

**List of Errors in the Staff Report and in the Resolution on Which the Commission Will Vote,
with Suggested Remedies**

Item No.	Page/Section	Topic	Error	Remedy	Staff Response
1	1 Cover page	Project address	Situs address stated: 01 Miller Creek Road instead of 801	Correct	Edits will be made to reflect the correct address.
2	2 Agenda Item Transmittal	Owners' names	According to Todd Lewis, his and Karen's names as owners are a "paperwork snafu" (see attachment of his recent email on page 8 of this document)	Correct; resubmit report at a later date	Edits be made to reflect Dan Kulchin as the owner. Karen and Todd will be removed as owners in the Staff Report.
3	2 Agenda Item Transmittal Exec Summary 6 "Resolution" 1 st Whereas 6 Finding #1 8 Finding #6 23 Background 24 Summary re MND 28 Operation Plan	Total cultivation footprint miscalculated	Project description states square footage of cultivation is 37,894 sq ft, failing to include in that "cultivation footprint" an additional 3,489 sq ft for immature plant nurseries	Resubmit report with corrections to appropriate sections and to the MND	A statement regarding the propagation size can be found in the executive summary of the Staff Report.
4	3 Exec Summary	Mixed-light cultivation footprint miscalculated	Proposed 16,188 sq ft of mixed light cultivation in 6 greenhouses; total sq ft for 6 greenhouses listed is 9,897 sq ft, a discrepancy of 6,291 sq ft.	Clarify and correct	The applicant reduced the amount of mixed light cannabis cultivation in exchange for more outdoor cannabis cultivation. The table

					in the chart is correct. The 16,188 sf will be corrected to 9,897 sf and the 21,706 sf of outdoor cultivation will be corrected to 27,997 sf.
5	3 Exec Summary	No. of employees underestimated as “3”	Not clear that the number 3 includes all employees of BLM Holdings, including the work done by Mr. Dan Kulchin and Ms. Jen Aspuria. Will the total be three, five, or more than five? How was this estimate calculated?	Clarify because no. of employees affects site and road noise, safety, access, road maintenance, and water use.	Daniel will also be working on the farm, there will be a total of four employees.
6	4 Biological Resources 6 Resolution Whereas #2 6 Finding #2 CEQA	Endangered species and other wildlife	CEQA issues. Failure to note that project parcel shares nearly a half-mile wandering border that is appurtenant to a known coho spawning ground, as witnessed by Bill Eastwood, a fisheries expert who has worked with CDFW; such knowledge, easily available, may necessitate major revisions to the Previous Mitigated Negative Declaration (other information is available in the CDFW Stream Inventory Report of Miller Creek, an inventory conducted in 2017 and reported in April, 2018) Available evidence from CDFW was ignored. Both the marbled murrelet and spotted owl have wings and much greater range than sitings imply.	A full CEQA is necessary to confirm the speculation under “Biological Resources” on page 4.	The applicant is proposing to permit cannabis that has been in existence prior to 2016. The California Natural Diversity Data Base (CNDDB) there are no mapped rare or special status species on the parcel. The project was referred to CDFW on January 6, 2020 and no response has been received. The applicant is in the process of finalizing the Lake and Streambed

					Alteration Agreement with CDFW. The project will be brought into compliance and therefore, the project will unlikely have any direct or indirect impacts to the coho salmon, Marbled murrelets and Northern Spotted Owl.
7	7 Finding # 2, Evidence (c)	Water rights—no water permit for increasing size of grow from 2016—no permits from Water Board	Right to Divert Water Certificate H100391 was issued to Eric Moore 1/02/ 2019 and no evidence of the right is in the staff report or that it was transferred to the current applicant. Right to divert was based on stated area of irrigation of 22,221.5 sq ft., the same figure the previous owners filed in a petition in 2017 to the Water Board to indicate the area of cultivation. Petitioner is currently irrigating 41,383 sq ft.	Revise report to include this certificate and clarify its role in the current project.	According to the applicant, it has been a slow process to update the names on the water rights. The project has an ongoing condition for the applicant to adhere to all state and local county policies. The applicant will submit evidence of the revised water rights. The applicant has submitted evidence of the transfer in process.

