




AGENDA ITEM NO.
C23

COUNTY OF HUMBOLDT

For the meeting of: June 5, 2018

Date: May 15, 2018

To: Board of Supervisors

From: John H. Ford, Director of Planning and Building Department 

Subject: Brisbin Lot Line Adjustment and Joint Timber Management Plan
 File No.: 222-156-002, 222-156-008, 222-156-012 (por.), 223-061-025
 Case No.: LLA-17-011, JTMP-17-005, Garberville area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Approve (by 4/5 vote) the Joint Timber Management Plan (JTMP) and Guide (Attachment B) prepared pursuant to Section 51119.5 of the California Government Code (C.G.C.). (Note: A 4/5th vote is required)
2. Find the project exempt from environmental review pursuant to Sections 15061(b)(3) and 15305 of the State CEQA Guidelines and make all of the required findings (Attachment D) to approve the Lot Line Adjustment.
3. Direct the Planning Division staff to record the Declaration with the JTMP and the Notices of Lot Line Adjustment and Certificate of Subdivision Compliance.
4. Direct the Clerk of the Board to give notice of the decision to owners, the County Assessor's Office and any other interested party.

Prepared by _____
Trevor Estlow, Senior Planner

CAO Approval 

REVIEW:	Auditor _____	County Counsel _____	Personnel _____	Risk Manager _____	Other _____
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Wilson*

Seconded by Supervisor *Bass*

Ayes *Bass, Fennell, Sundberg, Bohm, Wilson*

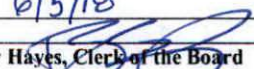
Nays _____

Abstain _____

Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 6/5/18

By: 

Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

The applicant is responsible for all costs associated with the processing of the project. Applicant fees are deposited into Planning and Building Department Current Planning Revenue Account 1100-277-608000.

DISCUSSION:

This project consists of two parts: a Joint Timber Management Plan and Guide (JTMP) prepared for Marshall Brisbin covering approximately 179 acres of Timberland Production Zone land; and an application for a Lot Line Adjustment (LLA) to reconfigure four parcels.

The JTMP prepared for Marshall Brisbin is comprised of three Management Units that correspond to separate legal parcels. Three of the four parcels involved in the LLA will contain less than 160 acres of TPZ zoned land, therefore, the JTMP only covers these three resultant parcels. The fourth parcel involved in the LLA does not contain any TPZ lands, therefore, is not included in the JTMP. Since the reconfigured parcels will result in the division of TPZ zoned land and contain less than 160 acres of land zoned TPZ, a JTMP is required to demonstrate that the resulting legal parcels can be managed as separate units and provide periodic sustainable return while balancing growth and yield over time.

The JTMP fulfills a required finding that the resultant parcels are consistent with the purpose of the TPZ, i.e., for the continued growing and harvesting of timber. As the size of a timberland parcel becomes smaller (below 160 acres), certain factors affecting the viability of the property to continue in a manner meeting the purpose of the zone become more important. The purpose of the JTMP is to ensure that the resultant parcels meet minimum stocking requirements, have adequate access to public roads and recorded access to private access roads, where needed, and are covered by a management guide which describes recommended silvicultural techniques, cutting cycle, stand regulation and regeneration, immediate stand treatments, fire protection, and other similar management practices.

The LLA will utilize four parcels containing various amounts of land zoned TPZ and reconfigure them into four parcels with three of them containing less than 160 acres of TPZ and the fourth containing no TPZ zoned land at all. While the adjustment is to create better management units and to facilitate the distribution of property in a trust, it is a division under statute requiring approval of a JTMP concurrent with the LLA. The property is located approximately 1.5 miles west of Garberville. The LLA involves four separate, legal parcels of approximately 166 acres, 39 acres, 39 acres and 138 acres in size and adjusts the boundaries between them to result in four timber management units of 122 acres, 71 acres, 123 acres and 67 acres. The JTMP indicates that the property is made up of Site II and Site III timberlands. The parcels contain uneven-aged stands stocked with redwood and Douglas-fir. Minor amounts of tanoak, madrone and other hardwoods also exist throughout the units. Planning staff believes that the findings for the LLA can be made based on upon the submitted evidence (Attachment D).

Section 51119.5 of the California Government Code (C.G.C.) and Section 314-7.4.1.3 of the Humboldt County Code (H.C.C.) require the preparation of a JTMP and Guide for the "division" of land into assessor parcels containing less than 160 acres of TPZ. Parcel is defined as "*that portion of an assessor's parcel that is timberland*" (C.G.C. Section 51104(i)). The JTMP and Guide is intended to guide the management and harvesting of timber on these smaller TPZ

ownerships that result from the division of assessor parcels zoned TPZ into assessor parcels containing less than 160 acres of TPZ. Activities that may result in such a division include subdivision, lot line adjustment, and conveyances of existing land units (e.g. land patents) underlying an assessor's parcel zoned TPZ, when any such created lot, reconfigured parcel or parcel to be conveyed contains less than 160 acres of TPZ land. Such circumstances require the preparation, review and approval of a JTMP and Guide per State law and local ordinance.

Consistent with Section 51119.5 of the C.G.C., a JTMP was prepared by Timberland Resource Consultants. The County's Forestry Review Committee (FRC) reviewed and recommended approval of the JTMP on October 9, 2017. Pursuant to Section 51119.5, the JTMP must receive a 4/5's affirmative vote of the Board of Supervisors to become effective.

On the basis of the FRC's favorable recommendation, Planning Division staff believes that the JTMP shows that the parcels can be managed consistent with these requirements.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application. This action is consistent with the Board's Strategic Framework through the Board's priorities to manage our natural resources and ensure the sustainability of agricultural and timber resources.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies, including the FRC which approved the JTMP on October 9, 2017.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to approve the project. Planning Division staff does not recommend this alternative. The JTMP shows that the management units within the LLA resultant parcels can be managed for continued timber production.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

- Attachment A: Declaration of Covenants, Conditions and Restrictions Implementing the Brisbin Joint Timber Management Plan and Guide
- Attachment B: Copy of the Joint Timber Management Plan
- Attachment C: County Forestry Review Committee Minutes of October 9, 2017
- Attachment D: Lot Line Adjustment Findings and Maps

ATTACHMENT A

**Declaration of Covenants, Conditions and Restrictions Implementing
the Brisbin Joint Timber Management Plan and Guide**

Recording Requested by:
County of Humboldt
Planning and Building Department

Return to:
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501-4484

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
IMPLEMENTING JOINT TIMBER MANAGEMENT PLAN AND GUIDE**

Entered into on:

Assessor Parcel No.:
222-156-002 et al

By and Between **MARSHALL BRISBIN, Successor Trustee**
U/T/D April 6, 1984
MARSHALL BRISBIN
MICHELLE M. GIROLO

Application No.: **13585**

Case No.: **LLA-17-011, JTMP-17-005**

RECITALS

DECLARANT is the owner of the property described in the attached EXHIBIT "A" (hereafter called the "subject property"). This Declaration of covenants, Conditions and Restrictions is recorded for the mutual benefit of all the subject property. DECLARANT declares that all of the real property described in the attached EXHIBIT "A" shall be held transferred, encumbered, used, sold, conveyed, leased and occupied subject to the covenants, conditions and restrictions hereafter set forth which covenants, conditions and restrictions are expressly and exclusively for the use and benefit of the above referenced property, and for the benefit and use of each and every person or entity who now owns, or acquires in the future, all or any portion or portions of said real property.

This Joint Timber Management Plan created by these covenants, conditions and restrictions shall be carried out in accordance with the most recent Joint Management Guide prepared with respect to the subject property, which Guide is attached as EXHIBIT "B" and is on file at the Humboldt County Planning and Building Department.

OWNER'S REPRESENTATION

We hereby represent that we are the owner(s) of record of the real properties described in the attached EXHIBIT "A".

MARSHALL BRISBIN, Successor Trustee ,

U/T/D April 16, 1984

Print name here

Marshall Brisbin Justice
Sign above

MARSHALL BRISBIN **

Print name here

Marshall Brisbin
Sign above

MICHELLE M. GIROLO **

Print name here

Michelle M. Girolo
Sign above

**husband and wife as community property with right of survivorship

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 17th day of February 2018, before me, Kelsey Younker Notary
Public

Public, personally appeared Marshall Brisbin and Michelle M. Girolo who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Kelsey Younker (seal)
Signature

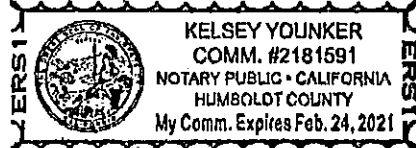


EXHIBIT A

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California, described as follows:

PARCEL A

COMMENCING at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian;

thence North 01 degree 36 minutes 45 seconds West, along the West line of the Northwest Quarter of the Northeast Quarter of said Section 23, for a distance of 229.77 feet to the Easterly extension of the South line of that parcel of land described on page 3 of Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded July 3, 1991, as Instrument No. 1991-14754-7, Humboldt County Official Records;

thence South 89 degrees 37 minutes 56 seconds West, along said South line, 75.00 feet, to the TRUE POINT OF BEGINNING of the parcel herein described;

- thence South, 69.65 feet;
- thence South 56 degrees 30 minutes 18 seconds West, 292.73 feet;
- thence South 14 degrees 24 minutes 54 seconds West, 81.20 feet;
- thence South 14 degrees 55 minutes 19 seconds East, 87.83 feet;
- thence South 39 degrees 09 minutes 08 seconds East, 74.14 feet;
- thence South 52 degrees 03 minutes 35 seconds East, 116.27 feet;
- thence South 22 degrees 20 minutes 46 seconds East, 82.20 feet;
- thence South 40 degrees 31 minutes 32 seconds East, 92.46 feet;
- thence South 51 degrees 39 minutes 24 seconds East, 87.33 feet;
- thence South 22 degrees 44 minutes 24 seconds East, 87.94 feet;
- thence South 30 degrees 49 minutes 02 seconds East, 62.48 feet;
- thence South 44 degrees 15 minutes 29 seconds East, 61.65 feet;
- thence South 16 degrees 28 minutes 02 seconds East, 4.39 feet;
- thence South 44 degrees 37 minutes 00 seconds West, 33.18 feet;
- thence South 01 degrees 01 minutes 01 seconds West, 38.74 feet;
- thence South 26 degrees 08 minutes 24 seconds East, 58.19 feet;
- thence South 38 degrees 21 minutes 03 seconds East, 43.61 feet;
- thence South 29 degrees 03 minutes 20 seconds East, 23.82 feet;
- thence South 14 degrees 15 minutes 01 seconds West, 19.55 feet;
- thence South 61 degrees 58 minutes 39 seconds West, 21.51 feet;
- thence North 87 degrees 53 minutes 38 seconds West, 57.11 feet;
- thence South 65 degrees 48 minutes 36 seconds West, 50.64 feet;
- thence South 37 degrees 50 minutes 08 seconds West, 102.25 feet;
- thence South 67 degrees 27 minutes 00 seconds West, 86.68 feet;
- thence South 51 degrees 22 minutes 02 seconds West, 71.59 feet;
- thence South 70 degrees 07 minutes 46 seconds West, 106.56 feet;
- thence South 51 degrees 16 minutes 58 seconds West, 79.86 feet;
- thence South 74 degrees 02 minutes 07 seconds West, 174.34 feet;
- thence South 50 degrees 56 minutes 50 seconds West, 52.82 feet;
- thence South 35 degrees 51 minutes 15 seconds West, 10.30 feet;
- thence South 89 degrees 31 minutes 56 seconds West, 372.28 feet;
- thence North 72 degrees 53 minutes 10 seconds West, 43.07 feet;

thence North 89 degrees 34 minutes 33 seconds West, 91.30 feet;
thence North 54 degrees 13 minutes 56 seconds West, 219.88 feet;
thence North 72 degrees 35 minutes 34 seconds West, 149.74 feet;
thence South 14 degrees 33 minutes 54 seconds East, 268.67 feet;
thence East, 34.06 feet, more or less, to the East line of the Northwest Quarter of the Southwest Quarter of said Section 23;
thence Southerly, along said East line to the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 23;
thence Westerly, along the South line of said Northwest Quarter of the Southwest Quarter to the Southwest corner thereof;
thence Northerly along the West line of Section 23 to the South line of that parcel of land described on page 3 of Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded July 3, 1991, as Instrument No. 1991-14754-7, Humboldt County Official Records;
thence Easterly along said South line to the TRUE POINT OF BEGINNING.

