MINUTES CRESTON ADVISORY BODY

On-line through Zoom
Wednesday, February 17, 2021

1) Call to Order – Flag Salute 7:03 p.m.
   Members present: Roy, Sheila, Don, Steve and Geraldine. Also, Jim Wortner, Sheila's alternate and Mike Aaron, Geraldine's alternate.
   Public present: Ruth Wilson, Mike Young, Todd Fisher, Tyler Mitchell, Wendy Hall, Diane & John Evangelista, Wayne Hansen, Linnea Taylor, Keij (?) and a member of the public who refused to identify themselves.

2) A motion was made by Geraldine May, 2nd by Roy, to approval the minutes of the previous meeting of January 20, 2021. The vote was unanimous.

3) Limited Public and/or CAB Member Comments for Items NOT on the agenda - None

4) Public Safety - Cal Fire, Sheriff, CHP, etc. –

   Sheriff's Department - Deputy John McKenney – unavailable this evening

   Cal Fire - Fire Captain Ryan –
   *Talked about burn permits, when & where available, and cost. They prefer to issue Ag burn permits in the winter.
   *Cal Fire in Creston has been short on personnel as of late as they are off helping with the COVID vaccination process.
   *Captain Ryan mentioned that if you have a steep driveway and you need Cal Fire assistance, that you need to let the dispatch operator know, as the Creston engine does not have 4 wheel drive.
   *There may be some controlled burns in the area in the future when weather conditions are conducive. They have a new weather station behind the Creston Fire Station for the staff to be able to monitor conditions. Some control burns on the Almond property when the time is right.

   CHP - Lieutenant Chandler Stewart - Templeton Station
   - First time for Lt. Stewart to attend CAB. He knew Lt. Coomer well and anticipates things will remain much the same under Lt. Stewart's command.
   - Lt. Stewart reported on the statistics for crime in the area under his command, identifying specific crimes in Creston and how the numbers relate to the North County as a whole.
   - Ruthie Wilson, asked about an incident at 3100 Blue Grass, near her property, involving large black SUV's carrying officers with helmets (8 vehicles) and a hovering CHP helicopter. Lt. Stewart suspected it was a serving of a search warrant but promised to follow up with any information he is free to provide. He sent Sheila an email the following day to say that the incident turned out to be the execution of a search warrant related to a probation matter. It was uneventful with no public safety concern. Therefore, there is nothing to fear by the neighbors and he believes the matter is closed.

5) Fifth District Supervisor Report – Supervisor Debbie Arnold was unable to attend due to an in-person event she had to attend. She called and spoke with Sheila in the afternoon and gave her an update on the Paso Robles Groundwater Basin and how bringing the Basin back into sustainability has to be managed. County has Land Use authority but no water pumping management authority through ordinances. However, as a member GSA of the PR Basin Management Committee (of whom Supervisor Arnold is the primary County voting member) the County along with the other GSAs can manage groundwater pumping. If anyone wants any additional information regarding Supervisor Arnold's report they can get in touch with Sheila and she can tell them more.

6) Planning Department Project Referrals - Ian Landreth, County Planner present.

a. MUP DRC2020-00115 – Engrained/Hanson - 78.48 acre site at 4150 N. Ryan Road. Project proposes 97,900 sq ft outdoor cultivation, 19,298 indoor nursery, plus other land uses to total ~141.000 sq ft. **APN: 042-211-014**, DRC2020-00115 (sloplanning.org)

It must be noted that this project came before CAB early in 2019. Roy & Sheila visited the site and asked questions at that time. When the project came to CAB, CAB recommended that the project be denied. The project has been reworked and is smaller than the original proposal. It was a CUP but is now an MUP.

Tyler Mitchell presented the project stating there would be: No manufacturing. No delivery. Decrease energy use from original proposal. No ½ acre greenhouse canopy. Now there is only 2 acres of canopy space and a drying barn. Still ½ mile from the closest neighbor. No fluorescent lighting in the greenhouse (nursery). He said he no longer has any affiliation with other cannabis projects across the state of CA.

Roy – CAB Area Rep. Sent a project summary to all the CAB members ahead of the meeting to bring everyone up to speed. See attachment at the end of these minutes. Roy also mentioned a document sent to the County from an Attorney requesting specific CEQA processes that need to be considered when evaluating this project. This document was supplied to all the CAB members and is also attached at the end of these minutes.

Roy proceeded to go through his summary (mentioned above) and ask questions of interest to CAB in general. Other CAB members and public also had questions. Tyler primarily answered the questions.

Q: Is there any intention of further expansion in the future if this project is approved?
A: Currently no.
Comment: Wayne Hansen stated that he is planning to build a house on the vacant adjacent lot.

Q: Would the applicants be willing to sign a waiver holding adjacent agriculturalists harmless if there is any drift of their chemicals (pesticides, etc.) on to the applicant's plants?
A: Yes.

Q: Does the applicant intend to use the existing easement that straddles the property line (with Todd Fisher, the neighbor) to access the new buildings, etc. as part of the cannabis project?
A: Yes.
Comment from Todd Fisher, co-easement property, that the easement was granted for the purposes of allowing residents to access their residences and traditional agriculture operations on the on the back properties not for a commercial operation such as this.

Roy summed up the feedback he has received from the 10-12 families in the immediate neighborhood of the project. All are opposed to the project. No one feels the project is compatible with their neighborhood or the community.

