

Public Comment #19
BOS Recd. 3-4-24

From: Cindy Dronberger <DronbergerC@tntfireworks.com>
Sent: Saturday, March 2, 2024 2:37 PM
To: BOS-Clerk of the Board
Subject: Opposition to Commercial Cannabis in Wine Country
Importance: High

Dear Board of Supervisors,

I am writing to express my strong opposition to the proposed commercial cannabis grows in Wine Country. As a resident and advocate for sustainable agriculture and community well-being, I believe that the proliferation of commercial cannabis grows in this area poses a significant threat to the environment, public health, and local economy.

Cannabis cultivation requires a significant amount of water, energy, and other resources, which can strain our already limited resources. Additionally, the use of pesticides, herbicides, and other chemicals in cannabis cultivation can have negative impacts on the environment and public health. The odor from cannabis grows can also be a nuisance to nearby residents, affecting their quality of life and property values.

Furthermore, the proposed commercial cannabis grows could have a negative impact on the local economy, particularly in the wine industry. Many wineries in the area rely on the unique character of Wine Country to attract tourists and generate revenue. The introduction of commercial cannabis grows could change the character of the area and negatively impact those who rely on the wine industry for their livelihood.

I urge the Board of Supervisors to carefully consider these concerns and take a stand against the proposed commercial cannabis grows in Wine Country. I believe that there are better alternatives to generating revenue and promoting economic growth that are in line with the values of the community.

Thank you for your time and consideration.

Sincerely,

Cynthia Miller
7261 Fair Play Road
Somerset, CA 95684

From: Mick Bruha <mbruha@medivineyards.com>
Sent: Sunday, March 3, 2024 11:33 AM
To: BOS-Clerk of the Board
Subject: CCUP21-002/Harde and CCUP-A24-0001/Appeal

3/3/2024

Dear Board of Supervisors,

I am writing to express my strong opposition to the proposed commercial cannabis grows in Wine Country. As a resident and advocate for sustainable agriculture and community well-being, I believe that the proliferation of commercial cannabis grows in this area poses a significant threat to the environment, public health, and local economy.

Cannabis cultivation requires a significant amount of water, energy, and other resources, which can strain our already limited resources. Additionally, the use of pesticides, herbicides, and other chemicals in cannabis cultivation can have negative impacts on the environment and public health. The odor from cannabis grows can also be a nuisance to nearby residents, affecting their quality of life and property values.

Furthermore, the proposed commercial cannabis grows could have a negative impact on the local economy, particularly in the wine industry. Many wineries in the area rely on the unique character of Wine Country to attract tourists and generate revenue. The introduction of commercial cannabis grows could change the character of the area and negatively impact those who rely on the wine industry for their livelihood.

I urge the Board of Supervisors to carefully consider these concerns and take a stand against the proposed commercial cannabis grows in Wine Country. I believe that there are better alternatives to generating revenue and promoting economic growth that are in line with the values of the community.

Thank you for your time and consideration.

Sincerely,

Mick Bruha

7410 Perry Creek Road

Somerset, CA 95684

530.305.0116

From: Annie Bowers <abqcix@icloud.com>
Sent: Sunday, March 3, 2024 11:48 AM
To: BOS-Clerk of the Board
Subject: Appeal against commercial cannabis grow

My name is Annie Bowers I'm a business owner in Somerset and have been a bus driver for Pioneer union school district for 15 years. I am here to speak for the children. First I want to say I am not opposed to cannabis I am not opposed to commercial grows, and David has been a friend and neighbor for 20 years, but I am opposed to this and other cannabis grows in my neighborhood.

My rhetorical question is why do we have the 1500 foot setback for school bus stops, schools and parks? With this restriction, the state admits that commercial cannabis grows have no place around our children or in neighborhoods. Perry Creek Road is 4 miles long. There are 21 bus stops on Perry creek rd, (22 if you count Mr Hardies own driveway which he used for his children, but that was before my time) by anyones definition 21 stops in 4 miles is a neighborhood. I have dropped off and picked up students at all of these stops. I don't expect everyone to understand the lifecycle of a bus stop and not all of these stops are active today and not all were active when Mr Hardie applied for this permit. There seems to be a misunderstanding when it comes to active and inactive bus stops. You may ask why wouldn't all 21 bus stops on Perry Creek be listed on the route sheet every day? That is a valid question. sometimes bus drivers aren't driving their own routes and substitute drivers need to know which stops will have students or where students will be getting off. You can't always rely on the children to let you know. Drivers Try to keep their route as updated as possible, this situation can change sometimes daily. To avoid confusion only active stops are listed on the route sheet. You might not be aware that route sheets are updated frequently. I have had stops change status three times in a month, so if the day that the information was collected for this permit a student didn't happen to have their location on the sheet. Does that mean that they no longer get to use a bus stop that the day before or the week before or the month be fire was available to them? This creates a hardship and does not seem to follow the intent of the permit. There are many inactive stops in Grizzly right now, these family's whose lives have been impacted by fire, lost their homes their possessions many their livelihoods now risk loosening their access to school transportation if a commercial grow chooses to start on readily available land. I don't know if it was ignorance or apathy or gross negligence that lead to the acceptance of this permit. The transportation department was not contacted, the high school routes weren't accessed (yes there are more stops for the high school on Perry creek) the only information that was used to confirm where bus stops were located when David applied for this permit was a snap shot in time on a route that changes constantly. I realize it is difficult to write legislation for our community. We don't look like a typical neighborhood but the intent of the legislation is clear, not around children and not in neighborhoods. Active or inactive a bus stop is a bus stop. This permit never should have been issued and many of the others in our area violate the letter and intent of the legislation. Please do what's right for our children and don't allow commercial cannabis grows around children or in neighborhoods

Sent from my iPhone

From: Christie Anne Clary <caclary@pm.me>
Sent: Sunday, March 3, 2024 12:10 PM
To: BOS-Clerk of the Board
Subject: Comment for 3/5 BOS Appeal Hearing on CCUP21-0002
Attachments: CCUP21-0002 Appeal Comment - Christie Clary.pdf; ZepOdorControlMSDS.pdf

To The Board of Supervisors,

The pdf attached is my public comment for publication and distribution to the Board of Supervisors hearing on 3/5 discussing appeal of CCUP 21-0002. Also attached for distribution is the safety data sheet for Zep Odor Control.

Christie Clary
6600 Perry Creek Road
Somerset, CA

Sent from [Proton Mail](#) for iOS

March 3, 2024

To: El Dorado County Board of Supervisors

Re: CCUP21-0002 - Harde
Appeal Hearing - March 5, 2024

We, the citizen community, are represented by you, the Board of Supervisors. Do not approve the cannabis cultivation project in front of you today without carefully considering the lack of required notifications, missing required data and outdated reports as well as every voiced community concern that was dismissed by the planning commission in their haste to approve this cannabis project. El Dorado County is NOT meeting CEQA(California Environmental Quality Act) regulations.

The planning commission, as well as the planning staff, have shown they are woefully inept at ensuring completeness and accuracy of data and processes. Worse, they have been dismissive of our concerns requesting that identified inaccuracies, missing data and faulty processes be investigated prior to recommending this project for your approval. The planning department response to our appeal also ignores our loudly voiced and urgent groundwater concerns. Our concerns include, but are not limited to:

1. Underestimation of annual water use due to applicant's stated intent to do two annual harvests, instead of the one annual harvest identified in the application. How was the water requirement of 1.2 million gallons/year calculated without this information? Evan Mattis' response to our question was that the planning department is only concerned with the grow site dimensions, not number of plantings. Two harvests would double the estimate of water being used. Two harvests would also double the months that odor would require mitigation.
2. Number and close proximity of neighboring wells. We are concerned that our existing wells will be affected. There is no way to estimate or measure the effect of cannabis' large consumption of water will have on our water sources without investigation of current information and existing neighbor well water data.
3. The applicant's well reports and septic reports are decades old.

At the meeting, Commissioner Boeger stated water was out of the Planning Commission's purview, or scope of responsibility. Who is ultimately responsible for accuracy of facts and whether something has a significant effect?

The Proposed Mitigated Negative Declaration presented at the meeting did not include for public review sufficient current factual details regarding the actual plan. Well and septic reports were decades old. Additional required documents were missing and there was a failure to obtain information directly from agencies responsible for review and recommendations in the proposal. (School transportation, BLM, Water, etc.)

One chemical identified and discussed at the meeting and in the plan to mitigate odor was Zep Odor Control. Its intended use is cleaning odors from hard surfaces. The proposed mitigation suggests aerosolizing (misting) it into the atmosphere. This is labeled a pesticide, a known animal carcinogen, proven toxic to fish and aquatic invertebrates. Helix provided an invalid link to the most toxic chemical on their list- another example of lack of attention to detail. Here is information from the safety data sheet.

SECTION 15. REGULATORY INFORMATION

This product is regulated under the United States Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Pesticide Labeling Information Required Under U.S. FIFRA Regulations

This chemical is a pesticide product registered by the Environmental Protection Agency and is subject to certain labeling requirements under federal pesticide law. These requirements differ from the classification criteria and hazard information required for safety data sheets, and for workplace labels of non-pesticide chemicals.

Following is the hazard information as required on the Zep Odor Control (pesticide) label:

DANGER

Corrosive - causes irreversible eye damage.

Harmful if swallowed.

This pesticide is toxic to fish and aquatic invertebrates.

Observe label precautions.

The label instructions include "avoid inhalation". This is unavoidable if it is misted into the air and carried by winds. Here is a working link to the safety data sheet. The link in the planning department's answer to our appeal does not function.

[https://zsds3.zepinc.com/ehswww/zep/result/direct_link.jsp?](https://zsds3.zepinc.com/ehswww/zep/result/direct_link.jsp?P_LANGU=E&P_SYS=2&P_SSN=11337&C001=MSDS&C002=US&C003=E&C013=ZUOCC128&C123=SDS*)

[P_LANGU=E&P_SYS=2&P_SSN=11337&C001=MSDS&C002=US&C003=E&C013=ZUOCC128&C123=SDS*](https://zsds3.zepinc.com/ehswww/zep/result/direct_link.jsp?P_LANGU=E&P_SYS=2&P_SSN=11337&C001=MSDS&C002=US&C003=E&C013=ZUOCC128&C123=SDS*)

Here are other chemicals listed for use in misting, along with some of their hazards as listed on the Safety Data Sheets. Keep in mind that the intended proper application of these products is to spray directly onto an odor source, not mist into the atmosphere.

R-MR PRO-Xtreme

-Eye Irritation

-Avoid skin contact

Hero Clean Odor

-Avoid breathing mist/vapors/sprays

-Avoid contact with skin, eyes

-Avoid repeated exposure, may cause allergic reactions

ECOLAB QC 77 Bioenzymatic Odor Eliminator

-Causes serious eye irritation

-Do not allow contact with soil, surface or ground water

While odor is a concern, mitigation should not introduce new and uninvestigated hazards. Our mother and many of our family members are sensitive receptors (asthmatic, psoriasis, eczema, elderly, etc) . Aerosolization of chemicals into the atmosphere and carried by wind affects all species; plant and animal, crops and human beings, water and soil. Our property borders this project on the east. The very high odor measurements at our property line requires mitigation per the ordinance. The planning department has approved mitigation that increases the detrimental effects, without scientific and factual review.

The OUTDOOR grow site is approximately 900 feet from our residence. It is approximately 350 feet from our fence line and driveway. The ordinance calls for an 800 foot property line setback, unless the property was owned before 2018. However, even if allowed a reduced setback by date, the reduced setback must still satisfy the purpose of the original setback. This proposal does not satisfy all of the setback purposes outlined in the ordinance. Together they ensure we are kept away from a variety of negative effects, not just odor. The applicant and the planning commission think aerosolizing a hazardous chemical into the atmosphere is the solution that mitigates extremely high odor measurements taken at our property line, but also increases hazards. If the 800 foot setback mitigates the odor values, there would be no need for introducing toxic odor neutralizer into our air, soil and water. The details of the mitigation proposed were not carefully reviewed. In fact it was not properly circulated for public review and comment. That means regulatory bodies were not given the opportunity to weigh in either. Our concerns about this were completely dismissed without facts or accurate analysis of details in the proposed revised mitigation. In fact, the planner, Evan Mattis, stated to the Commissioners - none of the chemicals are hazardous - an uninformed opinion accepted as sufficient by the Commission without verification.

We demand a thorough investigation prior to approval of any aerosolized chemicals that are actually going to be used in odor mitigation, as well as the chemicals used in the pest management plan, which

was also missing from the proposal. It is not sufficient to be confident solely because the applicant was at one time organic certified. He is not anymore, by his own admission on January 25th. The planning commission seemed more intent on portraying the applicant in a good light than on being impartial and hearing input or ensuring everything in the proposal was in order and properly investigated.