PARCEL B

BEGINNING at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian;

thence North 01 degree 36 minutes 45 seconds West, along the West line of the Northwest Quarter of the Northeast Quarter of said Section 23, for a distance of 229.77 feet to the Easterly extension of the South line of that parcel of land described on page 3 of Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded July 3, 1991, as Instrument No. 1991-14754-7, Humboldt County Official Records;

thence South 89 degrees 37 minutes 56 seconds West, along said South line, 75.00 feet;

thence South, 69.65 feet;

thence South 56 degrees 30 minutes 18 seconds West, 292.73 feet;

thence South 14 degrees 24 minutes 54 seconds West, 81.20 feet;

thence South 14 degrees 55 minutes 19 seconds East, 87.83 feet;

thence South 39 degrees 09 minutes 08 seconds East, 74.14 feet;

thence South 52 degrees 03 minutes 35 seconds East, 116.27 feet;

thence South 22 degrees 20 minutes 46 seconds East, 82.20 feet;

thence South 40 degrees 31 minutes 32 seconds East, 92.46 feet;

thence South 51 degrees 39 minutes 24 seconds East, 87.33 feet;

thence South 22 degrees 44 minutes 24 seconds East, 87.94 feet;

thence South 30 degrees 49 minutes 02 seconds East, 62.48 feet;

thence South 44 degrees 15 minutes 29 seconds East, 61.65 feet;

thence South 16 degrees 28 minutes 02 seconds East, 4.39 feet;

thence South 44 degrees 37 minutes 00 seconds West, 33.18 feet;

thence South 01 degrees 01 minutes 01 seconds East, 38.74 feet;

thence South 26 degrees 08 minutes 24 seconds East, 58.19 feet;

thence South 38 degrees 21 minutes 03 seconds East, 43.61 feet;

thence South 29 degrees 03 minutes 20 seconds East, 23.82 feet;

thence South 14 degrees 15 minutes 01 seconds West, 19.55 feet;

thence South 61 degrees 58 minutes 39 seconds West, 21.51 feet;

thence North 87 degrees 53 minutes 38 seconds East, 57.11 feet;

thence South 65 degrees 48 minutes 36 seconds West, 50.64 feet;

thence South 37 degrees 50 minutes 08 seconds West, 102.25 feet;

thence South 67 degrees 27 minutes 00 seconds West, 86.68 feet;

thence South 51 degrees 22 minutes 02 seconds West, 71.59 feet;

thence South 70 degrees 07 minutes 46 seconds West, 106.56 feet;

thence South 51 degrees 16 minutes 58 seconds West, 79.86 feet;

thence South 74 degrees 02 minutes 07 seconds West, 174.34 feet;
thence South 50 degrees 56 minutes 50 seconds West, 52.82 feet;
thence South 35 degrees 51 minutes 15 seconds West, 10.30 feet;
thence South 89 degrees 31 minutes 56 seconds West, 372.28 feet;
thence North 72 degrees 53 minutes 10 seconds West, 43.07 feet;
thence North 89 degrees 34 minutes 33 seconds West, 91.30 feet;
thence North 54 degrees 13 minutes 56 seconds West, 219.88 feet;
thence North 72 degrees 35 minutes 34 seconds West, 149.74 feet;
thence South 14 degrees 33 minutes 54 seconds East, 268.67 feet;
thence East, 34.06 feet, more or less, to the East line of the Northwest Quarter of the Southwest Quarter of said Section 23;
thence Northerly, along said East line, 45.50 feet, more or less, to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 23;
thence North 89 degrees 31 minutes 56 seconds East, along the East-West centerline of said Section 23, for a distance of 4012.19 feet, more or less, to the Southeast corner of the Northeast Quarter of said Section 23;
thence Northerly along the East line of said Section 23 to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 23;
thence Westerly, along the North line of the South Half of the Northeast Quarter of said Section 23 to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel:

BEGINNING at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian;

thence North 01 degree 36 minutes 45 seconds West, along the West line of the Northwest Quarter of the Northeast Quarter of said Section 23, for a distance of 229.77 feet to the Easterly extension of the South line of that parcel of land described on page 3 of Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded July 3, 1991, as Instrument No. 1991-14754-7, Humboldt County Official Records;

thence South 89 degrees 37 minutes 56 seconds West, along said South line, 75.00 feet;
thence South, 69.65 feet;
thence South 56 degrees 30 minutes 18 seconds West, 292.73 feet;
thence South 14 degrees 24 minutes 54 seconds West, 81.20 feet;
thence South 14 degrees 55 minutes 19 seconds East, 87.83 feet;
thence South 39 degrees 09 minutes 08 seconds East, 74.14 feet;
thence South 52 degrees 03 minutes 35 seconds East, 116.27 feet;
thence South 22 degrees 20 minutes 46 seconds East, 82.20 feet;
thence South 40 degrees 31 minutes 32 seconds East, 92.46 feet;
thence South 51 degrees 39 minutes 24 seconds East, 87.33 feet;
thence South 22 degrees 44 minutes 24 seconds East, 87.94 feet;
thence South 30 degrees 49 minutes 02 seconds East, 62.48 feet;
thence South 44 degrees 15 minutes 29 seconds East, 61.65 feet;
thence South 16 degrees 28 minutes 02 seconds East, 4.39 feet;
thence South 75 degrees 55 minutes 31 seconds East, 23.22 feet;
thence South 51 degrees 40 minutes 17 seconds East, 124.74 feet;
thence South 72 degrees 26 minutes 12 seconds East, 52.88 feet;
thence South 79 degrees 47 minutes 13 seconds East, 70.21 feet;
thence South 61 degrees 06 minutes 02 seconds East, 75.27 feet;
thence South 79 degrees 34 minutes 19 seconds East, 56.65 feet;
thence North 76 degrees 26 minutes 08 seconds East, 60.82 feet;
thence North 65 degrees 14 minutes 46 seconds East, 71.67 feet;
thence North 01 degree 31 minutes 05 seconds West, 802.37 feet, more or less, to the North line of the Southwest Quarter of the Northwest Quarter of said Section 23;

thence South 88 degrees 56 minutes 12 seconds West, along said North line, 549.97 feet, more or less, to the POINT OF BEGINNING.

PARCEL C

BEGINNING at the Northwest corner of the South Half of the Northwest Quarter of Section 24, Township 4 South, Range 3 East, Humboldt Meridian;

thence Easterly along the North line of the said South Half of the Northwest Quarter, 1500 feet, more or less, to the Westerly line of Resultant Parcel "B" of Instrument No. 2010-1311-6, Humboldt County Records;

thence South 39 degrees 33 minutes 20 seconds East, along said line, 526.58 feet, more or less, to the Southwest corner of that parcel of land conveyed to Donna Dae Brisbin, Trustee, by deed recorded April 10, 1984 in Book 1731 Official Records, Page 484, and described as "Sanitary District Excess Parcels" on page 489;

thence South 70 degrees 39 minutes 12 seconds East, along the South line of said parcel, 208.70 feet to the Southeast corner thereof;

thence North 19 degrees 20 minutes 48 seconds East, along the Easterly line of deed parcel, 414.86 feet to the Southerly line of that parcel of land conveyed to Garberville Sanitary District by deed recorded July 20, 1965 in Book 844 Official Records, Page 615;

thence South 65 degrees 52 minutes East, along said line, 79.24 feet to the Southeast corner thereof, being the center of Eel River;

thence Southwesterly along the center of Eel River to the West line of the Southwest Quarter of said Section 24;

thence Northerly along the West line of said Section 24 to the point of beginning.

PARCEL D

PARCEL ONE

The Northwest Quarter of the Northeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian.

PARCEL TWO

The Northeast Quarter of the Northeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian.

PARCEL THREE

BEGINNING at the Northwest corner of Section 24, Township 4 South, Range 3 East, Humboldt Meridian;

thence Easterly, along the North line of said Section 24, for a distance of 1062.6 feet to the Westerly line of that parcel of land described in Book 258 Deeds, Page 200, Humboldt County Records;

thence South 62 degrees 00 minutes East, along said line, 310 feet, more or less, to the most Northerly corner of that parcel of land conveyed to Garberville Sanitary District by deed recorded January 20, 2010 as Instrument No. 2010-1314-3, Humboldt County Records;

thence along the Westerly and Southerly line of land the following courses:

South 43 degrees 37 minutes 12 seconds West, 562.25 feet to a 5/8" rebar tagged L.S. 7207,

South 37 degrees 43 minutes 49 seconds West, 239.41 feet to a 5/8" rebar tagged L.S.
7207,
South 13 degrees 15 minutes 03 seconds East, 216.24 feet to a 5/8" rebar tagged L.S.
7207,
South 73 degrees 37 minutes 40 seconds East, 282.12 feet to a 5/8" rebar tagged L.S.
7207,
South 61 degrees 55 minutes 30 seconds East, 417.00 feet to a 5/8" rebar tagged L.S.
7207;

thence South 39 degrees 33 minutes 20 seconds East, along the Westerly line of Resultant Parcel "B" of Instrument No. 2010-1311-6, Humboldt County Records, 55 feet, more or less, to the South line of the North Half of the Northwest Quarter of said Section 24;

thence Westerly along said South line to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 24;

thence North along the West line of the Northwest Quarter of the Northwest Quarter of said Section 24 to the POINT OF BEGINNING.

PARCEL FOUR

BEGINNING at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian;

thence North 01 degree 36 minutes 45 seconds West, along the West line of the Northwest Quarter of the Northeast Quarter of said Section 23, for a distance of 229.77 feet to the Easterly extension of the South line of that parcel of land described on page 3 of Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded July 3, 1991, as Instrument No. 1991-14754-7, Humboldt County Official Records;

thence South 89 degrees 37 minutes 56 seconds West, along said South line, 75.00 feet;

thence South, 69.65 feet;

thence South 56 degrees 30 minutes 18 seconds West, 292.73 feet;

thence South 14 degrees 24 minutes 54 seconds West, 81.20 feet;

thence South 14 degrees 55 minutes 19 seconds East, 87.83 feet;

thence South 39 degrees 09 minutes 08 seconds East, 74.14 feet;

thence South 52 degrees 03 minutes 35 seconds East, 116.27 feet;

thence South 22 degrees 20 minutes 46 seconds East, 82.20 feet;

thence South 40 degrees 31 minutes 32 seconds East, 92.46 feet;

thence South 51 degrees 39 minutes 24 seconds East, 87.33 feet;

thence South 22 degrees 44 minutes 24 seconds East, 87.94 feet;

thence South 30 degrees 49 minutes 02 seconds East, 62.48 feet;

thence South 44 degrees 15 minutes 29 seconds East, 61.65 feet;

thence South 16 degrees 28 minutes 02 seconds East, 4.39 feet;

thence South 75 degrees 55 minutes 31 seconds East, 23.22 feet;

thence South 51 degrees 40 minutes 17 seconds East, 124.74 feet;

thence South 72 degrees 26 minutes 12 seconds East, 52.88 feet;

thence South 79 degrees 47 minutes 13 seconds East, 70.21 feet;

thence South 61 degrees 06 minutes 02 seconds East, 75.27 feet;

thence South 79 degrees 34 minutes 19 seconds East, 56.65 feet;

thence North 76 degrees 26 minutes 08 seconds East, 60.82 feet;

thence North 65 degrees 14 minutes 46 seconds East, 71.67 feet;

thence North 01 degree 31 minutes 05 seconds West, 802.37 feet, more or less, to the North line of the Southwest Quarter of the Northwest Quarter of said Section 23;

thence South 88 degrees 56 minutes 12 seconds West, along said North line, 549.97 feet, more or less, to the POINT OF BEGINNING.

This description is based on a Record of Survey map for Donna Dae Brisbin Trust in Sections 23 and 24, Township 4 South, Range 3 East, Humboldt Meridian, dated January 2018, to be filed with the Humboldt County Recorder subsequent to the recordation of this document.

Prepared by:

Michael J. O'Hern

Michael J. O'Hern
LS 4829 Dated: APRIL 10, 2018



COVENANTS, CONDITIONS AND RESTRICTIONS APPLICABLE TO
THE PROPERTY DESCRIBED IN EXHIBIT "A"

1. Term. These covenants, conditions and restrictions shall run with the land and shall be binding on all heirs, successors, or assigns of DECLARANT, and on all persons or entities holding any interest in the subject property, for as long as the land is zoned Timber Production (TPZ).
2. Access Easements. In addition to and notwithstanding any other easements of record which may exist, each owner of a parcel described in Exhibit A shall have the non-exclusive easements as described in the Joint Timber Management Plan and attached as Exhibit B.
3. Timber Management and Harvest. Timber management and harvest activities on all parcels described in Exhibit "A" shall be conducted in accordance with the most recently prepared Joint Timber Management Guide applicable to the subject property, on file with the Humboldt County Planning and Building Department and incorporated herein by this reference. Said Guide shall provide for timber harvest within a reasonable period of time.
4. Enforcement. Enforcement may be undertaken by any available proceeding at law or in equity against any person, persons, or entity violating or attempting to violate any of the covenants, conditions and restrictions contained herein. Any remedy available at law or in equity may be sought for the purpose of restraining or preventing any violation of these covenants, conditions and restrictions, or to recover damages for any such violation.
5. Severability. Invalidation of any one of these covenants, conditions and restrictions shall in no way affect or serve to invalidate any of the other provisions contained herein, and all remaining provisions shall remain in full force and effect.
6. Incorporation into Transfer Document(s). A reference to this Declaration of Covenants, Conditions and Restrictions Implementing the Joint Timber Management Plan and Guide and the Recorder's Document Information shall appear in any document which transfers title to the subject property, or any portion thereof, and shall be in substantially the following form:

"This real property is subject to the provisions of a Declaration of Covenants, Conditions and Restrictions Implementing the Joint Timber Management Plan and Guide recorded in the office of the Humboldt County Recorder as Recorder's document _____."

IN WITNESS WHEREOF, DECLARANT(S) has/have executed this Declaration of Covenants, Conditions and Restrictions on the day and year first written below.

