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*Providing Professional Forestry Services*

PO Box 2517  
McKinleyville, CA 95519

CELL 707.834.2990  
EMAIL [blairforestry@gmail.com](mailto:blairforestry@gmail.com)

December 27, 2018

County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Dear Humboldt County Planning Department:

The following attached document is an evaluation of an existing, unauthorized timberland conversion which was inspected by Blair Forestry LLC within APN 208-201-017. Please accept this letter as the Registered Professional Forester's (RPF) written report showing that the converted area was inspected as required Humboldt County Code, Ordinance No. 2598 & 2599 (CCLUO 2.0 - Commercial Cannabis Land Use Ordinance for both Coastal and Inland Zones), Section 55.4.12.2.4, cited below.

"All terms of any permit or exemption approved by the California Department of Forestry and Fire Protection (CAL-FIRE), including a less-than-3-acre-conversion exemption or timberland conversion permit.

Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to the remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment."

The RPF has exercised due diligence in inspecting and evaluating the past timber conversion and in making recommendations so that the past conversion falls into compliance with the California Forest Practice Rules (CFPRs).

Sincerely,

Thomas Blair RPF#2607

A handwritten signature in blue ink, appearing to read "Thomas Blair", with a long horizontal flourish extending to the right.

Enclosed: Conversion Evaluation Report, Photos, General Location Map, Timberland Conversion Evaluation Map, CNDDDB Map

# Timberland Conversion Evaluation Report

December 27, 2018

As mandated by:

Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j)

"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA - ORDINANCE NO. 2559 Page 12 of 35 sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. . . ."

## Contact Information

1. Timberland Owners(s): Cherry Tree LLC  
Phone: (707) 533-5373
2. Timber Owner(s): Same as above
3. Registered Professional Forester (preparing report): Thomas Blair  
RPF Number: 2607  
Address: Blair Forestry LLC  
PO Box 2517  
McKinleyville, CA 95519  
Phone: (707) 834-2990

## Location of Project

Legal Description of Ownership: PARCEL 62 TIMBERLINE RANCH EST RS BK 26 PG 135  
Address: Bear Creek Road  
Dinsmore, CA 32219

APN(s): 208-201-017  
Section 30; T2N; R5E; HB&M; Humboldt County  
Parcel Size: Approximately 40 acres  
Acres Converted: > 0.10 acres

## Project Description

### Property History

Note: Property boundaries are based on the Humboldt County Assessor's APN parcel map and may vary geographically. Assessor's Parcel data in the GIS mapping program differed slightly geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2. This conversion evaluation report will focus on unauthorized conversion activities from the last 10 years (since 2008).

Imagery as far back as 1998 shows this parcel as historically a patchy forest interspersed with numerous small meadow-like openings. Historically cultivation efforts appear to have capitalized on these openings minimizing timberland conversion activities on the parcel. There are two (2) unauthorized Conversion Areas within the subject parcel (Conversion Areas #1 and #2; see Conversion Evaluation Map for locations).

Conversion Area #1 is in the central region of the parcel and appears to be a single tree removal from a historic meadow where there is currently a residential structure. The tree was removed sometime in between 2009 and 2010. No other tree removal was observed in this general area. Because this area has been utilized to construct a dwelling, the RPF concludes that the single tree removal was consistent with the California Forest Practice Rules (CFPRs) and has no recommendations for Conversion Area #1.

Conversion Area #2 is located along the southeastern edge of a graded flat at the northern property boundary and consists of > 10 Douglas-fir and madrone trees removed (stumps and some downed trees noted in the field). The graded flat was a historic meadow and was graded sometime between 2010 and 2012. Trees were removed below the fillslope along the eastern side of the grade sometime between 2014 and 2016.

### Project Description

The current landowner, Cherry Tree LLC, purchased the property in 2015. The single tree removal at Conversion Area #1 took place under previous ownership for a residence. Tree removal at Conversion Area #2 took place under current ownership. All unauthorized timberland conversion activity represents >0.1 acres of timberland conversion, which is below the 3-acre maximum Conversion Exemption allowed under 14 CCR 1104.1.

Humboldt County has zoned this parcel Forestry Recreation (FR) – which is “intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which the protection of the timber and recreational lands is essential to the general welfare”.

A field inspection of the property and conversion area was conducted on June 7, 2018 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

## Timber Stand Description

The property near the conversion areas is dominated by 40 to 60-year-old Douglas-fir with understory comprised of younger Douglas-fir, tanoak and madrone. The timber stand around the conversion areas appears very healthy with adequate conifer stocking. The understory around the conversion areas is well kept and generally free of excessive debris.

The property is located within Humboldt County, which is in the Zone of Infestation for Sudden Oak Death (SOD). No symptoms or signs of SOD were observed during evaluation.

