of California. The study shall demonstrate that all mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A). Any type of disruptive mechanical noise should not be audible at adjacent residences. The use of generators within a SOI should be restricted.

* Hydrology and Water Quality

Many groundwater wells rely on a hydrologic connection between one another and to the rivers and streams of the valleys. By allowing irrigation wells in any area cultivating close to residential wells and surface water has the "potential for interference with each another". It is important to realize when high impact activities occur, such as marijuana cultivation off a groundwater well near residential wells or a stream, we are in "uncharted waters" so to speak. We must look for ways to protect our environment and become aware of the gift we often take for granted.

* **Security Cameras**

If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable. Cameras are not to be directed toward neighborhood residences or properties.

* **Security Lights**

If used, security lights shall not be directed toward any adjacent residences or in any manner disrupt any environmentally sensitive habitat areas.

* **Aesthetics and Property Values**

There should be a stronger emphases on aesthetics and the effect that cultivation has on adjacent property values.

Inside of all Spheres Of Influence earth tone fencing should be a requirement.

Chain link fencing shall be vinyl coated in earth tone colors to be compatible with the lot upon which it is to be built, in terms of topography, soil and existing vegetation. All chain link accessories, posts, gates and other fencing materials must be color coordinated in earth tones to match the vinyl coating.

The planting of a privacy vegetation screen is also highly recommended.

* **Neighbor Notification**

Any commercial marijuana cultivation, both inside and outside a SOI, should provide adjacent neighbors of the intent to grow as part of the application process. This will give that neighbor a chance to voice any type of concerns including right-of-way, safety, nuisance, or environmental obstacles.

Considering these proposed amendments is extremely important to the public safety, quality of life, property values of our citizens and the environment we all live in.

Tim Meade
400 Nob Hill
Fortuna, CA 95540
707-725-2011

From: Richardson, Michael
Sent: Friday, May 12, 2017 9:54 AM
To: Lazar, Steve
Cc: galen@sanctuaryforest.org
Subject: FW: Mitigation Measures for Environmental Impacts of Cannabis Cultivation
Attachments: Project Description - Partners - Reduced.pdf

Hi Steve,

Here's an EIR scope/content comment letter for our consideration...

- Michael R.
(707) 268-3723
mrichardson@co.humboldt.ca.us

From: Galen Doherty [<mailto:galen@sanctuaryforest.org>]
Sent: Friday, May 12, 2017 8:31 AM
To: Richardson, Michael
Cc: Fennell, Estelle; April Newlander
Subject: Mitigation Measures for Environmental Impacts of Cannabis Cultivation

Hi Michael,

It was good talking with you last night at the Safe Homes initiative meeting.

As we discussed last night, Sanctuary Forest is engaged in a high priority land conservation campaign to permanently protect the entire Van Arken Creek watershed, the third largest sub-basin in the Mattole headwaters, a salmon stronghold completely free from residential development. Conservation of this watershed is vital for our ongoing efforts to restore salmon stocks, forest health, and climate resiliency in the Mattole Watershed. These lands are under imminent threat of another round of industrial timber harvest, following which they are threatened by fragmentation and development. Indeed, Boyle Forests (the landowner, i.e. the Barnum Family) has gone through the process of obtaining COC's and a JTMP allowing them to sell these off in 40 acre parcel sizes.

I am reaching out to you because in conducting the Environmental Impact Report for cannabis cultivation I would like the County to consider the use of mitigation measures to offset the impacts that cannabis farms are having on the surrounding environment. Two key concepts which you may be familiar with are Mitigation and Conservation Banking (described briefly below).

Mitigation banking is the preservation, enhancement, restoration or creation (PERC) of a wetland, stream, or habitat conservation area which offsets, or compensates for, expected adverse impacts to similar nearby ecosystems.

Conservation banks are permanently protected lands that contain natural resource values. These lands are conserved and permanently managed for species that are endangered, threatened, candidates for listing as endangered or threatened, or are otherwise species-at-risk

The Van Arken Watershed Conservation Project (Project Description with fundraising strategy, maps, and letters of support from BLM, CDFW, and NOAA Fisheries is attached) is the perfect opportunity to utilize mitigation requirements to fund land conservation in Southern Humboldt conserving land in the same watershed as many of these impacts are occurring. This is becoming common practice in many areas throughout the state, for instance the Willits Bypass EIR required mitigation measures that included the restoration and/or preservation of similar habitat as was being destroyed by the project.

I hope that you can bring this up at today's scoping meeting regarding the county EIR for cannabis. I would be interested to know if there is a way to incorporate mitigation requirements into the current permitting system as well (covered under the Mitigated Negative Declaration), for instance existing cultivators with large impacts could be directed to pay hefty fines and rehab the site OR pay into the mitigation program directly offsetting their impacts by permanently protecting similar land nearby.

Please let me know if you have any questions.

Thanks and Regards,

Galen Doherty

--

Galen C. Doherty
Lands Program Director
Sanctuary Forest, Inc.
(707) 986.1087 x. 3#
(707) 599.8913

galen@sanctuaryforest.org

[*What better way to protect the land than by leaving a lasting legacy?*](#)



Sanctuary Forest

Van Arken Watershed Conservation Project



INTRODUCTION

30 years ago, a small group of Mattole valley residents came together and vowed to protect what remained of the old growth forests in the watershed. Today, almost a third of these lands are in conservation status; with Sanctuary Forest acting as the steward for over 10,000 acres of forestland in the Mattole and surrounding areas through trusteeship of 14 conservation easements, fee-title ownership, and cooperative stewardship agreements with public and private partners from across the board (See Upper Mattole River and Forest Cooperative Map). Yet even after three decades of cooperative grassroots work to conserve vital forestlands and restore the wild runs of salmon, their continued survival is far from assured as the threat of human impacts grows.

Our community is faced with the threat of timber harvest, subdivision, and development in some of the last intact tributaries to the Mattole River Headwaters. These forests are all that remain of over 5,000 acres of industrial timberland in the Mattole headwaters. Since the early 2000's over 2500 acres have been subdivided and sold into rural residential development. This fragmentation has resulted in a host of new land-use impacts that have severely degraded key salmon bearing tributaries, halting and in some cases reversing decades of recovery efforts. Now, if not conserved, the last of these lands face the same fate.