Roy made the motion, Geraldine 2nd, for CAB to recommend denial of the project due primarily to the objections of the neighbors. Roy will prepare the CAB recommendation for circulation to the other CAB members for their final ok before sending it off to the County.

b. MUP (DRC2020-00013) C-Four SM Partners, LLC, cultivation of cannabis. 3-acre outdoor cultivation, 22000 SQ FT indoor cultivation, ancillary nursery, and ancillary processing to be located at 1175 Calf Canyon Rd in **APN(s):037-391-049** https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/37c725ff-075d-4695-8322-e26277dbee25?tab=attachments

Due to the fact that we had gone into details at the Jan. CAB meeting regarding this project it was not necessary to revisit all the specifics again. Sheila asked Ian Landreth about the latest message from the County that the project was undergoing a re-work due to a visual issue. This was the recommendation of the consultant who visited the site. No other changes (size, etc.) are being proposed.

Sheila went through the list of issues cited at the Jan. CAB meeting and that will be included as comments in the CAB recommendation. Sheila made the motion, Don 2nd, that CAB recommend that this project be denied. Vote was unanimous.

List of items to be included can be found in detail in the Jan. CAB minutes. Generally, they include: Size issue, Williamson Act discrepancy, violation of ordinance set backs, in high fire hazard zone, new water usage, interference with neighboring well, neighbor notification lacking, no traffic study, odors & no restriction on planting variants, no Dept. F&W Blue Line Stream release, power & number of area power outages, lighting, no resident on the property, no release waiver for chemical drift from traditional farmers in the area, land use issue, and finally it is not community compatible and goes against the Creston Community Long Range Vision. Note: we have been told repeatedly that the Cannabis Ordinance specifically states that these projects are discretionary and Community incompatibility is a reason for denial.

7) New Business – Discuss current CAB make up and lack of representatives for some areas. Do we want to consider making modifications to have an "At Large" member? Everyone asked to give this some consideration and think about how it might be done. Sheila obtained the by-laws of all the other SLO County CAC's which we can review as part of the consideration process.

8) Committee Reports/Next Steps (5-10 min each as needed) –
   a. By-Laws – Sheila L. & ???
      i.Have the latest been posted on website?
      ii. If we want to consider a member at large the by-laws would need to be changed.
   b. Elections – CAB Areas 1,3,5,7, & 9 up for election. Incumbents all (except Jan who is not running again) returned their signed COS forms to Sheila, noting that Steve's is in the works.. No challengers to the incumbents stated their interest tonight so this will be the slate of candidates. Sheila mentioned that we need to seek candidates for CAB Areas: # 2 (Creston inside VRL), #5 Hwy 58 and #8 Creston East/Eddy Ranch.
   c. Public Information –- Roy B., Tom E. & Mike Aarons w/ Website update. CAB Banner is hanging in the CCC. Nothing else to report.

10) Treasurer's Report – No changes except the service fee charge. Sheila reported we received a "receipt" to acknowledge our donation to the Creston Church which we used for our meetings prior to COVID. Q: Do we return to the Church or perhaps use the Creston Community Center for future meetings? CCC not yet weather tight so we will probably have to stay in the Church for a while longer. We may make a smaller donation this year if we don't use the Church for the full year. We only used it for two meetings in 2020.

11) Motion to adjourn by Roy at 9:10 p.m., 2nd by Don. Unanimous.

Roy Barba summary notes:

Engrained/Hall DCRC2020-00115 (formerly DRC2018-00188)
4150 North Ryan Road
Creston

This is a revised project that CAB previously reviewed in Feb. 2019. The current proposal has been reconfigured and scaled back, however, we are not here to discuss what it was; we need to focus on what the project now is.

Proposed Minor Use Permit for 2 acres of outdoor cannabis cultivation to be located within hoop houses and/or in ground, 10,886 sq. ft. of indoor ancillary nursery within three greenhouses, 4,690 sq. ft. of indoor ancillary nursery and 14,880 of ancillary processing within a 20,000 sq. ft. metal building, 1,280 sq. ft. of pesticide and fertilizer storage within four seatrain containers, 2,500 sq. ft. of compost area, a 100 sq. ft. tuff shed for security and irrigation control, and ancillary transport (Distribution – Transport Only). Project site is located at 4150 N. Ryan Rd. Creston, CA
APN(s): 042-211-014
Total disturbance of; 10.82 acres

Sheila and I visited the property on January 30, 2019.
At that time we were told this 78-acre piece of property was owned by Wendy Hall, however, would be sold, contingent on what is now, a Minor Use Permit being approved. An adjacent 72-acre piece was also to be sold to applicant Tyler Mitchell. Is that still the case?

The 20,000 sf building and greenhouses look to be at the rear of the property, closer to Ted Cooper Ranch. The outdoor cultivation and 88 hoop houses would be toward the center of the property.

I've also contacted most of the property owners in the vicinity and heard a variety of **neighbor concerns**. Some of which, in no particular order were: (All were opposed)

1. It's a commercial venture, does not fit in this neighborhood.
2. This is a residential neighborhood, not conducive with a commercial enterprise. How many times do we have to tell them NO!
3. Too large a project for our area.
4. Will generate too much traffic.
5. The road is already a mess; more traffic will make it worse.
6. Easement to property was never for this intended use.
7. It still seems to be a commercial venture.
8. Light interference with dark sky.
9. Odor, Received many comments related to odor. No way to contain odor from outdoor planting, even in hoop houses..
10. Security; will enhance chances of crime in our neighborhood.
11. This is an area of families living rural lives & this type of project does NOT fit
12. Cannabis is NOT my idea of agriculture, seems like manufacturing.

 Water:

1,323,545 gal projected yearly which is a little over 4 acre-feet. Application states there is a 1:1 offset, however, no details. PRGWB is already in Critical Overdraft.

