

JOURNEY AQUARIAN – HUMBOLDT KINGZ, LLC
RESTORATION PLAN
APN: 216-136-004 / 216-135-008

COMMERCIAL CANNABIS CULTIVATION FACILITIES

PREPARED FOR:



September 2018

**Restoration Plan
Journey Aquarian of Humboldt Kingz, LLC
APN # 216-135-008 / 216-136-004
Apps # 12125
CUP16-539**

Lead Agency:

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September 2018

1 Project Description

In September 2017, Journey Aquarian of Humboldt Kingz, LLC (formerly Myers and Aquarian, LLC) filed an application with Humboldt County Planning and Building Department for a Conditional Use Permit (CUP) for 43,560 sq. ft. of outdoor cannabis cultivation under Section 55.4.14 of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO – Ord No. 2559). The application included the permitting of existing and proposed facilities appurtenant to the cultivation, including a building for drying and storage, and graded flats for cultivation.

Prior to January 1, 2016, there was over an acre of cannabis cultivation existing on-site located in multiple cultivation areas that varied in size over the years. Of the existing cultivation, 37,250 sq. ft. was verifiable utilizing aerial imagery (as reported in Humboldt County's Cultivation Area Verification). A Zoning Clearance Certificate Interim Permit has been issued to Humboldt Kingz, LLC for 37,250 sq. ft. of cultivation. The cultivation is located in seven areas across the eastern portion of the parcels (Areas A-G). Four of these areas (C, E, F, and G) need to be altered or removed entirely to comply with riparian setbacks and one area (A) needs to be altered due to proximity to the property line, as follows:

- Area A historically had approximately 7,000 sq. ft. of outdoor cultivation and light-deprivation cultivation in a 30' x 50' greenhouse. This greenhouse may be relocated to Area H or I due to proximity to the property boundary (boundary survey pending).
- Area B historically had approximately 4,000 sq. ft. of outdoor cultivation and can remain as-is.
- Area C historically had approximately 6,000 sq. ft. of outdoor cultivation and needs to be reduced to 2,700 sq. ft. to comply with a 50' riparian buffer off a Class III watercourse near the north side of the cultivation area.
- Area D historically had approximately 6,000 sq. ft. of outdoor cultivation and can remain as-is.
- Area E historically had approximately 2,800 sq. ft. of outdoor cultivation but is located entirely within a riparian setback from a Class III watercourse. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area F historically had approximately 7,500 sq. ft. of cultivation. This area is located entirely within 100' from a Class II watercourse and 50' from a Class III drainage. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area G historically had approximately 11,660 sq. ft. of cultivation and will be reduced to approximately 8,650 sq. ft. of cultivation (~6,400 sq. ft. in light-deprivation greenhouses) due to proximity to a Class III drainage.

The cultivation areas will be adjusted and relocated to proposed Area H and proposed Area I, described in-depth below. (H and I).

2 Site Description

2.1 Site Description Summary

The site is located off of Harris Rd., just north of the locality of Harris, CA (APNs 216-135-008, 216-136-004) and historically was used for ranching and grazing purposes. The subject property has a General Plan designation of Agricultural (AG) as identified by the Humboldt County General Plan and is zoned Agriculture Exclusive (AE-B-5-160). Land uses surrounding the parcel are comprised of agriculture,

timber, and scattered rural residences. The surrounding parcels are zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ).

The subject parcel is ~160 acres in size (both APNs are approximately 81 acres). A Determination of Status is currently under review to determine the legal status of these parcels. Several forks of Perington Creek enter the parcel from the west and flow easterly, with scattered springs and seeps. An on-stream ~10-million-gallon pond exists on-site. The botanical composition of the site is open grassland, mixed Douglas fir and upland hardwood forest, with dominant species including Douglas fir, black oak, Oregon white oak, and pacific madrone. Vegetation consists of open grasslands mixed with oak woodlands, manzanitas and mixed conifer, deciduous and riparian forest. The soils within the parcel consist predominantly of Yorknorth-Witherell complex (15-50% slopes), which are moderately well-drained silty clay loam soils.

2.2 Grading & Topography

The site has undulating topography ranging from less than 5% to greater than 35%. Disturbed areas are generally located within areas of less than 20%. Cultivation areas were constructed on naturally flat topographic benches and generally did not require much grading. Cultivation Area A was developed prior to 2009 and has natural slopes of less than 15%. Cultivation Areas B and E were developed between 2010 and 2011 and are both located on slopes less than 18%. Cultivation Areas C and F were developed between 2011 and 2013 and are both located on slopes less than 15%. Cultivation Areas G and D were developed in 2014 and are located on slopes of less than 15%.

2.3 Structures

There is no current or proposed residence on-site. Existing built infrastructure on this parcel includes a 24' x 60' metal building, two shipping containers, a tiny home, a portable toilet, and storage shed on a ~1,440 sq. ft. concrete slab.

