



YUROK TRIBE ENVIRONMENTAL PROGRAM

PHASE I ENVIRONMENTAL SITE ASSESSMENT

FOR: Lewis Gulch Mill Property

***LOCATED AT CROSSROADS OF: Lewis and Upper Cappell
Roads***

APN: 534-221-005

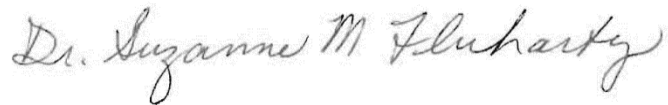
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The following Environmental Professionals performed this Phase I ESA in conformance with ASTM Standard Practice E 1527-13 and AAI Standards. The following individual(s) meet the qualifications for individuals completing or overseeing all appropriate inquiries, and possess sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the existence of environmental conditions on the property. Any work completed on this ESA by an individual who is not considered an environmental professional was completed under the supervision or responsible charge of the environmental professional.



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EXECUTIVE SUMMARY

We have performed an environmental investigation at the Subject Property, located at the crossroads of Lewis and Upper Cappell Roads, 6.5 miles northwest of Weitchpec, California traveling along HWY 96, (hereafter referred to as the Site, or Subject Property). The associated Humboldt County Assessor Parcel Number (APN) is 531-082-001 and is sited at longitude -123.77170 by latitude 41.21770. This assessment has revealed the following conditions in connection with the Subject Property:

- Former use of the Subject Property as a lumber mill
- Existing conical burner and associated waste from the standard practices at the time of operation that included burning lumber waste; used diesel and motor oils; and petroleum products to ignite mill waste.

In our opinion, the stated condition above, the existence of a conical burner that used petroleum and/or petroleum products for the burning of lumber waste would be considered a Historic Recognized Environmental Condition and would rise to the level for current enforcement and therefore should be considered a Recognized Environmental Condition (REC).

PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR: Lewis Gulch Mill Property

1.0 INTRODUCTION

The Yurok Tribe Environmental Program (YTEP) has prepared this Phase I Environmental Site Assessment (ESA) on the Lewis Gulch Millsite, located within the external boundaries of the Yurok Tribe Reservation, at Lewis and Upper Cappell Roads, 6.5 miles northwest of Weitchpec, California, when traveling along HWY 96, (hereafter referred to as the Site, or Subject Property). The parcel consists of approximately 25.44 acres and lies approximately 819 feet above sea level. The associated Humboldt County Assessor Parcel Number (APN) is 534-221-005 and it is sited on longitude -123.77150 by latitude 41.2582 (Figure 1).

This Phase I is organized as recommended and conforms to the principals of ASTM E 1527-13 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” (ASTM, 2013).

1.1 Purpose

The Purpose of this Phase I ESA is to identify Recognized Environmental Conditions (RECs) associated with the Subject Property. An REC is defined by ASTM as the presence or likely presence of any hazardous substance or petroleum products on a property under conditions that indicate an existing release or a material threat of release of any hazardous substances and petroleum products even under conditions in compliance with law.

This report will include listings of historic RECs if applicable. A historical REC is an environmental condition which, in the past would have been considered a REC, but which may or may not be considered a REC currently.

RECs do not include de minimis conditions that generally would not be subject to any enforcement action if brought to the attention of appropriate agency.

1.2 Detailed Scope of Work

This Phase I ESA conforms to the principals of work described in ASTM E1527-13.

1.3 Significant Assumptions

It is assumed that the groundwater flow direction on the vicinity of the Subject Property is west-southwest, towards the Klamath River based on sloping topography in the vicinity of the Subject Property.

1.4 Limitations and Exceptions

“No environmental site assessment can wholly eliminate uncertainty regarding the potential for the recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with the property” (ASTM, 2013). The information included in this report is based on professional opinions from our field reconnaissance and visual

observations of the Subject Property and our review and interpretation of available historic information as described in this report.