Pg. 4
There will be 8 – 5,000 gallon storage tanks for outdoor cultivation and 4 – 5,000 gallon tanks for indoor cultivation plus a 20,000 gallon tank for fire which total 80,000 gallons of water storage onsite. These would have to be replenished.

Pg.16 **Electrical usage:**
Annually projected to be; 194,753 kWh. That would seem to be provided by PG&E.

Pg.4 **Proposed structures:**
88 – 5x100' Hoop houses at 44,000 sf ,
3 – 42x108' greenhouses at 13,608 sf,
20,000 sf multiuse building
plus 2714 sf misc structures
Total of 80,322 sf
That amount of building space seems excessive for the area.
And in addition it is proposing **97,900 sf outdoor** cultivation.

Pg. 5 – Within **20,000 sf Multipurpose Building is:**
4,690 sf indoor cloning nursery
14,880 sf of Processing
430 sf for Restroom, Break room and Security room

Pg.5 **Harvesting:**
Once per year for outdoor in ground = mid October
3 x per year for outdoor hoop houses = April, June & August
Greenhouses = ?

For **4 months** of the year there will be quite a bit of activity causing additional trips and noise on Ryan Rd.

Pg. 8 **Staffing:**
5 – Full time employees 7-4pm, 6-days per week
13 – Additional employees during various harvest periods, same work schedule, each lasting 1-2 weeks.
18 – Total employees periodically.

Pg. 15 & 20 **Security Fencing:**
Applicant is asking for a fencing modification around greenhouses and building due to them being constructed of secure materials. application also states that there is currently a 4 ft high 3-strand barbwire fence around most of the property.
It would seem that the security fence requirement serves multiple purposes, one of which is to discourage entry and should not be omitted. That barbwire fence is of little use.

Pg. 20 **Fencing Modification:**
Application states: "Applicant will live onsite for around the clock presence".
Are you, Tyler, committing to living on the property 24/7???

Pg.17 **Odor:**
Application states, "Odor management is natural". ???

It also states in the event of verified odor nuisance, applicant will coordinate with County to implement odor management.
That seems like addressing the issue after the fact.

Pg. 9 **Traffic:**
States 11 average trips per day on weekdays, peek time 1pm.

The applicant, Tyler Mitchell, has provided us with a document sent to SLO County from a law firm on behalf of the **Creston Community Alliance**.

This document goes into great detail describing why this application does not meet CEQA guidelines. It states numerous issues with the project, and that the project does not provide adequate explanations. Some of which are:

1 Greenhouse gases
2 Air quality
3 Energy use, stating it would use up to 417% more energy then a typical commercial building of similar square feet.
4 Failure to asses noise impacts i.e. HVAC systems
5 Water uses and its effect on the PRGWB, which is already in critical overdraft

Pg.12 "**Neighborhood Compatibility**"
Application states, "No neighborhood compatibility issues are anticipated". This is an interesting statement considering at the Feb. 2019 CAB meeting there was 100% disapproval from the neighbors. A project of this scope and size seems incompatible with the Creston community.

I personally feel the issue originates with the SLO County Cannabis Ordinance, which sets up a potential conflict between an applicant and a neighborhood by seeming to allow commercial enterprises within a residential neighborhood. If the County had followed the lead of areas such as Desert Hot Springs, which allocated a large industrial zone exclusively for cannabis cultivation businesses; this would have eliminated the issues of intermingling commercial operations within neighborhoods as we are seeing here in SLO County. The cannabis projects would have an area to develop, the County would obtain their tax revenue and the neighborhoods would not be in conflict.

wittwer / parkin

February 2, 2021

VIA EMAIL

Eric Hughes
Project Manager
County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
pdh@co.slo.ca.us

Re: Comments on Mitigated Negative Declaration
Minor Use Permit Engrained LLC DRC2020-00115

Dear Mr. Hughes:

This law firm represents Creston Community Alliance, an unincorporated association of residents of San Luis Obispo County concerned with the County's election to conduct a Mitigated Negative Declaration (MND) when a full Environmental Impact Report (EIR) is necessary for Engrained LLC's cannabis cultivation proposal (Project).

Engrained LLC's application for a Minor Use Permit involves the establishment of three new greenhouses totaling 13,608-square feet, a 20,000 square-foot building for ancillary nursery cloning, four 320 square-foot seatrain containers, a new 100 square-foot shed for security and irrigation control, 12 5,000-gallon water tanks, and one 20,000-gallon water tank for fire water storage on a 77-acre parcel. The Project also involves and ancillary transportation improvements to the existing property driveway. The project would result in approximately 9.29 acres of site disturbance on the 77-acre parcel, DRC2020-00115 (Project). However, the MND provides insufficient water, greenhouse gas, and noise analyses and a fair argument exists that this Project would have a significant impact on the environment.

Additionally, the County's noticing customs are unreliable, vague, and violate CEQA's noticing requirements. CEQA Guidelines requires a lead agency to provide adequate public notice: "A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the project is located, sufficiently prior to adoption of the lead agency of the negative declaration or mitigated negative declaration to allow the public

and agencies the review period provided under Section 15105." (14 Cal. Code Regs., § 15072(a).) The MND for the Project was posted on the CEQA Clearinghouse website for several days before it was available on the County's biweekly CEQA announcements. As such, the County's noticing provisions lack transparency and inhibit the ability for the public to review and prepare comments on the environmental review process for this Project

I. Preparation of an Environmental Impact Report is Required for this Project

A fair argument exists that the preparation of an EIR is necessary for the Project because the Project has the potential to result in significant environmental impacts. See *League for Protection of Oakland's Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75. "With certain limited exceptions, a public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project 'may have a significant effect on the environment.'" *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1138-1139. "There is 'a low threshold requirement for preparation of an EIR', and a 'preference for resolving doubts in favor of environmental review.'" *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332

An MND is proper "only if project revisions would avoid or mitigate the potentially significant effects identified in an initial study 'to a point where clearly no significant effect on the environment would occur, and ... there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.'" *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331. Here, the MND is not an adequate environmental document because it fails to provide adequate analysis of and mitigation for several environmental impacts.