2.4 Water Resources

Approximately 580,000 gallons of water is required to irrigate the 37,250 sq. ft. of cultivation. Water for irrigation is sourced from an estimated 6-million-gallon capacity on-stream pond. The pond is an unlined, approximately 6-million-gallon capacity pond that was constructed prior to 2004 for livestock and recreation purposes. An engineering inspection revealed no significant structural flaws or signs of dam failure. The pond has an existing 5'-wide cement spillway that conveys overflow toward the Class III drainage below, which is proposed to be maintained. The existing spillway allows for at least 1'-2' of freeboard. Three separate drainages drain into the pond under a well-maintained perimeter road that surrounds the pond. The applicant is applying for an onstream Small Irrigation Use Registration water right to be allowed to divert water out of this reservoir year-round. The pond is currently undergoing a multi-agency review to determine whether or not it will be allowed to be used for cultivation. The applicant may choose source water for cannabis from collected and stored rainwater or groundwater from a proposed groundwater well, if hydrologically disconnected.

In addition to the 6-million-gallon pond, this site currently has a total of 14,000 gallons in the form of plastic water storage tanks: three (3) x 2,500-gallon tanks, four (4) x 1,100-gallon tanks, and four (4) x 550-gallon capacity tanks.

Effective September 12, 2017, Journey Aquarian enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*¹ (WDID Number 1B171713CHUM). A finalized Water Resource Protection Plan (WRPP) has been developed to satisfy conditions of the Tier 2 enrollment requirements of Order No. 2015-0023 (Order), which details Best Management Practices (BMPs) for cultivation area restoration.

3 Relocation Justification

As mentioned above, the existing cannabis cultivation on-site occurs in seven (7) separate cultivation areas. Due to riparian buffers and property boundary lines, the applicant is proposing to relocate approximately 12,000 sq. ft. of cultivation to two environmentally superior areas (Areas H and I).

Cultivation area H is located 200' from the nearest watercourse (Class II drainage) and Cultivation Area I is located over 100' from the nearest watercourse (Class II drainage). As stated in the Cannabis Cultivation Policy, disturbed areas located within riparian buffers are more likely to "discharge waste constituents to surface water"², which has the potential to impact water quality and/or aquatic life. Relocating cultivation out of riparian areas will help protect and restore the quality of the riparian area, which is beneficial for fish and wildlife habitat and well-being, human health, municipal, domestic, and agricultural water supply, and recreational purposes.

Cultivation Area H is located on an existing flat road in the east of the parcel with slopes less than 8% and Cultivation Area I is located on an historic logging terrace in the northwest of the parcel on slopes of less than 10%. Due to these shallow slopes, both areas will require minimal grading to relocate approximately 12,000 sq. ft. of cultivation. Neither area requires significant vegetation removal. Both areas are easily accessible from a wide, flat, graveled road in good condition that meets the equivalent of Category Four Road standards. Using this road to access the area and ceasing use of the steep road segments leading to existing cultivation areas will help reduce sediment transport from roadways to nearby watercourses.

4 Remediation Measures

All measures detailed below are to be carried out under the BMPs described in the Order. In general, all restoration work is to occur during the project work season from May 1st to October 15th unless a winter operating plan has been completed and implemented. Plant materials used shall be native to the site and ideally locally collected.

4.1 Removal of Existing Cultivation and Related Materials

Relocation includes removing all cannabis plants, irrigation systems, fencing, posts, water tanks, spoils piles, solar power pumps, cultivation waste, refuse, and any other cultivation-related materials from areas E and F, and from portions of Areas A, C, and G. Cultivation-related materials and water storage will be relocated to the Areas H and I. Refuse will be recycled or disposed of at the proper Waste Management Authority. Cultivation-related waste will be composted in the designated compost area

¹ https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/#_Waiver_of_Waste

² Cannabis Cultivation Policy, October, 2017. State Water Resources Control Board.

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

located near the existing building, and soil will either be re-used or trucked offsite. Equipment for this Remediation Measure may include a trailer hitched to a truck.

Estimated Date of Completion: November 2019 (subject to change based on applicable permits)

4.2 Restoration of Cultivation Areas

While restoring these Cultivation Area, any non-native species will be removed and appropriately disposed of offsite. Appropriate sediment and erosion control measures will be used through the duration of the restoration process.

The ~3,000 sq. ft. of disturbed area in Area E will be revegetated with shrubs and trees to match the surrounding vegetation composition. The dominant overstory is characterized as madrone and the dominant understory is identified as manzanita. The following tree and shrub species were identified: Tanoak (*Notholithocarpus densiflorus*), White oak (*Quercus alba*), Pacific madrone (*Arbutus menziesii*), Blueblossom (*Ceanothus thyrsiflorus*), and Hoary Manzanita (*Arctostaphylos canescens*). species in the manzanita family (*Arctostaphylos*). Approximately ten (10) of the above trees will be planted in the area. A site visit revealed that native grasses were already naturally re-seeding the area to help stabilize the soil.