PROJECT DESCRIPTION

This project seeks to conserve the entire Van Arken Creek Watershed and the neighboring headwaters of McKee, Green, and Ravashoni Creek(s) through direct fee-title acquisition of the property from the current owner, Boyle Forests LP. Specifically, this conservation action will protect over 1,600 acres of forestland and a combined ~5.8 miles of salmon spawning and rearing habitat (see project map). This project will expand key fish and wildlife habitat in the Upper Mattole River and Forest Cooperative (UMRFC), permanently prevent impacts of industrial timber harvest, forest fragmentation, and development. Viewed in the context of the past three decades of conservation efforts—the RFFI Usal Community Forest, Sinkyone Wilderness State Park, and the King Range National Conservation Area—this is conservation at the landscape scale.

Our goal is create a community forest resulting in a patchwork of old growth forest and wildlife reserves and working forestlands providing invaluable ecosystem services, as well as a source of economic growth for the local community. As owner and steward of the property, Sanctuary Forest will work with our traditional partners (BLM, CDFW, WCB, NOAA Fisheries Mattole Salmon Group, Mattole Restoration Council, and more), local community, and interested universities to implement projects and offer educational and recreational opportunities.



THREATS

If we cannot buy these lands, they will undergo the devastating effects of a regressive timber harvest utilizing clear-cutting and herbicides to convert the last of the mixed hardwood forests to monoculture conifer plantations. Following which, they will be subject to subdivision and development of over 28 separate legal parcels. This fragmentation, primarily for the purpose of large scale black market cannabis cultivation, will lead to many negative land-use impacts including road building, forest clearing, stream dewatering, and the potential introduction of harmful pesticides and rodenticides to the food web.



CONSERVATION VALUES:

This landscape is home to a diverse array of forest types: coastal redwood, pacific yew, dogwood, big leaf maple, ash, and alder along the riparian zones; decadent old growth Douglas fir interspersed with ancient madrone, live oak, and true oaks along the valley floor; and sections of virgin tan oak, chinquapin, and madrone forest on the upslope and ridgetop areas.

This project will prevent the loss of key intact or recovering forest, meadow, and riparian habitat and help ensure the survival of such rare, threatened, or endangered species as northern spotted owl, goshawk, tailed frogs, pacific giant

and southern torrent salamanders, as well as coho, chinook, and steelhead and thousands of common species that inhabit this unique coastal redwood and mixed forest ecosystem. Additionally, wider ranging land species such as mountain lion, and black bear, whose habitat has been severely reduced by logging and development in surrounding areas, would be protected from the threat of regional extirpation.

FISHERIES

Both Van Arken and McKee Creek have been identified as Priority 1 tributaries for coho recovery (Mattole Coho Recovery Strategy, MRRP, 2011) and have been given a high IP (intrinsic potential) value in NOAA's 2014 SONCC. Historically these streams have supported abundant native runs of coho, Chinook, and steelhead populations, and just this year over 15 adult Chinook salmon were seen spawning in Van Arken Creek. Recent field tours with top fisheries biologists with NOAA Fisheries, CDFW, and BLM verified these historic reports (see letters of support) concluding that these tributaries have enormous potential for fisheries restoration and could be key to the recovery of wild Mattole Salmon populations.

Already Sanctuary Forest and our partners have done considerable restoration work on McKee Creek downstream of the acquisition property. To date all landowners on the mainstem of McKee Creek have become participants in Sanctuary Forest's Storage and Forbearance Program, whereby they agree to stop pumping from the creek during the dry season in exchange for adequate water storage. In addition, Sanctuary Forest has secured grant funding from CDFW Fisheries Restoration Grant Program to implement a coho habitat restoration and streamflow enhancement project in the lower reaches of McKee Creek. The combination of turning off all dry-season diversions, and restoring habitat and streamflow in McKee Creek has been an essential first step towards the recovery of this tributary.

Van Arken Creek has suffered significant degradation as a result of industrial timber harvest over the last 75+ years. However, as it is completely free from human development it has an incredible potential to be restored. Already much work has been done in this watershed by our sister organization, the Mattole Restoration Council (MRC). In 2005, the MRC implemented a basin-wide sediment reduction project in Van Arken that treated the entire road network; decommissioned many roads, and upgraded stream crossings on those that remained.

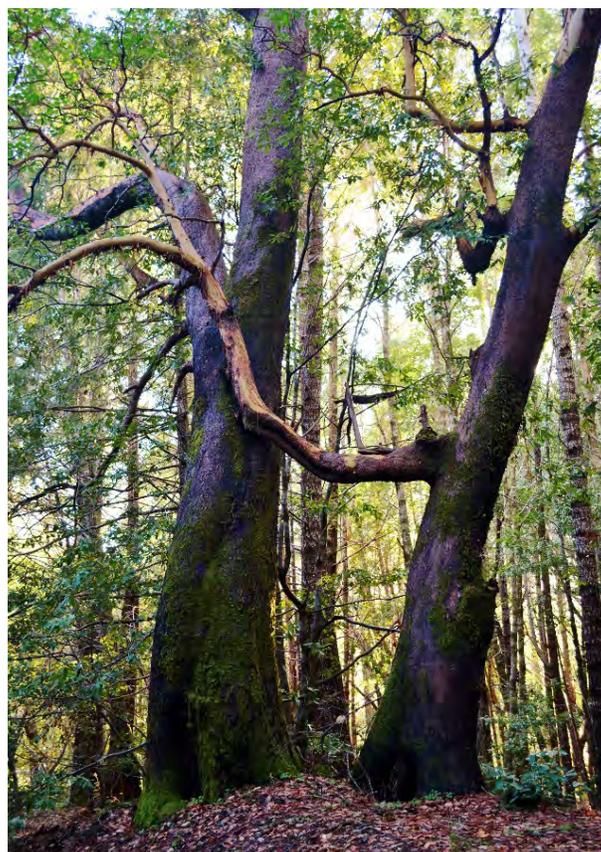
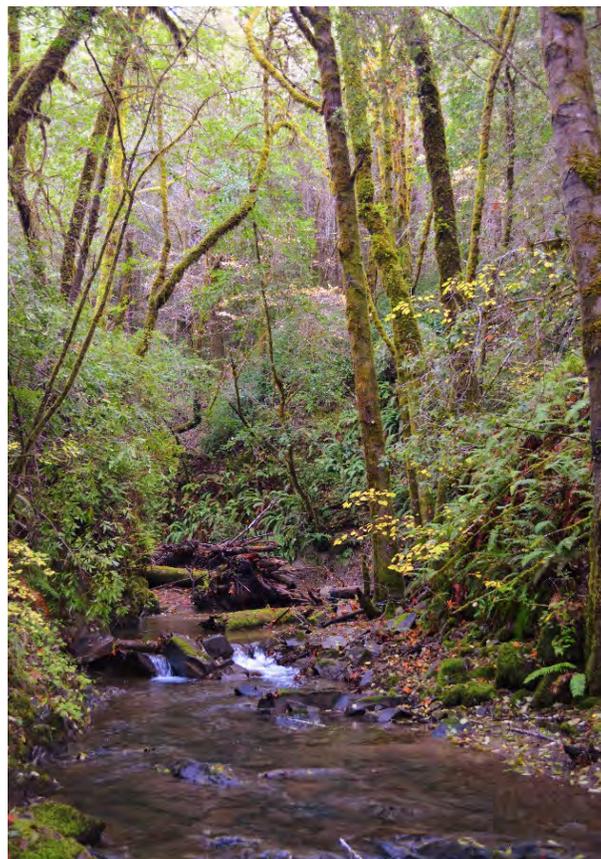
Following the conservation of these properties, the restoration of salmon spawning and rearing habitat and the implementation of innovative groundwater recharge projects will be one of our primary stewardship goals. Rough analyses of the Van Arken watershed indicates the potential to capture and store millions of gallons of rainwater during the wet season. In combination, all of these actions will result in an array of benefits from increased groundwater recharge and storage and enhanced instream flows to improved floodplain connectivity, and restored spawning and rearing habitat for endangered coho salmon and threatened chinook and steelhead.

