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>>> judith kanavle <judith_kanavle@yahoo.com> 4/28/2021 2:19 PM >>>

Good Afternoon Mendocino County Planning Commission,

Thank you for taking the time to read public comment and consider the major impacts that the recommendations that you make have of the lives of people living in the county. At the 4.27.21 BOS meeting, a majority of the supervisors asked that language be added to section 22.18.050. I am writing this letter to ensure that the language they recommended indeed be included in the final recommendations sent back to the board from the planning commission.

Thank you for reading the attached letter and considering this request. If you have any questions please feel free to contact me at the number(s) below.

Sincerely,

Judith Kanavle

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April 28, 2021

To :
To the Mendocino County Planning Commission,

From:
Member-Managers of Kenny Creek LLC
Art Harwood, Becky Harwood, Judith Kanavle , Rio Kanavle

Re: Phase 3 Ordinance – Request

To the Mendocino County Planning Commission,

We are writing to ensure that the intent stated by the majority of the board at the Board of Supervisors Meeting on 4.27.21, to amend language in section 22.18.050, is also included in the Planning Commission recommendation to the board of the final language of the new Cannabis Ordinance.

We are requesting that you consider/ keep the following change to Section 22.18.050 (highlighted in red):

(A) Eligibility. The parcel upon which the Land Use Permit is requested shall not be located in a Commercial Cannabis Prohibition (CP) Combining District or sunset area (as described in Mendocino County Code section 10A.17.080(B)(2)(b)). In addition, the Phase 1 permit application shall not have been denied for one of the following reasons:

- (1) Tree removal violation.*
- (2) Failure to pass the required background check.
- (3) Lack of proof of prior cultivation.
- (4) Legal parcel established after January 1, 2016.
- (5) Non-responsiveness to requests for information from the County.

*A tree removal violation does not include violations for which a release of liability has been legally established through a settlement agreement or other means.

This rationale behind this request was laid out in a letter submitted to the BOS on 4.26.21. Below is a summary of the main points of that letter:

- Our farm was issued a notice of violation for removing a small number of trees on 400 acres of TPZ land before the local ordinance was enacted in May of 2017, and at the time that we removed these trees, we did not know that Cal Fire or the County would consider what we were doing illegal.
- We settled our case with no admittance of guilt, paid a fine, the case was closed and we were released of liability for alleged conversion.
- We settled because it was going to cost us more money to fight the case and win than to settle and pay the settlement fine. If we had we known that settling out of court rather than fighting this case would undermine our ability to get a local permit in the future we would have fought allegations in court and we believe we would have won. (If you are

interested in knowing more about the specifics of the case, please see the attached written statement from Former CDFW enforcement officer and current operator of Cannabis Compliance Services, Eric Bloom, in defense of our alleged violation. Mr. Bloom believes that we were unfairly targeted for a notice of violation because of our involvement in cannabis.)

- Once we settled we believed that we still had a path towards legalization and have continued since that time to come into compliance under phase 1.
- Because new phase 3 applications are not accepted on TPZ land; enacting the eligibility criteria for the Phase1 to Phase3 pathway without the proposed clarification regarding the definition of tree removal violation would end our legal path forward in this program.

At the Board of Supervisors meeting on 4.27.21 three supervisors supported adding the language recommended above to the new ordinance. Not a single supervisor spoke out against the proposed language.

In closing I would like to point out that we are a small family farm, and our livelihoods and lives will be profoundly impacted by the recommendations you make. We are extremely proud that in 2020 we hired our first two employees on our farm. We pay our local taxes, shop local, we support our local nurseries, hardware stores, local consultants etc. We did not violate the county ordinance, as it was not published at the time that tree removal occurred, and per our settlement agreement with CalFire we did not violate state law. We humbly request that you include the above-amended language in your final set of recommendations to the board of supervisors regarding the new cannabis ordinance.

Thank you for considering this request.

Sincerely,

Art Harwood, Becky Harwood, Judith Kanavle and Rio Kanavle
Member-Managers of Kenny Creek LLC

Cannabis Compliance Services
Eric R. Bloom, Compliance Officer
31584 Airport Rd., Ft. Bragg, CA 95437
erb.inspector@gmail.com
Cannabiscomplianceservices.com

February 12, 2018

To whom it may concern:

I visited the property of Mr. Art Harwood located at 13270 Kenny Creek Road, Branscomb, CA. The properties in question total approximately 433 +/- acres and are zoned Forest Lands. The slopes range from flat to moderately flat, less than 5% to moderately steep at 18% grade. I visited the site at the request of Mr. Harwood to determine what might be the negative effect, if any, of any unpermitted removal of trees from the property after being informed of potential violation allegations by California Department of Forestry (CDF/CalFire) for illegal conversion of Timberlands. Agency jurisdiction of the alleged violation is CDF. The inspection of the property that gave rise to the alleged violation was conducted by CDF, California Department of Fish and Wildlife's (CDFW's) Watershed Enforcement Team (WET), and Mendocino County Department of Agriculture. Germaine to the inspection of course, is Mr. Harwood's recent application for two 10,000 square foot medicinal cannabis cultivation permits. Mr. Harwood has spent a large sum of money in his attempts to become a legal cultivator of medicinal cannabis. The State Agencies' response to Mr. Harwood's efforts to follow both Mendocino County and State Regulations has been grossly aggressive.