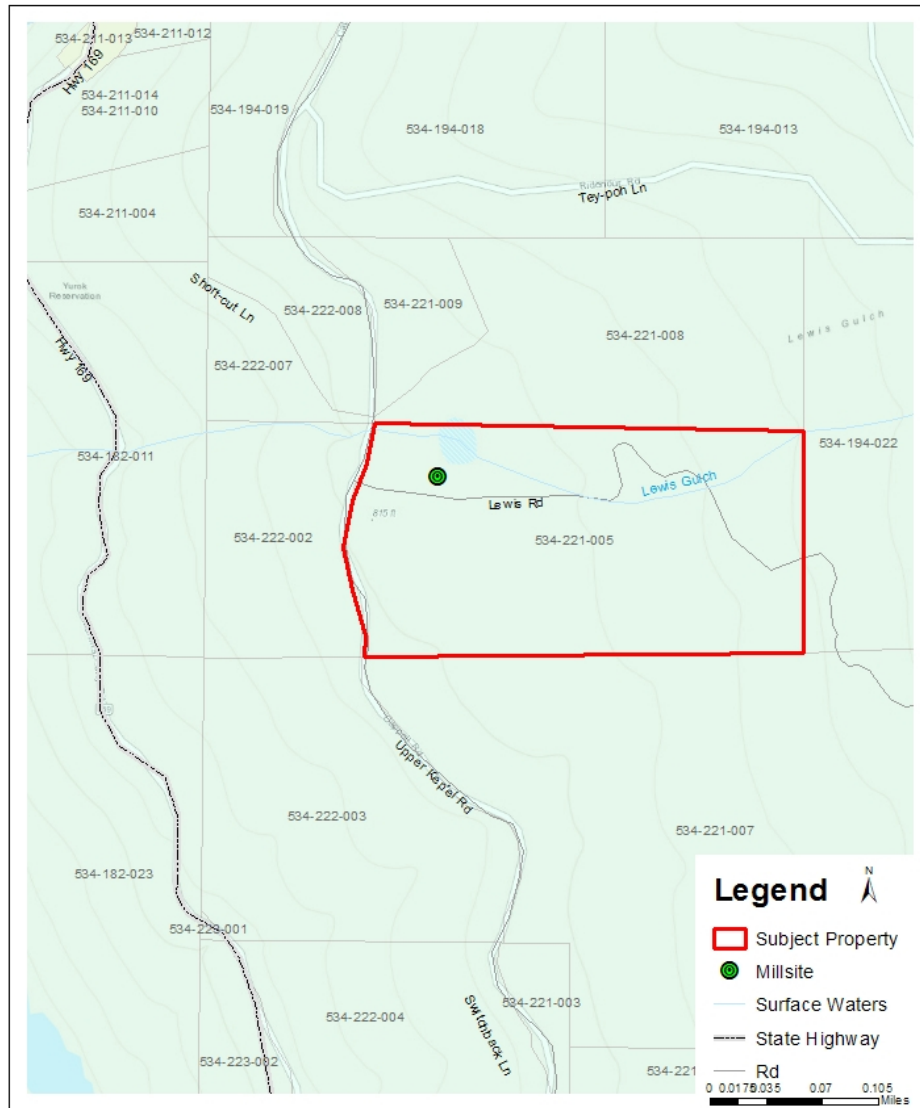
1.5 Special Terms and Conditions

No special terms or conditions are related to this investigation.

1.6 User Reliance

This report was prepared for the sole and exclusive use of the Yurok Tribe located in Klamath, California and the USEPA Region 9 Brownfields Program. The scope of work performed in this investigation may not be appropriate to satisfy needs of others. Any use of this document and findings is at the sole risk of said user.

Figure 1: Lewis Road Mill Site Parcel and Vicinity Map



2.0 SITE DESCRIPTION

2.1 Location and Legal Description

The Subject Property is located in unincorporated Humboldt County, within the external boundaries of the Yurok Tribe Reservation. The entrance to the property is located at longitude -123.77170 by latitude 41.21770.

The legal descriptions of the property is defined as: All that certain piece or parcel of land being Parcel 2, as shown on Parcel Map No. 1286, in the West Half of Section 18, Township 10 North, Range 4 East, Humboldt Base and Meridian, filed 05/05/1978 in Book 11 of Parcel Maps, Pages 77, 78 and 79, situate and lying in the County of Humboldt, State of California.

Deed 1:

Type of Deed: Grant Deed

Title is vested in: Gregory Keith Master

Title received from: Samuel Julian Davis, Sherry Coldren and Michael Coldren

Deed Dated: 11/11/1989

Deed Recorded: 11/16/1989

2.2 Site and Vicinity General Characteristics

The site is located within the 1983 French Camp Ridge USGS Topo map and its general vicinity is within a forested, mountainous region where the Siskiyou and Klamath Mountains collide. A copy of the topologic map is available in Appendix D.