## Analysis of Consistency Between Unauthorized Conversion and Applicable California Forest Practice Rules (CFPRs)

### Timber Harvesting and Operations

*14 CCR 914.1 Felling Practices*

*14 CCR 914.2 Tractor Operations*

*14 CCR 914.7 Timber Operations, Winter Period*

Although no records of timber harvesting are available for the conversion areas, operations presumably involved hand felling with chainsaws and tractor skidding or piling.

At Conversion Area #1, there is no sign of the tree that was removed for the residence, but it is assumed it was utilized as fire wood over the years. Conversion Area #1 appears to be consistent with the CFPRs concerning Timber Harvesting and Operations.

At Conversion Area #2, trees were felled below a graded fillslope along the southeastern edge of a graded flat. It appears these trees were removed to allow more light to the cultivation area. Additionally, because of notable erosion control issues on the fillslope near where trees were cut, trees were cut within a newly created Watercourse Protection Zone (WLPZ) of a Class III watercourse and may have been felled toward or across the watercourse/erosion gully (see Sections below for further explanation). Grading activity did not occur within the Class III WLPZ, and tractor operation were not likely associated with tree removal as the trees are still on the ground.

At Conversion Area #2, tree removal activities took place under current ownership of the property. The cultivation flat above the conversion site was created before trees were cut. It is difficult to know what time of year the conversion or grading activities took place and no winter operating plan was recorded for any conversion sites.

### Roads, Soil Stabilization and Erosion Control

*14 CCR Article 12 Logging Roads, Landings, and Logging Road Watercourse Crossings*

*14 CCR 914.6 Waterbreaks*

The current road system within the subject parcel leading specifically to Conversion Areas - access road leading to the home site at Conversion Area #1 and Conversion Area #2 - was established prior to 1998. The property access roads, which also lead to the timberland Conversion Areas, were inspected during site visits. The property owner is in the process of drafting an Erosion Sediment Control Plan (ESCP) and a Disturbed Area Stabilization Plan (DASP, pers. comm. with Green Roads Consulting) which addresses

road work sites and watercourse crossings. These plans should adhere minimally to all road work rules described in 14 CCR Article 12.

The seasonal road accessing Conversion Areas #1 and #2 crosses 3 watercourses (STX 1, STX 2 and STX 3 on the ESCP overview map from Green Roads Consulting). All 3 crossings require culvert replacements or stream crossing maintenance for permanent crossing status. The RPF agrees with the proposed recommendations in the ESCP for crossings at STX 1, STX 2 and STX 7 which access timberland conversion sites by crossing Class II and Class III watercourses. The RPF also agrees with the ESCP recommendations for road work prescriptions and placement addressing hydrological disconnect utilizing rock and rolling dips/water bars.

Conversion Area #2 exhibits advanced fillslope failure below the southeastern edge of the graded flat due to poor drainage management (Observation Point 2(a)) and requires immediate interim stabilization measures. The graded flat is concave at Observation Point 2(b) and funnels water toward the erosion point where it immediately incises down into the graded fillslope toward the head of a Class III watercourse (Observation Point 2(a)). The RPF (in agreement with the Disturbed Area Restoration Plan developed by Green Roads Consulting) recommends the following to address erosion control associated with Observation Points 2(a) and 2(b):

1. Interim measures to stabilize the water concentration point on the flat (Observation Point 2(b)) by utilizing straw wattles or equivalent installed at the edge of the flat where it meets the fillslope and every 10 ft on the fillslope. Rock armor gully forming on fillslope for entire length of fillslope and erosion channel leading into the natural swale of the Class III watercourse just past existing treeline.
2. Permanent measures involving reshaping/regrading (high-center and inslope) graded flat along Observation Point 2(b) to shed water toward an unconcentrated area away from Observation Point 2(a) and other fillslope areas.

Overall, the soils, slope, aspect and climate are all suitable for the converted uses, but the conversion area does not comply with 14 CCR Article 12 concerning Logging Roads, Landings and Logging Road Watercourse Crossings; 14 CCR 914.6 concerning Waterbreaks.

## Watercourses and Water Resources

*14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."*

The property contains both Class II and Class III watercourses.

### Conversion Area #1

Was historically a single tree surrounded by a relatively large open meadow. There were no watercourses observed in this area.

### Conversion Area #2

Timber harvest activities appear to have taken place within Watercourse and Lake Protection Zone (WLPZ) of the Class III watercourse on and below the fillslope at Observation Point 2(a) described above.

Approximately 10 trees were cut to get more light onto the flat and could have added to slope instability occurring below the fillslope. Poor drainage management from the graded flat above (Observation Point 2(b)) has caused a gully to erode down the fillslope (Observation Point 2(A)) which then leads to a Class III swale (described in the previous section above). The true natural surface head of this watercourse is downslope into the forest but due to the drainage issues from the graded flat above, the watercourse now begins just below the base of the fillslope of the graded flat. While CFPRs allow timber harvesting within Class III watercourse zones of traditional Timber Harvest Plans, Timberland Conversion Exemptions under 14CCR 1401.1 do not allow for any harvesting or tractor operations within watercourse protection zones.