Marshall Brisbin
Declarant's (Property Owners') Signature *

2/17/2018
Date

Marshall Brisbin
Declarant's (Property Owners') Signature *

2/17/2018
Date

Michelle M. Girolo
Declarant's (Property Owners') Signature *

2/17/18
Date

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

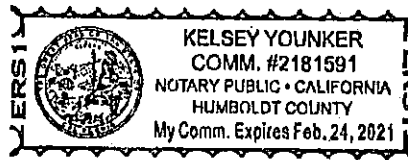
On this 17th day of February, 2018, before me, Kelsey Younker Notary Public

Public Notary, personally appeared Marshall Brisbin and Michelle M. Girolo who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

[Signature] (seal)
Signature



ATTACHMENT B

Copy of the Brisbin
Joint Timber Management Plan and Guide



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Brisbin JTMP



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Date

Brisbin JTMP

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JOINT TIMBER MANAGEMENT GUIDE

1. CURRENT PROPERTY OWNERS

Donna Dae Brisbin Trust
PO box 186
Garberville, CA 95542

2. PROJECT DESCRIPTION

A Joint Timber Management Plan (JTMP) applies to the "division" of land into assessor parcels containing less than 160 acres of Timber Production Zone (TPZ). Parcel is defined as "that portion of an Assessor's parcel that is timberland". Activities that may result in such a division include subdivision, lot line adjustment and conveyances of existing land units (e.g. land patents) underlying an Assessor's parcel zoned TPZ, when any conveyance contains less than 160 acres of TPZ land. In this scenario, a Lot Line Adjustment (LLA) is being proposed between the current parcel configuration. The Brisbin JTMP is comprised of 4 Management Units. Management Units correspond to the four separate legal parcels eligible described as Parcels 1-4. Since the recognition of the legal parcels 1-3 will result in substandard assessor's parcels zoned as Timber Production Zone (TPZ), a Joint Timber Management Plan (JTMP) is required to demonstrate that the resulting management units (i.e. legal parcels) will be suitable for timber production and harvesting.

Management Unit ID	TPZ acres	AE acres	Total acres
Parcel 1*	50.4	71.4	121.8
Parcel 2	53.7	29.9	83.6
Parcel 3	74.3	3.7	109.9
Parcel 4**	n/a	n/a	66.8

* A portion of this APN (The S1/2 of the SW 1/4 of Section 23 and the NE 1/4 of the SW 1/4 of Section 23; T4S, R3E HB&M) is a separate legal parcel and is under a different ownership. As such it is not included in this JTMP.

** Parcel 4 is not included in the JTMP as the parcel contains no TPZ.

This JTMP is therefore being submitted to demonstrate to the County that the resulting substandard TPZ parcel can be jointly managed to maintain viable timber production. This JTMP has been prepared using the assumption that the county will assign APNs based on the counties traditional book and page numbering system, which may result in several APNs for one legal parcel due to parcels overlapping Sections or County lines. Each of the three management units contain TPZ portions less than 160 acres, hence substandard parcels, and as such timber stand statistics have been presented for parcels 1-3. The purpose of the Joint Timber Management Plan is to provide a management guide for harvesting timber for all parcels affected by the division of land. This Joint Timber Management Plan includes both a "*Timber Management Plan*" and a "*Timber Management Guide*". The objective of the "*Timber Management Plan*" is to identify joint access, rights-of-ways and the minimum stocking requirements of the Forest Practice Rules required to maintain viable timber producing management units. The objective of the "*Timber Management Guide*" is to provide a descriptive document that describes the property and outlines the management opportunities to the landowners.

3. MANAGEMENT OBJECTIVES

The timber management objectives are to achieve a Maximum Sustained Production of High quality timber products while retaining aesthetic, recreational, watershed, wildlife and fisheries resources. The JTMP area is stocked with conifers and hardwoods and will be managed using a combination of intermediate, uneven-aged, or even aged regeneration methods. The retention of aesthetic, recreational, watershed, wildlife, and fisheries resources shall be met by following the California Forest Practice Rules. The long-term JTMP management objective is to balance growth and harvest over time to obtain a sustainable periodic return while supporting watershed, wildlife, fisheries, and recreational services.

4. LEGAL DESCRIPTION

Parcel 1: Portions of the South Half of the Northwest Quarter and portions of the Northwest Quarter of the Southwest Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian.

5. LEGAL DESCRIPTION (Cont.)

Parcel 2: Portions of the South Half of the Northeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian.

Parcel 3: Portions of the North Half of the Northeast Quarter of Section 23, and portions of the Northwest Quarter of the Northwest Quarter of Section 24, Township 4 South, Range 3 East, Humboldt Meridian.

Parcel 4: Portions of the Southwest Quarter of the Northwest Quarter of Section 24. Township 4 South, Range 3 East, Humboldt Meridian.

Note the underlined portions of the legal descriptions reflect the changes as result of the Lot Line Adjustment. See the LLA Map in the Map Section.

6. GENERAL LOCATION AND ACCESS

The JTMP area is located approximately one half mile west of Garberville, California. The tract is accessed via Connick Creek Road from the north side of South Fork Eel River and connects a network of private permanent and seasonal roads. The average road grade of the existing roads are between 2% and 20% and suitable for hauling logs from the majority of the property. Very little, if any, additional truck road construction is required within the JTMP area to effectively yard the JTMP area, however some roads would need to be reconstructed. Landowners should consult with an RPF prior to the establishment of any new truck roads. Any road construction occurring within the JTMP area should be permitted under an approved THP/NTMP or will be subject to Humboldt County's Grading Ordinance. http://co.humboldt.ca.us/planning/building/documents/grad_ord.pdf

In addition to the aforementioned access for the purpose of timber management activities, non-descript easements for truck road, skid trail, landing and cable corridor construction pursuant to the attached Timber Management Road Use Agreement are required to maintain viable timber management units. When truck roads, skid trails, landings and cable corridors are required to be established across parcel boundaries their location should be jointly established by the affected landowners to benefit current and future timber operations. Landowners should consult with an RPF prior to the establishment of any truck roads, skid trails, landings or cable corridors. Any truck road, skid trail, landing or cable corridor construction occurring within the JTMP area should be permitted under an approved THP/NTMP or equivalent document.

A Timber Management Road Use Agreement has been attached to the Timber Management Plan as Appendix A. The Timber Management Road Use Agreement is to insure access is available for each management unit for the eventual commercial harvest of timber products. Each party shall have the right to use existing roadways, as shown on the Timber Management Plan Map and described above, across real property of the other parties for the purpose of forestry management and timber harvesting. In regards to timber harvesting this may include, but is not limited to, road access for trucks, machinery and personnel. Each party shall have the right to construct truck roads, skid trails, landings and cable corridors, pursuant to the Timber Management Road Use Agreement across real property of the other parties for the purpose of forestry management and timber harvesting, provided that locations of new truck roads, skid trails, landings and cable corridors are determined to be necessary by an RPF in association with approved THP/NTMP or equivalent document.

7. HARVEST METHODS

The entire JTMP area can be yarded using a combination of tractor and cable based systems. The JTMP Map shows the areas suitable for each yarding method. Ground based yarding generally occurs on slopes less than 50%. The entire JTMP area was logged in the past utilizing ground and cable based methods which established an intricate skid trail network that accesses most of the timbered areas. Due to the numerous skid trails constructed in the previous entry, it is unlikely that new skid trails will be required. However, some may require reconstruction and/or realignments to avoid environmental impacts which may include newly constructed segments. When skid trails are required (existing or proposed) to be established across management unit boundaries, their location should be jointly established by the affected management unit owners to benefit current and future timber operations.

8. HARVEST METHODS (Cont.)

Cable based and helicopter yarding areas are shown on the JTMP Map and generally occur on areas that are not accessible by tractors due to steep topography and watercourses. Although these steep slopes were logged in the past using ground based equipment, today's standards generally favor harvesting using cable or helicopter based systems. Within the areas suitable for cable yarding, roads are positioned to provide key cable yarding locations that provide adequate deflection and access to the timbered areas of the JTMP. Within the cable based areas tractor operations should be limited to the use of a few designated skid trails that may be required to access long corners, provide tail holds and bunch logs. Existing road distribution and landing frequency is adequate to efficiently cable yard the designated portions of the JTMP area. Cable yarding corridors may also be required to be established across management unit boundaries. When cable corridors are required to be established across management unit boundaries both owners should consider harvesting concurrently to alleviate the cost of multiple entries and the filing of separate Timber Harvest Plans. During administration of a THP, a RPF will be able to establish cable corridors that provide the greatest access to all affected management units.

Helicopter yarding is the only feasible option in areas where road access is restricted due to steep topography and large watercourses. Modern forest practice regulation often prohibits the use of roads in the inner gorge of watercourses, extremely steep slopes, and/or potential unstable areas even when past logging operations occurred in such areas. Consequently, helicopter logging may also occur on lands designated for tractor or cable yarding.

9. PHYSICAL DESCRIPTION

Slopes of the JTMP area range from zero (0) to seventy (70) percent or more with the majority of the plan area exhibiting northern and southern aspects. Elevations range from approximately 400-1500 feet above sea level.

The major soil type in the JTMP area, according to the Natural Resources Conservation Service (NRCS) Web soil survey for *Humboldt County, South Part, California* is the Sproulish-Canoecreek-Redwholy complex (574). Minor associations include the Briceland-Tankridge complex (645), however these soils fall outside of TPZ areas.

Sproulish soils are described as deep gravelly clay loams originating from colluvium and residuum derived from sandstone, mudstone, and metasedimentary rocks. These soils have a surface layer of light brown gravelly silt loam with medium granular structure. Subsoil layers are pale brown in color with gravelly clay loam texture and medium subangular blocky structure. Permeability is rated moderately rapid with good drainage characteristics. These soils are used for timber production, wildlife, and watershed. Forest site class is generally Site II and Site III.

Canoecreek soils are deep gravelly loams formed in colluvium derived from sandstone, mudstone, and conglomerate. Surface layers are dark brown in color with moderate to very fine granular structure. Subsurface layers are dark brown with fine granular structure. Permeability is rated moderately rapid with good drainage characteristics. These soils are generally used for timber production, wildlife, and watershed services.

Redwholy soils consist of very deep, well-drained fine loams formed in residuum derived from sandstone and mudstone. Surface layers are brown gravelly loams with moderate granular structure. Subsurface layers are dark-yellowish brown with moderate subangular blocky structure. Permeability is rated moderate with high runoff classification. Depth to a restrictive layer is 20-40 inches.

10. TIMBER HARVEST HISTORY

The JTMP area was originally logged in the 1950's which consisted of clearcutting the redwood stands and highgrading the Douglas-fir. There was a second entry in the mid 1980s which utilized evenaged methods to harvest the lower reaches of the Class II watercourse flowing through the JTMP area. The project area was reentered again in 1998 for purposes of Seed Tree Removal and Selection harvesting. This harvest removed the majority of overstory trees in Parcels 1, 2, and 3. The existing road system was established at the time of the initial timber harvesting in the 1950's and maintained during the previous stand entry in 1998.

11. PRESENT TIMBER STAND DESCRIPTION and VOLUME SUMMARIES

The JTMP area is 178 acres of timberland. Although this JTMP area is broken into several parcels, only three of the four units contain areas in TPZ. Specific stand data is presented for the three sub-standard parcels, #1, #2, and #3.

Parcel #1 is comprised of an uneven-aged stand moderately stocked with Douglas-fir and redwood, intermixed with tanoak, brush, and other hardwoods. Associated species occurring within the stand include Pacific madrone and minor amounts of California black oak, red alder, big-leaf maple, and California bay laurel. The dominant cohort is between 60-70 years old with few second growth redwood and Douglas-fir trees remaining from the time of the original clearcut in the 1950's. Portions of the area in Parcel #1 were re-entered in the late 1990's and restocking efforts following operations appear to have been largely successful. Regeneration appears healthy however varying degrees of competition from tanoak and huckleberry exist in patches throughout the stand.

Currently, the stand is comprised of 206 ft² of basal area per acre, consisting of 34% redwood, 21% Douglas-fir, 14% tanoak, 6.5% Pacific madrone, and 24% comprised of regeneration. Overall the stand contains 939 trees per acre, of which 90 trees > 8" DBH. Redwood trees make up the dominate tree layer with 38 trees per acre (18.6" DBH QMD), and an additional 50 trees <8" DBH. Douglas-fir adds 24 trees per acre (18.1" DBH QMD). The understory is dense consisting of young sapling sized tanoak and Douglas-fir with patches of brush consisting of huckleberry.

<u>Stocking Statistics for Parcel #1</u>	
Average conifer diameter:	18.4 inches
Average hardwood diameter:	16.8 inches
Average conifer basal area/acre:	114 square feet
Average hardwood basal area/acre:	43 square feet
Conifer volume/acre:	12,533 board feet
Hardwood volume/acre:	27.6 green tons

Parcel #2 is comprised of an uneven-aged stand moderately stocked with Douglas-fir and redwood and intermixed with tanoak, Pacific madrone, and other hardwoods. Minor amounts of California bay laurel, red alder, big leaf maple, and California buckeye exist within the stand with scattered patches of live oak, Oregon white oak, and California black oak. The dominant age class is between 60-70 years old with scattered residual Douglas-fir located along the edges of grasslands. Few second growth redwood remain in the stand from the time of the original harvest in the 1950's. Portions of the western extent of Parcel #2 were reentered in the late 1990's and restocking efforts following operations appear to have been largely successful.