Another concern is the potential for illicit activity. There is access to this large OUTDOOR cannabis grow via BLM land to the north and our property to the east. This is a real threat to our personal and community safety. What was the BLM's response to the proposal? It is our understanding they were not contacted. No doubt they have rules and regulations concerning cannabis growing adjacent to federal lands. What are those rules? Trespassers have also come on to our property up from the middle fork of the Cosumnes River. What specific safety protections are in place? Will there be increased Sheriff patrols? What elements of the plan protect the surrounding community? The safety plan for this proposal is seriously lacking in detail compared to previously approved projects, though this is an outdoor grow and there are many more residences in close proximity to this grow site in our neighborhood.

We are a disadvantaged rural community in that we don't have an organized structure to communicate to one another about crimes and concerns. Our median income is much lower in relation to other parts of District 2, El Dorado Hills for example. Our health, safety, water sources and the environment needs your protection. In the interest of environmental justice, we look to you to do the right thing and ensure our health and safety by demanding due diligence and compliance on this and all future projects.

We are in uncharted waters. Outdoor cannabis grows have lower costs but they bring higher environmental and security risks. Your planning commission has plans to change the ordinance to ease navigating the approval process. However, we need your assurance that you will protect our families, homes, neighborhoods, the environment and our rural lifestyle. You are the captains of the ship. Show us in Fairplay/Somerset that you will take the time to make sure everyone abides by the rules, regardless of location, economics or status. You can dispel the "good ol' boy" image that was perpetuated at the planning Commission Hearing. Don't give cannabis growers a pass on any existing county, state and federal requirements. Require current, verified reports and review for compliance with all processes before you make an informed and just decision. We need you to protect us, the community and our environment. Navigate us all toward a process of safe, verified, diligent compliance now by granting our appeal, before you change the ordinance.

Christie Clary
Bachelor Degree in Biology, study focus: Environmental and Systematic Biology
6600 Perry Creek Road
Somerset, CA

SAFETY DATA SHEET

ZEP ODOR CONTROL CONCENTRATE 4/1 GAL

Version 3.1

Revision Date 10/01/2023

Print Date 03/01/2024

SECTION 1. PRODUCT AND COMPANY IDENTIFICATION

Material name : ZEP ODOR CONTROL CONCENTRATE 4/1GAL

Material number : ZUOCC128

Manufacturer or supplier's details

Company : Zep Commercial Sales & Service, a unit of Zep, Inc.

Address : 350 Joe Frank Harris Parkway, SE
Emerson, GA 30137

Telephone : Compliance Services - 877-428-9937

Emergency telephone numbers

For SDS Information	: Compliance Services - 877-428-9937
For a Medical Emergency	: 877-541-2016 Toll Free - All Calls Recorded
For a Transportation Emergency	: CHEMTREC: 800-424-9300 - All Calls Recorded. In the District of Columbia 202-483-7616

Recommended use of the chemical and restrictions on use

SECTION 2. HAZARDS IDENTIFICATION

Emergency Overview

Appearance	liquid
Colour	colourless, light yellow
Odour	characteristic

GHS Classification

Skin irritation : Category 2

Eye irritation : Category 2A

GHS label elements

Hazard pictograms :



Exclamation
mark

Signal word : Warning

Hazard statements : H315 Causes skin irritation.
H319 Causes serious eye irritation.

Precautionary statements : **Prevention:**
P264 Wash skin thoroughly after handling.
P280 Wear protective gloves/ eye protection/ face protection.
Response:
P302 + P352 IF ON SKIN: Wash with plenty of soap and water.
P305 + P351 + P338 IF IN EYES: Rinse cautiously with water

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for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
P332 + P313 If skin irritation occurs: Get medical advice/ attention.
P337 + P313 If eye irritation persists: Get medical advice/ attention.
P362 Take off contaminated clothing and wash before reuse.

SECTION 3. COMPOSITION/INFORMATION ON INGREDIENTS

Substance / Mixture : Mixture

Hazardous components

Chemical name	CAS-No.	Concentration [%]
Quaternary ammonium compounds, benzyl-C12-16-alkyldimethyl, chlorides	68424-85-1	>= 1 - < 3
Undecan-1-ol, ethoxylated	34398-01-1	>= 1 - < 3

The exact percentages of disclosed substances are withheld as trade secrets.

SECTION 4. FIRST AID MEASURES

- General advice : Move out of dangerous area.
Show this safety data sheet to the doctor in attendance.
Do not leave the victim unattended.
- If inhaled : If unconscious, place in recovery position and seek medical advice.
If symptoms persist, call a physician.
- In case of skin contact : If skin irritation persists, call a physician.
Wash off immediately with plenty of water for at least 15 minutes.
If on clothes, remove clothes.
- In case of eye contact : Remove contact lenses.
Protect unharmed eye.
Keep eye wide open while rinsing.
If eye irritation persists, consult a specialist.
In case of contact, immediately flush eyes with plenty of water for at least 15 minutes.
- If swallowed : Clean mouth with water and drink afterwards plenty of water.
Keep respiratory tract clear.
DO NOT induce vomiting unless directed to do so by a physician or poison control center.
Never give anything by mouth to an unconscious person.
If symptoms persist, call a physician.

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SECTION 5. FIREFIGHTING MEASURES

- Suitable extinguishing media : Water spray jet
Alcohol-resistant foam
Carbon dioxide (CO₂)
Dry chemical
- Unsuitable extinguishing media : High volume water jet
- Specific hazards during firefighting : Do not allow run-off from fire fighting to enter drains or water courses.
- Hazardous combustion products : Carbon dioxide (CO₂)
Carbon monoxide
Smoke
Sulphur oxides
- Specific extinguishing methods : Use extinguishing measures that are appropriate to local circumstances and the surrounding environment.
- Further information : Standard procedure for chemical fires.
Use extinguishing measures that are appropriate to local circumstances and the surrounding environment.
- Special protective equipment for firefighters : Wear self-contained breathing apparatus for firefighting if necessary.

SECTION 6. ACCIDENTAL RELEASE MEASURES

- Personal precautions, protective equipment and emergency procedures : Use personal protective equipment.
- Environmental precautions : Prevent further leakage or spillage if safe to do so.
Prevent product from entering drains.
If the product contaminates rivers and lakes or drains, inform respective authorities.
- Methods and materials for containment and cleaning up : Soak up with inert absorbent material (e.g. sand, silica gel, acid binder, universal binder, sawdust).
Keep in suitable, closed containers for disposal.

SECTION 7. HANDLING AND STORAGE

- Advice on safe handling : Do not breathe vapours/dust.
Avoid contact with skin and eyes.
For personal protection see section 8.
Smoking, eating and drinking should be prohibited in the application area.
Dispose of rinse water in accordance with local and national regulations.
- Conditions for safe storage : Keep container tightly closed in a dry and well-ventilated

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place.

Electrical installations / working materials must comply with the technological safety standards.

Materials to avoid : No materials to be especially mentioned.

SECTION 8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Components with workplace control parameters

Contains no substances with occupational exposure limit values.

Personal protective equipment

- Respiratory protection : In case of insufficient ventilation, wear suitable respiratory equipment.
- Hand protection
Remarks : The suitability for a specific workplace should be discussed with the producers of the protective gloves.
- Eye protection : Ensure that eyewash stations and safety showers are close to the workstation location.
Tightly fitting safety goggles
Wear face-shield and protective suit for abnormal processing problems.
- Skin and body protection : Impervious clothing
Choose body protection according to the amount and concentration of the dangerous substance at the work place.
- Hygiene measures : When using do not eat or drink.
When using do not smoke.
Wash hands before breaks and at the end of workday.

SECTION 9. PHYSICAL AND CHEMICAL PROPERTIES

- Appearance : liquid
- Colour : colourless, light yellow
- Odour : characteristic
- Odour Threshold : No data available
- pH : 6 - 7
- Melting point/freezing point : No data available
- Boiling point : No data available
- Flash point :
No data available

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Evaporation rate	: No data available
Upper explosion limit	: No data available
Lower explosion limit	: No data available
Vapour pressure	: No data available
Relative vapour density	: No data available
Density	: 1.01 g/cm ³
Solubility(ies)	
Water solubility	: soluble
Solubility in other solvents	: not determined
Partition coefficient: n-octanol/water	: No data available
Auto-ignition temperature	: not determined
Thermal decomposition	: No data available
Viscosity	
Viscosity, kinematic	: No data available

SECTION 10. STABILITY AND REACTIVITY

Reactivity	: Stable
Chemical stability	: Stable under normal conditions.
Possibility of hazardous reactions	: No decomposition if stored and applied as directed.
Conditions to avoid	: Heat, flames and sparks.
Incompatible materials	: None.
Hazardous decomposition products	: Carbon monoxide Carbon dioxide (CO ₂) Sulphur oxides

SECTION 11. TOXICOLOGICAL INFORMATION

Potential Health Effects

Carcinogenicity:

IARC

No component of this product present at levels greater than or equal to 0.1% is identified as probable, possible or confirmed human carcinogen by IARC.

ACGIH

Confirmed animal carcinogen with unknown relevance to

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	humans	
	ethanol	64-17-5
OSHA	No component of this product present at levels greater than or equal to 0.1% is on OSHA's list of regulated carcinogens.	
NTP	No component of this product present at levels greater than or equal to 0.1% is identified as a known or anticipated carcinogen by NTP.	

Acute toxicity

Product:

Acute oral toxicity : Acute toxicity estimate : > 5,000 mg/kg
Method: Calculation method

Components:

Quaternary ammonium compounds, benzyl-C12-16-alkyldimethyl, chlorides:

Acute oral toxicity : LD50 Rat: 305 mg/kg
Method: Third Party Data - Actual or Inferred

Acute inhalation toxicity : LC50 Rat: 0.054 - 0.51 mg/l
Test atmosphere: dust/mist
Method: Third Party Data - Actual or Inferred

Acute dermal toxicity : LD50 Rat: 930 mg/kg
Method: Third Party Data - Actual or Inferred

Skin corrosion/irritation

Product:

Remarks: Irritating to skin.

Serious eye damage/eye irritation

Product:

Remarks: Severe eye irritation

Respiratory or skin sensitisation

No data available

Germ cell mutagenicity

No data available

Carcinogenicity

No data available

Reproductive toxicity

No data available

STOT - single exposure

No data available

STOT - repeated exposure

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No data available

Aspiration toxicity

No data available

Further information

Product:

Remarks: No data available

SECTION 12. ECOLOGICAL INFORMATION

Ecotoxicity

No data available

Persistence and degradability

No data available

Bioaccumulative potential

Product:

Partition coefficient: n-octanol/water : Remarks: No data available

Mobility in soil

No data available

Other adverse effects

No data available

Product:

Regulation 40 CFR Protection of Environment; Part 82 Protection of Stratospheric Ozone - CAA Section 602 Class I Substances

Remarks This product neither contains, nor was manufactured with a Class I or Class II ODS as defined by the U.S. Clean Air Act Section 602 (40 CFR 82, Subpt. A, App.A + B).

Additional ecological information : No data available

SECTION 13. DISPOSAL CONSIDERATIONS

Disposal methods

Waste from residues : Do not dispose of waste into sewer. Do not contaminate ponds, waterways or ditches with chemical or used container.

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Dispose of in accordance with local regulations.

Contaminated packaging : Empty remaining contents.
Dispose of as unused product.
Do not re-use empty containers.

SECTION 14. TRANSPORT INFORMATION

Transportation Regulation: 49 CFR (USA):
NOT REGULATED AS DANGEROUS GOODS OR HAZARDOUS MATERIAL

Transportation Regulation: IMDG (Vessel):
NOT REGULATED AS DANGEROUS GOODS OR HAZARDOUS MATERIAL

Transportation Regulation: IATA (Cargo Air):
NOT REGULATED AS DANGEROUS GOODS OR HAZARDOUS MATERIAL

Transportation Regulation: IATA (Passenger Air):
NOT REGULATED AS DANGEROUS GOODS OR HAZARDOUS MATERIAL

Transportation Regulation: TDG (Canada):
NOT REGULATED AS DANGEROUS GOODS OR HAZARDOUS MATERIAL

The product as delivered to the customer conforms to packaging requirements for shipment by road under US Department of Transportation (DOT) regulations. Additional transportation classifications noted above are for reference only, and not a certification or warranty of the suitability of the packaging for shipment under these alternative transport regulations.

SECTION 15. REGULATORY INFORMATION

This product is regulated under the United States Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Pesticide Labeling Information Required Under U.S. FIFRA Regulations

This chemical is a pesticide product registered by the Environmental Protection Agency and is subject to certain labeling requirements under federal pesticide law. These requirements differ from the classification criteria and hazard information required for safety data sheets, and for workplace labels of non-pesticide chemicals. Following is the hazard information as required on the pesticide label:

DANGER

Corrosive - causes irreversible eye damage.

Harmful if swallowed.

This pesticide is toxic to fish and aquatic invertebrates.

Observe label precautions.

TSCA list : No substances are subject to a Significant New Use Rule.

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No substances are subject to TSCA 12(b) export notification requirements.

EPCRA - Emergency Planning and Community Right-to-Know Act

CERCLA Reportable Quantity

This material does not contain any components with a CERCLA RQ.

SARA 304 Extremely Hazardous Substances Reportable Quantity

This material does not contain any components with a section 304 EHS RQ.