The MND neglects to properly evaluate several environmental impacts, pushing conclusory statements that the Project will not result in significant impact because its environmental impacts will fall below relevant thresholds of significance. "[G]enterally, agencies are encouraged to develop thresholds of significance to use in determining whether a project has significant environmental effects." *John R. Lawson Rock & Oil, Inc. v. State Air Resources Bd.* (2018) 20 Cal.App.5th 77, 108. However, "the encouragement to develop thresholds of significance and to consider environmental impacts against certain standards, such comparisons "cannot be used to determine automatically whether a given effect will or will not be significant.... In each instance, notwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant." *Ibid.* Thus, "if one can point to substantial evidence in the record that a project might constitute a significant effect on the environment notwithstanding the agency's applied standard of significance, then the agency cannot avoid its obligation to prepare an EIR by rotely relying on its standard." *Ibid.*

As a result, the MND fails to provide the public and the government adequate information regarding the Project's potential environmental impacts. Thus, an EIR must be prepared. *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 503.

II. Failure to Establish a Baseline

The California Supreme Court has held that the baseline for a project consists of "the

physical conditions actually existing at the time of analysis." *Communities for a Better Environment v. South Coast Air Quality Management Dist*. (2010) 48 Cal.4th 310, 316. "Like an EIR, an initial study or negative declaration 'must focus on impacts to the existing environment, not hypothetical situations.'" *Ibid.* A baseline must provide enough information "against which predicted effects can be described and quantified." *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447.

Here, the MND lacks a baseline from which several environmental impacts of the Project can be compared. The MND does not provide any information about the existing noise on the Project site. The MND's error "highlights the importance of an adequate baseline description, for without such a description, analysis of impacts, mitigation measures and project alternatives become impossible." *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955 Here, the baseline noise on the Project site cannot be compared to the noise impacts of the Project because the MND does not provide enough information to make such a comparison.

Further, any discussion of baseline greenhouse gas emissions or energy use is completely lacking. There is no information as to the air quality existing at the time the MND was prepared, nor is there any discussion of other sources of greenhouse gas emissions or energy usage within the surrounding area. As is the issue with the MND's noise analysis, it is not possible to compare the greenhouse gas or energy impacts of the project with the existing environmental setting. The absence of "a baseline against which predicted effects can be described and quantified" involving greenhouse gas and energy impacts violates CEQA and presents a fair argument that the MND's baseline is inadequate. *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 439.

> *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 439.

_ The MND also lacks an adequate baseline for water use and quality in the area. The MND merely states "The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline. " (MND, p. 8.) However, there is no information as to how much water is currently being drawn from the Paso Robles Groundwater Basin. The MND also fails to discuss the current quality of the water within the Paso Robles Groundwater Basin. "Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the [EIR] adequately investigated and discussed the environmental impacts of the development project." *Cleveland National Forest Foundation v. San Diego Assn. of Governments*, *supra*, 17 Cal.App.5th at 439-440. Therefore, a fair argument exists that the MND's conclusions regarding the Project's environmental impact on hydrology and water quality are inaccurate.

III. Failure to Sufficiently Analyze Greenhouse Gas Impacts

A. Failure to Identify Consistency with Senate Bill 32 and other Regional and Local Plans

CEQA requires public agencies to ensure analysis of GHG emission impacts are in line with evolving state regulatory schemes. *Cleveland National Forest Foundation v. San Diego Assn. of*

Governments, (2017) 3 Cal.5th 497, 504. In 2006, the California Legislature enacted Assembly Bill 32 (AB 32); AB 32 requires California to reduce its greenhouse gas emissions to 1990 levels by 2020. SB 32, enacted in 2016, further requires California to reduce greenhouse gas emission levels by 40 percent below 1990 levels by the year 2030. This 40 percent reduction is widely acknowledged as a necessary interim target to ensure that California meets its longer- range goal of reducing greenhouse gas emissions to 80 percent below 1990 levels by the year 2050.

The MND analyzes greenhouse gas emissions in three sections: Air Quality, Energy, Greenhouse Gas Emissions. (MND, p. 21, 48,62.) None of those sections, however, provide an adequate explanation of how the Project adheres to state and local standards. Rather, the MND simply states that the Project will adhere to relevant state and local standards. This is hardly an explanation. The MND's Greenhouse Gas Emissions analysis, or rather lack thereof, is largely three pages of state and local air quality standards and requirements. Such general iterations failed to include any assessments specific to the Project. Therefore, the MND is flawed in that it does not explain how the Project is in conformity with AB 32 nor any other applicable local and state standards, such as how the Project is in line with the state's 2050 goals.

As such, a fair argument exists that the Project is inconsistent with plans for reduction or mitigation of greenhouse gas emissions since it admits that the project would result in inefficient or wasteful energy use that would contribute to higher GHG emissions and by nature would be in conflict with state and local plans for the reduction of GHG emissions. (MND, p. 53.)