Currently, the stand is comprised of 137 ft² of basal area per acre, consisting of 28% redwood, 28% Douglas-fir, 18% tanoak, and 6% Pacific madrone, and 7% other trees. Overall the stand contains 495 trees per acre, of which 89 trees > 8" DBH. Redwood and Douglas-fir trees make up the dominate tree layer with 54 trees >8" DBH per acre (16.3" DBH QMD), with an additional 256 trees <8" DBH. The understory is moderately dense consisting of young sapling sized Douglas-fir, tanoak, redwood, and various other species.

<u>Stocking Statistics for Parcel #2</u>	
Average conifer diameter:	16.3 inches
Average hardwood diameter:	15.5 inches
Average conifer basal area/acre:	78.5 square feet
Average hardwood basal area/acre:	44.6 square feet
Conifer volume/acre:	7,980 board feet
Hardwood volume/acre:	25.8 green tons

Parcel #3 is comprised of an uneven-aged stand well stocked with redwood and Douglas-fir with scattered patches of tanoak and other hardwoods. Associated species include Pacific madrone, Oregon white oak, California black oak and California bay laurel. Minor amounts of big leaf maple, red alder and California buckeye can be found within the stand with live oak also occurring on steep slopes and near outcrops. The dominate age class is

12. PRESENT TIMBER STAND DESCRIPTION and VOLUME SUMMARIES (Cont.)

approximately 20-40 years old, resulting from the previous logging entries in the 1980s and late 1990s. Few second growth redwoods persist from the time of the original clearcut and subsequent selection harvests. Restocking efforts following the last harvest appear to have successful, however where Douglas-fir is the dominant tree type, stocking levels could benefit from some planting. Overall the stand is well-stocked.

Currently, the stand is comprised of 132 ft² of basal area per acre, consisting of 56% redwood, 20% Douglas-fir, 6% tanoak, 1% Pacific madrone, and 17% comprised of other hardwoods. Overall the stand contains 600 trees per acre. Redwood trees make up the dominate tree layer with 46 trees >8" DBH per acre (17.1" DBH QMD), with an additional 142 trees <8" DBH. The understory is dense consisting of young sapling sized redwood, tanoak, and Douglas-fir.

Stocking Statistics for Parcel #3	
Average conifer diameter:	17.7 inches
Average hardwood diameter:	14.5 inches
Average conifer basal area/acre:	100 square feet
Average hardwood basal area/acre:	32 square feet
Conifer volume/acre:	11,528 board feet
Hardwood volume/acre:	21.8 green tons

13. CRUISE METHODOLOGY

Timber cruise methodology:

- a. The JTMP area was sampled in May of 2017 using a variable plot sampling system.
- b. Plots were established on a systematic grid within Parcels #1-3.
- c. At every plot, a prism swing was made using a 25 BAF wedge prism and all trees 10 inches DBH and greater were tallied and measured for DBH and assessed for defect. Heights were determined on a sub-sample at every other cruise plot. Form class was visually estimated. Trees smaller than 10" DBH were sampled on a fixed 1/300 acre plot.

14. VOLUME DETERMINATION

The Scribner board foot volumes were calculated using Wensel & Krumland's board foot volume equation coefficients from the publication *Volume and Taper Relationships for Redwood, Douglas-fir, & Other Conifers in California's North Coast* (University of Ca., Bulletin 1907). Equation 3.19. The green ton volumes were calculated using volume tables developed by Richard G. Oderwald. These volumes are in tons to a four-inch top DOB, by DBH and total height, height in feet by five-foot increments. No deductions were made for hidden defects or expected breakage.

15. FUTURE YIELD

The projected growth estimates for the JTMP area are based upon published yield tables for evenaged stands of young-growth coastal redwood and associated species. (Lindquist and Palley, 1963). Yield is in board feet, Scribner rule, for trees larger than 10.5" DBH to a 8-inch top. All values assume no commercial harvesting.

Parcel 1 is approximately 50% of what would be considered "fully stocked". As such the table below shows a 50% reduction in current and future yields relative to the projections made for evenaged stands. Should efforts be made to improve stocking on parcel 1, future yields would increase significantly.

Parcel 1	2017		2027		2037		2047	
	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre
50 acres:	631	12.5	763.3	15.1	914.7	18.1	1080	21.4

16. FUTURE YIELD (Cont.)

Parcel 2 is approximately 40% of what would be considered "fully stocked". The table below shows a 60% reduction in current and future yields. Should efforts be made to improve stocking on parcel 2, future yields would increase significantly.

Parcel 2	2017		2027		2037		2047	
	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre
54 acres:	428	7.9	541.7	10.0	655.5	12.1	769.2	14.2

Parcel 3 is approximately 75% of what would be considered "fully stocked". The table below shows a 25% reduction in current and future yields. Should efforts be made to improve stocking on parcel 2, future yields would increase significantly.

Parcel 3	2017		2027		2037		2047	
	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre	Total MBF Volume	MBF Vol/Acre
74 acres	856	11.5	1607.8	21.6	2411.7	32.4	3245.4	43.6

17. SILVICULTURAL RECOMMENDATIONS

The long-term management objective for TPZ lands is to maximize the production of high quality forest products. Currently, the stands are well stocked with conifers and appear quite healthy. While some pockets of brush and hardwood regeneration occur, even moderately stocked areas appear to be on the right trajectory in terms of long term sustained yield. Parcel #1 could benefit from tree planting to reduce competition from brush and other non-commercial species.

Future management of the JTMP can be either even-aged or uneven-aged in design. In an even-aged scenario, a commercial thinning would be advised to reduce density, improve spacing, and capture mortality. Following thinning, several even-aged silvicultural options could be used to regenerate the stand as allowed in the Forest Practice Rules. If a two-aged management system is used, artificial regeneration is advised following seed tree or shelterwood preparatory steps.

The aforementioned silvicultural recommendations are for large THP/NTMP projects. However, there are several practices that individual landowners can do to enhance their timber stands in between commercial operations. These include precommercial thinning or hand releasing of conifer & tanoak thickets. Precommercial thinning should focus on removing competing vegetation from around conifer regeneration or thinning out saplings and poles to release over crowded conifers. Additionally, pruning of limbs in timber stands can be undertaken on a small management unit scale and will enhance the quality of wood while allowing sunlight to reach the forest floor to promote regeneration in the understory. It is also recommended that inter-planting be encouraged within the management units to supplement the existing conifers and increase Maximum Sustained Production.

In order to maximize potential growth, it is recommended to harvest trees that have mechanical damage or disease. Removal of the residual overstory and as many hardwoods as feasible will provide growing space for desirable conifers from natural and artificial regeneration. Site preparation by mechanical means may be undertaken following harvest to reduce competition of broadleaf species. Planted areas should be monitored to determine the need for intermediate treatments such as browse protection, inter-planting tree release and pre-commercial thinning.

18. CONSERVATION AND PROTECTION MEASURES

Roads: The primary road system is in good shape and provides adequate access to the timber stands for future management activities. Secondary seasonal roads are also generally well defined and will require minimal grading to facilitate hauling. Segments of seasonal roads may require repair or construction of stream crossings.

18. CONSERVATION AND PROTECTION MEASURES (Cont.)

Future timber harvesting will require that the roads and crossings be maintained to present standards, which in part, are enforced by the Forest Practice Act (CDF), Clean Water Act (WQ), and the Endangered Species Act (DFG & USFWS). Roads should be adequately drained using a combination of outsloping, insloping with cross drains, water bars and rocked rolling dips to avoid concentrated runoff that may cause erosion. The landowner is encouraged to consult with a RPF prior to conducting any road maintenance activities that are not associated with a permitted timber operation.

Fire Risk: The RPF did not observe any stand conditions, such as overcrowding or high concentrations of surface fuels, which would make the JTMP area at high risk for a forest fire. However, it is widely recognized that logging and forest management activities can increase the risk and severity of intense forest fires. Commercial logging generally removes the least flammable portion of trees—their main stems or trunks—while leaving behind their most flammable portions—their needles and limbs—directly on the ground. Untreated logging slash can adversely affect fire behavior for up to 30 years following the logging operations. Commercial logging reduces the “over story” tree canopy, which moderates the “microclimate” of the forest floor. This reduction of the tree canopy exposes the forest floor to increased sun and wind, causing increased surface temperatures and decreased relative humidity. This in turn causes surface fuels to be hotter and drier, resulting in faster rates of fire spread, greater flame lengths and fire-line intensities, and more erratic shifts in the speed and direction of fires. Small diameter surface fuels are the primary carriers of fire. Current fire-spread models such as the BEHAVE program do not even consider fuels greater than three inches in diameter, because it is mainly the fine-sized surface fuels that allow the fire to spread. Commercial logging operations remove large diameter fuels, which are naturally fire resistant, and leave behind an increased amount of fire-prone small diameter fuels.

Because forest management and timber operations have the potential for increasing the risk of fire; it is of utmost importance that all timber harvest operations be conducted in compliance with all State and local fire rules and regulations. The Forest Practice Rules require hazard reduction (treating logging slash) within 100 feet of public roads. In addition, when the option of burning piles or concentrations of slash is chosen to meet the slash treatment requirements as specified in these rules, such burning shall be done as follows: (a) Piles and concentrations shall be sufficiently free of soil and other noncombustible material for effective burning. (b) The piles and concentrations shall be burned at a safe time during the first wet fall or winter weather or other safe period following piling and according to laws and regulations. Piles and concentrations that fail to burn sufficiently to remove the fire hazard shall be further treated to eliminate that hazard. All necessary precautions shall be taken to confine such burning to the piled slash.

Soil Conservation: Soil is the basic resource that allows a forest to grow and measures should be taken now and in the future to protect this resource. Soil erosion potential is increased with concentration of runoff on bare mineral soil. Dispersion of water from roads and landings is the key to limiting erosion after logging. The landowner is encouraged to maintain all existing drainage structures and facilities on truck and skid roads. Most of these erosion control structures and facilities observed are adequately functioning, but nevertheless should still be periodically checked prior to the winter period to ensure that they are functional. Future timber harvesting will likely re-use these existing truck roads and skid roads and their maintenance will be important for successive harvests and future management activities.

Pest and Disease: *Phytophthora ramorum* (*P. ramorum*), the pathogen that causes the disease known as Sudden Oak Death (SOD). Sudden Oak Death is a virulent disease affecting hardwood forests in coastal California. The pathogen, *Phytophthora ramorum*, has reached epidemic levels in several California forests, killing thousands of trees. The pathogen also colonizes the foliage of several other overstory and understory hosts without killing them.

List of known SOD host species: *Acer macrophyllum* (Big-leaf maple), *Acer pseudoplatanus* (Planetree maple), *Adiantum aleuticum* (Western maidenhair fern), *Adiantum jordanii* (Ca. maidenhair fern), *Aesculus californica* (buckeye), *Aesculus hippocastanum* (Horse chestnut), *Arbutus menziesii* (Madrone), *Arctostaphylos Manzanita* (Manzanita), *Calluna vulgaris* (Scotch heather), *Camellia* spp. (Camellia-all species, hybrids, cultivars), *Castanea sativa* (Sweet chestnut), *Cinnamomum camphora* (Camphor tree), *Fagus sylvatica* (European beech), *Frangula californica* = *Rhamnus californica* (coffeeberry), *Frangula purshiana* = *Rhamnus purshiana* (Cascara), *Fraxinus excelsior* (European ash), *Griselinia littoralis* (Griselinia), *Hamamelis virginiana* (Witch hazel), *Heteromeles arbutifolia* (Toyon), *Kalmia* spp. (Mountain laurel-all species, hybrids & cultivars), *Lithocarpus densiflorus* (Tanoak), *Lonicera hispidula* (honeysuckle), *Laurus nobilis* (Bay laurel), *Maianthemum racemosum* = *Smilacina racemosa* (False Solomon's seal), *Michelia doltsopa* (Michelia), *Parrotia persica* (Persian Ironwood), *Photinia fraseri* (Red tip photinia), *Pteris* spp. (all species, hybrids & cultivars), *Pseudotsuga menziesii* var. *menziesii* (Douglas-fir), *Quercus agrifolia* (Coast

18. CONSERVATION AND PROTECTION MEASURES (Cont.)

live oak), *Quercus cerris* (European turkey oak), *Quercus chrysolepis* (Canyon live oak), *Quercus falcata* (South red oak), *Quercus illex* (Holm oak), *Quercus kelloggii* (Ca. black oak), *Quercus parvula* var. *shrevei* (Shreve's oak), *Rhododendron* spp. (all species, hybrids, cultivars), *Rosa gymnocarpa* (Wood rose), *Salix caprea* (Goat willow), *Sequoia sempervirens* (Redwood), *Syringa vulgaris* (Lilac), *Taxus baccata* (European yew), *Trientalis latifolia* (Western starflower), *Umbellularia californica* (pepperwood), *Vaccinium ovatum* (huckleberry), *Viburnum* (all species). (http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/usdaprlist.pdf) (2013).