SARA 311/312 Hazards : Skin corrosion or irritation
Serious eye damage or eye irritation

SARA 302 : No chemicals in this material are subject to the reporting requirements of SARA Title III, Section 302.

SARA 313 : This material does not contain any chemical components with known CAS numbers that exceed the threshold (De Minimis) reporting levels established by SARA Title III, Section 313.

California Prop. 65

This product does not contain any chemicals known to State of California to cause cancer, birth defects, or any other reproductive harm.

The components of this product are reported in the following inventories:

TSCA On TSCA Inventory
DSL This product contains one or several components that are not on the Canadian DSL nor NDSL.

For information on the country notification status for other regions please contact the manufacturer's regulatory group.

Inventory Acronym and Validity Area Legend:

TSCA (USA), DSL (Canada), NDSL (Canada)

SECTION 16. OTHER INFORMATION

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Further information

NFPA:

HEALTH	2
FLAMMABILITY	0
INSTABILITY	0
SPECIAL HAZARD.	

0 = not significant, 1 = Slight,
2 = Moderate, 3 = High
4 = Extreme

HMIS III:

HEALTH	2
FLAMMABILITY	0
PHYSICAL HAZARD	0

0 = not significant, 1 = Slight,
2 = Moderate, 3 = High
4 = Extreme, * = Chronic

OSHA - GHS Label Information:

Hazard pictograms



Exclamation mark

Signal word

Hazard statements

Precautionary statements

: **Warning:**
: Causes skin irritation. Causes serious eye irritation.

Prevention: Wash skin thoroughly after handling. Wear protective gloves/ eye protection/ face protection.

Response: IF ON SKIN: Wash with plenty of soap and water. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If skin irritation occurs: Get medical advice/ attention. If eye irritation persists: Get medical advice/ attention. Take off contaminated clothing and wash before reuse.

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Version:	3.1
Revision Date:	10/01/2023
Print Date:	03/01/2024

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From: Cindy Dronberger <DronbergerC@tntfireworks.com>
Sent: Sunday, March 3, 2024 12:31 PM
To: BOS-Clerk of the Board
Subject: Recall: Opposition to Commercial Cannabis in Wine Country

Cindy Dronberger would like to recall the message, "Opposition to Commercial Cannabis in Wine Country".

From: Annie Bowers <abqcix@yahoo.com>
Sent: Sunday, March 3, 2024 1:28 PM
To: BOS-Clerk of the Board
Subject: CCUP-A24-0001 against commercial cannabis grow in residential neighborhoods

My name is Annie Bowers I'm a business owner in Somerset and have been a bus driver for Pioneer union school district for 15 years. I am here to speak for the children. First I want to say I am not opposed to cannabis I am not opposed to commercial grows, and David has been a friend and neighbor for 20 years, but I am opposed to this and other cannabis grows in my neighborhood.

My rhetorical question is why do we have the 1500 foot setback for school bus stops, schools and parks? With this restriction, the state admits that commercial cannabis grows have no place around our children or in neighborhoods. Perry Creek Road is 4 miles long. There are 21 bus stops on Perry creek rd, (22 if you count Mr Hardies own driveway which he used for his children, but that was before my time) by anyones definition 21 stops in 4 miles is a neighborhood. I have dropped off and picked up students at all of these stops. I don't expect everyone to understand the lifecycle of a bus stop and not all of these stops are active today and not all were active when Mr Hardie applied for this permit. There seems to be a misunderstanding when it comes to active and inactive bus stops. You may ask why wouldn't all 21 bus stops on Perry Creek be listed on the route sheet every day? That is a valid question. sometimes bus drivers aren't driving their own routes and substitute drivers need to know which stops will have students or where students will be getting off. You can't always rely on the children to let you know. Drivers Try to keep their route as updated as possible, this situation can change sometimes daily. To avoid confusion only active stops are listed on the route sheet. You might not be aware that route sheets are updated frequently. I have had stops change status three times in a month, so if the day that the information was collected for this permit a student didn't happen to have their location on the sheet. Does that mean that they no longer get to use a bus stop that the day before or the week before or the month be fire was available to them? This creates a hardship and does not seem to follow the intent of the permit. There are many inactive stops in Grizzly right now, these family's whose lives have been impacted by fire, lost their homes their possessions many their livelihoods now risk loosening their access to school transportation if a commercial grow chooses to start on readily available land. I don't know if it was ignorance or apathy or gross negligence that lead to the acceptance of this permit. The transportation department was not contacted, the high school routes weren't accessed (yes there are more stops for the high school on Perry creek) the only information that was used to confirm where bus stops were located when David applied for this permit was a snap shot in time on a route that changes constantly. I realize it is difficult to write legislation for our community. We don't look like a typical neighborhood but the intent of the legislation is clear, not around children and not in neighborhoods. Active or inactive a bus stop is a bus stop. This permit never should have been issued and many of the others in our area violate the letter and intent of the legislation. Please do what's right for our children and don't allow commercial cannabis grows around children or in neighborhoods

Sent from my iPhone

From: Theresa Valdez <tahoe1958@yahoo.com>
Sent: Sunday, March 3, 2024 7:20 PM
To: BOS-Clerk of the Board
Subject: Mr. Dave Harde commercial cannabis project

Dear El Dorado County Board of Supervisors,

I have lived in El Dorado County for over 43 years. I lived in South Lake Tahoe, CA for many of those years and now reside in Somerset, CA.

I am writing to you today, because I am opposed to Mr. Dave Harde's commercial cannabis project located at 6500 Perry Creek Road in Somerset CA.

My concern is with the location of Mr. Harde's commercial cannabis project. Mr. Harde's plans are to plant, grow and harvest several thousand cannabis plants at his residents, 6500 Perry Creek Road, Somerset CA. Mr. Harde's property is located in a residential area and is within 1500 feet from a school bus stop. This is in violation of the El Dorado County Commercial Cannabis Ordinance: Article 4, Title 130, Section 130.14.310.5.B.

I feel a commercial cannabis grow should not be allowed in a neighborhood where several school bus stops are located. I am not opposed to personal cannabis grows, but I am opposed to commercial cannabis grows near a school bus stop and within a residential area.

I urge you, the El Dorado Board of Supervisors to repeal and deny Mr. Harde's commercial cannabis permit.

Thank you for your time.

Theresa Valdez

From: Kathleen Clack <kpc@clacklaw.com>
Sent: Sunday, March 3, 2024 11:16 PM
To: BOS-District I; BOS-District II; BOS-District III; BOS-District IV; BOS-District V; BOS-Clerk of the Board
Subject: Support Letter for Appeal of CCUP21-0002 Board of Supervisors Hearing on March 5, 2024
Attachments: Support of Appeal of CCUP21-0002 Permit. Board of Supervisors Hearing on 3.5.23.pdf

Members of the Board and Supervisor's Clerk,

Please find attached Appellants letter of support by attorney Kathleen P. Clack for your review and consideration.

Very truly yours,

Kathleen P. Clack
Attorney at Law
373 E. Shaw Avenue, #139
Fresno, California 93710
(559) 241-7229

KATHLEEN P. CLACK

ATTORNEY AT LAW

373 E. SHAW AVENUE, #139
FRESNO, CALIFORNIA 93710

(559) 241-7229 • FAX (559) 241-7256

March 3, 2024

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Sent via electronic transmission

RE: Appeal Hearing - Organic Farming Innovations Cannabis Farm Use Permit and Variance, Initial Study/Mitigated Negative Declaration CPUC21-0002
El Dorado County Board of Supervisors, March 5, 2024

Dear Supervisors and Mr. Mattes:

In support of the Appeal (“Appeal”) filed by eighteen (18) impacted residents of Somerset (17) and Mt. Aukum (1), this opinion details the deficiencies and problems regarding Organic Farming Innovations Cannabis Farm (“OFICF”) Use Permit and Variance, Initial Study/Mitigated Negative Declaration (“ND”) CPUC21-0002.

On January 25, 2024 the Planning Commission approved the ND, based on incorrect conclusion of the public review period, incomplete analysis and review by contributors to the ND and non-existent review by requisite government agencies.

Despite this Appeal, the project proponent has already initiated construction of the project, despite projected prejudice to the appellants and the public, as set forth herein. Such conduct presupposes the failure of a lawful appeal. The intent of the proponent appears to permanently alter the property that can reasonably be seen to prevent reversal of the appeal. Construction must immediately cease, pending further review and for prevention of potential harm to the environment and in derogation of appellants and the entire public’s interest.

The California environmental quality act (“CEQA”) and public resources code [“PRC”] §21000 *et seq.*, has not been fulfilled as required. The findings are incomplete based on requirements unsupported by verifiable compliance data and plans. Absent substantial evidence under CEQA standards, the ND statements of no or low environmental impact are illusory, without specific plans for compliance nor additional permitting pursuant to relevant and applicable codes.

Due to the missing elements of the ND, it cannot survive judicial scrutiny absent the necessary substantial evidence required by CEQA and PRC, as detailed herein in support of the IR appeal. Absent further review and completion of essential elements to the OFICF plan, the use permit and variance is invalid.

I.

The ND negligently makes findings devoid of substantial evidence and analysis sufficient to support less than significant impacts of the project, amid numerous statutory omissions and failures.¹

1. Water

The ND contains no analysis of the water supply in El Dorado County. The County ND fails to provide substantial evidence that the existing water quantity can sustain the introduction of this cannabis project. Nor does the County ND provide substantial evidence of protection of the existing water quantity.

While the Planning Commission recognizes the grave concerns of the community about water, at the Planning Commission meeting on January 25, 2024, a commissioner stated that, “water - that’s just out of our scope. That would be the Water Authority.” Even Evan Mattes acknowledged that he is “not a water expert” but that the CEQA analysis “included ground water analysis and a well report and deemed to be a less than significant impact”.

Despite the many letters and this appeal, there is no mention about water in the summary of public concerns for degradation of the existing water in the document uploaded on February 28, 2024 to the registrar for the Board of Supervisors’ hearing on March 5, 2024.

The court in *King & Gardiner Farms, LLC v. County of Kern* (Cal. App. 5th Dist. 2020) addressed the result of inadequate analysis of water supply of a plan for “clustering water wells”. It ruled that the lead agency responses to comments “insufficient because reasoned analysis was lacking; the agency did not provide a detailed, reasoned analysis of why the suggested measure for clustering of wells and infrastructure when feasible, was not accepted.

The El Dorado ND is insufficient with findings that are not supported by substantial evidence and analysis. It describes features of the project and the land, but fails to link the project to any existing quantified water supply. In fact, there is no nexus between the water on the project land and the quantity required for cultivation of cannabis.

Despite no identification of existing underground water in El Dorado county, nor any

¹ CEQA statutes relevant to this ND are presented at section “II.” beginning on pp. 9-10 here below.

identification of surplus water for the addition of the water consuming nature of cannabis cultivation, or profoundly, no analysis of existing water on the project land to accommodate the demand of 68,000 sf under cultivation - the ND found that the impact to groundwater supplies is less than significant (p. 94-95)

Existing Water on Harde Property:

The Harde property currently has a well drilled in 1988 that then measured 25 gal/min. It has two other older wells with unknown output, most likely non-productive. If they were being used, production of water could be measured. Or production would at least be used to contribute to current pumping. Well production has not been updated since 1988.

The Harde property also has an 8,500 gal water tank and a pond fed by a water well. There is no indication of the source of the tank's water supply, nor the well that supplies the pond for fire suppression. The description of the 8,500 gal tank is repeated often in the ND, all without a source. The repetition does not give weight to the reliability of the 8,000 without knowing it has a sustainable source that does not draw upon the community's water for the expanded water demands of the project.

Increased Need for Cannabis Water

The project proposes a second 5,000 gal water tank without identification of a source. It's mere existence adds nothing to the quantity of water available to the project without knowing whether it draws from other County water used for residential neighborhoods and farming.

The ND proposes the project water usage to be 1.2 million gals/year without any formula for this calculation or the source of the water. There is no substantial evidence in the record for this quantity. Speculation is inadequate as a basis for the County approval this ND. The conclusory findings in the ND do not meet the standard established in *Topanga Canyon Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 516. In *Topanga*, the CA Supreme Court held that there must be a "logical connection between the evidence and the conclusions".

There is no correlation between the 1.2 million gals/year and the full project at 68,000 square feet of cultivation. Nor does the ND identify the contribution to water usage from the rest of the project that operates the rest of the project in addition to plant irrigation.

Indeed, there is not even a category for water quantity in the ND "Environmental Factors Potentially effected, at ND Section 5.0 on p. 19. The "California Land Evaluation and Site Assessment Model of 1997 used is too old to analyze this ND on the impact of water and the change of character introduced by a heavy water consuming project. Section e considers the involvement of "other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?", at p. 26.

Nevertheless, the ND finds that there will be **less than significant impact without quantitative analysis or evidence, or correlation** between the projected cannabis cultivation water use. There is no logical connection in the ND between the evidence and the conclusions.

The characterization of surrounding neighborhood is incorrect

The ND significantly underestimates, and fails to disclose the amount of residential and cultivated farm already existing that generates vast water consumption. The ND descriptions are vague and unsubstantiated, misleading the entire County on the viability of the project when in fact has many more people and farms using the finite water supply.