B. Failure to Provide a Calculation for the Volume of Greenhouse Gas Emissions

The MND fails to provide complete information regarding the Project's sources of and volumes of greenhouse gas emissions. CEQA requires a lead agency to make a good-faith effort to "describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." 14 Cal. Code Regs. § 15064.4(a). Subdivision (b) states that "[a] lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment: (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting; (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions." 14 Cal. Code Regs. § 15064.4(b).

As an initial matter, the MND leaves the question of whether the Project will "[g]enerate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment" wholly unanswered. (MND, p. 64.) The MND also leaves the question of whether the Project will "[r]esult in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation" completely unanswered as well. (MND, p. 51.)

While the MND provides three pages of state and local air quality standards background in its Greenhouse Gas Emissions analysis section, the information relevant to the Project's greenhouse gas emission impacts are reduced to two tables coupled with two short paragraphs.

(MND, p. 55, 57.) The tables are titled Table 5. Projected Project GHG Emissions Without Mitigation and Table 6. Estimate of Project Related GHG Emissions with Mitigation Measure ENG-1. (MND, p. 65, 67.) The tables provide greenhouse gas emission estimates for four Project components: an existing single-family residence, an agricultural accessory building at 1,500 square feet, mixed-light nursery and cloning at 18,298 square feet, and processing at 15,310 square feet. (MND, p. 65, 67.) However, the values in the table were reached based on general estimates and without a proper explanation.

In the MND's Air Quality analysis, the MND states that "[b]ased on the size and scope of proposed operations, the project would not exceed SLOAPCD's operational threshold for ozone precursors." (MND, p. 24.) This conclusion, however, is based on the SLOAPCD's Air Quality Handbook's estimated figures for general light industry projects. (MND, p. 24.) It not readily apparent as to how the Project is the equivalent of a "general light industry project," nor does the MND make any effort to explain how the Project can comparably use the same estimates as a "general light industry project." Such a hypothetical approach violates CEQA. "By comparing the proposed project to what could happen, rather than to what was actually happening, the [lead agency] set the baseline not according to 'established levels of a particular use,' but by 'merely hypothetical conditions allowable' under the permits. [Citation.] Like an EIR, an initial study or negative declaration 'must focus on impacts to the existing environment, not hypothetical situations.' [Citation.]" *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 322.

Additionally, the Project Description makes clear that the Project is not limited to the four components of only an existing single-family residence, an agricultural accessory building, mixed-light nursery and cloning, and processing. (MND, p. 3.) Project operations include outdoor cultivation, indoor ancillary nursery, ancillary nursery cloning, ancillary processing, ancillary transport, pesticide and fertilizer application, odor management, water management, and waste management. (MND, p. 3.) Despite the acknowledgement of these various operational activities, the MND fails to present any calculations of the greenhouse gas emissions associated with these activities. Thus, the MND's analysis of the project's greenhouse gas emissions is incomplete.

C. Improper Deferral of Mitigation Measures

Information regarding the current air quality in the area is absent from the MND. "It is only against this baseline that any significant environmental effects can be determined." *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952. This, combined with lack of information regarding construction and operational equipment, prevents the public and government from an accurate determination of degree of impact the Project may have on the current air quality.

In the Air Quality section, the MND admits that during construction, the combined volume of reactive organic gases (ROG) and nitrogen oxide (NO_x) emitted is estimated to total 2,206.4 lbs.; the APCD Emissions threshold for ROG and NO_x is 137 lbs. per day. The MND also states the Project is anticipated to emit 95 lbs. of Diesel Particulate Matter (DPM); the APCD Emissions threshold for DPM is 7 lbs. per day. Finally, the Project is estimated to emit

7.0 tons of Fugitive Particulate Matter (PM_{10}); the APCD Emissions Threshold for PM_{10} is 2.5 tons/ quarter. It is unclear whether the estimated emissions provided for ROG and NO_x, DPM, and PM_{10} are daily or quarterly emissions. However, the MND admits "the project has the potential to exceed applicable SLOAPCD daily and quarterly emissions thresholds for ozone precursors ROG and NO_x, DPM, and PM_{10}." Therefore, it can be assumed the emissions offered in Table 2 are daily emissions. As such, these emission estimates significantly surpass the APCD Emission Thresholds.

To mitigate the immense excess of ROG and NO_x, and DPM that exceed APCD Emission Thresholds, "[m]itigation measures AQ-1 through AQ-4 have been identified to reduce ROG and NO_x and DPM emissions associated with project construction activities through maintenance of all construction equipment to the manufacturer's specifications, use of California Air Resources Board (CARB) certified fuel and engines, restrictions on diesel idling, and other measures." (MND, p. 24.) The MND claims mitigation measures AQ-1 through AQ-4 will cause the Project's air quality impacts to be "less than significant." However, it is uncertain how minor mitigation measures limiting the idling of equipment can offset 2,609 lbs. of ROG and NO_x and/or 88 lbs. of DPM per day to bring the Project's air quality impact to less than significant, nor does the MND provide any such explanation. Also, there is no information as to the major sources of these pollutants, so it is uncertain as to whether mitigation measures AQ-1 through AQ-4 will be as effectively as the MND claims.

To mitigate the Project's 4.5 tons of PM_{10} that exceeds the APCD Emissions Threshold for PM_{10}, "[m]itigation measures AQ-5 and AQ-6 have been identified to reduce project construction emissions for fugitive dust (PM_{10}) through minimization of disturbance area where possible, use of water trucks or sprinkler systems, regular water of dirt stockpiles, and other measures and reduce operational emissions of PM_{10} through maintenance of the unpaved access road project -related vehicles would utilize to access the site." (MND, p. 24.) As with the issue with mitigation measures AQ-1 through AQ-4 to mitigate the excess volume of ROG and NO_x, it is not clear how mitigation measures AQ-5 and AQ-6 can possibly mitigate 4.5 tons of PM_{10}.
The MND fails to address the sources of the Project's PM_{10} emissions, so it remains unclear whether mitigation measures AW-5 or AW-6 will be as effective as the MND claims, especially considering the volume of PM_{10} that the Project must mitigated.