Conversion Area #2 does not comply with 14 CCR 1104.1(a)(2)(F). The RPF recommends the landowner restore the area that trees were cut within 50' of the Class III watercourse WLPZ to "timberland" as defined by PRC 4526. Immediately mulch and/or seed area to prevent erosion if present. Replant area with seedlings to comply with minimum stocking standards of 14CCR 912.7 (300 trees per acre or 1 tree every 145 square feet or minimum tree spacing of 12 feet). Due to the unstable nature of the fillslope and erosion gully at Observation Point 2(a), trees should be planted on any exposed fillslope within 30' of this gully.

## Hazard Reduction

*14 CCR 1104.1(a)(2)(D)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."*

The conversion sites and the surrounding timber stand was walked and assessed for debris resulting from timberland conversion activities. There was one (1) site near Conversion Area #2 where Douglas-fir logs and debris, presumably resulting from nearby conversion activities, was accumulated (Observation Point 2(c)).

Other areas around conversion sites, fillslopes and surrounding timber stand are otherwise open and clear of slash and woody debris associated with conversion activities.

Recommendations: Cut sawlogs at Observation Point 2(c) to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1).

## Biological Resources

*14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895. 1"*

A query of the California Natural Diversity Database (CNDDDB) on December 27, 2018 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within the conversion area. Additionally, none of these species were observed during the field assessment of the property. A copy of the CNDDDB map generated by this query is included in this report.

Conversion activities did not appear to have altered habitat for other non-listed species of wildlife (i.e. no evidence of felled snags). Additionally, there is abundant wildlife habitat elsewhere on the property in the form of tree cavities and grazing/foraging sites.

The conversion area appears to comply with 14 CCR 1104.1 (2)(H). No recommendation is suggested regarding biological resources.

## Cultural Resources

*14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."*

No archeological sites were observed during the conversion evaluation. All relative Native American entities have been notified of the operation activities.

The conversion area appears to comply with 14 CCR 1104.1 (2)(1). No recommendation is suggested regarding cultural resources.

## Summary of Recommendations

Overall, it is the opinion of the RPF that the past unauthorized conversion activities did not entirely meet the standards set forth in the CFPRs and requires the following mitigation recommendations:

### 1. Roads, Soil Stabilization and Erosion Control

- Follow immediate interim and permanent measures for addressing erosion issues at Observation Points 2(a) and 2(b):

Interim measures to stabilize the water concentration point on the flat (Observation Point 2(b) by utilizing straw wattles or equivalent installed at the edge of the flat where it meets the fillslope and every 10 ft on the fillslope. Rock armor gully forming on fillslope for entire length of fillslope and erosion channel leading into the natural swale of the Class III watercourse just past existing treeline.

Permanent measures involving reshaping/regrading (high-center and inslope) graded flat along Observation Point 2(b) to shed water toward an unconcentrated area away from Observation Point 2(a) and other fillslope areas.

### 2. Watercourse and Water Resources

- Restore the area that trees were cut within 50' of the Class III watercourse WLPZ to "timberland" as defined by PRC 4526. Immediately mulch and/or seed area to prevent erosion if present. Replant area with seedlings to comply with minimum stocking standards of 14CCR 912.7 (300 trees per acre or 1 tree every 145 square feet or minimum tree spacing of 12 feet). Due to the unstable nature of the fillslope and

erosion gully at Observation Point 2(a), trees should be planted on any exposed fillslope within 30' of this gully.

## Site Maps

General Location Map: Shows ownership boundary in proximity to recognizable landmarks.

Timberland Conversion Map: Location of timberland conversion operations boundaries within property boundaries, location and classification of watercourses, Observation Sites and roads.

California Natural Diversity Database (CNDDDB) Project Location Map: Location of timber conversion in relation to biological resources.

## Resources

California Forest Practice Rules 2017. Sacramento: CAL FIRE, 2017. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDDB>. Version 5.66.18. Accessed December 27, 2018.

California Native Plant Society, Rare Plant Program. 2018. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed December 2018].

Forest Practice Watershed Mapper v2. CAL FIRE. Web. [http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/). Accessed December 1, 2018.

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed December 1, 2018.

Google Earth Pro



## Photos



Photo 1. Looking down fillslope of graded flat above Conversion Area #2. Stumps from tree removal at base of fillslope.



Photo 2. Observation Point 2(c), Hazard Reduction site from trees cut at Conversion Area #2.





Photo 3. Observation Point 2(a), incised channel going down unstable fillslope toward Class III watercourse (in tree line) from concentration point on graded flat.