8	7 Finding #4, Evidence (c) Pages 32-61	Size of preexisting grow in 2016 incorrectly reported as 37,894 sq ft	<p>According to page 32, water diversion began in 2016 for 20,682 sq (.4748 acres) of “greenhouse and outdoor cultivation” for one pond. On page 38, a second diversion started in 2016 was for 1,315.5 sq ft (.0302 acres) and a 2- person household. Total is 21,997, near the 22,000 sq ft stated in H100391 in item no. 6 in the list.</p> <p>BLM Holdings, in conversation with a neighbor, said the current figure of 37,894 sq ft for existing and preexisting cultivation includes grows that were were hidden in the woods. While during previous decades this was true for that property, I maintain that the 2016 footprint was no more than what the Diverter of Record, Todd Lewis, reported in his application to the Water Board, under penalty if statements were false, and what the subsequent diverter of record Eric Moore also stated. There have been no supplemental water diversion statements by Lewis for the years 2018, 2019, and 2020, or their assignees, as required by the Water Board, which if not done is a violation of California Water Code sections 5100-5107. Eric Moore has filed no supplemental statement regarding H100391 nor, as best can be determined, reassigned his rights.</p> <p>Information about the 2016 Water Board Violations (pages 46-61) suggests the current applicant has exaggerated the previous grow size; as a result, the area of proposed cultivation (and current this growing season) is nearly double.</p>	<p>Size of grow needs to be reduced to accord with county code and state requirements for use of diverted water.</p> <p>Revise the cultivation area verification prepared by the County to match the verifiable and known facts in the State record.</p> <p>Have a reputable agency confirm that Pond 2 indeed has a capacity for 3,000,000 gallons (page 4 of staff report), and make the calculations easily accessible in the report.</p> <p>Given the history of this parcel and previous owners, certain conditions should be met before this CUP is granted. The CDFW violations occurred</p>	<p>Staff has verified the existing cannabis cultivation by conducting two site inspections and reviewed multiple pre-2016 aerial images in order to verify the pre-existing cannabis cultivation onsite.</p> <p>The applicant is in the process of finalizing the LSA for the ponds with CDFW.</p> <p>The applicant was not the owner of the property when the violations occurred on the property, the applicant is in process of the parcel into compliance.</p>
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9	8 Finding #6, Evidence (a)	ACCESS Road unsafe as listed; photos do not show factual condition of Miller Creek Road, a narrow, single-lane dirt road	On page 4, "a Road Evaluation form dated April 10, 2018, indicating the entire road segment is developed to the equivalent of a road category 4 standard," is patently false and an unsafe standard. As defined in County Code, Miller Creek Road has elements of Category 2 and 3, with the stretch near a former slide less than 13 feet wide, and many other "tight spots," with two blind curves where PG&E poles are sited next to the roadway and a first bridge whose wood deck is rotting and partially broken. There is no remediation mentioned in the report that would bring this road up to category 4 for the one mile to the applicant's driveway.	Correctly identify the category of Miller Creek Road by getting a new Road Evaluation from a reliable consulting firm. Recognize that a cannabis grow of this proposed size will increase traffic, noise, and pollution. Require as a condition a plan to minimize impact from increased road use of this narrow one-lane road.	The subject project is being applied for under the 1.0 ordinance, which does not require the applicant to develop Miller Creek Road to Category 4 Standard. However, if the applicant pursues cannabis tourism under the 2.0 ordinance then the applicant will be required to maintain portions of Miller Creek Road.
10	9	Clean-up of trash and unpermitted structures along Miller Creek	Two or three trailers sit next to the creek, hidden in the woods, perhaps abandoned, perhaps not. At some point in the last two years they were utilized with gasoline-powered generators, suspected by neighbors to be drying and processing facilities.	Require a condition that Specifically addresses clean-up of previous violations that are not yet resolved. Require as a condition the education of employees regarding the inappropriate action	Staff will add a condition to remove the trailers that sit next to the creek.

				of throwing beer bottles into the woods as they drive along the road and violate the open container law as well as the woods along Miller Creek.	
11	29 Water Use and Land Management	Water use calculations, and soil and stream pollution as related to Hugelkultur	In recently granted CUPs, water use has been estimated from 8 to 15 gallons per sq ft of cultivation area. Applicant's proposal is to use less than 4.5 gallons per sq ft of cultivation area. Perhaps the applicant is factoring in a claim of water reduction through Hugelkultur, a reduction which is not likely to occur for two or three years. A peer-reviewed publication of Washington State University (https://pubs.extension.wsu.edu/hugelkultur-what-is-it-and-should-it-be-used-in-home-gardens) notes that "there are no peer-reviewed, scientific studies on Hugelkultur."	Require a report from a knowledgeable consultant about water usage and the use of Hugelkultur on the current slope above Miller Creek. Add conditions of both soil and water monitoring.	Condition of Approval number 12 requires the applicant to install a water metering device. The applicant will be required to report to the State Water Board annually regarding the projects water usage. The applicant will be responsible for monitoring water use and submitting the monitoring log annually to the State Water Board.