- East: The Harde residence erroneously identified as the closest residence, to the canopy. Alice Clary's residence is 950 feet and much closer to cannabis canopy than Harde's residence; 10 acres of historic walnut orchard
- North: Bureau of Land Management ("BLM") BLM field office, property manager Liz Lukas, never got a notice of the proposed project at the filed office; would have prompted a letter prohibiting crossing the line onto federal land as a felony that can result in losing the land.
- South: Residential with 21 school bus stops within 4 mile radius, 16 in Somerset; plus walnut orchard;
- West: Residential on the project's western property line which includes the school bus stop on 6500 Perry Creek

Because of the incorrect characterization of the residential neighborhood and farms, the waiver granted for the 800 foot setback is inconsistent with the existing land uses. Simply because the proponent, Mr. Harde owned the property before November 2018 is irrelevant and bestows a property right on Mr. Harde without cause.

No notice of the project to BLM Field Office

Per the BLM properties manager, Liz Lukas, no notice of this ND was sent to the BLM Field Office. She routinely provides warning letters to potential land uses not to cross the federal property line under penalty of criminal felony and losing the subject land.

The ND irresponsibly and irrationally concludes on p. 30 that "The proposed project would not conflict with existing zoning for agricultural use", without a shred of concern for the degradation of existing water supplies without which farms would be bereft of sufficient irrigation water and unable to farm.

El Dorado County water originates from fractured granite, quantity un-known.

Absent any measurement of water sources, it is impossible to predict the quantity of

surplus water available for cannabis cultivation. Absent a known water requirement for cannabis cultivation, it is impossible to predict adequate water for this project. The science is embryonic at best defining cultivation water needs.

Cannabis is a water-and nutrient-intensive crop.² The water demand for cannabis growing far exceeds the water needs of many commodity crops. Cannabis is estimated to consume 22.7 l of water per day during the growing season of about 150 days.³ The mean water usage for wine grapes, the other major irrigated crop in the same region, was estimated as 12.64 l of water per day.⁴

The intent of CEQA analysis is to prevent a negative impact before it occurs, preventing a harm to the County water supply, and to prevent the expense of removing Harde vineyards for replacement with cannabis plants to later find that the water supply cannot sustain 68,000 sf of cannabis. Water studies are absolutely necessary. Without any water quantity studies, a water debacle may await the existing residents and farmers in El Dorado County

CCUP21-0002 changes the agriculture of El Dorado County

The ND irresponsibly and irrationally concludes on p. 88, a “less than significant impact” without substantial evidence of the groundwater in El Dorado flowing from fractured granite or within water wells and correlations to cannabis water usage for:

Substantial depletion of groundwater supplies would interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.

The County is derelict in its duty to protect the existing water supply from degradation and negligent self-induced drought from this project. Approval of the permit based on the ND is premature without any reliable, scientifically quantified existing water supply that will not be diminished by this project.

2. Bus stop and child protection

There are 17 bus stops within a 4 mile radius of this commercial cannabis project

² Carah JK, Howard JK, Thompson SE, Short AG, Bauer SD, Carlson SM, et al, Bioscience 2015;65(8):822-9.

³ Bustic V, Brenner J., Environ Res Lett. 2016;11(4):44023. <https://doi.org/10.1080/1522651028/500080>.

⁴ Bauer S, Olson J, Cockrill, et al, PlosONE 2015;10(3). <https://doi.org/10.1371/journal.pone.0120016>.

area serving the Pioneer Elementary Blue Route. (Exhibit A) Additionally, there are numerous El Dorado Union High schools that have not been notified of the ND and seek involvement. (Exhibit B)

Oddly, the ND and the proponent of the project has and continues to omit any discussion or analysis of the impact of the project on the foot and vehicle traffic impacted by its introduction to the residential Community. Like the omission of the residential component of the environmental description in the ND, failure to recognize the existence of the human factor in the project area defeats the CEQA analysis completely.

County cannabis ordinance Art. 4, Title 130, Sec. 1360-14.210.5B proscribes the location requirements for schools, bus stops, places of worship, park, playground child care centers, youth oriented facilities, pre-school, licensed drug or alcohol recovery facilities and licensed sober living facilities.

Residential constrains on a commercial cannabis operation is so important to the residents of El Dorado county that the distance from the project to the uses in the ordinance is explicitly designed and articulated.

One school Bus stop is located directly on the project property line at 6500 Perry Creek Road. Appellant believes that there may be a mitigation proffered by the project proponent to move the set back of the project 1500 feet from the property line.

But safety concerns and inconsistency of the project ND in the residential neighborhoods persists the actual impact on all of the many bus stops for elementary and high school students; an impact that has not been analyzed.

The California Supreme Court had determined in *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal. 5th 1171, 1172, that because a project is capable of causing indirect physical changes in the environment, such as traffic patterns, the likelihood that such changes could occur, without considering the specific circumstances is more than speculative.

The omission of even a mention of the physical changes and existing bus stop traffic patterns to evaluate and analyze the project is more than speculative, it's perilous. Therefore, this ND is derelict in the omission of a mention of the environmental factors of the location of bus stops near a commercial cannabis facility so crucial to the citizens of El Dorado County.

3. Public Notice

Public Notice to the surrounding landowners and residential community was insufficient and arbitrary. Mailings were insufficient and arbitrary. Nor were there any postings of the project in noticeable and relevant community locations. A single mention in a newspaper with local public notices appeared on January 3, 2024 cutting the proscribed

public comment period in half, if anyone saw it.

Public Notice was received by only some of the landowners. An undated copy had been appears to have been placed on the internet on December 18, 2023 by the Planning Department indicating a public review period of December 18, 2023 ending January 17, 2024.

Carolyn Clary and Alice Clary first heard about the project from David Harde and received a copy of the ND with the biological assessment on January 7, 2024 but without any appendices.

Absent full notice to the community, approval cannot be found compatible with the General Plan Policy 2.2.5.21.

4. Notice to State Agencies through State Clearing House for Review and Comment

Notice to the reviewing agencies cited in the ND was not delivered to the State Clearing House ("SCH") by the Regional Water Quality Control Board ("RWQCB") until the date for close of review, January 17, 2024, SCH#2023120389. This letter identifies all the requirements to be met for the project for the area Basin Plan, Antidegradation Considerations, Construction of Storm Water General Permit, Clean Water Act §404 Permit, NPDES Permit Limited Threat, *et seq.*

Notice to the relevant State agencies through the RWQCB to the State Clearing House is incomplete. There is no record that any state agency conducted a review and no comments exist. On CEQA.net <https://ceqanet.opr.ca.gov/2023120389> the only letter in the State Comment Letters section is the January 17, 2024 RWQCB letter. (Exhibit C) Therefore, the public has no notice or analysis and findings to review by the State agencies.

The County's own "Notice of Completion & Environmental Document Transmittal", December 13, 2023 to the State Clearinghouse contained the request is misleading: There is no evidence of review by the agencies, nor comments produced or documented. (Exhibit D)

In 2021 the Department of Toxic Substances Control ("DTSC") detailed requirements and conditions in a letter to the County for SCH #:20211010258, "if any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the ND."

Here, there is no public notice for review of DTSC analysis of related agricultural activities of the Harde vineyards, soil and water for existing pesticide content as for CCUP21-0002 (ND pp 54-46). Mr. Harde has made statements that he has not performed organic measures in his vineyard for the last two years.

5. The revised project plan was not produced for public review.

PRC §21092.1 and CEQA §15164 require that the addition of significant new information is added after notice has been given, the public agency must consult again. (PRC §21092)

The January 22, 2024 EPS "Technical Memorandum Addendum" ("Addendum") is an addition of new information to the ND. It contains a revised site map, "2025 Revised Cultivation Area". It was provided to the Planning Commission for its January 25, 2024 meeting. Mr. Harde emailed a copy to Carolyn Clary and Alice Clary by Mr. Harde January 24, 2024. Nothing was received from the Planning Commission. Thus, it has not been circulated for public review. (Exhibit E) No other known project map appears to identify the existing fire break.

The supplemental "Revised" map changes the cannabis canopy area. While it reduces the initial size of the first phase to be cultivated, the cannabis canopy falls within the Fire Break area cleared for the Caldor Fire in 2021. This is not mentioned in the Fire Protection analysis of the ND.

No public comment has been made on the entire Addendum to the ND. Most landowners are known to have seen it. Absent public review and comment it is impossible to know whether the stakeholders understood that the cannabis plan, short and long term, obscures a major fire Break.

As well, the an addition of a misting system and chemical aerosol as proposed mitigation is inconsistent with the purpose of the 800 foot setback and the waiver therefrom. As an addition to the ND, this proposed mitigation is subject to consultation and circulation for public review with a publication of the findings.

6. Protected Animal Species Survey and Mitigation

California Department of Fish and Game Code ("CFG") §§ 3503, 3503.5, and 3800 prohibits the take, possession, or destruction of birds, their nests or eggs, and require that project-related disturbance within active nesting territories be reduced or eliminated during critical phases of the nesting cycle (approximately March 1 – August 31). Disturbance causing nest abandonment and/or loss of reproductive effort, or the loss of habitat is considered "taking", and is potentially punishable by fines and/or imprisonment (LCC 2013). (PRC §21157.1(c))

The analysis of El Dorado raptors (pp. 49-52) in the ND and their nesting habit is inconsistent, finding is no significant impact if mitigation occurs before project construction between February 1 and August 31, 2024. No mitigation has been required prior to construction. Construction has begun without CFG notice and permit.

The Biological Assessment for the ND, raptors and other migratory bird species are identified as suitable nesting for these species:

“Given the areas adjacent to the Project area contain some medium sized trees and many of those trees contain suitable habitat for nesting raptors and other protected bird species, potential noise related impacts could occur to such protected nesting bird species if construction occurs within the breeding season for raptors and MBTA protected bird species...construction or development activities during the breeding season could disturb occupied nests of raptors and MBTA bird species due to noise and therefore, the implementation of a pre-construction survey within 250 feet of the any disturbance area within the Project area for nesting raptors and other protected bird species shall be conducted within 14 days prior to disturbance.”

TND further requires that “These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.”

However, the ND finding concludes that **with mitigation there will be no significant impact on the protected species**. This ambiguity without a specific plan by the proponent, diminishes the quantitative significance of the need for a survey and mitigation plan. Because the downgrade diminished the importance of mitigation, recently construction and vegetation management has begun without the requisite 14-day preconstruction survey within 250 feet of the construction and a mitigation plan.

There has been no public notice of mitigation conducted or planned. The permit was incorrectly approved, despite this appeal, to the potential detriment of protected species.

7. Fire protection is at risk under the ND.

Based on the erroneous finding of less than significant impact on available water at p. 112, the ND is misleading the residential community and farmers that there is no risk to fire protection. The ND failed to confirm the sources of the project’s existing water wells, pond and future water availability is unknown. The available fractured granite water is unknown. There is a veritable vacuum of water supply data to constitute the substantial evidence to meet the standard of analysis required by CEQA to protect the public.

Moreover, the project is designed to obstruct the fire break area of Caldor 2021, as introduced as the “Revised Cultivation Area” in the Technical Memorandum Addendum of January 22, 2024. The effect of the project on fire protection **cannot be less than significant** when fire fighting water may or may not be available under the current analysis and the fire trucks fire break is fully obstructed. The highest-danger period for fire is long in El Dorado County is from April 1 to December 1. (ND p. 82)

II.

Partial Review of Relevant and Applicable Environmental Statutes

8. PRC §21092 requires public notice of preparation of Negative declarations; publication

(a) A lead agency that is preparing an environmental impact report or a negative declaration shall provide public notice of that fact within a reasonable period of time prior to certification of the adoption of the negative declaration.

(b) (1) The notice shall specify the period during which comments will be received on the draft negative declaration, and shall include the date, time, and place of any public meetings or hearings on the proposed project, a brief description of the proposed project and its location, the significant effects on the environment, if any, anticipated as a result of the project, the address where copies of the draft or negative declaration, and all documents referenced in the draft negative declaration, are available for review, and a description of how the draft negative declaration can be provided in an electronic format.

(3) The notice required by this section shall be given to the last known name and address of all organizations and individuals who have previously requested notice, and shall also be given by posting the notice on the internet website of the lead agency and by at least one of the following procedures:

(A) Publication, no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(B) Posting of notice by the lead agency on- and off-site in the area where the project is to be located.

(C) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

9. PRC §21091 requires that review and comment of a proposed negative declaration, or proposed mitigated negative declaration be submitted to the State Clearinghouse, for review and the period of review by the State Clearinghouse is longer than the public review period established . The public review period shall be at least as long as the period of review and comment by state agencies as established by the State Clearinghouse which is 30 at least 30 days. Agency responses shall be in writing. (PRC §15088)
10. PRC § 16087 requires posting of notice by the public agency on and off the site in the area where the project is to be located, and Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.
11. PRC §15004 requires that the lead agency shall not grant any vested development entitlements prior to compliance with CEQA, including not committing to any definite course of action, prior to CEQA compliance.