FORESTS

Stewardship of the forestland on the property will focus on the immediate goals of reducing fuel loads and the risk of wildfire. Through active engagement with our local community it is our goal to develop a holistic forest management plan designed to improve forest health, accelerate the return to late seral conditions, increase carbon retention and sequestration, and provide a source of revenue to be reinvested in the stewardship of the property. Certain areas of the property that possess rare or unique forest types will be protected from wildfire and set aside to become the next generation of old-growth forests. The dense plantations of redwood and Doug fir will become part of a sustainable harvest regime that will result in the retention of the largest trees and thinning of the least valuable trees. Additionally, large sections of the property that are predominantly forested with overly dense stands of tanoak will provide a source of high quality hardwood for the local Whitethorn Construction Hardwood Mill. Overtime these forests will grow to resemble the historic old growth conditions of the Mattole River headwaters, acting as a buffer against the effects of climate change, providing a sanctuary for fish and wildlife, and an open place for people to come for learning and recreational opportunities.

CONSERVATION STRATEGY

Sanctuary Forest is currently engaged in a campaign to save these lands through collaboration with regional conservation organizations, and funding from a combination of state and





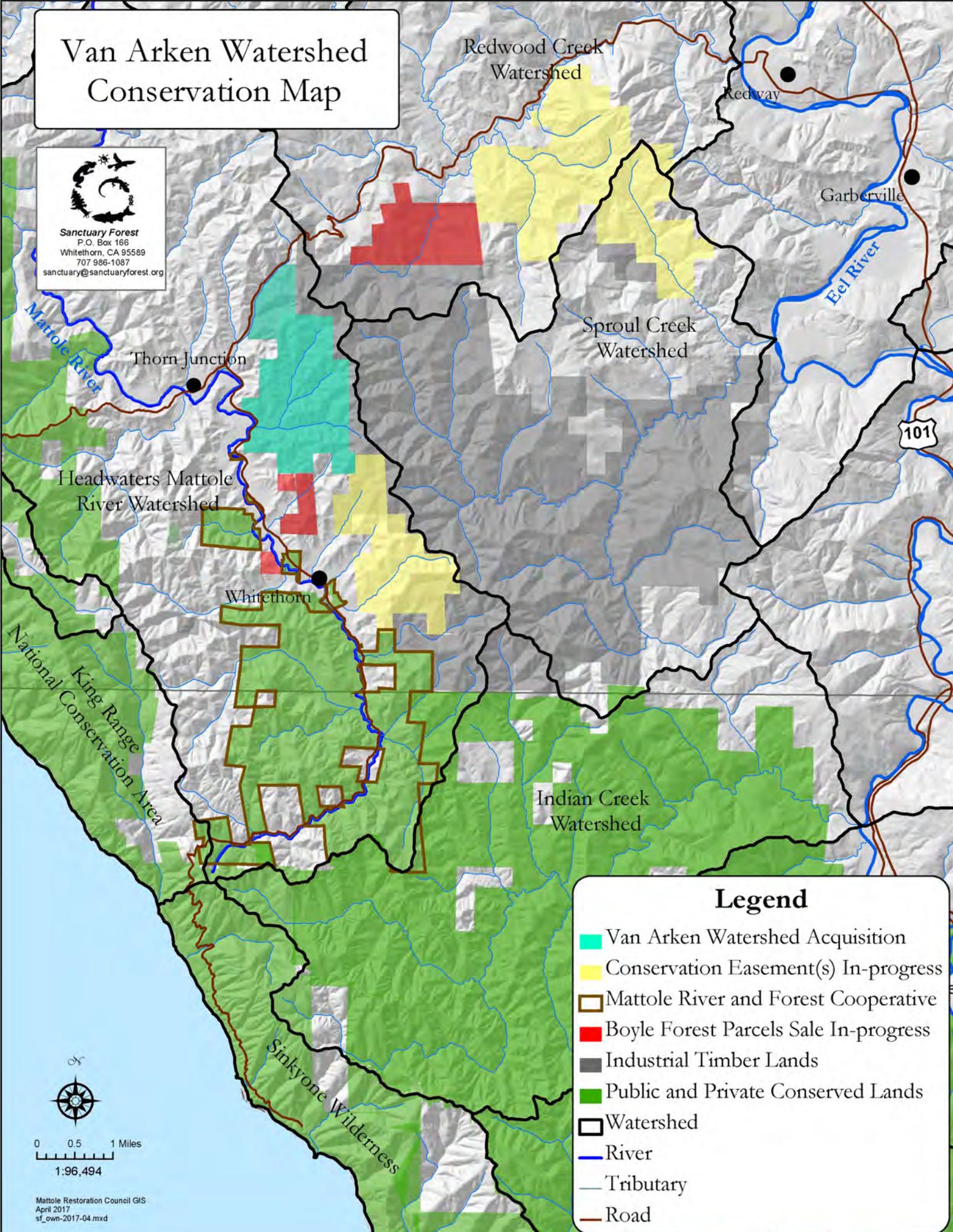
federal agencies, foundations, and major donors from our local community, the greater California area, throughout the United States, and across the world (See Funding Chart and Project Budget).