The bulk of the Subject Property sits on a narrow bench of land at approximately 819 feet above sea level which gently slopes to the west-southwest toward the Klamath River, one third a mile distant and 643 feet in elevation above the Klamath River. The nearest surface water is Lewis Gulch Creek that runs through the property with a small impoundment at the site of the historic mill pond. The land east of the property continues to climb until it reached the ridge top at 1,857 feet above sea level. The general locale within the subject Property is visible in Figure 2 Google Earth Satellite Photograph of Subject Property.

The region's topography is characterized by steep slopes of bedrock between 20 to 40 inches below surface, however the Subject Property is generally covered by only approximately 29 inches of well drained, silty clay loam that has a slow infiltration rate before bedrock is reached.

2.3 Current Use of the Property

The Subject Property is zoned rural residential and is mostly undeveloped but does have one small residence and a cemetery.

2.4 Description of Structures, Roads, Other Site Improvements

Figure 1 shows the Subject Property, APN: 534-221-005 in relationship to surrounding properties; the main access and the Klamath River's tributary, Lewis Gulch Creek. Lewis Road leaves Upper Cappell Road and travels almost due east, crossing the subject Property and moving up hill until it exists at the Lewis' family residence and associated historic farm. Immediately after an initial entry a wide flat area opens that was a former landing for the mill yard. The conical burner sits in this area, on the north shoulder of Lewis Road. This area also has access to the Lewis family cemetery to the south east of the landing. Four smaller side roads exit Lewis Road within the Subject Property; the first to the south, leading to the adjoining property and owner's seasonal home; one traveling north to access a small home on the eastern bank of the mill pond; one approximately 2/3 through the property, moving northward; and one that appears to run southward, along the east property boundary. The destination of the last two roads is unknown. Other than the small home on the mill pond, the property appears undeveloped, forest lands.

2.5 Current Use of Adjoining Properties

The adjacent property to the south, APN 534-221-007 is owned by the Subject Property's owner, Gregory Master and is used as his residence. The property to the east, APN 534-194-122, is the Lewis farm where they run a small herd of goats. The Properties beyond the contiguous boundaries are generally rural residential and forestland.