Conclusion

The numerous detailed descriptions in the ND are not substitutes for analysis required by CEQA. Nor do lists constitute a plan or analysis. Lists merely serve as suggestions. That the existing water supply will be sufficient is, therefore, a speculative hope without substantive evidence that it will be. That the existing bus stops are protective of the entire residential neighborhood without even being mentioned in the ND, is foolishly dangerous.

This opinion does not comprehensively address all of the issues raised by the public about this ND, but addresses various legally significant issues that should be addressed in a full environmental impact report; EIR.

There are too many CEQA violations for this project to be approved. The vast amount of missing data renders the ND useless for its purpose of environmental protection. A negative declaration is inappropriate for this particular project. As a result, the ND does not contain the CEQA analysis and guidance necessary to fully protect the community, the residential neighborhood and the farms.

A vague ND becomes the instrument of failure. The safety of children traveling within the neighborhood diminishes, as will the quality of life as the water needed to sustain its citizens foreshadows the subsequent failure of the County economy when the water runs out.

Very truly yours,



Kathleen P. Clack
Law Office of Kathleen P. Clack

c: Wendy Thomas bosthree@edcgov.us
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Lori Parlin bosfour@edcgov.us
Brook Laine bosfive@edcgov.us
Board of Supervisor's Clerk edc.cob@edcgov.us

Exhibit A

PIONEER ELEMENTARY BLUE ROUTE

BUS STOP	AM TIME	PM TIME	MIN DAY	SUPER MIN
		2:50	1:50	12:58
Mt. Aukum Rd & Candlelight Village	7:28	3:00	2:00	1:08
Painted Pony	7:30	3:01	2:01	1:09
Mt Aukum & Brinkwood	7:35	3:03	2:05	1:14
Mt. Aukum Rd & Bertone Dr.	7:36	3:05	2:09	1:16
Mt Aukum Rd & D'Agostini Dr	7:37	3:06	2:10	1:17
Mt. Aukum Rd & River Pines Fire Station	7:38	3:09	2:09	1:18
Mt. Aukum Post Office /Roosters	7:38	3:10	2:10	1:20
Dorado Canyon & Omo Ranch	7:40	3:11	2:11	1:28
Ranch Camp Rd	7:42	3:15	2:15	1:29
Derby Lane	7:44	3:16	2:16	1:30
3585 Omo Ranch Road	7:45	3:17	2:17	1:31
Omo Ranch Rd & Cedarville/Coyote Ridge	7:50	3:20	2:20	1:31
Fairplay Rd & Stoney Creek Road	7:52	3:22	2:22	1:32
Perry Creek Rd & Crystal Caves Mobile Park	7:53	3:24	2:24	1:45
Perry Creek Rd & Idlewild	7:54	3:25	2:25	1:46
Perry Creek Rd & Slug Gulch	7:54	3:25	2:25	1:46
Perry Creek & Gray Rock Road	7:56	3:26	2:36	1:34
7251 Perry Creek Road	7:57	3:27	2:37	1:35
6500 Perry Creek Rd	8:00	3:28	2:28	1:28
Fairplay and Rontree Rd	8:01	3:29	2:29	1:29
Fairplay and Dollar General	8:02	3:30	2:30	1:30
Arrive at Pioneer School	8:15	----	----	----
Arrive at Mountain Creek	8:15	----	----	1:45

THE TIMES LISTED ABOVE ARE "DEPARTURE TIMES," PLEASE BE AT YOUR BUS STOP 5 MINUTES EARLY

Exhibit B



EL DORADO UNION HIGH SCHOOL DISTRICT

To Whom It May Concern:

It has been brought to my attention that the Commercial Cannabis Program in El Dorado County and the Application process contains verification on School Bus Stops at a 1500-foot distance from the commercial location is part of the applicant approval process.

With that, as Director of Transportation for El Dorado Union School District along with several elementary school sites, I have not been contacted to verify stop locations that would affect any of the addresses in the Applicant Process. This process is put in place for the safety of our students and community.

The high school district transports students all over El Dorado County. Elementary school sites transport students home-to-school, and school-to-home as well, but only within the District boundaries of that school. We have many bus stops that are inactive in the elementary schools due to no students being present at this time, but could be in the future. At the same time, the stops are active at the High School level, located on our district website at www.eduhsd.k12.ca.us. Please refer to the Transportation website for all active bus stops in El Dorado County.

Below is a list of inactive stops in South County for elementary but current for High School. These are just on Perry Creek Rd as an example of why we need to be involved in this process.

7160 Perry Creek Rd
Hunters Path
7071 Perry Creek Rd
7070 Perry Creek Rd
7001 Perry Creek Rd
Ant Hill Rd
Shakedown St
Klare Rd
Perry Creek & Fairplay Rd (at stop sign)
Iversons Winery
Slug Gulch & Perry Creek Rd

If you have any questions about current bus stops or inactive bus stops please contact me at 530.344.8538. Or email slemke@eruhsc.net. Our goal will always be the safety of our students.

Thank you for your support.

Sarah E Lemke

Director of Transportation

*El Dorado Union High School District
Pioneer Union School District
Lathrop Union School District
Gold Oak Union School District
Gold Trail Union School District
Camino Union School District
1575 Missouri Flat Rd, Placerville, CA 95667*

Exhibit C

CCUP21-0002/Harde

Summary

SCH Number	2023120389
Lead Agency	El Dorado County
Document Title	CCUP21-0002/Harde
Document Type	MND - Mitigated Negative Declaration
Received	12/14/2023
Present Land Use	Agriculture/Agricultural Grazing 40-Acres(AG-40)/Agricultural Lands
Document Description	<p>Commercial Cannabis Use Permit (CCUP) for the construction and operation of a cannabis cultivation operation within an approximately 7-acre cannabis premises. The cannabis premises includes four (4) outdoor cannabis cultivation areas with the following square footage: Area A-1 is 43,000 square feet (sf), Area B-1 is 10,000 sf, Area B-2 is 10,000 sf, and Area B-3 is 5,000 sf. Total square footage for outdoor cannabis cultivation is 68,000 sf. Additionally, the project would include support infrastructure such as a 1,500-sf greenhouse for immature plant canopy, a 1,500-sf compost area, a 160-sf chemical and secure storage building, a 1, 152-sf drying storage building, two processing and harvest buildings (1, 760-sf building in Phase 1 and 1, 750-sf building in Phase 2), a 143-sf secure storage vault, a 117-sf office and shipping records building, and extensive fencing. The applicant would acquire power from a connection with an existing Pacific Gas & Electric (PG&E) infrastructure and would add grid-tied solar power. Processing would be done on site.</p>

Contact Information

Name	Evan Mattes
Agency Name	El Dorado County, Planning and Building Department
Job Title	Senior Planner
Contact Types	Lead/Public Agency

Address 2850 Fairlane Ct
Placerville, CA 95667

Phone (530) 621-5994

Email evan.mattes@edcgov.us

Location

Coordinates 38°36'48.51"N 120°41'48.35"W

Cities Fair Play

Counties El Dorado

Regions Countywide

Cross Streets Perry Creek Road approximately 0.3 mile north of the intersection with Fairplay Road

Zip 95684

Total Acres 57.29

Parcel # 093-032-071

Schools Pioneer Union

Waterways Perry Creek, Spanish Creek, Middle Fork Cosumnes River

Township 9N

Range 12E

Section 21

Base MDM

Notice of Completion

State Review Period Start 12/19/2023

State Review Period End 1/17/2024

State Reviewing Agencies California Air Resources Board (ARB), California Department of Cannabis Control (DCC), California Department of Fish and Wildlife, Cannabis Program (CDFW), California Department of Fish and Wildlife, North Central Region 2 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Pesticide Regulation (DPR), California Department

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613. For more information, please visit [OPR's Accessibility Site](#).

Exhibit D

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: CCUP21-0002/Harde

Lead Agency: El Dorado County Planning and Building Department

Contact Person: Evan Mattes

Mailing Address: 2850 Fairlane Court

Phone: 530-621-5994

City: Placerville

Zip: 95667

County: El Dorado

Project Location: County: El Dorado

City/Nearest Community: Fair Play

Cross Streets: Perry Creek Road approximately 0.3 miles north of the intersection with Fairplay Road

Zip Code: 95684

Longitude/Latitude (degrees, minutes and seconds): 38 ° 36 ' 48.51 " N / 120 ° 41 ' 48.35 " W Total Acres: 57.29 acres

Assessor's Parcel No.: 093-032-071

Section: 21

Twp.: 9n

Range: 12e

Base: MDM

Within 2 Miles: State Hwy #:

Waterways: Perry Creek, Spanish Creek, Middle Fork Cosumnes River

Airports:

Railways:

Schools: Pioneer Union

Document Type:

- | | | | |
|---|--|------------------------------------|--|
| CEQA: <input type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input type="checkbox"/> Neg Dec | (Prior SCH No.) _____ | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Mit Neg Dec | Other: _____ | <input type="checkbox"/> FONSI | |

Local Action Type:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other: _____ |

Development Type:

- | | |
|---|---|
| <input type="checkbox"/> Residential: Units _____ Acres _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ |
| <input type="checkbox"/> Educational: _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| <input type="checkbox"/> Recreational: _____ | <input checked="" type="checkbox"/> Other: Cannabis Cultivation |
| <input type="checkbox"/> Water Facilities: Type _____ MGD _____ | |

Project Issues Discussed in Document:

- | | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input checked="" type="checkbox"/> Recreation/Parks | <input checked="" type="checkbox"/> Vegetation |
| <input checked="" type="checkbox"/> Agricultural Land | <input checked="" type="checkbox"/> Flood Plain/Flooding | <input checked="" type="checkbox"/> Schools/Universities | <input checked="" type="checkbox"/> Water Quality |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Forest Land/Fire Hazard | <input checked="" type="checkbox"/> Septic Systems | <input checked="" type="checkbox"/> Water Supply/Groundwater |
| <input checked="" type="checkbox"/> Archeological/Historical | <input checked="" type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input checked="" type="checkbox"/> Wetland/Riparian |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Minerals | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Coastal Zone | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Drainage/Absorption | <input checked="" type="checkbox"/> Population/Housing Balance | <input checked="" type="checkbox"/> Toxic/Hazardous | <input checked="" type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Economic/Jobs | <input checked="" type="checkbox"/> Public Services/Facilities | <input checked="" type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Other: _____ |

Present Land Use/Zoning/General Plan Designation:

Agriculture/Agricultural Grazing 40-Acres (AG-40)/Agricultural Lands

Project Description: (please use a separate page if necessary)

Commercial Cannabis Use Permit (CCUP) for the construction and operation of a cannabis cultivation operation within an approximately 7-acre cannabis premises. The cannabis premises includes four (4) outdoor cannabis cultivation areas with the following square footage: Area A-1 is 43,000 square feet (sf), Area B-1 is 10,000 sf, Area B-2 is 10,000 sf, and Area B-3 is 5,000 sf. Total square footage for outdoor cannabis cultivation is 68,000 sf. Additionally, the project would include support infrastructure such as a 1,500-sf greenhouse for immature plant canopy, a 1,500-sf compost area, a 180-sf chemical and secure storage building, a 1,152-sf drying storage building, two processing and harvest buildings (1,760-sf building in Phase 1 and 1,750-sf building in Phase 2), a 143-sf secure storage vault, a 117-sf office and shipping records building, and extensive fencing. The applicant would acquire power from a connection with an existing Pacific Gas & Electric (PG&E) infrastructure and would add grid-tied solar power. Processing would be done on site.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB # <u>5</u> |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>2</u> | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input checked="" type="checkbox"/> Other: <u>Department of Cannabis Control</u> |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date December 19, 2023 Ending Date January 17, 2024

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  Date: 12-13-2023

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Exhibit E

From: sandra Myron <sandramyron@yahoo.com>
Sent: Monday, March 4, 2024 8:15 AM
To: BOS-Clerk of the Board
Subject: Letter for Harde Cannabis Appeal Hearing March 5, 2024
Attachments: HardeBOSletter.docx

Dear Planning Commission and El Dorado County Board of Supervisors:

I have attached a letter below that I wish to be read and posted in the public comments section.

Thank you.

Sandra Myron

March 4, 2024

EDC.COB@EDCGOV.US

330 Fair Lane – Building A

Placerville, CA 95667

Dear El Dorado County Board of Supervisors

I am writing to express my dismay and objection to the recent approval of Mr. David Harde's commercial cannabis project which is located on 6500 Perry Creek Rd. Somerset, CA 95684.

There are many concerns with the 6500 Perry Creek Road cannabis project, however, I would like to point out one in particular: Water and water usage. There is a serious lack of data that was submitted to the County and presented to the public by Mr. Harde that does not meet CEQA and furthermore, address the concerns we as a community have towards excessive water usage which could seriously impact our well production.

Here are the following concerns and grievances:

CEQA Violations

- Negative Mitigation Declaration/Initial study contains multiple inaccuracies and with a significant lack of facts to back up assessments of "Less than significant impact" in multiple areas in direct violation of CEQA 15064 b 1 which state: "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data."
- Numerous areas of this project and Negative Mitigation Declaration are missing essential facts to back up the continual "Less than Significant" impact assessments.