Currently, negotiations with the landowner, Boyle Forests LP., have concluded with a 6-month window within which to purchase the properties; the value of which is a little over 9 million dollars (based on a restricted appraisal dated 6.8.16 by Chris Bell, MIA, to be reappraised spring 2017). Based on this timeline we have developed a two-phase strategy: Phase 1 consists of securing a bridge-funding organization to purchase the property by June 31st, 2017 and enter into a 5-year reimbursement agreement with Sanctuary Forest; Phase 2 consists of securing funding for reimbursement of the bridge funder in exchange for ownership of the property.

In the last two months of 2016 we successfully raised over \$100,000 towards the conservation of these lands from our local community and have funding pending from the Grace Us Foundation, an application in with Firedoll and Weeden Foundations, and an application in with the Wildlife Conservation Board Prop 1. The enormous outpouring of support from our local community is thanks in part to the many community meetings we have held on various tributaries throughout the Mattole, local fundraisers, and many small donations as well as several “Fund an Acre” donors who have stepped up and funded an entire acre (\$5,500).

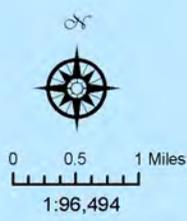
The following Funding Chart and 5 Year Funding Strategy outline how this ambitious project can be completed.

Van Arken Watershed Conservation Map



Legend

- Van Arken Watershed Acquisition
- Conservation Easement(s) In-progress
- Mattole River and Forest Cooperative
- Boyle Forest Parcels Sale In-progress
- Industrial Timber Lands
- Public and Private Conserved Lands
- Watershed
- River
- Tributary
- Road



Project Funding Plan

PHASE 1:

Secure a bridge-funder to purchase the property (valued at \$9 million) by June 31st, 2017.

PHASE 2:

Using a variety of public grants, foundations, and private donations, obtain funding for full reimbursement of the bridge-funder over 5 years in exchange for ownership of the property.

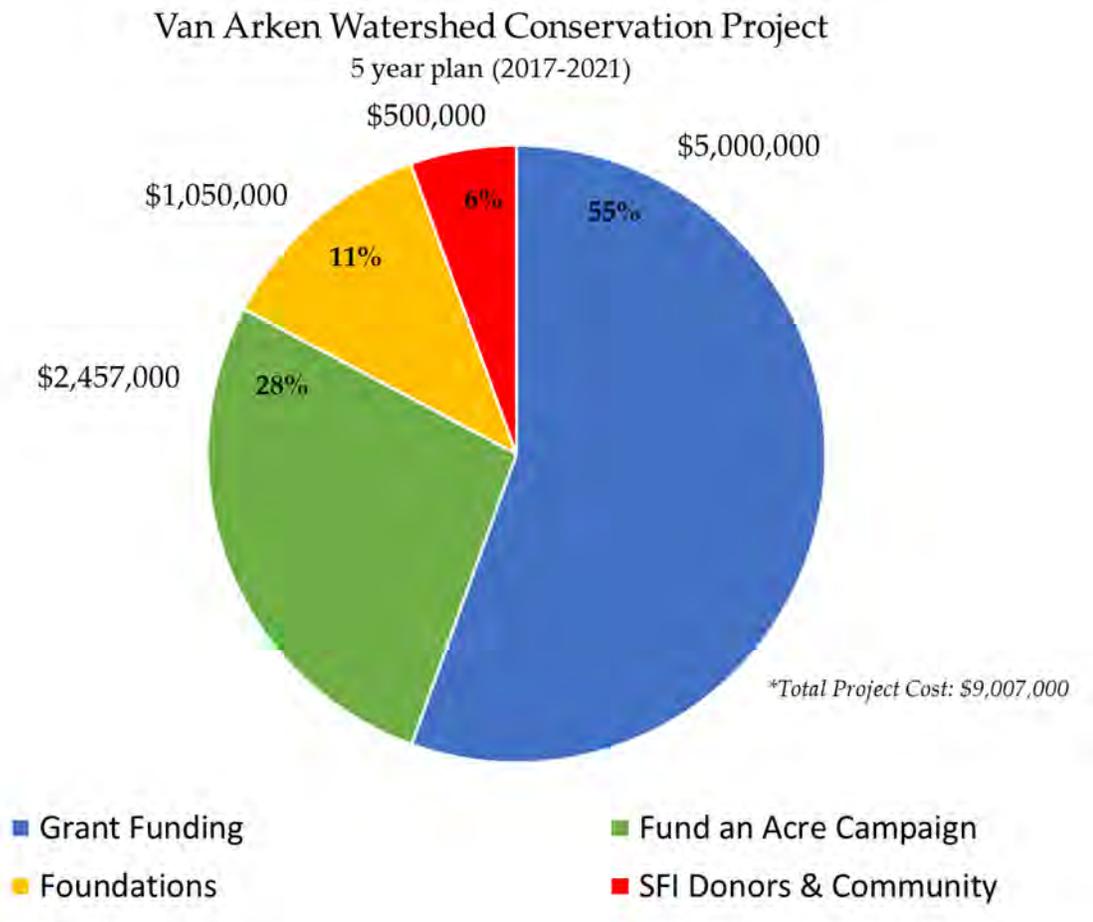
In 2016, Sanctuary Forest exceeded our goal of raising \$100,000.

Going forward, our goal is to raise \$100,000/year from our local community and \$495,000/year through our Fund An Acre Campaign over the next five years to support the conservation of the Van Arken Creek watershed.

Amount raised from SFI Donors & Community: \$63,182.92

Amount donated/pledged from our Fund An Acre Family*: \$127,083.08

**donated and pledged as of 3/2/17*



This capital campaign will demonstrate local grassroots community support and help to secure significant contributions from a combination of state and federal agencies, foundations, and major donors from the greater California area, throughout the United States, and across the world.

VAN ARKEN WATERSHED CONSERVATION PROJECT

Fee Title Acquisition	Avg. Price Per Acre	Total Acreage	Total	Comments
Van Arken Creek Watershed Property	\$5,800	1,350	\$7,830,000	Based on restricted appraisal by Chris Bell, MIA dated 6-8-2016.
McKee Creek Headwaters Property	\$3,929.77	299	\$1,175,000	Based on restricted appraisal by Chris Bell, MIA dated 6-8-2016.
Total Project Cost	\$5,460.89	1,649	\$9,005,000	Final value pending further appraisals in spring 2017.