The closest location of *Phytophthora ramorum*, the pathogen that causes the disease Sudden Oak Death (SOD), is located near Garberville, California in the Connick Creek drainage. The OakMapper website (<http://oakmapper.cnr.berkeley.edu/sod/index>) shows the project area as having foliar host species. Although no observations of SOD were made, due to the proximity of the JTMP area to known occurrences, the JTMP area is assumed to be infected with SOD. Future THP/NTMPs will be required to incorporate protection measures designed to mitigate potential negative effects of SOD. Mitigation & Management Recommendations are taken from Sudden Oak Death Guidelines for Forestry at

<http://www.suddenoakdeath.org/wp-content/uploads/2014/12/forestry-08-10-with-new-2014-map.pdf>

Wildlife: The JTMP area contains habitat for numerous plant, animal and fish species. Timber operations have the potential to directly or indirectly impact fish, plants, and wildlife species. 14CCR 898.2(d) states that one of the Special Conditions under which the Director can disapprove a THP/NTMP is when "Implementation of the plan as proposed would result in either a "taking" or finding of jeopardy of wildlife species listed as rare, threatened or endangered by the Fish and Game Commission or Fish and Wildlife Service, or would cause significant, long-term damage to listed species. Consequently, any future timber harvesting that has the potential to impact wildlife will require an impact assessment, which may include consultation with the Department of Fish and Game, US Fish and Wildlife Service and National Marine Fisheries Service.

Fish: The JTMP area is comprised of tributaries to the South Fork Eel River. The South Fork Eel River is a tributary to the Eel River which ultimately drains to the Pacific Ocean. In August 2002, the State Fish & Game Commission found that coho salmon from Punta Gorda to the Oregon border warranted listing as threatened. In March 2005 coho salmon were listed under CESA as threatened north of Punta Gorda to the Oregon border. The Board of Forestry has adopted rule language for the Forest Practice Rules that will enhance protection of anadromous salmonids and their habitat. The new rule language provides a regulatory procedure for the issuance of incidental take permits for coho salmon that is integrated with the Forest Practice Act and the Forest Practice Rules. Without such an integrated approach, in addition to applying to the Department of Forestry & Fire Protection for approval of timber harvesting plans, timberland owners would have to engage in a lengthy, separate process for obtaining incidental take permits for coho salmon from DFG for any timber operations and activities that would result in take of the species. This would involve separate environmental review processes and related costs to both the permit applicant & DFG.

Plants: The JTMP area contains habitat for numerous special status plants (rare, threatened, and endangered plants) and plant communities. Special status plants are not limited to those that have been listed by state and federal agencies but include any plants that, based on all available data, can be shown to be rare, threatened, or endangered. Rare plant communities are those communities that are of highly limited distribution. These communities may or may not contain special status plants. The most current version of the *California Natural Diversity Database's List of California Terrestrial Natural Communities* has been used as a guide to the names and status of communities. Future timber operations will likely require botanical surveys utilizing *The Department of Fish and Game's (DFG) Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*.

Water Quality: The JTMP area is located within the greater South Fork Eel River watershed. The Environmental Protection Agency (EPA) pursuant to the federal Clean Water Act section 303(d) has listed the Eel River as an "impaired" waterbody. The listed pollutants are sediment and temperature. The basis for listing cited by the EPA is impairment due to sediment loading with historic logging, overgrazing, and road building. The EPA contends that the factors listed above have resulted in impairment of fisheries and aquatic habitat. The mechanisms for impairment are large scale, and are associated with numerous past and present activities, both natural and anthropogenic, such as timber harvesting, road building, highway construction, gravel mining, landsliding, flooding, development, and point source pollution.

18. CONSERVATION AND PROTECTION MEASURES (Cont.)

Given the broad pattern of impacting activities, the contribution of any given forest management activity or timber operation toward the impairment cited by the EPA for the SF Eel River, appears to be minor. However, the sum of management and harvest impacts over

time may exceed an as yet unidentified and unquantified threshold and becomes a significant mechanism of impairment in the future. It is this potential for a cumulative adverse impact, that has led to the adoption of specific forest practice regulations by the Board of Forestry, and appropriate mitigation measures within THP's/NTMP's, designed to lessen the likelihood of impact.

The Forest Practice Rules focus on the protection of watercourses through the installation and maintenance of erosion controls and silvicultural restrictions resulting in the retention of vegetation across a landscape over time. Lacking defined "Total Maximum Daily Loads" (TMDL), a scientifically quantified basis of impairment, or a scientifically valid monitoring strategy, these practices represent the best currently available techniques for limiting possible project associated mechanisms of impairment.

The THP process, which is implemented by CALFIRE, may trigger one or more permits or other entitlements to carry out the project and ensure the protection of water quality. The range of permits needed depends on the type of action. There are also numerous federal requirements that only apply where an action is "federalized" due to funding or the need for a federal permit. All potential permits or entitlements are summarized below.

- A Section 1602 or 1611 Streambed Alteration Agreement is required through the California Department of Fish & Game when an alteration to a bed, channel, or bank of a stream will occur, such as a crossing installation.
- The California Endangered Species Act (CESA) requires consultations with the California Department of Fish and Game to determine if an activity is likely to affect or result in the take of a plant or animal (fish) listed by the State as threatened or endangered. Similar to CESA, the Federal Endangered Species Act (FESA) requires formal or informal consultation with the US Fish and Wildlife Service or the NOAA Fisheries where it is likely that the project could affect federally listed threatened or endangered species.
- Section 401 of the federal Clean Water Act requires that State water quality standards not be violated by the discharge of fill or dredged material into "Waters of the United States." The owner or operator of any facility or activity that discharges, or proposes to discharge, waste that may affect groundwater quality, or from which

waste may be discharged in a diffused manner (for example, erosion from soil disturbance), must first obtain waste discharge requirements (WDRs) from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Act. However, typically THP activities in the North Coast Region are covered either by a categorical waiver or by general WDRs. The most recent NCRWCB orders concerning categorical waivers and general WDRs for non-federal timberlands are orders no. R1-2004-0016 and R1-2004-0030, respectively. Most water bodies in the North Coast Region are listed as impaired due to either sediment and/or temperature under Section 303(d) of the Clean Water Act. Federal regulations require that a total maximum daily load (TMDL) be established for 303(d) listed water bodies for each pollutant. In the absence of TMDLs in a 303(d) listed water body, coverage under general WDRs must be obtained or specific WDRs must be established.

Archaeology: The project area lies within an area known to be inhabited in the past by local Native American tribes. Archaeological resources are one of the many resources considered significant to California. Native American cultural resources are commonly situated on ridgelines and associated spurs; saddles; midslope terraces; at vegetative ecotones; at confluences of drainages, and areas adjacent to seasonal and perennial watercourses including springs. Given the presence of many of the aforementioned features within the JTMP area it is likely that resources associated with Native Americans may be found within the project area. In addition to Native American resources the FPR also require surveying for the presence of historic resources. The project area had been harvested as early as 1960. Tractors were used primarily at this time. In light of this, one could expect to find artifacts associated with this sort of operation, such as discarded wire rope chokers; tractor parts, oil cans, fuel containers, wedges, drag saw parts, spring boards, saw blades, axes, soda and liquor bottles, or canteens. The FPR require that these resources be surveyed for, disclosed when found and protected from timber operations as appropriate. Currently, these surveys can be conducted by trained resource personnel (Trained RPFs), however in the future these resources may need to be surveyed for by a professional archaeologist.

19. MANAGEMENT PLAN UPDATES

It is highly advised that the Joint Timber Management Guide be updated on a periodic basis, to revise growth predictions and specific changes to the timberland. Updates should include recommendations to improve the current stand conditions such as commercial thinning or salvage operations, and treatments for pre-commercial stands such as pre-commercial thinning and brush control. The forest landowners are advised to retain professional guidance concerning forest management decisions to take advantage of the best information on current practices and markets. Meeting the objectives of the landowners is a necessary function of these updates and their participation is encouraged.

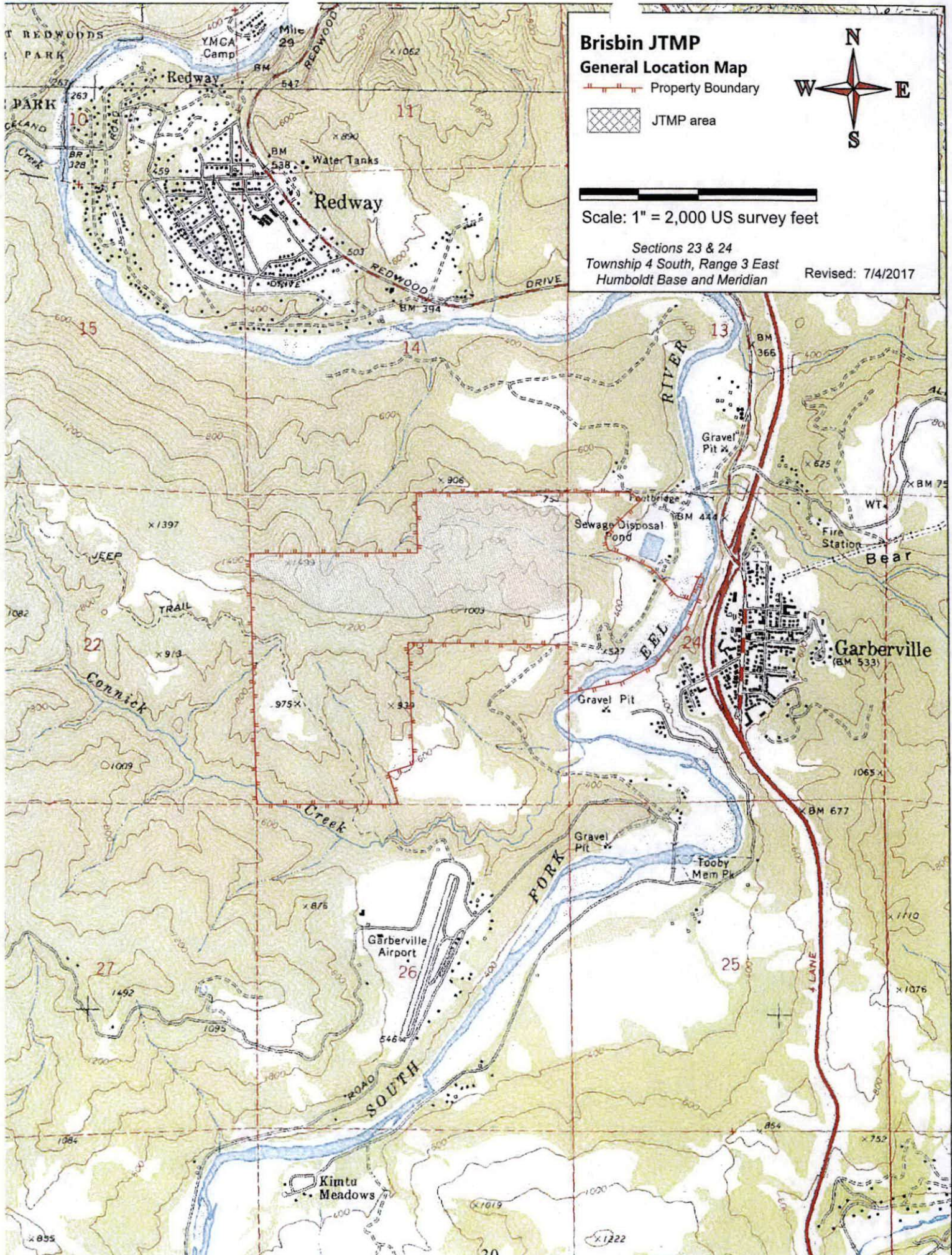
20. MANAGEMENT COST

Cost that will be incurred for management activities could include but are not necessarily limited to the following: road maintenance, surveying, geologic assessment, wildlife surveying, forest protection, tree planting, timber stand improvement and related harvesting costs. These costs will not necessarily coincide with revenues received from harvests. Landowners should be prepared for these costs that are necessary to maintain a productive, healthy forest ecosystem.


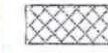
21. LEGAL REQUIRMENTS

The landowner should be aware that commercial timber operations will require a State approved Timber Harvest Plan (THP) or equivalent document and that all timber operations are subject to regulations included in the Forest Practice Act and the current California Forest Practice Rules. Other permits that also may be required are Department of Fish and Game Stream Alteration Agreement, US Fish and Wildlife Service Letter of Technical Assistance for impacts that may impact the Northern Spotted Owl and Water Quality Waste Discharge Permit.

