

**JOURNEY AQUARIAN – MYERS AND AQUARIAN, LLC**  
**RESTORATION PLAN**  
**APN: 216-135-015**

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**COMMERCIAL CANNABIS CULTIVATION FACILITIES**

PREPARED FOR:



August 2018  
Updated September 2019

**Restoration Plan**  
**Journey Aquarian of Myers and Aquarian, LLC**  
**APN # 216-135-015**  
**Apps # 12124**  
**Case # CUP16-538**

Lead Agency:

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**August 2018**  
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## 1 Project Description

Myers and Aquarian, LLC is applying through the Humboldt County Planning and Building Department for a Conditional Use Permit (CUP) for 24,000 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 includes the permitting of existing and proposed facilities appurtenant to the cultivation, including a building for drying and storage, and cultivation flats.

Prior to January 1, 2016, there was 24,000 sq. ft. of cannabis cultivation existing on-site located in two cultivation areas. The two areas, a 17,700-sq. ft. area on the western edge of the property (“Western Area”) and a 6,300-sq. ft. area on the northern edge near Perington Creek (“Northern Area”), are proposed to be fully relocated due to their current proximity to sensitive riparian areas (Appendix A). The cultivation areas will be consolidated and relocated to environmentally superior locations near the center of the parcel (“Central Area”).

## 2 Site Description

### 2.1 Site Description Summary

The site is located at 1200 Harris Rd., just north of the locality of Harris, CA (APN 216-135-015) and was historically 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 approximately 200 acres in size. Several forks of Perington Creek enter the parcel from the west and flow easterly, with scattered springs and seeps. The botanical composition of the site consists of open grassland, mixed Douglas fir and upland hardwood forest, with dominant species including Douglas fir, black oak, Oregon white oak, and pacific madrone. 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 with slopes ranging from from less than 5% to greater than 35%. Disturbed areas are generally located in areas of less than 20% slope. Cultivation areas were constructed on naturally flat topographic benches and did not require much grading. The Western Area flat was constructed in 2015 and has natural slopes of 8 - 16%. The Northern Cultivation Area was constructed between 2010 and 2011 and has natural slopes of 5 – 15%.

### 2.3 Structures

There is no current or proposed residence on site. A 30' x 50' metal building with a concrete slab (1,500 sq. ft.) is located on a flat overlooking the southern portion of the property. Topography and aerial imagery shows that the flat existed naturally as a bench prior to construction, with slopes of 5-11%. No other permanent structures exist on-site.

## 2.4 Water Resources

Approximately 360,000 gallons of water per year is required to irrigate the 24,000 sq. ft. of cultivation. Water will be sourced from a spring diversion (ISDU #S027961). The diverter has obtained a Small Irrigation Use Registration (#H502326), which allows for the storage of diverted spring water for use during the forbearance period. Approximately 360,000 gallons of water storage is proposed by adding sixty-seven (67) 5,000-gallon tanks to the site (see existing water storage description, below). The applicant may also source water from a proposed well, which would offset the total amount of storage needed onsite.

Water is gravity-fed and pumped from the point of diversion to storage. The site currently has 27,260 gallons of water storage in the form of plastic tanks (3 x 5,000 gal., 1 x 3,000 gal., 1 x 2,800 gal., 2 x 1,300 gal., 2 x 1,100 gal., 1 x 660 gal., and 2 x 500 gal.). From storage, water is gravity-fed or pumped to drip-emitters that irrigate cannabis plants.

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*<sup>1</sup> (WDID Number 1B171713CHUM). A Water Resource Protection Plan (WRPP) was developed to satisfy conditions of the Tier 2 enrollment requirements of Order No. 2015-0023 (Order).

On June 30<sup>th</sup>, 2019, Journey Aquarian applied for Tier 2, High Risk coverage under the State Water Resources Control Board (SWRCB) General Order WQ 2019-001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities*<sup>2</sup> (“General Order”). The site was enrolled as High Risk due to the legacy cultivation areas that exist within stream setbacks. Once all cultivation areas are relocated out of stream setbacks, the discharger will re-enroll as a Low Risk discharger. The Site Management Plan, Disturbed Area Stabilization Plan, and Nitrogen Management Plan that were prepared for this parcel detail applicable Best Practicable Treatment and Control (BPTC) Measures from Attachment A of the Order that will be implemented on site to ensure potential erosion from the cultivation area restoration is prevented and/or managed.

## 3 Relocation Justification

As mentioned above, the existing cannabis cultivation on-site includes a 6,300 sq. ft. area (“Northern Area”) near the northern property boundary and 17,700 sq. ft. area (“Western Area”) near the western property boundary. All cultivation square footage is proposed to be relocated to the Central Area:

- Of the 6,300 sq. ft. of cultivation in the Northern Area, over 80% is located within the 100’ buffer of a well-established Class II watercourse and is thus proposed to be entirely relocated. The road leading to this area is utilized by the neighbor to access their parcel. The road is in fair shape and will continue to be maintained and operated according to the Water resource Protection Plan / Site Management Plan.
- Of the 17,700 sq. ft. of cultivation in the Western Area, approximately 3,000 sq. ft. is located within the 50’ buffer of a Class III watercourse. Additionally, this cultivation area is located

<sup>1</sup> [https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/#\\_Waiver\\_of\\_Waste](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/#_Waiver_of_Waste)

<sup>2</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

at the end of a 0.5-mile dirt/gravel road with a slope in excess of 20%. This segment of road is exhibiting significant erosion issues, including a severely incised inboard ditch and rilling across the road surface. All cultivation from the Western Area is proposed to be relocated to the Central Area and this segment of road is proposed to be decommissioned.