5 YEAR FUNDING STRATEGY	Total	Comments
Bridge Funder	\$9,005,000	Amount to be reimbursed over a period of 5 years (2017-2021)
Wildlife Conservation Board Prop 1	\$0 - \$1,500,000	SFI is working on policy changes with WCB to allow for a broader interpretation of their mandate that would enable more freedom for funding of acquisition projects.
Wildlife Conservation Board Forest Conservation Fund	\$500,000	Good match. WCB indicated if SFI able to secure support from other funding sources they would be interested. (If not interested, could be subbed for SCC Prop1)
Ca. Dep. Of Fish & Wildlife: Prop 1	\$3,500,000	Good match, 6.4 million awarded in 2016 to local range and forestland conservation projects.
Cal Fire Greenhouse Gas Reduction Fund	\$500,000	Good match, but highly competitive. Carbon Project may be more feasible, with higher pay off.
Environmental Enhancement & Mitigation	\$500,000	Good match, \$500,000 awarded in 2016 to local working forestland conservation project.
Sub Total (State & Federal Grant Programs):	\$5,000,000	
National Fish & Wildlife Foundation - Acres for America	\$500,000	Highly competitive, good match, \$350,000 awarded in 2014.
National Fish & Wildlife Foundation - Resilient Communities	\$250,000	Grant application submitted March 30, 2017.
Weeden Foundation (Amount Requested over 5 years)	\$75,000	\$15,000 awarded in March 2017.
Firedoll Foundation (Amount Requested over 5 years)	\$75,000	Application submitted for \$15,000 in January of 2017.
Grace Us Foundation (Amount Requested over 5 years)	\$50,000	10,000 awarded in Jan. 2017
Bella Vista Foundation (Amount Requested over 5 years)	\$100,000	Good fit, awarded \$20,000 for project development in 2015/16.
SFI donors and local community (Over 5 years)	\$500,000	\$100,000 raised in 2016.
Van Arken Fund an Acre Campaign (Over 5 years)	\$2,457,000	450 regional, national, and international donors @ \$5,460 (over 5 years).
Sub Total (Donors & Foundations):	\$4,007,000	
Grand Total	\$9,007,000	



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



February 7, 2017

Galen C. Doherty
Lands Program Director
Sanctuary Forest Inc.
P.O. Box 166
Whitethorn, CA 95589

Subject: Letter of Support for Van Arken Watershed Conservation Project

Dear Mr. Doherty:

The California Department of Fish and Wildlife (Department) supports the benefit to salmonid habitat achieved by the proposed Van Arken Watershed Conservation Project, located in the Mattole River headwaters, Humboldt County, California. Tributaries of the Mattole River headwaters provide significant spawning and rearing habitat for California Endangered Species Act listed Coho Salmon, Chinook Salmon, and steelhead. The project's acquisition of 1300 acres of pristine or recovering forestland will result in conservation of the entire Van Arken Creek watershed and the headwaters of neighboring Green and Ravashoni creeks. Additionally, the project contributes to Mattole tributaries conserved in the adjacent 5,500-acre old-growth redwood forest and salmon refuge known as Upper Mattole River and Forest Cooperative.

Van Arken Creek is the third largest tributary to the Mattole headwaters. The stream is free from human diversions, provides three miles of low gradient cold water salmon habitat, and is vital to current efforts to restore salmon populations in the Mattole River watershed. Van Arken Creek has been identified as a Priority 1 tributary in the Mattole Coho Recovery Plan, and has high intrinsic potential for the recovery of Coho Salmon (MRRP, 2011 & SONCC, 2014).

The current Van Arken property owner has an expressed interest in selling to a conservation interest but will also sell on the open market if a conservation project cannot be developed. If sold on the open market, the property is eligible for subdivision to 25 legal parcels, and this type of development on similar regional properties has resulted in extensive road-building, home-site clearing, cannabis cultivation site clearing, and water diversion. Subdivision development of this type has negatively affected salmonid habitat with increased sediment delivery to streams, loss of riparian forest shade canopy, increased water temperatures, and diminished dry season streamflow.

Galen C. Doherty
Sanctuary Forest Inc.
February 7, 2017
Page 2

Please contact Senior Environmental Scientist (Supervisor) Allan Renger at (707) 725-7194, or Senior Environmental Scientist (Supervisor) Scott Bauer at (707) 441-2011, regarding the Department's support for the Van Arken Watershed Conservation Project.

Sincerely,



Neil Manji
Regional Manager

ec: Galen C. Doherty
Sanctuary Forest Inc.
galen@sanctuaryforest.org

Allan Renger, Scott Bauer
California Department of Fish and Wildlife
allan.renger@wildlife.ca.gov, scott.bauer@wildlife.ca.gov



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1655 Heindon Road
Arcata, California 95521-4573

Refer to NMFS No: 10012WCR2017AR00011

Galen C. Doherty, Lands Program Director
Sanctuary Forest Inc.
P.O. Box 166
Whitethorn, CA 95589

JAN 04 2017

Dear Mr. Doherty,

On behalf of NOAA's National Marine Fisheries Service (NMFS), I would like to express our strong support for the Van Arken Watershed Conservation Project located in the Mattole River headwaters, Humboldt County, CA. The Mattole River headwaters are among the key spawning and rearing grounds for Endangered Species Act (ESA)-listed coho salmon, Chinook salmon, and steelhead in northern California. This project would result in the acquisition of over 1300 acres of pristine or recovering forestland - conserving the entire Van Arken Creek watershed along with the headwaters of neighboring upstream tributaries Green and Ravashoni creeks. Taken in the context of the last 30 years of conservation efforts, which has resulted in the creation of the Upper Mattole River and Forest Cooperative, a ~5,500 acre old growth redwood forest and salmon refuge, this conservation action would contribute to connected, intact Mattole headwaters and secure the foundation for recovery of wild runs of ESA-listed Mattole salmonids.

The Mattole River is a critically important watershed for ESA-listed Chinook salmon, coho salmon, and steelhead in northern California. In order to recover and eventually delist these species in the wider geographic area, the Mattole River itself must be restored and the salmonid populations there rebuilt to sustainable levels (NMFS 2014, 2016).

Van Arken Creek is the third largest tributary to the Mattole headwaters. Based on a geomorphic model, NMFS determined that the aquatic habitat in Van Arken Creek has some of the highest potential in the Mattole watershed to support rearing coho salmon, Chinook salmon, and steelhead (NMFS 2014, 2016). In addition, the lack of diversions and presence of cold, clean water make the current conditions in this area exceptional within the Mattole River basin and overall in southern Humboldt County. This tributary is therefore vital to current efforts to restore salmon populations in the Mattol e River watershed. If this tributary is not restored and protected but rather developed for other purposes, recovery of these species would be less likely because critically important salmonid habitat would be lost.