In the Energy, the MND admits "it is expected the project's mixed-light indoor cultivation and cultivation and cloning activities could potentially use up to **417%** more energy than a typical non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and, depending on the project's proposed energy sources. (MND, p. 53, emphasis added.) However, the MND fails to explain any of the environmental effects associated with anticipated 2,012,780 kWh/year of project operational energy use. "[D]esignation of a particular adverse environmental effect as "significant" does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect." *Cleveland National Forest Foundation v. San Diego Assn. of Governments*, *supra*, 3 Cal.5th at 514.
Nonetheless, the MND claims that mitigation measures ENG-1 and ENG-2 will offset the 417% excess energy the Project is anticipated to generate. (MND, p. 53.)

In the Greenhouse Gas Emissions section, the MND claims the implementation of mitigation measures ENG-1 and ENG-2 will also reduce project GHG emissions below the interim working threshold of 690 MTCO2e per year. (MND, p. 68.) ENG-1 requires: "Prior to issuance of building permits for Phase II of the project, the applicant shall provide to the County Department of Planning and Building for review and approval an Energy Conservation Plan with measures that when implemented would reduce or offset the project's energy demand to within 20% of the energy use of a typical commercial building of the same size (square feet)." (MND, p. 143.) ENG-2 simply requires: "At time of quarterly monitoring inspection, the applicant shall provide to the County Department of Planning and Building for review, a current energy use statement from the electricity provider (e.g., PG&E) that demonstrates energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1." (MND, p. 144.) The MND goes on to list potential programs for its potential Energy Conversation Plan, such as participation in PG&E's renewable energy programs and the "retrofit of existing structures with energy saving features, sourcing project energy for other renewable/sustainable energy sources, or other strategies or programs that effectively reduce or offset energy use and/or increase the project utilization of sustainable, GHG-free energy sources." (MND, p. 53.)

However, the MND fails to detail how the aforementioned programs and "energy saving strategies" would offset the 417% of energy that is in excess of a typical commercial building or bring the Project into the interim working greenhouse gas threshold of 690 $MTCO_2e$ per year. Nor does the MND adhere to CEQA requirements that the "agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure." *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 518. Without any such details or commitments, ENG-1 and ENG-2 are most accurately characterized as tentative plans for future mitigation.

"Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. South Coast Air Quality Management Dist*., *supra,* 48 Cal.4th at 316. A failure to provide such details, such as the MND has failed to do, results in improper deferral.

IV. Failure to Analyze Impacts to Water

A. Failure to Analyze Impacts to Water Quality

First and foremost, the MND fails to describe the existing setting. "Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined." *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 657-658. Therefore, the following determinations made in the MND raise concerns and may cause significant environmental impacts, as the effectiveness of the proposed mitigation measures are questionable without a baseline.

According to the MND, "[t]he project would result in approximately 9.29 acres (404,672 square feet) of site disturbance, including 10,610 cubic yards of cut and 8,788 cubic yards of fill (net total of 19,388 cubic yards of earthwork) related to access improvements, to be balanced on- site." (MND, p. 75.) The MND goes on to claim "[a] sedimentation and erosion control plan has been prepared to minimize the potential for soil erosion, which would be subject to the review of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation." (MND, p. 75.) However, this measure is merely a goal of a plan that has yet to materialize. "Simply stating a generalized goal for mitigating an impact does not allow the measure to qualify for the exception to the general rule against the deferred formulation of mitigation measures." *King & Gardiner Farms, LLC v. County of Ker*n (2020) 45 Cal.App.5th 814, 856. The MND fails to provide any specific details about what the sedimentation plans actually proposes to do to minimize the impacts of site disturbance. Without such details, it is uncertain whether an undeveloped plan can mitigate 9.29 acres of site disturbance.

The MND goes on to state "the project would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP)." (MND, p. 75.) However, as is the issue with the above sedimentation and control plan, there are no details delineating any actual action that will be taken. Nonetheless, the MND concludes that based "on the distance from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be less than significant." (MND, p. 75.) Such broad statements do not satisfy the requirements of CEQA. "If such a measure satisfied CEQA, lead agencies and project proponents—aware of this precedent—would have little incentive to define the mitigation measures for other projects in more specific terms... Allowing such an approach would undermine CEQA's purpose of 'systematically identifying ... feasible mitigation measures which will avoid or substantially lessen such significant effects" (§ 21002) and having EIR's provide 'a detailed statement' of the '[m]itigation measures proposed to minimize the significant effects on the environment.'" *King & Gardiner Farms, LLC v. County of Kern*, *supra*, 45 Cal.App.5th at 858. Therefore, a fair argument exists that the Project may have a significant impact on water
quality.

B. Failure to Analyze Impacts to Water Demand

The MND fails to explain how it calculated the Project's estimated water demand of 3.99 acre-feet of water demand per year (AFY) (1,300,145gallons). (MND, p. 75.) The MND simply states "[b]ased on the Water Demand Analysis prepared for the project, project cultivation irrigation activities would result in approximately 3.99 acre-feet of water demand per year." (MND p. 75.) Further, the MND claims "water demand from irrigated crops within the PRGWB is, on average, about 1.9 AFY per acre over about 33,000 acres or irrigated crop land." (MND, p. 75.) However, the MND does not address how cannabis crop water demand specifically compares to the "irrigated crop" water demand used to calculate the values provided in the 2014 Integrated Water Management Plan. Otherwise, an explanation of how the MND arrived at 3.99 AFY is undisclosed. Therefore, a fair argument exists that this estimate is not accurate.