Any assessment of "Potentially Significant Impact" would require a Full Environmental Impact Review so it appears the Planning Department avoids this assessment. We have seen no assessments of "Potentially Significant Impact" on.

- Per the CEQA Handbook 2023, pg. 348-349, Appendix G, X6 Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)
- The Planning Department assessed this as “Less than Significant Impact” based on a well study from 1988 of 25 gallons/min and a completely inaccurate water requirement estimate of 1.2 million gallons of water for the entire project.

Mr. Harde’s last report on his 25 per gallon a minute well was done in 1988, 36 years ago, and he has two other wells with no reports. How can this report be considered up to date and accurate 36 years later? There is no accurate and current well producing information to support the water demands of Harde’s commercial cannabis grow and furthermore, there is a serious concern that there could be interference between neighboring wells.

Planning Commissioner: On a video for the meeting Jan 25th, 2024, “Lots of concerns about water – That’s just out of our scope. That would be the Water Authority. Evan Mattes replied that he is also “not a water expert” but that the CEQA analysis “included ground water analysis and the well report is in the packet and was deemed to have less than significant impact.

While the Planning Commissioner lamented “that it is out of our scope” and Evan Mattes said that “he is not a water expert” here are some water facts that are not congruent with the Planning Commissioner and Evan Mattes statement.

Water Facts: A neighboring well can interfere with your well. How much water passes through fractured rock varies greatly depending on connections between fractures. As a result, interference between neighboring wells is difficult or impossible to predict in advance. The best insurance against such problems is large lot sizes, Wells on lots as large as nine acres have gone dry.” Water.ca/gov/publications California Department of Water Resources

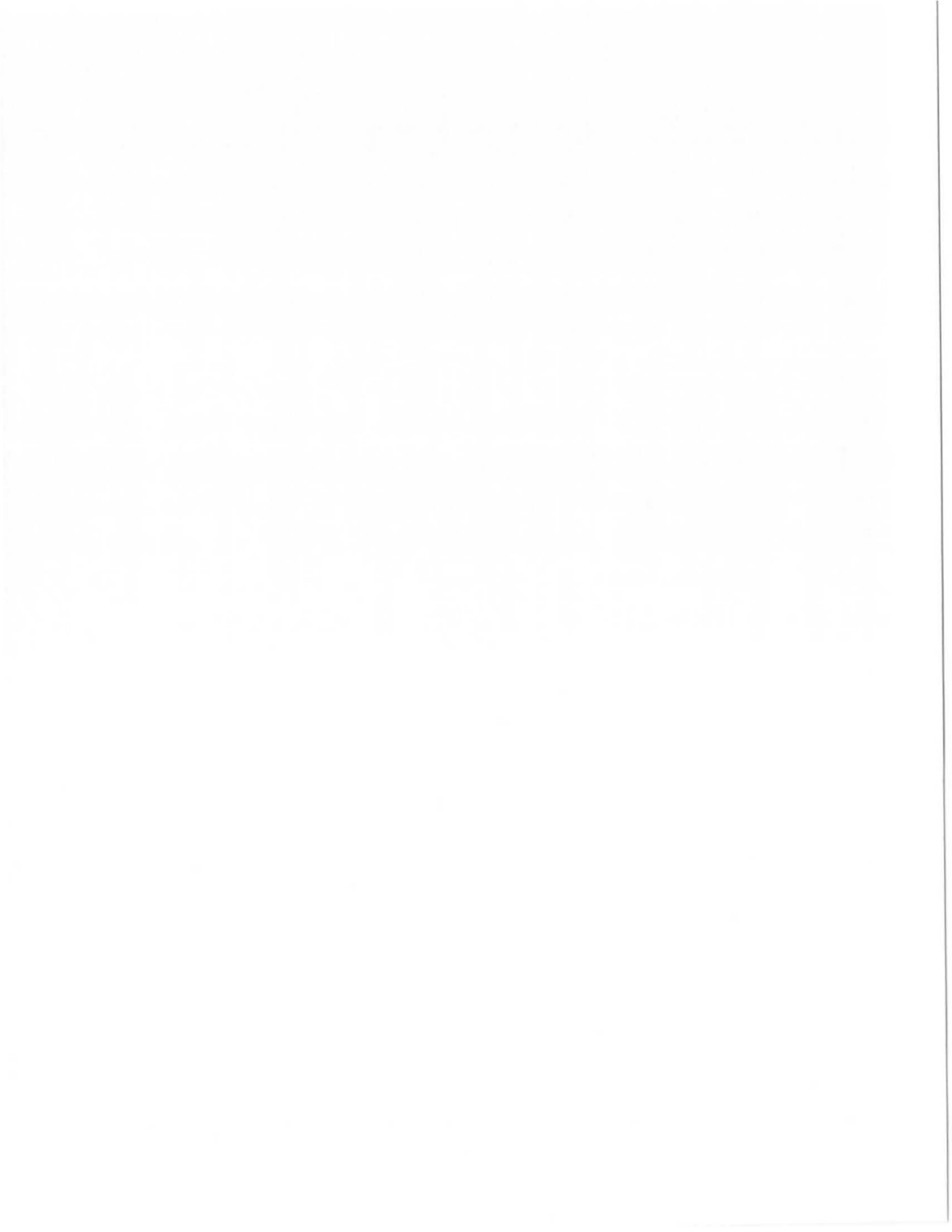
- Lack of information about how project might affect groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (CEQA Related)

- Total square footage of project for 1st year is 10,000 with **4000 plants planned** according to cannabis grower alliance member.
- Total square footage of outdoor canopy in project is 68,000 (approx. **27,200 plants per harvest** if following same rule of 4000 plants per 10,000 square feet) so potentially 54,4000 per year.
- 1.2 million gallons of water/year were estimated in the Negative Mitigation Declaration/Initial Study to be needed for the entire 68,000 square foot project with no facts or information to back this estimate up
 - No number of cannabis plants identified.
 - No number of harvests identified (Mr. Harde has told us verbally he will be doing 2 harvests per year)
 - The only well report in the project is from 1988; 36 years ago.
 - Two additional wells with unknown flow per minute
 - Actual estimated water requirements FOR THE FIRST YEAR would be **1.3 million gallons** (for the approved 10,000 sq ft) so 2.6 million gallons for 2 harvests the first year then **8.8 million gallons** for the full project **PER HARVEST so potentially**.
 - On average, a cannabis plant is estimated to consume 22.7 l (6 gallons) of water per day during the growing season, which typically ranges from June to October for an approximate total of 150 days (Butsic and Brenner 2016). As a comparison, the mean water usage for the wine grapes, the other major irrigated crop in the same region, was estimated as 12.64 l of water per day (Bauer et al. 2015).
 - **Reference:** <https://mjbizdaily.com/cannabis-requires-more-water-than-commodity-crops-researchers-say/>

In summary, Mr. Harde, the Planning Commission and the Board of Supervisors have not been transparent with the community in presenting factual data that meets CEQA standards, therefore, the permit that was approved on January 25th, should be repealed and or denied.

Sincerely,

Sandra Myron



From: Sara Warden <sara.warden@wasteconnections.com>
Sent: Monday, March 4, 2024 8:33 AM
To: BOS-Clerk of the Board
Subject: Letter on behalf of Ron Mittelstaedt of Toogood Estate Winery
Attachments: SKM_C364e24030408280.pdf

Dear Board of Supervisors,

Please see attached letter on behalf of Toogood Estate Winery.

Thank you for your time and consideration.

Sara Warden

Executive Assistant to Ron Mittelstaedt
7280 Fairplay Road, Somerset, CA 95684
530-620-1910



March 4, 2024

Dear Board of Supervisors,

I am writing to express my strong opposition to the proposed commercial cannabis grows in Wine Country. As a resident and advocate for sustainable agriculture and community well-being, I believe that the proliferation of commercial cannabis grows in this area poses a significant threat to the environment, public health, and local economy.

Cannabis cultivation requires a significant amount of water, energy, and other resources, which can strain our already limited resources. Additionally, the use of pesticides, herbicides, and other chemicals in cannabis cultivation can have negative impacts on the environment and public health. The odor from cannabis grows can also be a nuisance to nearby residents, affecting their quality of life and property values.

Furthermore, the proposed commercial cannabis grows could have a negative impact on the local economy, particularly in the wine industry. Many wineries in the area rely on the unique character of Wine Country to attract tourists and generate revenue. The introduction of commercial cannabis grows could change the character of the area and negatively impact those who rely on the wine industry for their livelihood.

I urge the Board of Supervisors to carefully consider these concerns and take a stand against the proposed commercial cannabis grows in Wine Country. I believe that there are better alternatives to generating revenue and promoting economic growth that are in line with the values of the community.

Thank you for your time and consideration.

Sincerely,

Ronald J. Mittelstaedt
President
Toogood Estate Winery, Inc.

From: Trisha McMurray <tmcmurray@skinnervineyards.com>
Sent: Monday, March 4, 2024 9:53 AM
To: BOS-Clerk of the Board
Subject: CCUP21-002/Harde and CCUP-A24-0001/Appeal
Attachments: El Dorado County letter opposing Cannabis Board of Supervisors.pdf

Cheers,
TRISHA MCMURRAY
Tasting Room/Club Manager
8054 Fairplay Road Somerset, CA 95684
phone 530.620.2230
tmcmurray@skinnervineyards.com

ESTABLISHED 1841

SKINNER

RE: CCUP21-002/Harde and CCUP-A24-0001/Appeal

Dear El Dorado County Board of Supervisors,

I am writing to express my strong opposition to the proposed commercial cannabis grows in Wine Country. As a resident and advocate for sustainable agriculture and community well-being, I believe that the proliferation of commercial cannabis grows in this area poses a significant threat to the environment, public health, and local economy.

Cannabis cultivation requires a significant amount of water, energy, and other resources, which can strain our already limited resources. Additionally, the use of pesticides, herbicides, and other chemicals in cannabis cultivation can have negative impacts on the environment and public health. The odor from cannabis grows can also be a nuisance to nearby residents, affecting their quality of life and property values.

Furthermore, the proposed commercial cannabis grows could have a negative impact on the local economy, particularly in the wine industry. Many wineries in the area rely on the unique character of Wine Country to attract tourists and generate revenue. The introduction of commercial cannabis grows could change the character of the area and negatively impact those who rely on the wine industry for their livelihood.

I urge the Board of Supervisors to carefully consider these concerns and take a stand against the proposed commercial cannabis grows in Wine Country. I believe that there are better alternatives to generating revenue and promoting economic growth that are in line with the values of the community.

Thank you for your time and consideration.

Sincerely,

Trisha McMurray, Manager
Skinner Vineyards
8054 Fairplay Rd.
Somerset, CA 95684

From: Susie Vasquez <mfp48@gmail.com>
Sent: Monday, March 4, 2024 10:12 AM
To: BOS-Clerk of the Board
Subject: The Clary appeal to rescind the Planning Commission's approval of CCUP21-002
Attachments: Blank 15.pages

Note: I can provide the sources for this research if requested.

Sent from my iPad

From: Mike Sullivan <mikesul@yahoo.com>
Sent: Monday, March 4, 2024 10:44 AM
To: BOS-Clerk of the Board
Subject: CCUP21-0002 David Harde commercial cannabis permit appeal.

Hawk and Owl habitats, nesting and problems with pesticides and construction:

My wife and myself are wildlife rehabbers of Raptors for Sierra Wildlife. We are neighbors of Harde where the proposed cannabis grow is located. Both of us have been rehabbing and releasing raptors for the past four years within an area near the proposed cannabis cultivation area. We have some issues in addition to the other concerns addressed:

Initial Construction Phase:

Habitat Destruction:

During the initial construction phase, habitat destruction occurs as land is cleared for development and vegetation management removes potential nesting or hunting areas.

Raptors may lose their nesting sites, foraging areas, and shelter, leading to displacement or abandonment of their territories.

Disturbance and Stress:

Construction activities such as heavy machinery, excavation, vegetation management and noise can disturb raptors and disrupt their breeding behaviors. There is currently a breeding pair occupying the area near the proposed grow.

Increased human presence may cause stress and avoidance behaviors in raptors, impacting their ability to successfully breed and rear young.

With Harde's proposed grow being near BLM land he would possibly be in violation of Title 36 Code of Federal Regulations section 2.2 (a)(2) The feeding, touching, teasing, FRIGHTENING or INTENTIONAL disturbing of wildlife nesting, breeding, or other activities.

Construction activities and vegetation removal can destroy or fragment owl habitats.

Nest Destruction:

Raptors may have active nests in trees or structures within the construction site.

Without proper mitigation measures, these nests can be accidentally destroyed during construction or vegetation management, leading to loss of eggs, chicks, or even adult birds.

Owls:

Loss of nesting sites and foraging areas can negatively impact owl populations.

Light Pollution:

Urban development can also lead to light pollution, which may disrupt owl nesting and hunting behaviors.

Owls may be less successful at hunting in well-lit areas, affecting their ability to feed themselves and their chicks.