If the Van Arken property were managed as a refuge, the outcome would be restoration of habitat and ecosystem processes, and prevention of further degradation. If the land were instead developed, for example for agriculture or monoculture forestry, increased sediment loads, diminished dry season flows, high water temperature, and riparian destruction would likely



result. Such habitat degradation would only serve to exacerbate the plight of Mattole salmon and steelhead. Preservation and restoration of the land as a refuge would achieve the best outcomes for ESA-listed salmon and steelhead, and for their ecosystems; therefore, NMFS strongly supports such preservation and restoration efforts. If you have any questions, please contact me at (707) 825-5168 or via email at julie.weeder@noaa.gov.

Sincerely,



Julie Weeder
Recovery Coordinator

cc: CHRON File (pdf)

Literature Cited

NMFS. 2014. Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (*Oncorhynchus kisutch*). National Marine Fisheries Service. Arcata, California.

NMFS. 2016. Coastal Multispecies Recovery Plan. National Marine Fisheries Service, West Coast Region, Santa Rosa, California.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521
www.ca.blm.gov/arcata

January 3, 2017

Galen C. Doherty, Lands Program Director
Sanctuary Forest Inc.
P.O. Box 166
Whitethorn, CA 95589

Dear Galen,

On behalf of the Bureau of Land Management's (BLM) Arcata Field Office, I would like to express our support for the conservation of the Van Arken Creek watershed located in the Mattole River headwaters, Humboldt County, CA. The BLM has a longstanding and successful partnership with Sanctuary Forest with the objective of improving watershed and aquatic habitats that support native fish species.

The headwaters of the Mattole River and its tributaries are key spawning and rearing areas for native populations of coho and Chinook salmon, and steelhead trout. This project will conserve the entire Van Arken Creek watershed along with the headwaters of neighboring tributaries Green and Ravashoni Creek(s).

Van Arken Creek is the third largest tributary to the Mattole headwaters and is completely free from human diversions, with 3 miles of low gradient streambed, and cold, clean, water. The extensive low gradient stream reaches along Van Arken Creek have been recognized in various salmon and steelhead recovery documents as having the potential to support spawning and rearing salmonids. Indeed, the observation of several spawning Chinook salmon during December 2016 highlights the importance of the watershed to native salmonids.

Coho salmon are of particular concern in the Mattole River with estimates of returning adults well under 50 individuals over the last several years. This perilously low abundance leaves the Mattole coho salmon population on the brink of extinction. Van Arken Creek is a key piece in the recovery of native fish species by providing extensive spawning and rearing habitat as well as vital streamflows to the mainstem Mattole River. Maintaining an intact watershed, as this project would do, would greatly benefit the recovery of fish and aquatic habitats in the Mattole River.

We look forward to continued collaboration on the various issues affecting recovery of fish species.

Sincerely,
 (Acting for)

Molly Brown
Arcata Field Manager



Sanctuary Forest

Van Arken Capital Campaign 2017

PLEDGE FORM

Donor Information:

Last: _____ First: _____ MI: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ E-mail: _____

Gift Information:

I (we) hereby contribute cash and/or assets to the Sanctuary Forest "Van Arken Capital Campaign".

I (we) would like to make a gift in the amount of: \$ _____ Amount Enclosed: \$ _____

I (we) wish to have this donation made over: 1 2 3 4 5 Year(s) **OR** One-time Gift *(circle one)*

In Memory/Honor of - Please accept this gift in memory or honor of *(circle one)*:

Contribution Type:

I (we) plan to make our contribution in the form of: Check Cash Other *(circle one)*

If you would like to donate by credit card, please visit our website: www.sanctuaryforest.org/donate

Donor Recognition:

Donors will be recognized unless an anonymous gift is requested. Each year Sanctuary Forest holds a Donor Gratitude Naming Ceremony acknowledging all of those who have donated throughout the year.

Please use the following name(s) in all acknowledgements: _____

I (we) wish to remain anonymous.

Donor Signature(s): _____ Date: _____

I Am Interested in Other Ways to Donate:

I (we) would like to designate Sanctuary Forest in my (our) estate planning.

I (we) would like to receive more information about Planned Giving.

Sanctuary Forest is a 501(c)(3) nonprofit. Donations are tax deductible. Tax ID#: 94-2676195

P.O. Box 166
315 Shelter Cove Rd., #4
Whitethorn, CA 95589
(707) 986-1087; sanctuaryforest.org



Sanctuary Forest

From: Sal Chinnici [SChinnici@hrcllc.com]
Sent: Thursday, May 4, 2017 11:51 AM
To: Lazar, Steve
Subject: Comments on Proposed Amendments to Hum Co Code Regulating Commercial Cannabis Activities
Attachments: The Buckeye Marijuana Position Paper March 2017 (2).pdf

Dear Mr. Lazar,

This email is to provide written comments in the matter of *Proposed Amendments to Humboldt County Code Regulating Commercial Cannabis Activities*. I am providing my comments as a private citizen of Fortuna, CA, and my comments not meant to represent any other party or organization.

I think that the County moved too fast on this project and mistakes were made in decisions on regulating commercial cannabis activities. Given the scope and importance of regulating such activities to the future of Humboldt County and its residents it is critical that the appropriate time be taken to get this right.

In particular I want to address the topic of “special requirements/limitations for projects located within spheres of influence or community areas”. As a resident of Fortuna I have noted the recent proposals to establish commercial cannabis grows on County lands adjacent to private parcels and I am gravely concerned about the potential impacts to our city and residents, including our children, our water supply, and native wildlife, among others.

For example, concerns that need to be addressed include:

- Violent crime and increased dangerous drug use related to the marijuana industry;
- Overuse of rural roads, including high speed, and reckless driving;
- Disturbance from environmental and “white” noise pollution, e.g., traffic, generators, stray dogs, poaching, odor, light pollution etc.;
- Decreased private property values as a result of adjacent cannabis businesses;
- Long-term environmental impacts of the marijuana industry on Humboldt County’s wildlands and associated fisheries and wildlife resources;
- Growers/permit holders are not being held accountable for causing environmental degradation.