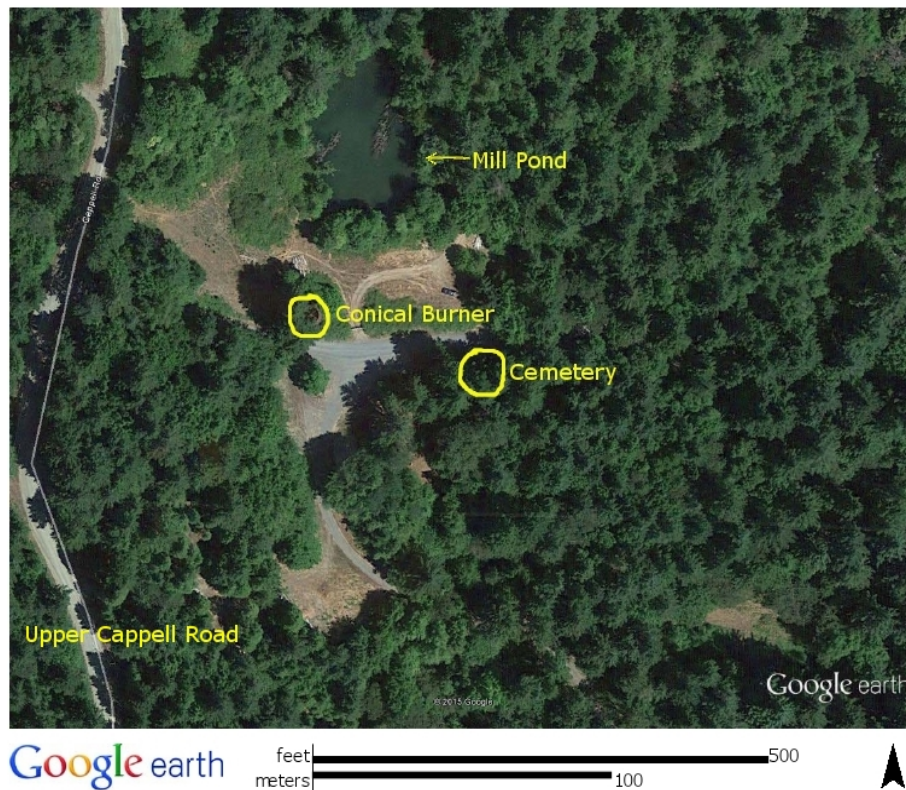


Figure 2 Google Earth Satellite Photograph of Subject Property

3.0 USER PROVIDED INFORMATION

3.1 Title Records

There are no property transactions with the Yurok Tribe currently in process with the Subject Property. Therefore a title report has not been ordered.

3.2 Environmental Liens or Activity Use Limitations

An Environmental Lien Search Report was ordered for the Subject Property and no results were found from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls for the Subject Property. Documentation is provided in Appendix I.

3.3 Specialized Knowledge

YTEP, the User of this report is aware that Yurok placenames have been recorded with various English spelling depending on the ethnicity of the Euro-American researchers and surveyors. This has resulted in often confusing and multiple labels of the identical geographic feature. Of particular importance to this report is that the traditional Yurok name Kep'el and its representation as Cappell on most historic maps represent the same location. It has become closely associated with the creek that bears its name and later, the roads that provide access across and into the higher areas of the creeks watershed.

3.4 Commonly Known or Reasonably Ascertainable Information

No specialized knowledge was acquired regarding the Subject Property.

3.5 Valuation Reduction for Environmental issues

The intention of this document is to evaluate the potential impacts of REC's on Tribal Lands that may have impacts to the environment, resources, and/or public health. Any reduction in value of the property is unknown and therefore not relevant to this report.

3.6 Owner, Property Manager and Occupant Information

The property is owned by Gregory Masters, and the title was transferred in 1989. The small home next to the mill pond appears to be a rental of Mr. Masters who would also manage it. No other occupants are associated with the property.

3.7 Reason for Performing Phase I ESA

YTEP, user of this report, indicated that the reason for performing a Phase 1 ESA is to ensure that contamination does not threaten public health, the environment, and/ or resources during and after redevelopment of the Subject Property. The Yurok Tribe has selected this property to be evaluated under the US EPA Section 128(a) Tribal Response Program.

4.0 RECORDS REVIEW

4.1 Standard Environmental Record Sources

YTEP has contracted with Environmental Data Resources (EDR), a company that specializes in the acquisition and compilation of local, state, and federal environmental records, to acquire the required records. EDR searched the Subject Property and surrounding area for standard environmental records as required by ASTM E1527-13. A complete listing of the databases searched and the radius searched are included in the EDR Radius Map Report, provided in Appendix C.

The Subject Property is within the general vicinity of the Cappell Road illegal dump, listed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database reviewed by the EDR report. This dump has been cleaned up and closed by YTEP and it is unlikely to have any environmental impacts on the subject property due to the removal of the toxic/hazardous material. Also, in this region the predominant media that acts to transport contaminants is surface water and surface water runoff. The former dumpsite is located downslope and any possible flow of contaminant borne waters would be carried away from the Subject Property.

No other sites were found in available ("reasonably ascertainable ") government records in the vicinity of the Subject Property.

4.2 Additional Environmental Record Sources

A search of Tribal records was performed and the Subject Property was found listed on two. The most current survey of residences and structures on the Reservation was completed in 2009 and updated in 2012 from a field survey by the Yurok GIS Program for a combined project with Indian Health Services (HIS) and the Housing Inventory Tracking System (HITS) initiative. They document a single residence occupied by Jeff Nash, the existence of a conical burner for disposal of timber waste products and that a cemetery exists on the Subject Property.

In addition, YTEP Illegal Dump Inventory and Environmental Toxin and Pollutant (ETAP) databases were searched and during the 2009 Public Scoping, community members identified the property as the old Lewis Millsite and expressed concerns about the existence of both a mill pond and conical burner that was stated to exist, within the Subject Property's external boundaries in 2009.

4.3 Physical Setting Sources

The Subject Property has an elevation range from approximately 240 to 400 feet above mean sea level, sits between two elevated ridges and generally slopes toward the south-southwest. The nearest stream shown on the USGS topographic map is Lewis Gulch Creek which flows through the Subject Property and feeds the millpond before continuing ¼ mile westward to enter the Klamath River.

