

MEMORANDUM

DATE: May 21, 2018
TO: Trinity County Planning Commission
FROM: Pat Frost
SUBJECT: Proposed SJH Timber Cannabis Nursery

Item 4
Rec'd 5/24/18
@ PC mtg

I am very familiar with the area of the subject application, especially as it relates to the adjacent Weaver Basin Wetlands. I helped the county negotiate its wetland reserve program easement and wetland restoration design with the USDA beginning in 1999. To understand the development of these wetlands one needs to remember that the 1997-98 New Year's storms created flood conditions that inundated the wetland property, which was in escrow with a local business, as well as the adjacent gravel plant property. At that time the levee that separated Lance Gulch from the wetlands broke and Lance Gulch contributed to the flooding of both properties. The levee was repaired and Lance Gulch returned to its channel.

Fast-forward to today. Lance Gulch has once again breached the levee and the stream now directly flows into the wetlands. The wetland design did not take into account the uncontrolled flows from Lance Gulch. 2017 was a wet year. There were no 100-year storms, but the flows from Lance Gulch once again overwhelmed the capacity of the wetlands and flooded all the way to Industrial Parkway on a path that is directly in line with the proposed nursery.

Another aspect of these sites is that the groundwater and surface waters are directly connected due to the porous nature of the gravels and cobbles that make up the ground.

Flooding

The history of the site as it relates to flooding may not have been apparent during the review of the proposed project, but should be considered in developing any recommendations.

From 20 years of making regular observations of the wetlands and surrounding area, I believe that flooding of the proposed nursery is very likely, even if the most recent floodplain analysis doesn't include the proposed nursery in the flood plain. When flood waters do enter the site, there are potential deleterious effects that don't appear to be mitigated in the CEQA analysis.

- The nursery could be flooded
- Plant propagation supplies (pots, planting medium, fertilizers and biocides) could be carried into Weaver Creek threatening species identified by CA Fish and Wildlife and downstream riparian uses of Weaver Creek.
- The new facilities could displace floodwater storage that now occurs on-site and this displaced volume could damage off-site property.

It seems prudent that the applicant be required to complete a new floodplain and floodway study to determine what, if any impacts the proposed project would have on water resources due to the breach and re-routing of Lance Gulch, which seems to be a permanent condition.

Further it is my understanding that a settlement was negotiated between the County and the landowners at the time of the 1997-98 flood. The conditions of that settlement should be taken into account before the Planning Commission makes a recommendation on this proposed more intensive land use.

Rec'd 5/24/18 @ PC
Mtg re Item 4

To: Trinity County Planning Commission
From: Alex Cousins
Cc: Trinity Action Association
Date: 5/21/2018
Re: SJH Timber proposed Cannabis Nursery

Please consider the following when making a recommendation for the proposed cannabis nursery to be located at the Weaverville Industrial Park.

Three primary concerns:

1. Communities that "opted out" of Cannabis cultivation, opted out of the cannabis industry.
2. Potential flooding
3. Fuel and chemical spill containment

Opt Out

During the development of the first ordinances for the Cannabis, the community of Weaverville, and others, asked to be "opted out". This was enacted as a part of the cannabis cultivation ordinance, so it's been interpreted as being relevant to cultivation only. I, and many others, believe that the "opt out" for those communities that asked, was to be "opted out" for all aspects of the cannabis industry. Allowing this proposed nursery within the Weaverville "opt-out" area puts the camel's nose in the tent and compromises the intent of an opt-out area.

Flooding

Pictures taken following a storm last year (February 16, 2017) show that the outflow from the wetlands now travels directly into the path of the proposed nursery property. An existing levee that redirected Lance Gulch has been compromised and now allows additional water to flow to the wetlands. In fact Lance Gulch is completely re-routed through the levee breach into the constructed wetlands, which are not designed to receive that extra volume of water. Because the wetlands are not designed to receive the extra water, the excess volume now overflows the middle wetland pond and across Industrial Park Way and towards the subject property.

The attached pictures highlight the concerns. The first picture is of prior year's flooding, and the second shows where that water traveled. Using the bridge as a landmark, it's clear to see that the water travels in the direction of the proposed nursery. This may not have been apparent during the review of the proposed project.

Should the water overflow and enter the nursery, the concern is that the any items located within the nursery would be subject to return to the stream. Based on the soil type and topography, this would be either through direct water flow, or through the highly porous material (cobble) that the nursery would be built on. The environmental analysis used for this project doesn't address hazardous materials other than fuel. The assumption is that a nursery would use plant propagation chemicals (fertilizers, fungicides, and/or pesticides), containers, soil and soil amendments. We'd hate to see that get into the creek where there are species of great concern as noted in the letter from California department of Fish and Wildlife.

The third and fourth pictures are of the compromised levee that may not have been taken into account in the most recent floodplain analysis. At a minimum the applicant should be required to complete a new floodplain and floodway analysis to determine what, if any impacts the proposed project would have on water resources.

Fuel and chemical spill containment:

The Staff report provides some level of mitigation regarding on-site fuel storage, but having an on-site "fuel spill kit" seems inadequate considering the proximity to water-based resources (wetlands and Weaver Creek) and the porous nature of the native materials (cobble/mine tailings). There seems to be no mention of measures to be taken to protect water resources, wildlife and downstream riparian rights from any other chemical spill. This would be a commercial nursery with a wide-range of chemicals on-site. The only mention is the CUPA requirements, but the staff report is vague with regards to what that entails.

Recommendations

Remember that the community of Weaverville, and other communities, opted out of the cannabis industry, not just cannabis cultivation.

Don't approve the Negative Declaration, based on the lack of analyzation of the chemical spill containment and the potential flooding

Path of water travel from prior years flooding



Compromised Levee allowing excess water to enter wetlands