The ~8,000 sq. ft. of disturbed area in Area F will be revegetated with shrubs and trees to match the surrounding vegetation composition. As Area F is being relocated due to a Class II riparian buffer, the dominant overstory is characterized riparian hardwood trees and the dominant understory is manzanita and riparian shrubs. The following tree and shrub species were identified in the area: California bay (*Umbellularia californica*), Bigleaf Maple (*Acer macrophyllum*), Douglas Fir (*Pseudotsuga menziesii*), Pacific madrone (*Arbutus menziesii*), Tanoak (*Notholithocarpus densiflorus*), and Hoary Manzanita (*Arctostaphylos canescens*). Approximately 20 – 30 of the above trees will be planted in the area. To stabilize the exposed soil while the trees are growing, the area will be seeded with native California grass species (approximately 15 lbs. of "Habitat Mix" from Pacific Coast Seed, Inc. or similar seed medley, which contains Native California Brome (*Bromus carinatus*), Blue Wildrye (*Elymus glaucus*), California Barley (*Hordeum californicum*), Idaho Fescue (*Festuca idahoensis*), Purple Needlegrass (*Nassella pulchra*), and Pine Bluegrass (*Poa secunda*)).

Equipment and resources for this Restoration Measure may include a bulldozer, backhoe, grader, trailer, seedling trees and shrubs, seeds, and a dump truck.

Estimated Date of Completion: November 2019

5 Monitoring Plan

Monitoring of the revegetated areas shall occur annually for a minimum of 3 years after initial planting. Photos of the revegetated area shall be taken annually to review progress. Planted and volunteer native plants shall be counted by species and recorded (volunteer native species are included in the total plant count because they indicate that revegetation is occurring) and compared to the initial numbers of planted species. Monitoring results shall meet standard performance criteria³: At least a 90% planted

³ Based on CalTrans Revegetation Plans

Sample Plan at: http://www.dot.ca.gov/dist1/d1projects/albion/geotech_investigation reveg_plan_12_9_16.pdf

species [or equivalent volunteer native species] survival rate during Year 1 monitoring, 80% during Year 2 monitoring, and 70% during Year 3. Monitoring shall occur between June and November annually.

6 Photos of Cultivation Areas



Cultivation Area A – Greenhouse proposed to be relocated



Cultivation Area B – to remain as-is



Cultivation Area C – to be reduced out of riparian setback



Cultivation Area D – to remain as-is



Cultivation Area E – to be removed out of riparian buffers and restored



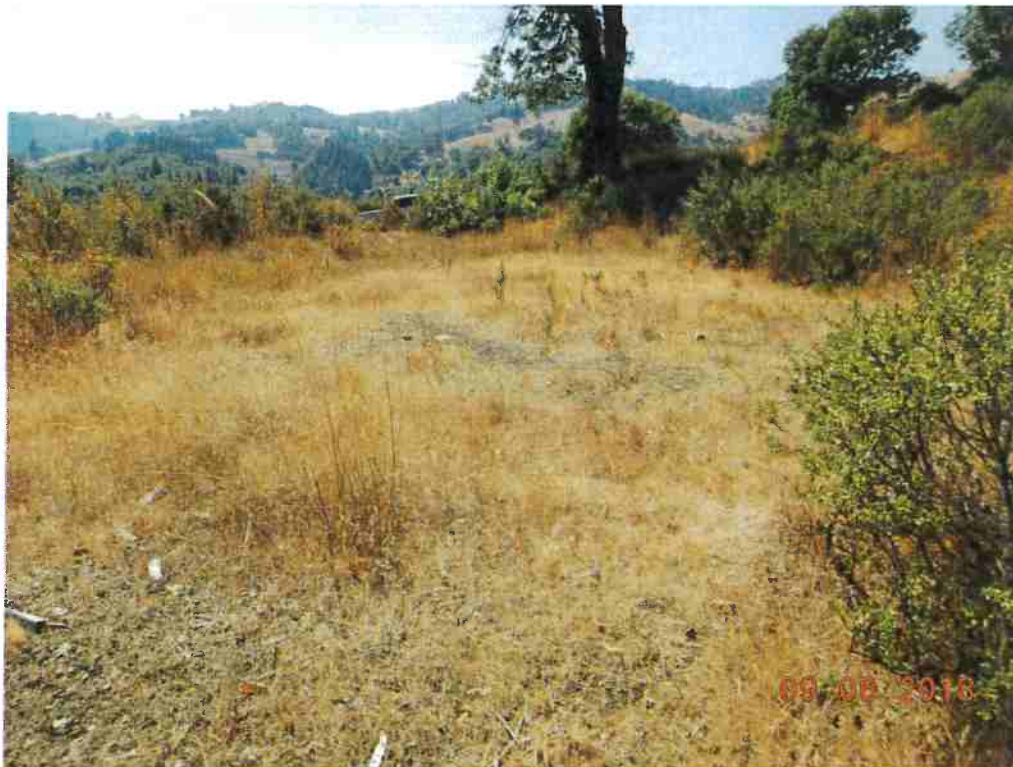
Cultivation Area F – to be removed out of riparian setbacks and restored entirely



Cultivation Area G – to be altered out of 50' riparian setback



(Proposed) Cultivation Area H



(Proposed) Cultivation Area I