JTMP MAPS



Brisbin JTMP General Location Map

-  Property Boundary
-  JTMP area




Scale: 1" = 2,000 US survey feet

Sections 23 & 24
Township 4 South, Range 3 East
Humboldt Base and Meridian

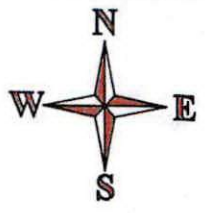
Revised: 7/4/2017

**Brisbin JTMP
General Location Map**

 Property Boundary

 JTMP area

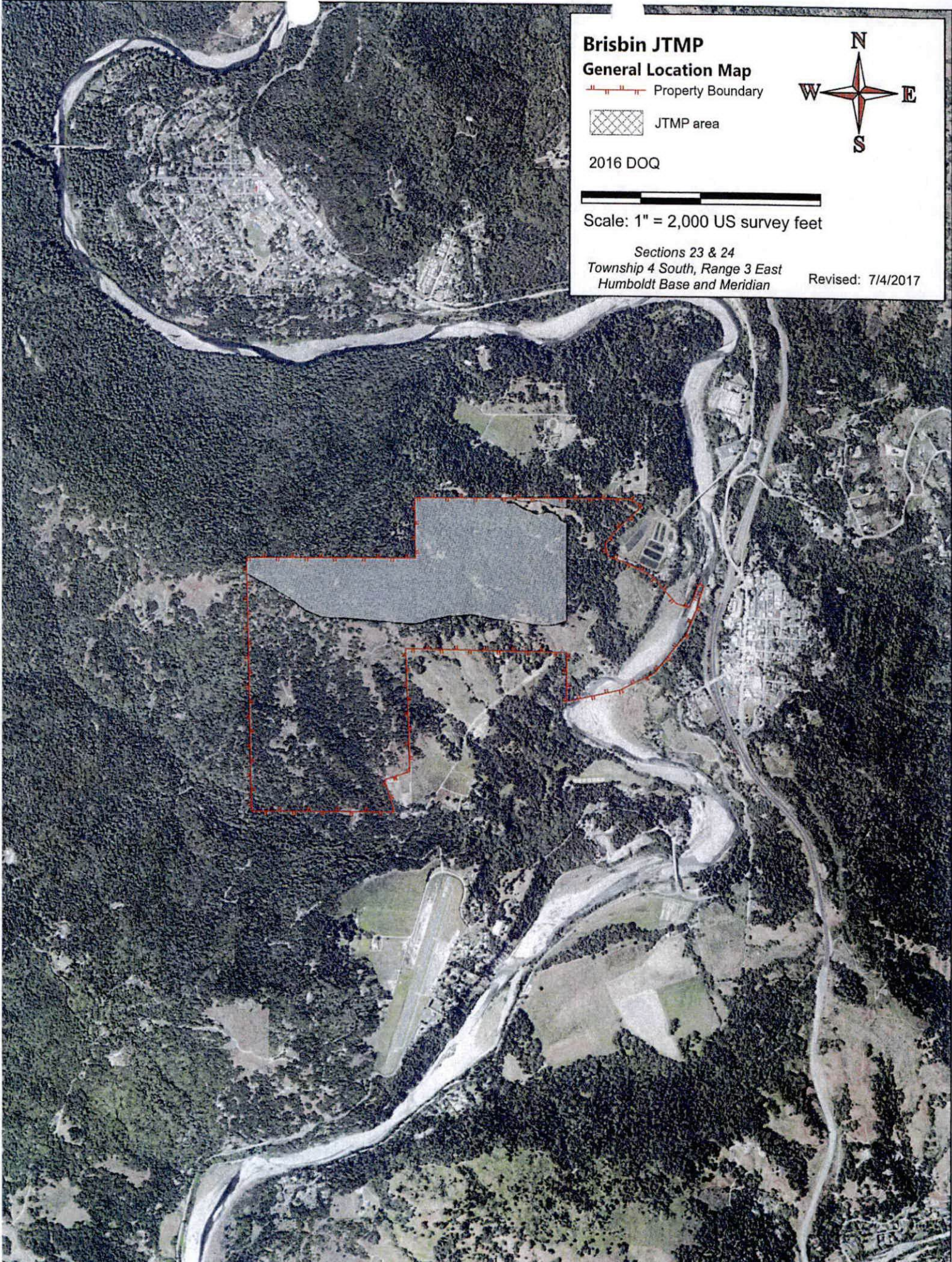
2016 DOQ



Scale: 1" = 2,000 US survey feet

Sections 23 & 24
Township 4 South, Range 3 East
Humboldt Base and Meridian

Revised: 7/4/2017




S14T4SR3E

**Brisbin JTMP
APN Legal Parcel Map**

 Property Boundary



Current Parcel Configuration

 2017 Assessor Parcels

Scale: 1" = 1,000 US survey feet

Sections 23 & 24
Township 4 South, Range 3 East
Humboldt Base and Meridian

Revised: 6/25/2017

22215602

22215608

22215612









22306125

S23T4SR3E

S24

Brisoin JTMP

JTMP Map

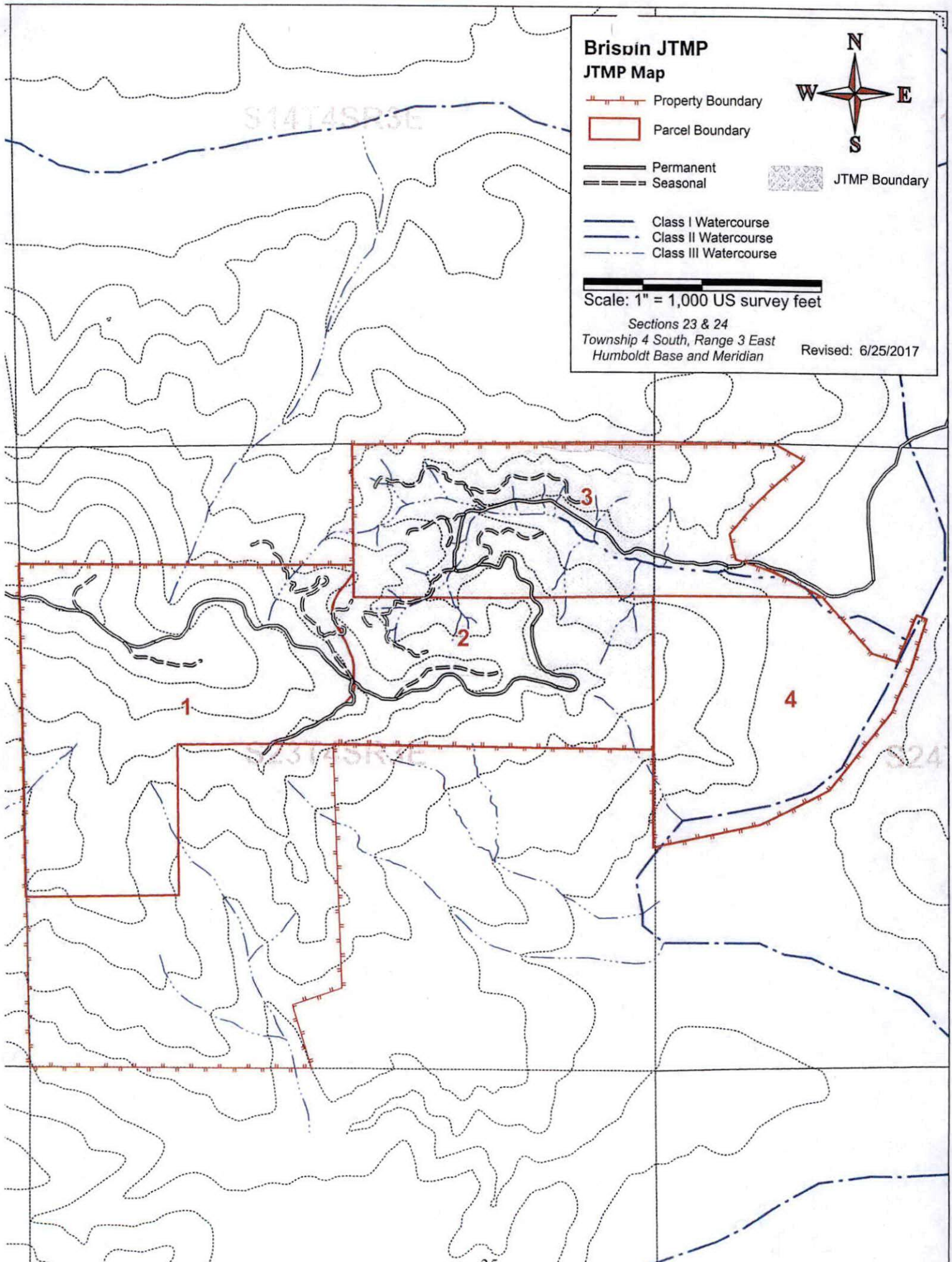
-  Property Boundary
-  Parcel Boundary
-  Permanent
-  Seasonal
-  Class I Watercourse
-  Class II Watercourse
-  Class III Watercourse
-  JTMP Boundary



Scale: 1" = 1,000 US survey feet

Sections 23 & 24
Township 4 South, Range 3 East
Humboldt Base and Meridian

Revised: 6/25/2017



Brisbin JTMP

TIMBER MANAGEMENT PLAN

Table of Contents

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22	Current Property Owner, Project Description, Management Plan Objectives, Access and Roads Appurtenant to the JTMP Management Units
23	Timber Management Guide, Minimum Stocking Standards
24	Appendix A
25	Timber Management Road Use Agreement
26	Timber Management Plan Map

TIMBER MANAGEMENT PLAN

1. CURRENT PROPERTY OWNER

Donna Dae Brisbin Trust
PO box 186
Garberville, CA 95542

2. PROJECT DESCRIPTION

A Joint Timber Management Plans (JTMP) applies to the "division" of land into assessor parcels containing less than 160 acres of Timber Production Zone (TPZ). Parcel is defined as "that portion of an Assessor's parcel that is timberland". Activities that may result in such a division include subdivision, lot line adjustment and conveyances of existing land units (e.g. land patents) underlying an Assessor's parcel zoned TPZ, when any conveyance contains less than 160 acres of TPZ land.

3. MANAGEMENT PLAN OBJECTIVES

The objective of the Timber Management Plan is to identify access, rights-of-ways & minimum stocking standards of the Forest Practice Rules required to maintain viable timber producing parcels. For the management units to maintain their ability to be managed for timber they will require access as described below for the purpose of timber management. Additionally, to more efficiently harvest the management units; skid trails, landings and cable corridors may need to be constructed across management unit boundaries.

4. ACCESS AND ROADS APPURTENANT TO THE JTMP MANAGEMENT UNITS

The JTMP area is located approximately 1/2 miles west of Garberville, California. The JTMP area is accessed by Connick Creek Road approximately 1/4 miles northwest of Garberville. The tract is accessed via a network of permanent and seasonal roads.

All parcels shall have access to the Primary Access Road and appurtenant secondary roads as shown on the JTMP Map. All parcels are subject to the Timber Management Road Use Agreement below.

In addition to the aforementioned access for the purpose of timber management activities, non-descript access for truck road, skid trail, landing and cable corridor construction pursuant to the attached Timber Management Road Use Agreement are required to maintain viable timber management units. When truck roads, skid trails, landings and cable corridors are required to be established across management unit boundaries their location should be jointly established by the affected management unit owners to benefit current and future timber operations. Landowners should consult with an RPF prior to the establishment of any truck roads, skid trails, landings or cable corridors. Any truck road, skid trail, landing or cable corridor construction occurring within the JTMP area should be permitted under an approved THP/NTMP or equivalent document.

A Timber Management Road Use Agreement has been attached to the Timber Management Plan as Appendix A. The Timber Management Road Use Agreement is to ensure that access is available for each management unit for the eventual commercial harvest of timber products. Each party shall have the right to use existing roadways, as shown on the Timber Management Plan Map and described above, across real property of the other parties for the purpose of forestry management and timber harvesting. In regards to timber harvesting this may include, but is not limited to, road access for trucks, machinery and personnel. Each party shall have the right to construct truck roads, skid trails, landings and cable corridors, pursuant to the Timber Management Road Use Agreement, across real property of the other parties for the purpose of forestry management and timber harvesting, provided that locations of new truck roads, skid trails, landings and cable corridors are determined by an RPF in association with approved THP/NTMP or equivalent document.

5. TIMBER MANAGEMENT GUIDE

The information presented above and in Appendix A shall be considered the "*Timber Management Plan*" portion of this JTMP. Please see "*Timber Management Guide*" portion of the JTMP on pages 1-19. The "*Timber Management Guide*" describes and demonstrates how the individual JTMP management units can be managed to maintain their viability as TPZ parcels.

6. MINIMUM STOCKING STANDARDS

912.7, 932.7, 952.7 Resource Conservation Standards for Minimum Stocking [All Districts, note (b)(1)(D)]

The following resource conservation standards constitute minimum acceptable stocking in the Coast Forest District after timber operations have been completed.

- (a) Rock outcroppings, meadows, wet areas, or other areas not normally bearing commercial species shall not be considered as requiring stocking and are exempt from such provisions.
- (b) An area on which timber operations have taken place shall be classified as acceptably stocked if either of the standards set forth in (1) or (2) below are met within five (5) years after completion of timber operations unless otherwise specified in the rules.

(1) An area contains an average point count of 300 per acre on Site I, II and III lands or 150 on site IV and V lands to be computed as follows:

- (A) Each countable tree [Ref. PRC § 4528(b)] which is not more than 4 inches d.b.h. counts 1 point.
- (B) Each countable tree over 4 inches and not more than 12 inches d.b.h. counts 3 points.
- (C) Each countable tree over 12 inches d.b.h. counts as 6 points.
- (D) [Coast] Root crown sprouts will be counted using the average stump diameter 12 inches above average ground level of the original stump from which the sprouts originate, counting one sprout for each foot of stump diameter to a maximum of 6 per stump.

(2) The average residual basal area measured in stems 1 inch or larger in diameter, is at least 85 square ft. per acre on Site I lands, and 50 square ft. per acre on lands of Site II classification or lower. Site classification shall be determined by the RPF who prepared the plan.

(3) To the extent basal area standards are specified in the rules in excess of 14 CCR § 912.7(b)(2) [932.7(b)(2), 952.7(b)(2)], up to 15 square feet of basal area of those standards higher than the minimum may be met by counting snags, and decadent or deformed trees of value to wildlife in the following sizes:

- (A) 30 inches or greater dbh and 50 feet or greater in height on site I and II lands;
- (B) 24 inches or greater dbh and 30 feet or greater in height on site III lands; and
- (C) 20 inches or greater dbh and 20 feet or greater in height on site IV and V lands.