4.4 Historical Use Information on the Property

Information in this section of the report is based on acquisition and review of various historical sources, including historic aerial photographs (Figure 9 and Appendix C), and historic topographic maps (Appendix D).

4.4.1 EDR Historic Aerial Photographs

Aerial photographs from 1954, 1974, 1983, 1993, 1998, 2005, 2009, 2010, and 2012 were provided by EDR and are included in Appendix C. The first time evidence of the mill is found in the 1974 photo however, none document the height of the mill's operation which appears to be in 1960s. The aerial photographs were reviewed and the following observations were made:

- 1954: The Klamath River and the general forested landscape are clearly visible in this photo along with Highway 169 (closest to the river) and Upper Cappell Road, which generally follows similar contours as HWY 169 but further inland, upslope of the highway. Due to the moderate resolution of the photo, it is impossible to determine if the numerous clearings are natural meadows or clear cuts from logging.
- 1974: The extremely poor resolution of this photo makes most details impossible to view. However, for the first time, a large square pond in the upper right quadrant is visible that is probably the mill pond.
- 1983: No details are visible in this photo due to very blurry resolution.
- 1993: This photograph is of good quality and both the cleared mill yard, pond and conical burner are visible near the center of the photo. The clearing to right and below the pond is the location of the current owner's home and at the far right, mid-page and partially out of view is the Lewis farm.
- 2005: The pond is visible but due to the oblique angle, the conical burner is lost in the shadows. The clearing is becoming smaller than in '93, probably from brush and new growth trees. Two homes below the pond are clearly shown; the one toward the right, upslope of Cappell Road is the Subject Property's owner; the further down on the page and to the left, downslope of Cappell Road is the private residence of a Tribal Member.
- 2009: This photo was taken more directly overhead than the 2005 and the east half of the conical burner is visible in the midst of trees. All the clearings are more overgrown in this photo than previous ones. Otherwise, most details remain unchanged.
- 2010: Details remain unchanged in this photo; the burner is once again obscured by the shadows from surrounding trees which appear to continue their encroachment.
- 2012: Details remain unchanged.

4.4.2 Other Historic Aerial Photos

California Department of Transportation (CalTrans) has provided copies of the Department's aerial inspections of state highways in the vicinity of the Yurok Indian Reservation to the tribe. These are currently housed with the Yurok GIS Division of the Information Services Department. A search was made of the collection and one was viewed that shows the Subject Property during 1965. It is available in Appendix G, Figure 9. It is important as it provides the first visual evidence of the millsite and fills the chronological gap in EDRs decade aerial photograph package that includes documentation of the subject property in 1954; where no development is evident and 1974 where only the millpond is visible.

This aerial photograph of Subject Property shows its relationship to the Klamath River and nearby tributary mouths. From the north (top) of the photo these include Coon Creek and associated ravine, Lewis Gulch, several small unnamed streams and Miners Creek toward the bottom. The major roads include HWY 169 closest to the river and Upper Cappell to the east or right. The mill is visible as the nexus of multiple smaller skid roads.

4.4.3 Historic Topographic Maps

Historic topographic maps from 1925, 1947, 1952, and 1983 were provided by EDR and are included in Appendix E. The topographic maps were reviewed and the following observations were made:

- 1925: This map shows both Highway 196 and Cappell Creek in the region of the Subject Property but no buildings at the Subject Property.
- 1947: In this map, buildings and creeks in the general vicinity of the Subject Property are shown; Moreck School (2-3 miles north) is marked along with various other buildings but nothing at the Subject Property; Coon Creek, the creek directly north of the subject property is labeled; although Lewis Gulch Creek that flows through the Subject Property is drawn, it is not named; both Highway 169 and Cappell Road are drawn and recognizable much as they currently exist.
- 1952: this map shows the development of the community of Wautec and labels Lewis Gulch Creek but continues to show no development or buildings at the Subject Property. An unpaved road that travels south eastward from Lewis Creek Rd is visible and begins at the juncture with Cappell Road either on, or close to the Subject Property.
- 1982: In this map, the "millpond" or small lake is drawn in a clearing with Lewis Gulch Creek flowing through it; the creek appears connected to a larger pond on the ridge east of the Subject Property; Highway 169 and Cappell Road are clearly labeled and a network of unpaved roads are drawn throughout the general vicinity.