The Central Area is comprised of four naturally benched areas located in the center of the parcel (over 300 feet from the property line in all directions). The area is comprised of grassland historically used for ranching with slopes of less than 15% (Appendix B). The upper benched areas are located 200+ feet from any watercourses and the lowest benched area will be located 100 ft. from an historic cattle watering pond. Therefore, all proposed cultivation will be located outside of riparian buffer zones. As stated in the SWRCB Cannabis Cultivation Policy, disturbed areas located within riparian buffers are more likely to “discharge waste constituents to surface water”<sup>3</sup>, which has the potential to impact water quality and/or aquatic life. Relocating the cultivation out of riparian areas will help protect and restore the quality of the riparian area, which is beneficial for fish and wildlife habitat, human health, municipal, domestic, and agricultural water supply, and recreational purposes. The Central Area is easily accessed by the first half of the same road that leads to the existing cultivation sites. Using this road to access the area and ceasing use of the steep road segments leading to existing cultivation areas will help prevent sediment transport from roadways to nearby surface waters. Therefore, the Central Area is considered to be an environmentally superior site in comparison to the existing cultivation areas.

## 4 Remediation Measures

All measures detailed below are to be implemented along with the BPTCs described in the Order. In general, all restoration work (other than some planting and monitoring) is to occur during the construction work season from May 1<sup>st</sup> to October 15<sup>th</sup> unless a winter operating plan has been completed. Plants for revegetation shall be native to the site and ideally locally collected.

### 4.1 Removal of Existing Cultivation

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 the Western and Northern Areas. Cultivation-related materials and water storage will be relocated to the Southern Area. Refuse will be recycled or disposed of at the proper Waste Management Authority. Cultivation-related waste will be composted in the designated compost area located near the existing building. Spent 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: Dependent on County approval – ideally prior to Spring 2020

### 4.2 Restoration of Northern Cultivation Area

The areas will be replanted with site appropriate native species, as detailed below. Per the Botanical Survey Report, invasive species control will be implemented for the French broom (*Genista monspessulana*), teasel (*Dipsacus fullonum*), bull thistle (*Cirsium vulgare*), Italian thistle (*Carduus pycnocephalus*), and Canada thistle (*Cirsium arvense*). Appropriate sediment and erosion control BPTC

<sup>3</sup> Cannabis Cultivation Policy. October, 2017. State Water Resources Control Board.  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

measures will be used through the duration of the restoration process, as described in the Site Management Plan and Disturbed Area Stabilization Plan.

The Botanical Survey Report prepared by Kelsey McDonald for Hohman and Associates recommends that remediation of cultivation sites include replanting of native species. The ~6,000 sq. ft. disturbed area will be revegetated to match the surrounding vegetation composition. On the natural flat where the cultivation exists currently, the following tree and shrub species were identified: Tanoak (*Notholithocarpus densiflorus*), Oregon oak (*Quercus garryana*), Pacific madrone (*Arbutus menziesii*), bay laurel (*Umbellularia californica*), bigleaf maple (*Acer macrophyllum*), Douglas fir (*Pseudotsuga menziesii*), California buckeye (*Aesculus californica*), Oregon ash (*Fraxinus latifolia*), and/or Blueblossom (*Ceanothus thyrsiflorus*). Approximately 10 of the above trees (excluding Douglas fir) 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: Dependent on County approval – ideally during the Spring 2020.

#### 4.3 Restoration of Western Cultivation Area

While restoring the two cultivation areas, any non-native species will be carefully removed and appropriately disposed of offsite. Removal will take place prior to seed set. Appropriate sediment and erosion control measures will be used through the duration of the restoration process, as described in Section 4.2.

The historically disturbed cultivation area will be revegetated in accordance with the Oak Woodland Restoration and Enhancement Plan prepared by James Regan for Mad River Properties in August 2019. Per the report, the site shall be restored to pre-cultivation conditions (topography, grading, vegetation, etc.). Oregon white oak (*Quercus garryana*) will be planted using onsite acorn collection and propagation, with a total tree count to be planted of between 225 and 375. Any invasive species or fir saplings that sprout in the restoration area will be removed. See the accompanying Oak Woodland Restoration and Enhancement Plan for further details. Equipment and resources for this Restoration Measure may include a bulldozer, backhoe, grader, trailer, seedling trees, seeds, and a dump truck. Estimated Date of Completion: Dependent on County approval – ideally during the Spring 2020

## 5 Monitoring Plan

Monitoring of the revegetated areas in the Western Area shall occur in accordance with the Oak Woodland Restoration and Enhancement Plan, which recommends that monitoring occur twice during the first season of restoration activities (one after site prep activities and one after initial planting). The second site visit will record a tree count and health status, which will be used in future monitoring visits as a baseline for success criteria. Monitoring shall continue for five years during late spring or early summer.

For the Northern Area, monitoring 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. A 75% success rate shall be achieved by restoration of both the Northern and Western sites. Monitoring for the Northern Area will occur at the same time as monitoring for the Western Area, during May or June.

## 6 PHOTOS



Western Cultivation Area – to be fully relocated. Area to be restored per Oak Woodland Restoration and Enhancement Plan (Reagan, 2019)



Northern Cultivation Area – to be entirely relocated due to stream proximity



Central Area - Proposed Relocation Site in natural depression in the foreground