(c) The substitution provided for in 14CCR § 912.7(b)(3) [932.7(b)(2), 952.7(b)(2)] may only be done when the potential spread of insects and diseases will not have a significantly adverse impact on long term productivity or forest health.

(d) The resource conservation standards of the rules may be met with Group A and/or B commercial species. The percentage of the stocking requirements met with Group A species shall be no less than the percentage of the stand basal area they comprised before harvesting. The site occupancy provided by Group A species shall not be reduced relative to Group B species. When considering site occupancy, the Director shall consider the potential long term effects of relative site occupancy of Group A species versus Group B species as a result of harvest. If Group A species will likely recapture the site after harvest, Group B species do not need to be reduced. The time frames for recapturing the site shall be consistent with achieving MSP. The Director may prohibit the use of Group A and/or B commercial species which are non-Indigenous or are not physiologically suited to the area involved. Exceptions may be approved by the Director if the THP provides the following information & those exceptions are agreed to by the timberland owner:

(1) Explain and justify with clear and convincing evidence how using Group A non-indigenous, or Group B species to meet the resource conservation standards will meet the intent of the Forest Practice Act as described in PRC § 4513. The discussion shall include at least:

- (A) The management objectives of the post-harvest stand;
- (B) A description of the current stand, including species composition and current stocking levels within the area of Group B species. The percentage can be measured by using point-count, basal area, stocked plot, or other method agreed to by the Director.
- (C) The percentage of the post-harvest stocking to be met with Group B species. Post harvest percentages will be determined on the basis of stocked plots. Only the methods provided by 14 CCR §§ 1070-1075 shall be used in determining if the standards of PRC § 4561 have been met.
- (D) A description of what will constitute a countable tree, as defined by PRC § 4528 for a Group B species and how such a tree will meet the management objectives of the post-harvest stand.

The Director, after an initial inspection pursuant to PRC § 4604, shall approve use of Group B species, as exceptions to the pre-harvest basal area percentage standard, if in his judgment the intent of the Act will be met, and there will not be an immediate significant and long-term harm to the natural resources of the state.

Brisbin JTMP

APPENDIX A

TIMBER MANAGEMENT ROAD USE AGREEMENT

TIMBER MANAGEMENT ROAD USE AGREEMENT

1. Each of the parties shall have the right to use existing roadways across real property of the other parties as shown on the Timber Management Plan Map and described in the Timber Management Plan for the purpose of timber management activities. This may include, but is not limited to, road access for trucks, machinery and personnel.
2. Each of the parties shall have the right to construct truck roads, skid trails, landings and cable corridors across real property of the other parties, provided that locations of new truck roads, skid trails, landings and cable corridors are determined by an RPF in association with the preparation of a THP/NTMP or other applicable permit. If a RPF identifies the need to use or construct new truck roads, skid trails, landings or cable corridors across management unit boundaries, the RPF shall mark their location on the ground. The RPF shall notify the management unit owner of the proposed location, and the management unit owner shall have thirty days within which to propose an alternative location. The RPF shall use the alternative location if said alternative is of reasonably equal utility to the management unit owner and of reasonably equal cost. The management unit owner should cooperate in good faith, reasonable manner in establishing the location of new truck roads, skid trails, landings or cable corridors.
3. Existing roads shall be maintained in substantially the same condition as is excepting for improvements to better maintain said roadway(s) including drainage structures and facilities and possibly road surfacing as needed. Maintenance of roads shall be the responsibility of the underlying landowner, except that if one party exercises their right of way over another party, then the responsibility for maintenance is with both parties, proportionate to use.
4. It is contemplated that any of the parties herein may exercise the rights granted herein for removal of forest products by themselves, their employees, by sale to others or through the use of contractors. Any such authorized user exercising the rights granted herein shall have the same responsibilities to this agreement as the parties hereto. The parties hereto shall be responsible for the performance of this agreement by their employees or contractors.
5. It is recognized that repairs and maintenance of the roads may be required periodically. Roads shall be no wider or larger than is necessary for the particular use. Roads shall be generally no wider than 16 feet with widening for turns and turnouts as required for safety.
6. If gates are installed then all parties shall have access through the gates via key or combination lock. The gates shall be kept locked at the request of any party during times of logging inactivity.
7. No party shall be required to make payment to the other for the use of the roadway, save and except the maintenance thereof as herein provided.

Identification of applicable parties

Current and/or future owners of Parcels 1-3 shall be considered "Party, Parties" herein and subject to the Timber Management Road Use Agreement thereof.

Brisbin JTMP

TMP Map

Property Boundary

Parcel Boundary

Permanent

Seasonal

Class I Watercourse

Class II Watercourse

Class III Watercourse

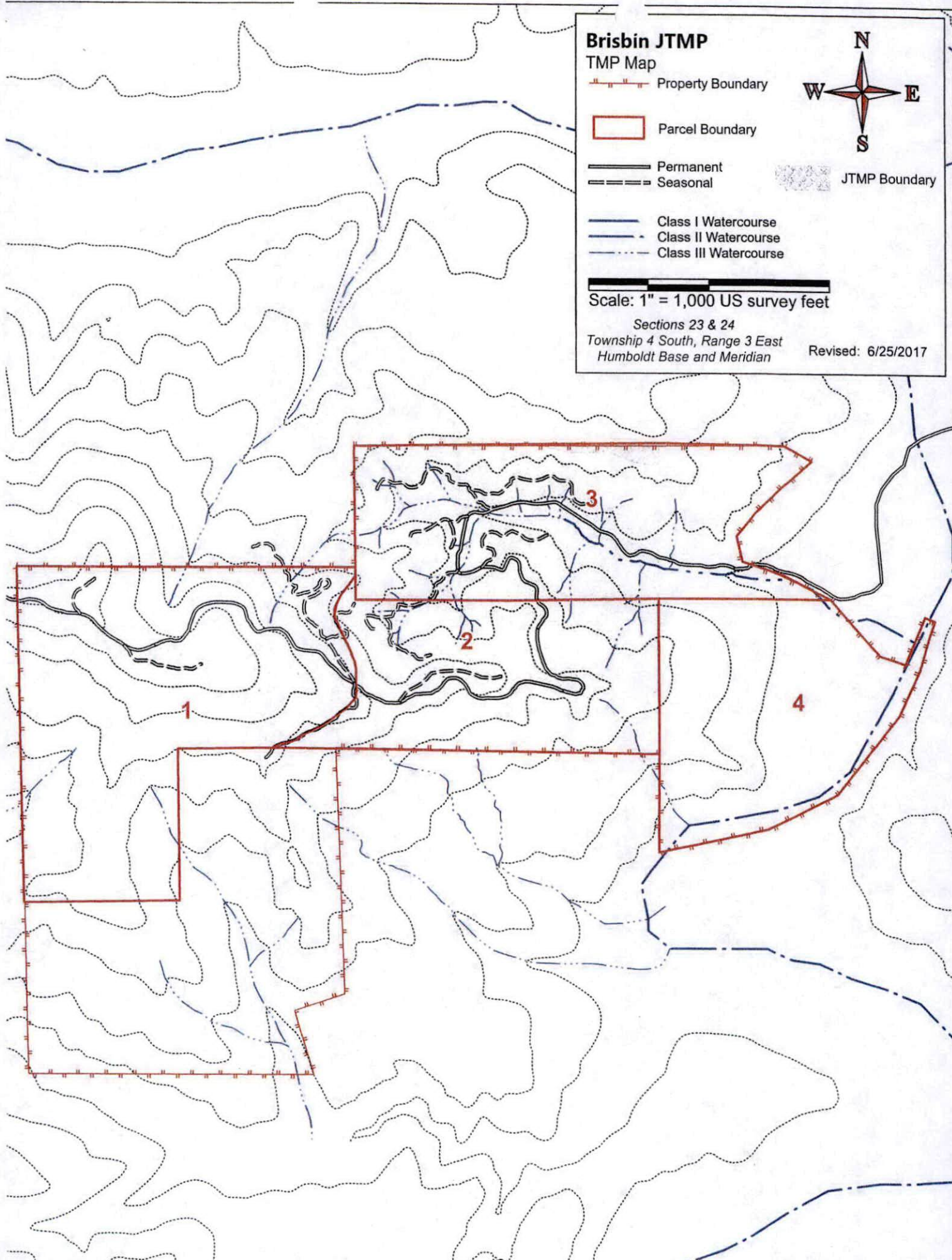


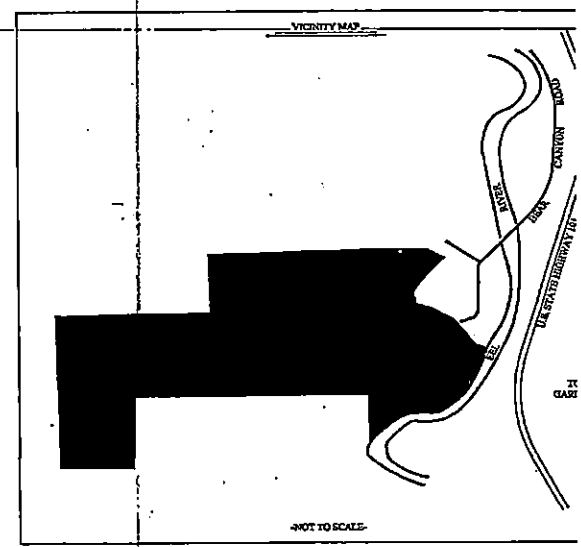
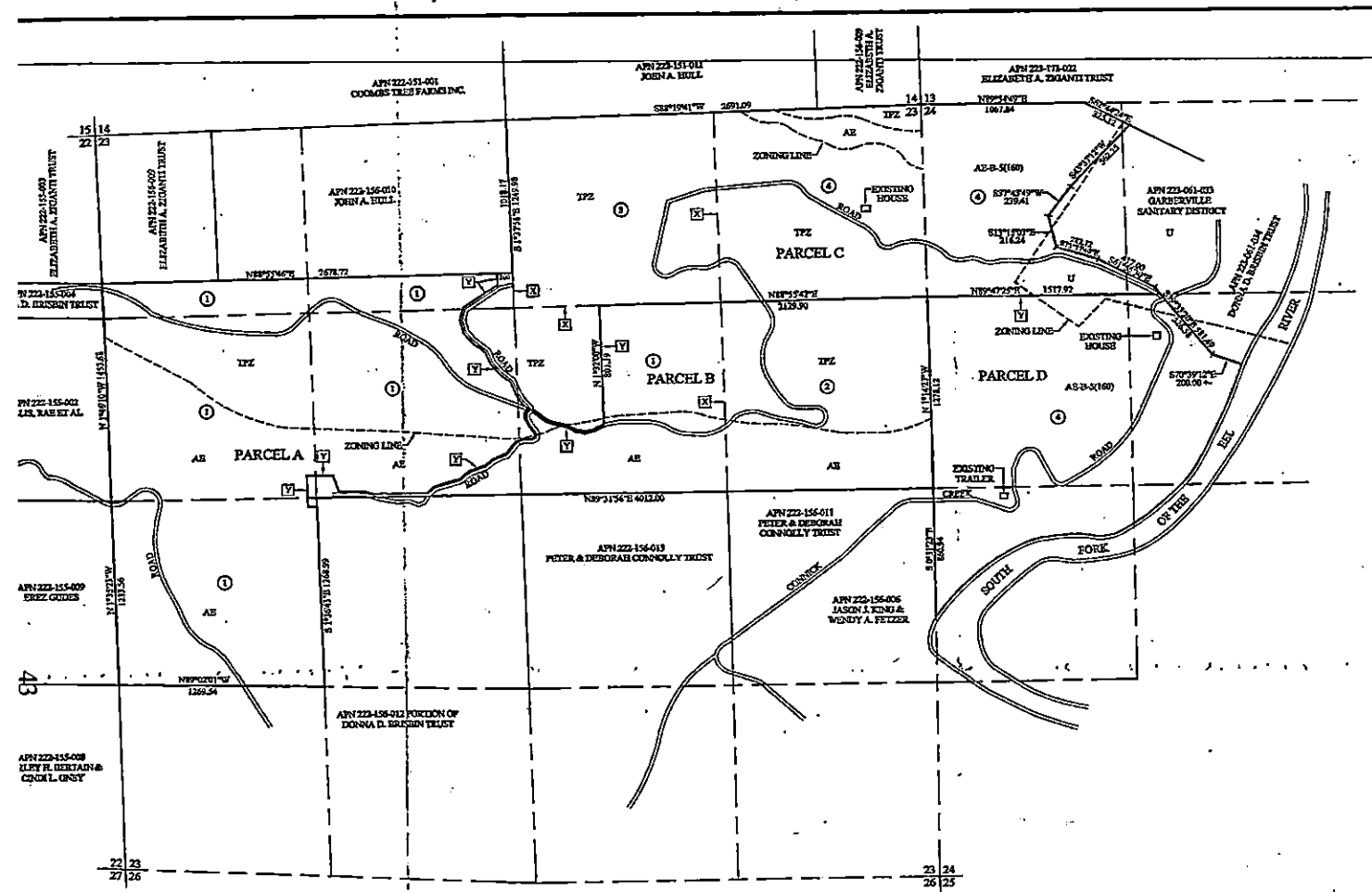
JTMP Boundary

Scale: 1" = 1,000 US survey feet

Sections 23 & 24
Township 4 South, Range 3 East
Humboldt Base and Meridian

Revised: 6/25/2017





NOTES

1. THIS MAP PROPOSES A LOT LINE ADJUSTMENT BETWEEN FOUR EXISTING PARCELS RESULTING IN FOUR PARCELS.
2. WATER - EXISTING WATER SOURCE FOR PARCELS C AND D. PROPOSED WELLS OR SPRINGS FOR PARCELS A AND B.
SEWER - EXISTING ON-SITE DISPOSAL FOR PARCELS C AND D. PROPOSED ON-SITE DISPOSAL FOR PARCELS A AND B.
3. NO TOPOGRAPHIC INFORMATION WAS COLLECTED FOR THIS MAP. LOCATIONS OF BUILDINGS, ROADS AND RIVER ARE PER AERIAL MAPPING AND ARE APPROXIMATE.
4. AREAS HAVE BEEN CALCULATED FROM COUNTY MAPS AND ARE APPROXIMATE.
5. DIMENSIONS SHOWN HEREON ARE FROM RECORD MAPS AND HAVE NOT BEEN MEASURED FOR THIS MAP.