- 1997: Landmarks and roads appear unchanged from the 1982 map; 2 additional buildings are shown at the ridgetop pond; no changes on the Subject Property.

4.4.4 Historic City Directories

Historic city directory data has no listing for the Subject Property. It is an area of little to no telephone service and only one connection in the general vicinity of the site for a Carol Lewis was documented on Cappell Road. There are no listings on Lewis Road. Documentation is included in Appendix E.

4.4.5 Sanborn Fire Insurance Maps

Historic Sanborn Fire Insurance Maps were not found with coverage for the Subject Property. Documentation is included in Appendix F.

4.5 Historical Use Information on Adjoining Properties

The Subject Property is within the external boundaries of the Yurok Reservation and surrounded by private fee lands. Those adjoining directly to the north and south, which lie along Cappell Road are zoned rural residential while those to both the east and west are rural, undeveloped. The majority of the properties that are not owned, or in trust by the Yurok Tribe are part of the Green Diamond Resource Company, formally Simpson Resource Company, formally Simpson Timber. These lands were managed for commercial timber.

4.6 Data Failure

Historical aerial records tracking the Subject Property date back to 1954. Topographic maps of the region date back to 1925. The earliest development for this property is shown in the 1952 Hoopa Topographic Quad with the rendering of an unpaved road through the property. The available historical data fails to identify the historical uses of the property prior to 1952. This creates a data gap before the year of 1952.

5.0 SITE RECONNAISSANCE

5.1 Methodology and Limiting Conditions

The Subject Property was inspected by Suzanne Fluharty of the Yurok Tribe Environmental Program on June 5, 2015. Photographs and the Field Inspection Check List from the site visit are included in Appendix I.

General limitations included thick blackberry vines obscuring the contents of the conical burner. The small cabin/residence located east and adjacent to the mill pond was not available for interior viewing.

5.2 General Site Settings

The Subject Property is entered via Lewis Road, an artery off Upper Cappell road, an artery off HWY 196. Lewis Road moves in an uphill, easterly direction bisecting the property. The property is generally steep forest land with the exception of the former lumber yard. Two small access roads in addition to Lewis Road move across the landscape. The first travels north approximately 1/16 mile to the small residence and the second leaves the site southward to the adjacent property. At the edges of the cleared lumber yard the forest begins. The area is generally undeveloped property.

5.3 Exterior Setting

The lumber yard appears to be filled and hard packed to withstand the weight of loaded logging trucks and equipment and is still in good condition. Directly adjacent is a small metal fenced area with multiple gravesites that appears to be in current use and maintained free of weeds, brush, and fallen leaves. Along the west edge of the yard, there are one or more old, rusted abandoned vehicles and possible small dump piles.

A conical burner stands north of but within the general area of hard packed yard, directly in the path of Lewis Road which curves slightly to avoid it. A small fence separates it and the mill pond from the roadway and limits general access. A gate gives access to the burner, pond, and the residence beyond. The pond is small and overgrown with brush and blackberry vines but appears to have a good depth of water as the bottom was not visible upon inspection.

The utilities and septic for the residence are unknown with the exception of small hydraulic pump at the east edge of the pond that maybe providing water from the pond to the residence.

5.4 Interior Observations

No interior inspections were made of the residence which appears the sole building on the Subject Property.

6.0 INTERVIEWS

6.1 Interview with Owner/ Site Manager

The Owner/ manager of the Subject Property, Greg Masters was unavailable and no interview was conducted. At the time of the site inspection, staff traveled down the owner's driveway on the adjacent property until reaching a gate across the drive. This was in viewing distance of the home and the house was hailed repeatedly. No one answered our call. A note was left attached to the gate with YTEP staff contact information and the request to please contact Tribal offices.

In an additional attempt to contact the owner, a note was mailed to the address on record obtained from the Humboldt County Tax records. No response has been returned at the time of this report.

6.2 Interviews with Occupants

Attempts were made to hail the small residence from its driveway and furious barking gave evidence that we had roused a dog(s) within, but no one appeared. No interviews with the occupants were made.