In addition, the cannabis industry must be held to the same regulatory standards as other industries in Humboldt County:

- Marijuana growers must abide by and be consistent with all land-use and other pertinent regulations. Those include but are not limited to:
 - CDFW Lake and Streambed Alteration Agreements (Fish and Game Code Sec 1600, et al);
 - State Water Resources Control Board: Water Allocation and Diversion Permits;
 - Regional Water Quality: Wastewater Discharge Permit/404 waiver;
 - Corp of Engineers: 401 permit.
 - All codes and permits must be in place before cultivation occurs;
 - All codes and permits need to be enforced by the appropriate regulatory agencies;
- Marijuana cultivators must have ample water storage to avoid any stream, well, or ground water diversion from July 1 – November 15 of any given year.

I am attaching the position paper on the Impacts from the Humboldt County Marijuana Industry from The Buckeye because many of my comments are similar to The Buckeye’s position, and because I also agree with their position. However, I want to be clear that I am commenting as a private citizen, and I am not representing The Buckeye.

Thank you,

Sal Chinnici
3563 Larsen Lane
Fortuna, CA 95540
Daytime phone: 707-764-4299

March 2017 Buckeye Position Paper on the Impacts from the Humboldt County Marijuana Industry



The Buckeye does not condone the commercial farming, production and marketing of federally illegal marijuana in Humboldt County, and/or its neighboring counties. We realize that the voters of the State of California have deemed marijuana to be legal for both medical and recreational use, despite its federal status. This situation has led to a quasi-legal status for marijuana, and an exponential growth in production that has created intense pressure on North Coast communities and natural resources, especially the over-drafting of water diverted for plantation irrigation.

Thus, the Buckeye has deep concerns about the environmental degradation caused by rampant and illegal marijuana cultivation that has occurred over the last five decades in our North Coast watersheds and streams, and the harm done to the fish and wildlife species dependent upon those resources.

The marijuana industry must be held to the same regulatory standards as farming, timber, dairy and ranching:

- Marijuana growers must abide by and be consistent with all land-use and other pertinent regulations. Those include but are not limited to:
 - CDFW Lake and Streambed Alteration Agreements (Fish and Game Code Sec 1600, et al);
 - State Water Resources Control Board: Water Allocation and Diversion Permits;
 - Regional Water Quality: Wastewater Discharge Permit/404 waiver;
 - Corp of Engineers: 401 permit.
- Marijuana cultivation should not occur on TPZ, timberlands or Prime Ag lands. A certified soil type and landform determination with the Natural Resource Conservation Service soil code must be a requirement for a use permit application;
- All codes and permits must be in place before cultivation occurs;
- All codes and permits need to be enforced by the appropriate regulatory agencies;
- Marijuana cultivation shall not occur on slopes greater than 15%;
- Marijuana cultivators must have ample water storage to avoid any stream, well, or ground water diversion from July 1 – November 15 of any given year;
- Marijuana growers must be held accountable and responsible for restoration of environmental degradation that has occurred pertaining to past growing operations on their property.

Additionally, The Buckeye has serious concerns with the following:

- Widespread violent crime and increased dangerous drug use related to the marijuana industry;
- Prevalent high speed, reckless, and impaired driving on rural roads endangering the public;
- Disturbance from environmental and “white” noise pollution, e.g., traffic, generators, stray dogs, poaching, odor, light pollution etc.;
- Rural communities’ traditional quality of life that has been impacted by the loss of open spaces provided by large ranches and lands that have been subdivided, developed, and subsequently intensely cultivated for marijuana production;
- Property values are artificially inflated and traditional agricultural entrepreneurs cannot afford to purchase land, or they are motivated to sell open land at inflated market prices;
- Long-term environmental impacts of the marijuana industry on Humboldt County’s wildlands and associated fisheries and wildlife resources;
- Growers/permit holders are not being held accountable for causing environmental degradation.

From: Lauren Sizemore [info@thebuckeye.org]
Sent: Thursday, May 4, 2017 1:28 PM
To: Lazar, Steve
Subject: Response to the Notice of Preparation for Zoning Ordinance Amendments Regarding Commercial Cannabis Land Use Ordinance (CCLUO)
Attachments: Letter regarding CCLOU- April 2017.docx; The Buckeye Marijuana Position Paper March 2017.docx

Dear Steve,

Please find attached The Buckeye's Response to the Notice of Preparation for Zoning Ordinance Amendments Regarding Commercial Cannabis Land Use Ordinance (CCLUO). Also attached is The Buckeye's March 2017 Buckeye Position Paper on the Impacts from the Humboldt County Marijuana Industry.

Thanks!

Lauren Sizemore
Executive Director
The Buckeye
(707)725-8847
PO Box 5607
Eureka, Ca 95502



5/4/17

Steve Lazar
Humboldt County Planning and Building Department
3015 H Street
Eureka, Ca. 95501

Subject: Response to the Notice of Preparation for Zoning Ordinance Amendments Regarding Commercial Cannabis Land Use Ordinance (CCLUO)

Dear Steve,

The Buckeye would like to express its concerns regarding the Zoning Ordinance Amendments regarding Commercial Cannabis Land Use Ordinance (CCLUO).

The Buckeye is a non-profit organization of family farm, ranch and forest landowners and resource managers representing over 300,000 acres in the North Coast Region. We are dedicated to the promotion, communication, and implementation of those ideals and policies that support the ecologic and economic sustainability of natural resources and open space in family ownership. Our mission is to protect open space and family ranch land values.

During the Environmental Impact Reporting process, The Buckeye suggests Environmental Impact Reporting on unpermitted grows should be included, as these marijuana grows also have significant impacts on our natural resources. This will give a much more accurate projection of the true environmental impact of marijuana cultivation across our landscape. This information is especially important before adding additional permitted grows which will put additional pressure on our natural resources.

The Buckeye also has concerns over the marijuana cultivation permitting process. We strongly urge that ALL permits for marijuana cultivation must be approved and in place before cultivation can occur. In every other business, all permits must be approved and in place before any business can be conducted: (i.e. building permits, timber harvest permits, grading permits, road construction, etc.) We must hold commercial marijuana cultivation to the same standards as other legal enterprises.

Included with this letter is the previously submitted March 2017 Buckeye Position Paper on the Impacts from the Humboldt County Marijuana Industry. We believe this paper strongly represents the mission and values of our organization and our membership.

Sincerely,

A handwritten signature in cursive script, appearing to read 'James L. Able', written in dark ink.