LOT LINE ADJUSTMENT SUMMARY

- (X) LINE TO BE DELETED BY LOT LINE ADJUSTMENT
- (Y) LINE TO BE ADDED BY LOT LINE ADJUSTMENT

PARCEL	ORIGIN	TZZ	AREAS BEFORE LIA			TOTAL	TZZ	AREAS AFTER LIA			TOTAL
			AR	A-B-B-S	U			AR	A-B-B-S	U	
1	PATENT TO WILLIAM CORNELIUS BOOK 13 PATENT, PAGE 21 JUDGMENT TO MARSHALL BOOK #76 O.L., PAGE 423	78.8 ACRES	97.4 ACRES			166.2 ACRES					
2	PATENT TO JESSIE WEEKS BOOK 11 PATENT, PAGE 26 (NON-CONTIGUOUS PORTION)	25.25 ACRES	12.8 ACRES			38.05 ACRES					
3	HINE & HAMILTON TO MARSHALL BOOK 273 DEED, PAGE 48	38.8 ACRES				38.8 ACRES					
4	NOTICE OF LOT LINE ADJUSTMENT INSTRUMENT NO. 2016-111-4	35.5 ACRES	5.7 ACRES	92.3 ACRES	6.5 ACRES	139.9 ACRES					
A						51.8 ACRES	61.9 ACRES				113.7 ACRES
B						40.8 ACRES	30.4 ACRES				71.2 ACRES
C						67.1 ACRES	4.8 ACRES	27.3 ACRES	4.6 ACRES		103.8 ACRES
D								64.9 ACRES	1.9 ACRES		66.8 ACRES

AGENCY SURVEYOR: MICHAEL L. O'HERN (S 422)
 KELLY-O'HERN ASSOCIATES
 2340 MADRONE AVENUE
 EUREKA, CA 95501
 442-7223

OWNER 1, 2, 4: DONNA DAE BRISBIN TRUST
 C/O MARSHALL BRISBIN
 PO BOX 116
 GARBERVILLE, CA 95942
 296-0022

OWNER 3: MARSHALL BRISBIN
 PO BOX 116
 GARBERVILLE, CA 95942
 296-0022

REVISED: JANUARY 5, 2017

APN 222-156-002
 APN 222-156-008
 APN 222-156-012 PORTION OF
 APN 223-061-025

LOT LINE ADJUSTMENT MAP
 FOR
DONNA DAE BRISBIN TRUST
 IN
 SECTIONS 27 & 28 T4S, R10E, HUMBOLDT MERIDIAN
 IN THE INCORPORATED AREA OF HUMBOLDT COUNTY
 JANUARY 2017 SCALE 1" = 400'

COUNTY OF HUMBOLDT
 STATE OF CALIFORNIA

KELLY-O'HERN ASSOCIATES
 EUREKA, CALIFORNIA

ATTACHMENT C

Minutes of FRC Meeting of October 9, 2017

Minutes

October 9, 2017 Meeting

I. Attendance

FRC Members Present: Gary Rynearson, Mark Andre, Yana Valachovic, Jim Able, Chris Carroll

FRC Members Absent: Ben Hawk, Kurt McCray, Charles Ciancio

Staff Present: Trevor Estlow, Planning and Building Department, Steve Lazar, Planning and Building Department, John Ford, Planning and Building Department

The Committee welcomed guests: Mike O'Hern and Nick Robinson

II. Public Appearances: none

III. Approval of Minutes from the December 17, 2015, March 29, 2016, March 9, 2017 and September 21, 2017.

On a motion by Yana Valachovic, seconded by Jim Able, the minutes of the December 17, 2015 meeting were approved by a vote of 4-0 (Gary Rynearson abstained).

On a motion by Mark Andre, seconded by Chris Carroll, the minutes of the March 29, 2016 meeting were approved by a vote of 2-0 (Gary Rynearson, Jim Able and Yana Valachovic abstained).

Approval of the minutes from the March 9, 2017 meeting and the September 21, 2017 meeting were deferred to the next meeting.

IV. New Business (In order of items heard):

2. Dixon Lot Line Adjustment and Joint Timber Management Plan Case Number: LLA-16-031, JTMP-16-005; Assessor Parcel Numbers: 316-251-001, 316-256-001; Grouse Creek area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment between three parcels to result in three parcels of 172 acres, 263.7 acres and 55.9 acres. The parcels are vacant and utilized for resource management. The purpose of the Lot Line Adjustment is to facilitate the distribution of assets from a trust and utilize Bradford Creek as a parcel boundary. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding access easements and how to assure they are in place is properties are sold. It was recommended that a contingent easement be recorded to assure access is provided. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Yana Valachovic, seconded by Jim Able, the Dixon project was conditionally approved by a vote of 5-0. The condition requires a contingent easement to be recorded concurrently with the Notice of Lot Line Adjustment.

1. Review of the Draft Commercial Cannabis Land Use Ordinance.

Director Ford provided a status of the process. The Committee had questions regarding commercial vs. medical and cultivation on TPZ lands. Director Ford responded that the current proposal applies to medical only but can be changed to recreational in the future. Also, no new cultivation is allowed on TPZ lands. There was further discussion regarding the application of Timberland both by definition and as it relates to a general plan designation, protection of oak woodlands and issues with nutrients.. No action was taken.

3. Kavanaugh Lot Line Adjustment and Joint Timber Management Plan Case
Number: LLA-17-004, JTMP-17-004; Assessor Parcel Numbers: 107-112-001, 107-112-002, 107-112-003; Honeydew area

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between three parcels of approximately 39 acres, 120 acres and 160 acres resulting in three parcels of 88 acres, 70 acres and 160 acres, respectively. The purpose of the Lot Line Adjustment is to dissolve co-ownership of APN 107-112-002. The proposed line will follow the creek, making a boundary more congruous with the surrounding topography. The LLA also proposes to move a portion of the line between APNs 107-112-002 and 107-112-003 easterly to the access to APN 107-112-003, then another portion westerly so as to site the existing O'Donnell structures entirely on resultant Parcel 3. The parcels are served by on-site water (springs) and on-site wastewater treatment systems. Site suitability has been demonstrated for resultant Parcels 1 and 2. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding ground-based and cable yarding when helicopters were used in prior harvests. On page 17 of the JTMP, a table was clarified to state "unstable area." The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Jim Able, seconded by Yana Valachovic, the Kavanaugh project was approved by a vote of 4-0 (Chris Carroll abstained).

4. Brisbin Lot Line Adjustment and Joint Timber Management Plan Case Number: LLA-17-011, JTMP-17-005, Assessor Parcel Numbers: 222-156-002 et seq.; Garberville area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between four parcels resulting in four parcels of approximately 122 acres, 84 acres, 110 acres and 67 acres. The purpose of the Lot Line Adjustment is to facilitate the distribution of property in a trust. A Joint Timber Management Plan (JTMP) is required for the division of TPZ zoned lands within the LLA. Proposed Parcel D is developed with a residence and an on-site wastewater treatment system.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding the amount of TPZ lands vs. AE lands. The JTMP only affects the TPZ-zoned portion of the project. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Gary Rynearson, seconded by Jim Able, the Brisbin project was approved by a vote of 4-0 (Chris Carroll abstained).

V. Future Agenda Items

No discussion

IX. Adjournment

The meeting was adjourned at 8:00 p.m..

ATTACHMENT D

Lot Line Adjustment Findings and Map

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer shall determine that the applicants have submitted evidence in support of making all of the following required findings.

- 1. The application is complete.** The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

Application Requirements	Submitted	Not Submitted
Completed and Signed Application Form	✓	
Copies of Present Owners Deeds	✓	
Preliminary Title Report	✓	
Copy of the Creation Documents for the parcels	✓	
6 Copies of a Lot Line Adjustment Plot Plan	✓	
Required County Fees	✓	
A Written Statement Explaining the Reasons For the Adjustment	✓	

- 2. Consistency with the Subdivision Map Act.** The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code (See also Sections 4 and 5, General Plan Conformance per SB 497).

Parcel	Creation Document	Legal Status
222-156-008 and 222-156-012 (por.)	Patent to William Cornelius, Book 13 Patents, Page 21; Judgment to Marshall, Book 976 O.R., Page 425.	One legal, separate parcel.
222-156-012 (por.)	Patent to Jesse Weeks, Book 13 Patents, Page 26.	One legal, separate parcel.
222-156-002	Hine and Hamilton to Marshall, Book 273 Deeds, Page 486.	One legal, separate parcel.
222-156-012 (por.) and 223-061-025	Notice of Lot Line Adjustment, Instrument No. 2010-1311-6.	One legal, separate parcel.

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

3. **Zoning Compliance and Development Standards.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations and that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-7.4 (HCC) Timberland Production Zone	Principally permitted uses include growing and harvesting of timber.	The lot line adjustment will adjust four parcels to result in four parcels of 122 acres, 71 acres, 123 acres and 67 acres in size. This will provide more logical management units and to facilitate the distribution of property in a trust. The LLA will also facilitate the conveyance of parcels less than 160 acres under one or more Assessor Parcel Numbers. The parcels are currently utilized for the growing and harvesting of timber.
Development Standards		
Minimum Parcel Size	160 acres (40 acres with a Joint Timber Management Plan)	Three of the parcels will contain less than 160 acres of TPZ and the fourth will contain no TPZ zoned land at all. A Joint Timber Management Plan per California Government Code (CGC) Section 51119.5 was prepared to demonstrate that the resultant parcels are suitable for continued timber production as permitted under zoning.
Maximum Building Height	None specified	No new development is proposed as part of this lot line adjustment.
Minimum Yard Setbacks: SRA Standards	Front: 30 feet Rear: 30 feet Side: 30 feet	No new development is proposed. Existing development meets this standard.
Maximum Ground Coverage	Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel	No new development is proposed. Existing development meets this standard.

4. **General Plan Consistency.** The following table identifies the evidence, which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan and pursuant to the provisions of SB 497 (Sher) effective January 1, 2002.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resources uses, other uses</p> <p>Density range is 40 -160 acres/unit</p>	<p>No new development is proposed as part of this lot line adjustment. The purpose of the lot line adjustment is to adjust the parcels to provide more logical management units and to facilitate the distribution of property in a trust. The LLA will also facilitate the conveyance of parcels less than 160 acres under one or more Assessor Parcel Numbers. The parcels are currently utilized for the growing and harvesting of timber.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project is located within Open Space Plan because the project site is planned Timberland and is zoned Timberland Production Zone. The project can be found consistent with the Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. The project does not propose any changes to the current uses of timber production and is consistent with the use of Open Space land for managed production of resources.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>Several unnamed intermittent drainage courses flow through the subject properties and ultimately drain to the South Fork Eel River. No development is proposed as part of this Lot Line Adjustment, however, any future development will be required to comply with the County's Streamside Management Area Ordinance (SMAO).</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. The NWIC has recommended a cultural resource study and the local Tribal Historic Preservation Officer (THPO) found that a portion of the site is sensitive for cultural resources and any future development would need further review. Given that no development is proposed and any future development will be referred to the local THPOs, the applicant shall follow standard inadvertent discovery procedures and Forest Practice Rules associated with the JTMP.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G, WR-G7, WR-G8, WR-G8); and</p> <p>Related policies: WR-P8. Erosion and Sediment Discharge; WR-P36. Erosion and Sediment Control Measures.</p>	<p>Several unnamed intermittent drainage courses flow through the subject properties and ultimately drain to the South Fork Eel River. No development is proposed as part of this Lot Line Adjustment, however, any future development will be required to comply with erosion and sediment control requirements associated with future building permits.</p>
<p>Safety Element Chapter 14</p> <p>Geologic and Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-PX1. Site Suitability, S-P6. Structural Hazards,</p>	<p>The parcels are located within an area of low, moderate and high slope instability and outside of any Alquist-Priolo Fault Hazard Area. The parcels are currently utilized for timber production.</p>

<p>Safety Element Chapter 14 Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-PX3, Construction Within Special Flood Hazard Areas</p>	<p>The majority of subject site is outside any mapped flood hazard areas. Only a small portion of resultant Parcel D along the South Fork Eel River contains a mapped flood zone. The project site is not within a mapped dam or levee inundation area and, at approximately eight miles distance from the coast and approximately 1,200 feet above mean sea level, is outside the areas subject to tsunami run-up. No development is proposed as part of this LLA.</p>
<p>Safety Element Chapter 14 Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. No development is proposed with this Lot Line Adjustment.</p>