Future Cannabis Grow Area Development:

Continued Habitat Loss:

Once the initial construction phase is complete, the development of larger cannabis grow areas may further contribute to habitat loss for raptors. Additional land clearing, vegetation management and infrastructure development may fragment habitats and decrease available nesting and foraging areas for raptors.

Chemical Exposure:

Pesticides, herbicides, and fertilizers commonly used in cannabis cultivation can pose risks to raptors and their prey.

Raptors may be exposed to these chemicals directly through ingestion or indirectly through contaminated prey, leading to health issues and reduced reproductive success.

Increased Human Activity:

The establishment of a cannabis grow area may attract increased human activity, including workers, visitors, and potential trespassers.

Raptors may perceive human presence as a threat and abandon nearby nesting sites, disrupting breeding behaviors and population dynamics.

Conclusion:

By considering the potential impacts of construction activity, vegetation management and cannabis cultivation on raptor nesting. It's essential to prioritize habitat protection and responsible land management to ensure the long-term survival of raptor populations in the area.

Mike S

From: Michael Morreale <mmorreale522@gmail.com>
Sent: Monday, March 4, 2024 11:51 AM
To: BOS-Clerk of the Board
Subject: Hearing on 3/5/24 - CCUP21-0002 Harde
Attachments: SCCACC letter 3 3r.pdf; SCCACC letter 3 3.docx

Dear Board of Supervisors,

Attached is my letter for public record stating my objection to a commercial cannabis grow site in our area.

Michael Morreale

Michael Morreale
mmorreale522@gmail.com
(818) 645-5550 cell

March 3, 2024

To: El Dorado County Board of Supervisors

Re: CCUP21-0002 - Harde

Appeal Hearing - March 5, 2024

As a concerned citizen and neighbor of Mr. Harde, I urge the Board of Supervisors to IGNORE Evan Mattes' and the planning commission's recommendation to deny this appeal and approve Mr. Harde's application for for a Commercial Cannabis grow site. Instead I urge you to DENY this application and keep Commercial Cannabis grow sites OUT of our neighborhood!

While we live in a rural area, we are still a very tight knit community. We know our neighbors and say "hello" when we meet at the store, the post office or the gas station. We wave when passing on the road and often stop to chat about what's going on in our neighborhood. There is a reason you see 18 names on this appeal, there is a reason you will see petitions with hundreds of names objecting to this proposed site, there is a reason you will see a hearing room full of concerned citizens who vehemently oppose Commercial Cannabis growth sites near their homes. We want to protect our children. We want to protect our property value. We want to protect our way of life and the enjoyment of living in a rural environment. The planning commission and their project manager Evan Mattes are more concerned with getting Mr. Harde approved than protecting the rights of his neighbors. Specifically my objections are these:

1. There is a registered school bus stop at 6500 Perry Creek Rd. which has been registered and active for 15 years. This is right on Mr. Harde's property line. You will see confirmation from the EDC Director of transportation for schools verifying this was and still is an active stop for children currently enrolled in EDC schools. There are neighbors who live directly across the road that have young grandchildren who will utilize that stop within the next 2 years.
2. Water usage. Mr. Harde claims to have 3 wells, the largest of which produces 25 gallons per minute (gpm). This is based on a draw test done in 1988. That is over 35 years ago! There is no documentation on the other two wells. Since that time Mr. Harde has put in two acres of wine grapes and had a hemp crops in 2020 and 2021. What do those wells produce now? The addition of a commercial cannabis crop will require **SIGNIFICANT** amounts of water. How will this additional water use effect the water table for those of us living near this site.

My wife and I are in the process of having our well tested. When we purchased our home in 2004, it drew 7 gpm. Has it decreased over time? Did it decrease because of Mr. Harde's grapes or hemp? What will be the impact if this Commercial Cannabis site is approved? Planning Commissioner Boeger and project manager Mattes state it will NOT have a significant impact on our or any of the neighboring wells. However neither of them are geologists or hydrologists. Neither have operated a well digging and repair company in south county where we live. So we decided to contact both.

Mr Jim Hammonds has operated a well digging / repair company for over 40 years in our area. Well known , great reputation. He will be doing our well "draw test". Jim told us that while 'granite fracture' wells (which are the norm our area) are unique in that they may exist at different levels and have different gpm's while only a few hundred feet apart, they are all impacted by the water table generated and maintained by the Sierra snow melt each year.

Additionally, we spoke to a certified hydrologist with large geologic company in northern California . He informed us that indeed 'granite fracture' wells in an area are impacted by the water table. In general he said that it was not just possible but it was PROBABLE there would be a **significant** impact on the surrounding wells if someone were to pump 1.2 million gallons of water per year out of an area as proposed by Mr. Harde's application. Further he suggested that no one could know or claim there would be LESS THAN SIGNIFICANT impact without doing a full EIR which included a water table analysis.

3. There seems to be a total lack of disregard for existing codes and ordinances by the planning commission. In a review of the previous and current commercial cannabis growth applications, they all use the exact same wording, facts and figures even though they are planning for different sized projects. It seems like every accommodation is being made to satisfy the commercial cannabis growers with a total disregard for the residents who live by and will be affected most by these sites!

Thank you for your time and again I urge you to STOP this particular Commercial Cannabis growth application. Additionally, I feel a review of ALL the applications, the process and the procedures be re-examined and corrected before going forward with other growth sites!

Sincerely,

Michael Morreale

From: Michael @ Gold Mtn Winery <michael@goldmountainwineryandlodge.com>
Sent: Monday, March 4, 2024 12:47 PM
To: BOS-Clerk of the Board
Subject: Hardy Cannabis Appeal
Attachments: Hardy Cannabis appeal 3.5.23.pdf

Hello,
I would like to submit my opposition to the Hardy Commercial cannabis Grow on Perry Creek Rd in Fairplay AVA. See attached.
I would like to speak this tomorrow too. Thank You.

Best,

Michael Scully
Gold Mountain Winery
7740 Fairplay Rd
Somerset, Ca 95684
530 620 3248
650 793 0758
Lodge@goldmountainwineryandlodge.com

To the El Dorado Co Board of Supervisors.

3.3.24

Interest in growing cannabis for medical and recreational purposes is increasing worldwide. We need reviews of the environmental impacts and business impacts of local commercial cannabis cultivation in our Fairplay AVA. Studies show that both indoor and outdoor cannabis growing is water-intensive. The high water demand leads to water pollution and diversion, which could negatively affect the ecosystem and local vineyards. Studies found out that cannabis plants emit a significant amount of biogenic volatile organic compounds, which could cause indoor and outdoor air quality issues. Indoor cannabis cultivation is energy-consuming, mainly due to heating, ventilation, air conditioning, and lighting. Excessive energy consumption leads to greenhouse gas emissions. Cannabis cultivation could directly contribute to soil erosion. Meanwhile, cannabis plants have the ability to absorb and store heavy metals. It is envisioned that technologies such as precision irrigation could reduce water use, and application of tools such as life cycle analysis would advance understanding of the environmental impacts of cannabis cultivation. We urge the board to deny this current application before you until more information is gathered to evaluate the impact in our growing federally approved wine growing region, the Fairplay AVA or American Viticultural Area, established in 2001. The property at 6540 Perry Creek is in the center of the Fairplay AVA. Many residents and business owners are not even aware of all these commercial cannabis applications. We urge you to deny this application considering what Somerset, Fairplay and the surrounding area will look like in 75 or 100 years when none of us here will even be there to see it. Think long turn stewardship. This commercial cannabis grow is not good for our homes and businesses.

Sincerely,

Michael Scully

michael@goldmountainwineryandlodge.com

From: Cammy &/or Michael Morreale <mcmorreale@sbcglobal.net>
Sent: Monday, March 4, 2024 2:39 PM
To: BOS-Clerk of the Board; BOS-District I; BOS-District II; BOS-District III; BOS-District IV; BOS-District V
Subject: CCUP21-002/Harde and CCUP-A24-0001/Appeal
Attachments: Public Comment Letter for David Harde Commercial Cannabis Permit Appeal - Cammy Morreale.pdf; Clarification of Neighbor Concerns email from David Harde 1-18-2024.pdf

To the Board of Supervisors and Clerk of the Board,

Attached is my Public Comment Letter for this Appeal, please upload this today. Also attached is an email I received from David Harde on 1/18/24 which was not uploaded to the Public site in January (this was an oversight by County Planning).

Thank you for your consideration,

Cammy Morreale

Cammy Morreale
6625 Perry Creek Road
Somerset, CA 95684

March 4, 2024

RE: CCUP21-002/Harde and CCUP-A24-0001/Appeal

To the El Dorado County Board of Supervisors,

I am one of the appellants and oppose this project. I live across the street at 6625 Perry Creek Road Somerset approx. 1,500 feet down hill from the proposed commercial cannabis project site.

Respectfully I am seeking your decision to uphold our appeal to "stop" this project and reverse the Planning Commission's Approval at the meeting on January 25, 2024.

I was not notified about the September 8, 2021 Agriculture Commission meeting nor have I seen "Physical Sign Posting" on Mr. Harde's property (as per El Dorado County Ordinance 130.51.050 #H). Therefore when I received the Notice of Intent to Adopt A Mitigated Negative Declaration in January 2024, I was surprised.

In the 2/25/2024 Planning Commission meeting, many members of the community spoke and wrote letters asking the Planning Commission to **grant a continuation** as there was too much missing and inaccurate information in the source documents on the Public Site. You may know, that incomplete/erroneous public information is no less than a CEQA (California Environmental Quality Act) violation. It was not our intent to escalate this appeal to the Board of Supervisor's but we weren't given the opportunity to finish our review as we could not proceed without more and accurate information. Even Commissioner Payne stated in this meeting

that he did not know what the project description was and was in favor of granting a continuance (please hear Mr. Payne's concern in the recorded version of the 2/25/2024 meeting). **QUESTION: How can the Planning Commission approve a project they don't understand?**

The lack of public notification coupled with the inaccurate and lack of data/information reflects poorly on El Dorado County. **There is obvious systemic failure the County needs to rectify urgently.**

There are many environmental, health and data drive reasons that Commercial Cannabis does not belong on Mr. Harde's property. Some of these reasons are listed below:

- 1) **There is NO legal source of water.** The only well report is unreliable as it is from 1988. The concern is for our water supply and water quality especially because our water table is on fractured granite which is shared throughout El Dorado County.
 - o Additionally there is no documentation on the number of plants and number of grows for this project. When I asked Evan Mattes (Senior Planner) to define the scope (# of plants and grows), he said the County does not require this information. **QUESTION: How can the County be sure this project will use 1.2 million gallons of water (as per Initial Study Mitigated Negative Declaration "MND") when the number of plants grown is unknown?** A Commercial Cannabis Applicant nearby is planning to grow 4,000 plants in .25 acre. Mr. Harde stated he will be growing two plantings in a season. This is potentially 8,000 plants per year (just for phase 1) and an estimated 2.6 million gallons of water usage – more than double than stated in the MND.
 - o In phase 2, 3 and 4, there will potentially be 56,000 plants using 8.8 million gallons of water annually. As per "Ground Water in Fractured Hard Rock" on this site: water.ca.gov/publications, my well supply is at risk for drying up because my parcel is less than 9 acres. **QUESTION: Will the County or Mr. Harde truck in water to my property when my well goes dry? I would like the County to add this to Mr. Harde's list of Conditions.**
 - o It is important to note that water occurring in rock fractures have less protection from contamination, compared to alluvial

aquifers where the soil acts as a filter treatment (as per <file:///C:/Users/mcmor/Downloads/Ground%20Water%20in%20Fractured%20Hard%20Rock%20-%20California%20Department%20of%20Water%20Resources.pdf>). **QUESTION: Will the County or Mr. Harde purify my water to mitigate the chemical contamination from the project's chemical usage?**

- Because there is no data provided/available for the impact to our type of water supply (fractured granite), I urge El Dorado County to install monitoring wells throughout the county to measure the supply and quality. This is both prudent and fair and was suggested by a local Senior Engineering Geologist/Hydrogeologist. Should you need this source, please let me know.
 - Improper water resources management may induce critical environmental issues. Reducing the global environmental impact of agriculture is vital to maintain environmental sustainability. El Dorado County's systemic principles towards the sustainable farming of commercial cannabis remain unclear. There is a pressing need for a complete review of its environmental assessment (as per the Journal of Cannabis Research <https://j cannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00090-0>).
- 2) Uphold the 1,500 foot setback for the registered Bus Stop at 6500 Perry Creek Road (zero feet from Mr. Harde's property line). This bus stop was registered approx. 15 years ago AND before Mr. Harde applied for his Commercial Cannabis permit on 3/30/2021. To deny this appeal based on Evan Mattes statement that the bus stop was commented upon or not identified until recently ... in the right order, would be a violation of El Dorado County's 1,500 feet setback ordinance. The fact is, there is and has been a registered bus stop for approx. 15 years.
- 3) There is no conclusive evidence that Mr. Harde's request to reduce the 800 foot setback (for the East property line) will achieve the purpose of El Dorado County's 800 foot Setback Ordinance. To deny this appeal because Mr. Harde owned the property prior to the Commercial Cannabis Measures being passed November 2018 would violate El Dorado County Ordinance. As per a local Subject

Matter Expert for El Dorado County Air Quality, the County's ordinance for Air Quality of 7 DT (dilution threshold) is difficult to achieve with the significantly reduced setback.