The Project is anticipated to use 3.99 AFY and " is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft." (MND p. 75.) As an initial matter, the MND does not discuss any of the possible impacts of its water usage. The MND does not even address whether drawing 3.99 AFY from the Paso Robles Groundwater Basin is a significant environmental impact itself. However, common sense dictates that drawing 3.99 AFY from a groundwater basin in critical overdraft raises a fair argument that such a water use constitutes a significant environmental impact.

The MND goes on to state that "the installation of water conserving fixtures such as drip irrigation can reduce agricultural water demand by up to 17 to 22 percent when compared with spraying or flood irrigation." (MND, p. 75.) Additionally, the "project would need to retrofit about: 3.99 AFY offset divided by 0.33 AFY/acre reduction = 12 acres" if "the per acre demand on a target retrofit is reduced to 17 percent." (MND, p. 75.) However, the MND does not actually commit to any specific water conserving fixtures that will ensure at least a 17 percent reduction in water demand; the MND merely assumes it will reduce water demand by 17 percent. In addition, the MND fails to explain where and why it uses the value of .33AFY/acre reduction or what 12 acres is intended to represent in its calculations.

The MND claims water metering will mitigate environmental impacts to less than significant because such measures will ensure the permittee "will be required to undertake corrective measures to bring water demand back within the permitted amount" of 3.99 AFY. (MND, p. 75.) However, this assumes that drawing 3.99 AFY of water from a basin in critical overdraft is not a significant environmental impact. But, as mentioned above, a fair argument exists that this is untrue. The MND must present mitigation measures that not only prevent the exacerbation of a project's environmental impacts, but also present "a change that would reduce or minimize the project's significant adverse environmental impact." *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 506. Therefore, metering is not an acceptable mitigation measures as presented in this MND.

According to the MND, the Project may incorporate the use of drip irrigation systems, monitoring and maintenance of water supplies, and the installation of float valves on tanks. (MND, p. 76.) Additionally, the project will participate in the County's ongoing cannabis monitoring program. (MND, p. 76.) However, none of these actions are acceptable mitigation measures, as "impermissible deferral of mitigation measures occurs when [the agency] puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described...'" *Preserve Wild Santee v. City of Santee,* (2012) 210 Cal.App.4th 260, 280-281. Here, such has occurred as the MND fails to explain how these broad measures and plans will offset 3.99 AFY of water being drawn from a basin in critical overdraft.

Because "the project is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997-2013; County of San Luis Obispo 2018), [it] is required to offset water usage at a 1:1 ratio per LUO requirements." (MND, p. 75.) The MND maintains that mitigation measures W-1 and W-2 "which require the implementation of water use reduction/efficiency measures" will allow the project to achieve this offset requirement. (MND, p. 75.) Mitigation measure W-1 and W-2 are inadequate for several reasons. First, the Water Conservation Plan remains subject to the Department of Planning and Building and is yet to be formulated. Additionally, the MND states the Water Conservation Plan "may" include the installation of water efficient facilities and fixtures. (MND, p.78-79.) Courts have held improper

deferral of mitigation measures occurs when "[t]he success or failure of mitigation efforts in regard to impacts...may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR." *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670. Further, the "fact that the future management plans would be prepared only after consultation with [agencies] does not cure these basic errors under CEQA, since no adequate criteria or standards are set forth...Accordingly, we conclude that the analysis of mitigation measures...was inadequate, since it improperly deferred formulation of land management aspects of such mitigation measures." *Ibid.* The success of mitigation measures W-1 and W-2 suffer such errors.

Further, the MND does not provide any information regarding how much water each of these facilities and fixtures under mitigation measures W-1 will restore to the Paso Robles Groundwater Basin per LUO requirements. At best, these mitigation measures merely reduce water usage rather than offset water usage at a 1:1 ratio; there is no explanation as to how these measures would restore 3.99 AFY of water to the Paso Robles Groundwater Basin. Therefore, a fair argument exists that the Project will cause significant environmental impacts.

V. Failure to Assess Noise Impacts

The Legislature has declared that it is the policy of the state to take all action necessary to provide people with freedom from excessive noise. Pub. Resources Code § 21001. Through CEQA, the public has a statutorily protected interest in quieter noise environments. *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs*, (2001) 91 Cal.App.4th 1344, 1379- 1380.

During construction, the MND admits the Project will result in a "temporary increase in noise levels associated with construction activities, equipment, and vehicle trips." (MND, p. 85.) However, the MND fails to specify the level of A-weighted decibels (dBA) the Project is anticipated to produce. Instead, the MND offers that "[c]onstruction noise would be variable, temporary, and limited in nature and duration." (MND, p. 85.) Further, the MND concludes "[c]ompliance with [the County Land Use Ordinance] would ensure short-term construction noise would be less than significant." (MND, p. 85.) But without any actual dBA measurements to base calculations on, it is impossible to determine whether the construction noise would be less than signification with mitigation.

As for operations, there are several facts missing from the MND that could significantly vary the noise levels of the Project. The MND states the "project proposes the use of an HVAC system that would be a permanent source of stationary noise. Noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouses and metal building would be expected to generate noise levels of approximately 65 dBA at distance of 25 feet from the source." (MND, p. 85.) The MND also states that HVAC within the greenhouses as well. (MND, p. 86.) However, it is unclear as to whether the Project involves the installation of HVACs in either some or all of the greenhouses. Therefore, such noise levels associated with HVACs may diverge from the claimed noise levels of the Project.