6.3 Interviews with Local Government Officials

On August 24, 2015 Amanda Mager, the Assistant Director of Yurok Planning Department was interviewed by phone. She was familiar with the area of the Subject Property had recently been working in the area on a project to install power lines along HWY 169 to reach many homes in the upriver reaches of the Reservation. She reported that the owner who lives in the 'big' house next door to the millsite, was Greg Master. She thought he did professional woodworking including custom cabinetry in the barn on his property but was a season resident. His primary residence was in Los Angeles, but she was not sure of this fact. She also stated that the small home beside the millpond was a rental, currently occupied by Jeff Nash, owner of the property to the north of the Subject Property.

Ms. Mager reports that it is common knowledge that the burner is currently standing on the millsite and that the mill operated principally during the 1960s and was shut down in the '70's. She knew of no chemicals or chemical releases on the property and thought the mill was primarily a saw mill and not one of the plywood mills (where glues, solvents, and chemicals were commonplace). These were downriver, near Klamath proper.

In addition, she thought she might have a contact phone number for the owner but upon reviewing her files, discovered that she did not. A copy of the questionnaire with notes from the interview is located in Appendix B.

7.0 FINDINGS

Based on information obtained from this investigation and the known, standard operating procedures of lumber mills in the mid-twentieth century, petroleum products were probably used and released on the Subject Property, at and around the site of the conical burner.

In addition, YTEP contractors Freshwater Environmental Services, performed a Phase II ESA of another conical burner in the vicinity and from the same era that included analysis of ash residue that contained potentially hazardous levels of arsenic (3.0 to 4.4 mg/kg) and dioxin/furan compounds (TEQ from 2.3 to 4.1 pg/g). Surface water runoff sampled from that burner site had detections of these that exceed the screening level which is based on human health protection for the consumption of water and fish by humans. It is reasonable to expect similar concentrations to exist at the burner on the Subject Property.

8.0 OPINION

Qualifications of the environmental professionals that prepared this report are included in Appendix H.

8.1 Recognized Environmental Concerns and Historic Recognized Environmental Concerns

In our opinion, the stated conditions in 7.0 FINDINGS, the use of the property as a location millsite and the existence of a conical burner, should be considered a Recognized Environmental Condition (REC), likely rising to the level for current enforcement.

8.2 Opinion Regarding Additional Appropriate Investigation

The presence or likely presence of contamination at the Subject Property, based on the REC's outlined in section 8.1, it is the opinion of this environmental professional that additional investigations and analysis should be conducted on the Subject Property in the vicinity of the conical burner

9.0 CONCLUSIONS

We have performed an Environmental Site Assessment at the Subject Property, located at the crossroads of Lewis and Upper Cappell Roads, 6.5 miles northwest of Weitchpec, California traveling along HWY 96, (hereafter referred to as the Site, or Subject Property). The associated Humboldt County Assessor Parcel Number (APN) is 531-082-001 and is sited at longitude -123.77170 by latitude 41.21770. This assessment has revealed the following conditions in connection with the Subject Property:

- Former use of the Subject Property as a millsite with a conical burner would be considered a Recognized Environmental Condition.

Further investigation and testing of environmental media to delineate the extent and levels of any possible contamination are recommended followed by remediation and/or clean-up. The following report will outline the procedures used during this Site Assessment, the physical findings, the historical findings, and present uses of the property.

10.0 DEVIATIONS

Attempts were made to contact the owner of the Subject Property and the resident of the small rental home on the shore of the mill pond but there were no interviews conducted with either. The findings of this ESA report are based on both historic and physical evidence from the Subject Property and although local interviews might expand on this information it could not alter the existence of the conical burner. As such, the lack of owner/resident interviews do not constitute a significant deviation from the evidence required to support the outcomes as required in ASTM E 1527-13.

11.0 REFERENCES

ASTM, 2013. E 1527-13 Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process. ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. United States.

Environmental Data Resources (EDR). May 14, 2015. Aerial Photograph Decade Package: Inquiry Number: 4291429.5.

May 11, 2015. Certified Sanborn Map Report: Inquiry Number: 4291429.3.

May 13, 2015. City Directory Image Report: Inquiry Number: 4291429.6.

May 11, 2015. Historic Topographic Maps: Inquiry Number: 4291429.4.

May 14, 2015. Radius Map Report: Inquiry Number: 4291429.2s.