- 4) Perry Creek (a water tributary to the Consumes River) is in close proximity to the proposed cannabis site. It is likely the chemicals (e.g. pest control, odor mitigation, etc.) and waste will leach into this water system. Improper water resources management may induce critical environmental issues. Reducing the global environmental impact of agriculture is vital to maintain environmental sustainability. El Dorado County's systemic principles towards the sustainable farming of commercial cannabis remain unclear. There is a pressing need for a complete review of its environmental assessment (as per the Journal of Cannabis Research <https://jcannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00090-0>).
- 5) Mr. Harde is using a septic system for the project's waste. The only information we have about his septic is a diagram from 1995. Not only is our concern for the THC and other Chemicals seeping into the soil but is this septic system sufficient to support this project. Improper soil resources management may induce critical environmental issues. Reducing the global environmental impact of agriculture is vital to maintain environmental sustainability. El Dorado County's systemic principles towards the sustainable farming of commercial cannabis remain unclear. There is a pressing need for a complete review of its environmental assessment (as per the Journal of Cannabis Research <https://jcannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00090-0>).

QUESTION: What mitigation measures will be in place to protect the soil?

- 6) Vegetation management is being performed violating the Department of Fish and Wildlife's Nesting Raptor's non-disturbance moratorium between February 1 through August 31 (as per MND). **QUESTION: What mitigation is in place to perform vegetation management required by the State of California Fire Code by June 1 annually?** This is during the Nesting Raptor's non-disturbance period. **QUESTION: What code enforcement measures are in place to not only protect our wildlife but to comply with the El Dorado County Ordinance's Monitoring Program?**

7) Insects, bees, rodents and other wildlife are at risk due to the pest control chemicals that will be used to protect the cannabis. These chemicals WILL impact our ecosystem!!! Improper wildlife protection management and pest control may induce critical environmental issues. Reducing the global environmental impact of agriculture is vital to maintain environmental sustainability. El Dorado County's systemic principles towards the sustainable farming of commercial cannabis remain unclear. There is a pressing need for a complete review of its environmental assessment (as per the Journal of Cannabis Research

<https://j cannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00090-0>). **QUESTION: What mitigation measures are in place to protect this population of our necessary and natural species?**

8) This property is zoned "Open Space" with a designation of Oak Woodlands. The MND "none" for tree removal but the Biological report shows removal of 65 Oaks Trees. **QUESTION: Will any Oak Trees be removed?** Assuming 65 Oak Trees will be removed requires mitigation (as per El Dorado County's Oak Resources Management Plan starting on Appendix A).

- In 2010, El Dorado County had 294 kha (kilohectare) of tree cover, extending over 64% of it's land area. In 2022, El Dorado County lost 15.8 kha of tree cover equivalent to 10.7 Mt of Cox emissions. Per Global Forest Watch
<https://globalforestwatch.org/dashboards>
- In addition, the El Dorado County's Oak Resources Management Plan states: 1.3 Oak Resources in El Dorado County 1.3.1 Oak Woodlands The term "oak woodland" is defined in the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code) as "an oak stand with a greater than ten percent canopy cover or that may have historically supported greater than ten percent canopy cover." For the purposes of this ORMP, the conservation focus is on existing oak woodlands. This ORMP addresses the same study area (below 4,000 feet elevation) and same categories of oak woodlands (California Department of Forestry and Fire Protection (CAL FIRE) California Fire and Resource Assessment Program (FRAP) data) as were addressed in the 2008 Oak Woodland Management Plan. These categories of

oak woodland were also addressed in the 2004 General Plan using FRAP data from 2002. More recent oak woodland distribution data for El Dorado County available via FRAP (CAL FIRE 2015) identifies six oak woodland types, which are listed in Table 1 below, along with the acreage of each category found within the ORMP study area. Less than 3,500 acres of valley oak woodland is mapped for El Dorado County, which is designated as a "sensitive habitat" in the General Plan EIR. Finally, while coastal oak woodland is identified in the 2015 FRAP vegetation data set for the ORMP planning area, its presence is unlikely given the range of its dominant tree species (coast live oak (*Quercus agrifolia*)). This classification may be the result of an image processing error during creation of the 2015 FRAP data set and the area is likely another oak woodland type.

- 9) The 2021 Caldor fire break on Mr. Harde's property will be threatened by the new proposed cannabis site as identified on the revised map.
QUESTION: What will the County and Mr. Harde do to mitigate this concern?

NOTE: Protecting our environment is everyone's responsibility. Proper planning and operations can ensure protections for fish, wildlife, and their habitats. Poor planning may result in instream sedimentation and pollution, habitat loss and fragmentation, and decreased stream flows. With proper planning, cultivators can manage their cultivation site for a high-quality product, while providing protections to California's valuable natural resources (as per Department of Fish and Wildlife <https://wildlife.ca.gov/Conservation/Cannabis/Environment>).

10) Debris on Mr. Harde's project was reported by me on behalf of the neighbors on January 18, 2024 to Evan Mattes. Not only was a letter sent but photos were as well. There has not been noticeable improvement since this information was reported to Mr. Mattes. This letter and photos are on the Public site. Our concern is the wood chips/shavings are combustible and a fuel source for fire. The Trees overhanging Perry Creek Road and brush next to the road are fire hazards. The debris/trash near both sides of Perry Creek Road are a nuisance and could contain

combustible/fire fuel. The total sum of this debris makes us question Mr. Harde's ability to manage a new agriculture crop and following rules/regulations.

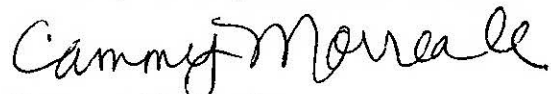
11) It is important that the attached letter become part of the Public Record. The "Clarification of Neighbor Concerns" dated January 18, 2024 was forwarded to Evan Mattes but it did not make it to the Public site. Maybe the Planning Department can use this example as a training opportunity to fix their systemic failures.

12) I would still like to hear Mr. Harde's answer about the potential water usage from Perry Creek and the Consumnes River. Planning Commissioner Kris Payne asked a series of questions in the 1/25/2024 meeting as follows: "Something that has come up recently is where do you get your water?" "Do you draw any water from the Consumnes River in any form?" Then Lexi Boeger says to Mr. Payne: "I think you are thinking of Perry Creek and Andy Nevis agrees with Ms. Boeger." **QUESTION has Mr. Harde ever diverted water from Perry Creek and/or the Consumnes River. Mr. Harde was not required to answer these questions, WHY? Knowing the answers could be relevant.** These questions and diverted/diluted commentary (by the Planning Board) are documented in the Recording of the 1/25/2024 planning meeting.

I have many other concerns (e.g. potential light pollution, the inherent crime that follows this drug crop, the odor, my property values, etc.). These are as important as the items detailed above. Of paramount concern is El Dorado County's Planning Department's systemic failure to create and follow process/procedures/ordinances/regulations that benefit all parties (e.g. project owners, public and county staff).

Please approve our Appeal to stop this Commercial Cannabis Project.

Thank you for your consideration,



Cammy Morreale

Attached is David Harde's Clarification of Neighbor Concerns 1/18/24 email

Clarification of Neighbor Concerns: Harde Cannabis Cultivation Project

David Harde

• • • • • davidharde123@gmail.com

• • • • • mcmorreale@sbcglobal.net, rccatania2@gmail.com, jackiemehus@gmail.com

Subject: Perry Creek Road

JANUARY 18, 2024

To Perry Creek Neighbors expressing written issues and concerns regarding our proposed farm project:

Cammy & Michael Morreale
6625 Perry Creek Rd, Fair Play, CA 95684

Carol & Ron Catania
7041 Fair Play Road, Fair Play, CA 95684

Jackie Mehus
6961 Fair Play Road, Fair Play, CA 95684

Betty Allen & Bob DaCosta
6491 Perry Creek Road, Fair Play, CA 95684

Sandy Myron & Terry Valdez
6800 Mt Aukum Road, Somerset, CA 95684

Scott & Trish Karl
6481 Perry Creek Road, Fair Play, CA 95684

Mike & Shauna Sullivan
6721 Fair Play Road, Somerset, CA 95684

Dear Neighbors,

It is my intention to maintain and support a friendly, safe, and healthy family environment in Somerset. I appreciate and value our neighborhood and hold it in high esteem. I have lived on Perry Creek Road for 43 years and I have nurtured and cared for my property and our neighborhood throughout that time. I hope to be able to continue to see our community flourish and thrive for many years into the future.

I appreciate hearing your concerns and my hope is that this email will allay concerns that you have about the proposed farm project. The proposed farm project has followed and adhered all stipulations and regulations put forth by El Dorado County and the State of California.

Please be aware that this proposed project has currently been scaled back in size by 77 percent. The intention is to cultivate a licensed area of 10,000 square feet, far less than original one acre. Therefore the current proposed project is now only 23 percent of the initial proposal; this redefined cultivation area represents a considerably smaller footprint.

During the 43 years that I have lived in Somerset I have participated in and supported the following community ideals:

- Founding member of the Sierra Gold Chapter of The California Certified Organic Farmers, 1985 and member 38 years to present
- Established and operate, Somerset Gourmet Farm, certified organic farm cultivating vegetables, wine grapes, industrial hemp, 1982 to present

- Founder and volunteer manager of the first El Dorado County Certified Farmers Market at the EDC Fairgrounds, Placerville in 1986
- Volunteer and community promoter establishing the first school garden at Pioneer Elementary School 1986 to 1989
- Founder, owner and manager of Noah's Ark Natural Foods, Placerville's first community natural foods market, 1992 to 2011
- Member of Placerville Community Pride Committee, 3 years, 1993 to 1996
- El Dorado County Fair Director, 13 years, 1993 to 2006
- Grower of the first one acre, commercial industrial hemp farm production, Somerset, El Dorado County, 2019, 2020
- Business Owner of Heart Hemp, farm grown, Certified Organic CBD Hemp Derived Health and Beauty Products, 2020 to Present
- Owner Of Organic Farming Innovations, LLC, a California Corporation developing practical, sustainable, small scale organic farming systems.

In response to your listed concerns expressed in your January 18, 2024 letter to Evan Mattes, El Dorado County, California:

Security: Our security plan as presented in our environmental study, approved by the EDC Sheriff's Department will be fully installed and operational before our project is completed. The surveillance systems, equipment, gates, locks and fencing have been reviewed and approved by the EDC Sheriff's Office. Our security fencing is an 8' non-climb game fence.

Water: As an organic and sustainable farmer, I am dedicated to conserving our natural resources utilizing the most efficient irrigation techniques and practices. Our Irrigation practices are exemplary as we incorporate the best and newest technology. The farm currently and going forward will continue drip irrigation, row covers, cover crops and technology to maximize minimal water use promoting conservation of our water resources.

Chemicals/Odors: Integrated Pest Management, OMRI Approved organic soil amendments. Organic fertilizers, organic pesticides and mechanical weed control methods practiced on farm. No petrochemical based pesticides or fertilizers are used. Beneficial insects and crop monitoring are used to maintain a healthy and sustainable ecosystem. **Public health:** One of our cultivation methods is successive seeding, i.e., cultivating the same total licensed area, but planting and harvesting at different times. This enables us to at any given time as two plantings and two harvests require smaller nursery areas and smaller drying facilities. These plants are considerable shorter and less dense, thus having a lesser amount of cannabis scent.

We are researching OMRI Approved odor neutralizing additives VOC odors and vapors: These compounds are naturally released by plants, animals and microorganisms. Mountain Misery, a common roadside plant, emits the spicy forest scent. Limonene, a BVOC or Biogenic Volatile Compound, is emitted into our atmosphere by conifers in our neighborhood. The distance of our planting site from the public roadway and fence lines has been determined to be below the levels of odor detection.

Traffic: The DOT Study determined no impact, no traffic increase.

Noise: We currently have a working farm. The addition of this proposed project will utilize existing farm equipment and therefore there will be no additional noise.

Pollen: Female cannabis plants have no pollen and therefore there will be no increase in allergens.

Waste: Composting of cannabis vegetative waste materials, trunks and branches, is on site in a designated and controlled site location. Composting, the reduction of plants to elemental carbon, nutrients and organic matter is then reincorporated into our planting soils.

Fire Risk: The EDC Fire Department reviewed and approved our site, fire safe plan and fuel reduction plans. Moreover, we will install two (2) fire draft valves available for neighborhood emergency water resources. We are a neighborhood fire control resource.

Property Values: Our rural economy and environment has not suffered negative home value consequences due to agricultural and farming endeavors. In fact, planned development, reviewed, studied and published in our Environmental Impact Report supports the goals of good neighbor relationships, protects public safety, and the maintenance of a unique, healthy, vibrant quality of rural life.

David Harde
 Somerset Gourmet Farm
 Innovative Farming Innovations
 davidharde123@gmail.com
 530-906-7892
 6540 Perry Creek Road
 Somerset, California 95684