The CDF citation dated December 19, 2017, and received by Mr. Harwood Jan 25, 2018, states in part that Mr. Harwood converted Timberland in violation of Title 14 CCR 1103. Upon my inspection of the alleged violation sites on February 8th, 2018, it was apparent that an overwhelming majority of the wooded debris pushed to the sides by a tractor was young Manzanita and other woody brush. In total, from all sites, there were approximately 16 trees that were removed that were larger than 16 inches: Seven Douglas Fir (one of which was diseased as evidenced by its stump and 6 which were severely stunted probably due to the pigmy like soil), three Tan Oaks and six Live Oaks. None of the trees were removed from the property and none had any commercial value.

Historically, this acreage was clear cut numerous times, the last in the 1950's. It was also obvious that at least two of the sites listed in the CDF Citation, were historic log landings. All but one of the small clearings showed no signs of grading, but the citation listed grading as having been done on all the sites. It was obvious to me the sites were chosen for their southern exposure. Mr. Harwood explained they were also chosen because of the existing clearings at the locations.

The cultivation sites total approximately 0.001% of the acreage of the two properties. None of the clearings are near any class watercourse and all grades are minimal to nearly flat. During my inspection, Mr. Harwood drove me through a large portion of his 433-acre property. I saw well-managed Forest Lands. All the roads I traveled on had newly constructed rolling dips, and new, upgraded, or well functioning culverts. I saw minimal erosion. Considering the previous year's excessive rainfall, all roads

and culverts appeared to be performing well. Mr. Harwood also took me to a location where he was planning further culvert and roadwork required by CDFW. I inspected the location: again, considering the rain totals of the previous year, the culvert had performed well. There was no evidence of culvert or road failures. Yet, CDFW is requiring replacement of a functioning culvert, which Mr. Harwood is agreeing to despite the fact that it is functioning. He also showed me extensive completed road and culvert projects. I was impressed by the amount of effort and capital Mr. Harwood is expending to manage the property and to comply with local and state regulations. I inspected all classified watercourses and found each to be running clear.

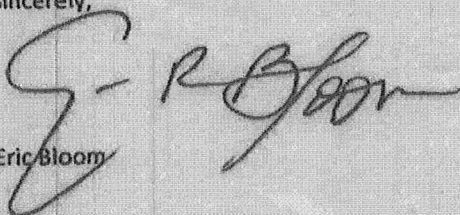
I feel it important to note, the violation issued by CDF was precipitated by Mr. Harwood's application for two 10,000 square foot Cannabis Cultivation Permits. The site visit by the agencies together seems to have created a harsh synergistic effect.

CDF's stated violation of a "Timber Conversion". This fact should be kept in perspective along with the allegation that Mr. Harwood was "conducting timber operations" and "conducted timber operations without a license". The area was composed of small, woody debris located on historically cleared areas, which represents only 0.001% of the total forested land property. Mr. Harwood did not conduct a timber operation. Rather, small woody debris (e.g., manzanita) and only non-commercially viable trees were taken down on all of the sites: Seven were diseased or stunted Douglas Fir, three Tan Oaks and six Live Oaks. Mr. Harwood can't be in violation for conducting a timber operation without a license because a timber operation wasn't conducted. Nothing taken down was of commercial value. Finally, no timber was removed from the property.

Having been on the Mendocino Environmental Crimes Task Force Member as a Game Warden, I have inspected numerous incidents of illegal tree removal, illegal grading and many other environmental crimes. I believe that any violation here is minor at best. In fact, under the county and state cultivation permitting and licensing programs that Mr. Harwood has voluntarily signed up for, he has agreed to comply with far more stringent requirements than other industries and certainly than the grows that refuse to get permitted. Any violations have no or minimal impact on the 433 +/- acres forested acres he properly maintains.

Mr. Harwood has and is demonstrating his complete cooperation with the process of local and State Legal Cannabis Cultivation. I feel when there are cannabis permit holders who are cooperative; the agencies involved should do everything they can to work with and towards a positive outcome. Please put into perspective the actual impact here and the fact that by voluntarily coming into the regulated cannabis programs, Mr. Harwood is demonstrating that he is willing to comply with reasonable regulations and work towards full compliance if now it is determined that he inadvertently fell short during these times of changing requirements from different agencies.

Sincerely,



Eric Bloom