James L. Able
Chairman
The Buckeye

March 2017 Buckeye Position Paper on the Impacts from the Humboldt County Marijuana Industry



The Buckeye does not condone the commercial farming, production and marketing of federally illegal marijuana in Humboldt County, and/or its neighboring counties. We realize that the voters of the State of California have deemed marijuana to be legal for both medical and recreational use, despite its federal status. This situation has led to a quasi-legal status for marijuana, and an exponential growth in production that has created intense pressure on North Coast communities and natural resources, especially the over-drafting of water diverted for plantation irrigation.

Thus, the Buckeye has deep concerns about the environmental degradation caused by rampant and illegal marijuana cultivation that has occurred over the last five decades in our North Coast watersheds and streams, and the harm done to the fish and wildlife species dependent upon those resources.

The marijuana industry must be held to the same regulatory standards as farming, timber, dairy and ranching:

- Marijuana growers must abide by and be consistent with all land-use and other pertinent regulations. Those include but are not limited to:
 - CDFW Lake and Streambed Alteration Agreements (Fish and Game Code Sec 1600, et al);
 - State Water Resources Control Board: Water Allocation and Diversion Permits;
 - Regional Water Quality: Wastewater Discharge Permit/404 waiver;
 - Corp of Engineers: 401 permit.
- Marijuana cultivation should not occur on TPZ, timberlands or Prime Ag lands. A certified soil type and landform determination with the Natural Resource Conservation Service soil code must be a requirement for a use permit application;
- All codes and permits must be in place before cultivation occurs;
- All codes and permits need to be enforced by the appropriate regulatory agencies;
- Marijuana cultivation shall not occur on slopes greater than 15%;
- Marijuana cultivators must have ample water storage to avoid any stream, well, or ground water diversion from July 1 – November 15 of any given year;
- Marijuana growers must be held accountable and responsible for restoration of environmental degradation that has occurred pertaining to past growing operations on their property.

Additionally, The Buckeye has serious concerns with the following:

- Widespread violent crime and increased dangerous drug use related to the marijuana industry;
- Prevalent high speed, reckless, and impaired driving on rural roads endangering the public;
- Disturbance from environmental and “white” noise pollution, e.g., traffic, generators, stray dogs, poaching, odor, light pollution etc.;
- Rural communities’ traditional quality of life that has been impacted by the loss of open spaces provided by large ranches and lands that have been subdivided, developed, and subsequently intensely cultivated for marijuana production;
- Property values are artificially inflated and traditional agricultural entrepreneurs cannot afford to purchase land, or they are motivated to sell open land at inflated market prices;
- Long-term environmental impacts of the marijuana industry on Humboldt County’s wildlands and associated fisheries and wildlife resources;
- Growers/permit holders are not being held accountable for causing environmental degradation.



Humboldt County Board of Supervisors
528 5th Street
Eureka, California 95501

January 5, 2017

P.O. Box 624, Fortuna, CA. 95540

Directors:

Dave Feral
Feral Family Farm

Paul Giuntoli
Warren Creek Farm

Portia Bramble

John Gary
Organic Matters Ranch

Clif Clendenen
Clendenen's Cider Works

Kevin & Melanie Cunningham
Shakefork Community Farm

Erin Derden-Little

Jacque and Amy Newkom
Newkom Family Farm

Mel Kreb
Flood Plain Produce

Martha Spencer MS
Natural Resource Planner

Jared Zystro PhD
Plant Breeder and Geneticist

John LaBoyteaux
Camp Grant Family Farm

Scope of Work Description – EIR for Commercial Cannabis Cultivation

Dear Supervisors:

By any logical measure, marijuana is an agricultural crop. Subject to conditions to protect the long term agricultural productivity of the soil and other resources, it could be grown on any property which is planned and zoned for general agriculture. Industrial sites and brownfields should also be considered. Commercial marijuana cultivation should probably not be allowed on parcels of one acre or less or in areas of higher residential density.

There is immense and varied speculation about the future of marijuana cultivation in Humboldt County. However, we are currently facing a marijuana gold rush which is driving the price of agricultural land to extreme high values which cannot be supported by any type of food production agriculture. There has never been much resource of available good farmland for beginning farmers in the County. We ask the Board of Supervisors, in developing this commercial marijuana ordinance and EIR, to pay particular attention to policies and incentives which will maintain food production agriculture as part of the economy and social fabric of our County into the future. A very first step would be to remove any language which would focus or promote marijuana cultivation on prime agricultural soils rather than other agricultural lands.

A second step would be to develop an incentive program which would maintain food production agriculture on the majority of the land area of parcels which are used for marijuana. As an example, 10% of the property could be used for marijuana by right, but could be increased to 20% (or more sites on large properties) if the majority of the land area is used continuously for food production.

A third measure is to address the methods of growing marijuana, utilizing compliance with the County's existing greenhouse ordinance including light, glare and generator noise. Above ground grow containers, such as grow bags and raised beds, are a preferred method for marijuana cultivation. Excavation of native soil and replacement with a grow mix will damage the long term agricultural productivity of the site for other crops. Some marijuana farmers have developed a system which utilizes the native soil, using common agricultural soil

amendments and fertilizers but without excavation. The slope of any cultivation site should be limited to 15% and a mowed ground cover on un-utilized areas is recommended. A legal and dependable water source, including storage and forbearance, is essential and required to avoid shorting other downstream users and in-stream habitat. Fencing is recommended to protect the marijuana crop from predators both animal and human.

The marijuana gold rush has increased traffic, particularly truck traffic, on a network of rural roads never intended for heavy use.

We offer a cautionary thought based on the very long and varied agricultural experience of our members. The idea that the North Coast provides the best horticultural conditions for growing marijuana is highly questionable and a cruel myth driven by real estate speculation, materials suppliers and contractors. We view Humboldt as a marginal region for cannabis, generally requiring season extenders, special soils and practices. Within a few years, we believe it likely that those regions of California where industrial hemp was historically grown will become very competitive in producing marijuana.

Lastly, we believe it unrealistic that peer pressure and a complaint driven process will cause many marijuana farmers to seek a license and comply with the ordinance. Although the street price of marijuana has fallen, it is still profitable enough to support continued black market operations. It may also be too dangerous to file a complaint. Unfortunately marijuana farmers are not alone in responding to falling prices by planting more. This has long been a problem in all of agriculture. The County's ordinance and policy must include both a carrot and a stick. Law enforcement will now focus on code enforcement and tax evasion. A portion of the excise tax revenue should be used for those purposes.

Thank you,

John LaBoyteaux
Food, Fiber and Flowers