The MND also fails to specify the type of HVAC the Project will utilize. In *Citizens for Responsible & Open Government v. City of Grand Terrace,* "testimony by an individual who had worked in the HVAC business for many years, stating that the type of air conditioners selected tended to be extremely noisy and that numerous such units would subject the neighboring homes to a great

deal of noise." *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1340. As such, the type of HVAC is essential to a noise impact analysis.

Additionally, even if the Project involves the installation of HVACs the ancillary processing and only a single greenhouse, the HVAC fails to address or mitigate the noise levels of the Project as a whole. The MND incorrectly the alleges the Project is under the County's Maximum Allowable Exterior Noise Level standards by stating that each individual HVAC will generate noise levels that will be mitigated to adhere to such standards. (MND, p. 86.) However, the County's Maximum Allowable Exterior Noise Level standards are noise standards for the entire Project, not merely parts of the project anticipated to generate noise. CEQA requires a comprehensive analysis of noise impacts. "[T]he lead agency should consider both the increase in noise level and the absolute noise level associated with a project," not merely the individual parts of the Project. *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732.

The MND also fails to specify the times during which the HVAC is planned to operate. Because there is no information as to the daily or seasonal schedule the HVAC is used, the Project may present other significant unmitigated noise impacts. Several other potential sources of noise that were mentioned in elsewhere in the MND, such as ancillary transport, carbon scrubbers and ventilation fans in the greenhouses, and carbon scrubbers and ventilation fans in the 20,000-square-foot building used for ancillary processing and cloning of cannabis grown on site, are not analyzed for their potential noise impacts. (MND, p. 2, 25.) As such, a fair argument exists that the claimed dBA numbers are not accurate and may create a significant environmental impact. Therefore, an EIR is required because "substantial evidence supports a fair argument that the Project may have significant unmitigated noise impacts, even if other evidence shows the Project will not generate noise in excess of the County's noise ordinance and general plan."
Keep Our Mountains Quiet v. County of Santa Clara, *supra*, 236 Cal.App.4th 714, 732.

VI. Cumulative Impacts – Mandatory Findings of Significance

Section 15065 of the CEQA Guidelines requires preparation of an EIR when a project "has possible environmental effects that are individually limited but cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." 14 Cal. Code Regs. § 15065(a)(3).

Given the above discussion regarding the improper deferral of mitigation measures and the unsubstantiated claim that greenhouse gas impacts would be reduced to less than significant, the pronouncement that "based on implementation of identified mitigation measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with GHG emissions would be less than cumulatively considerable" is reasonably doubtful. (MND, p. 116.) In addition, the MND's conclusion that discretionary review of other cannabis cultivation projects within the county would result in less than cumulatively considerable impacts is misplaced. "[C]onsideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services. This would

effectively defeat CEQA's mandate to review the actual effect of the projects upon the environment." *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214-1215.

Here, the MND merely points out the existence of other proposed cannabis cultivation operations and the obvious fact that said operations must undergo discretionary review. It is impossible to determine from this information, or more appropriately lack thereof, the cumulative effects of the Project taken together with these foreseeable projects. By relying on each project's discretionary review to avoid any actual meaningful analysis of their impacts, the MND places the Project and all other cannabis cultivation operations in their own separate vacuums. vacuums. This is the exact result CEQA cumulative impacts analysis requirement is designed to prevent. "Proper cumulative impact analysis is vital 'because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.'" *Bakersfield Citizens for Local Control v. City of Bakersfield*, *supra*, 124 Cal.App.4th at 1214. Therefore, the MND's cumulative impacts greenhouse gas analysis is fatally flawed.

Additionally, the MND admits "The project's proposed water use within a groundwater basin that is currently in critical overdraft would contribute to the overall cumulative impact of other proposed cannabis cultivation projects water use within the PRGWB." (MND, p. 118.) Specifically, the MND points out the total estimated water demand from cannabis cultivation within the county is 125.91 AFY (41,027,892.25 gallons). The MND does not establish whether such a cumulative water demand is cumulative considerable. The MND is also silent as to the volume of available water in the Paso Robles Groundwater Basin, but admits it is in critical overdraft and therefore water availability is presumably severely low. Therefore, a fair argument exists drawing such a large volume of water from the Paso Robles Groundwater Basin is cumulatively considerable.

Mitigation WQ-1 and WQ-2 would require the project applicant to offset the project's proposed water use at a 1:1 ratio within the Paso Robles Groundwater Basin. Additionally, mitigations WQ-1 and WQ-2 are identical to mitigations W-1 and W-2, respectively, discussed above. Given the above discussion regarding the improper deferral of mitigation measures and the baseless claim that impacts of water demand on the Paso Robles Groundwater Basin would be reduced to less than significant, a fair argument exists that the Project's impacts on hydrology and water quality are cumulatively considerable as well.

CEQA Guideline Section 15065 requires:

> A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence...The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

As explained above, substantial evidence supports a fair argument that the Project may have a

significant environmental impact of its greenhouse gas emissions and water use that is cumulatively considerable when viewed in connected with the effects past projects, current projects, and probable future projects. For these reasons, preparation of an EIR is required under CEQA for this Project.

Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, Creston Community Alliance requests notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Law. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the County in connection with this Project and please add Creston Community Alliance to the list of interested parties in connection with this Project and direct all notices to my attention: aranit@wittwerparkin.com.

Very truly yours,
WITTWER PARKIN LLP

Antoinette Ranit