Photo 4. Observation Point 2(a), view of fillslope where gully has formed from concentrated runoff graded flat. Also evidence of timber Conversion Area #2.





Photo 5. Bottom of Observation Point 2(a) where gully runs into Class III swale. Also Hazard Reduction from conversion activities present.





Photo 6. Observation Point 2(b), concaved area on graded flat where water concentrates before heading toward Observation Point 2(a) – fillslope and incises down to Class III watercourse.



Photo 7. Another view looking down gullied fillslope at Observation Point 2(a), also note cut trees and hazard reduction debris.





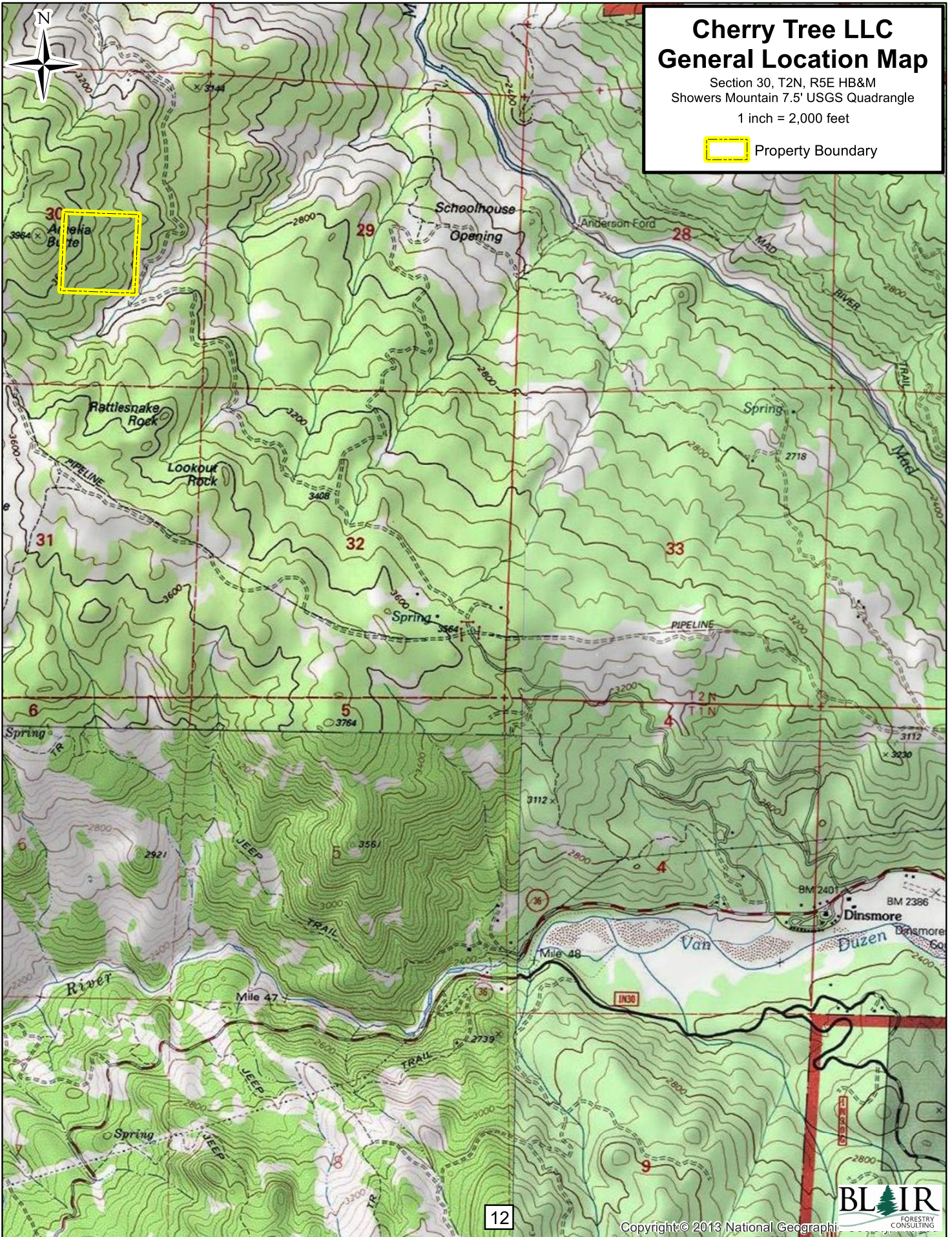
# Cherry Tree LLC General Location Map

Section 30, T2N, R5E HB&M  
Showers Mountain 7.5' USGS Quadrangle

1 inch = 2,000 feet



Property Boundary









# Cherry Tree LLC Conversion Evaluation Map


Section 30; T2N, R5E; HB&M  
Showers Mountain 7.5' USGS Quadrangle

1 inch = 200 feet

 Property Boundary


 Conversion Area

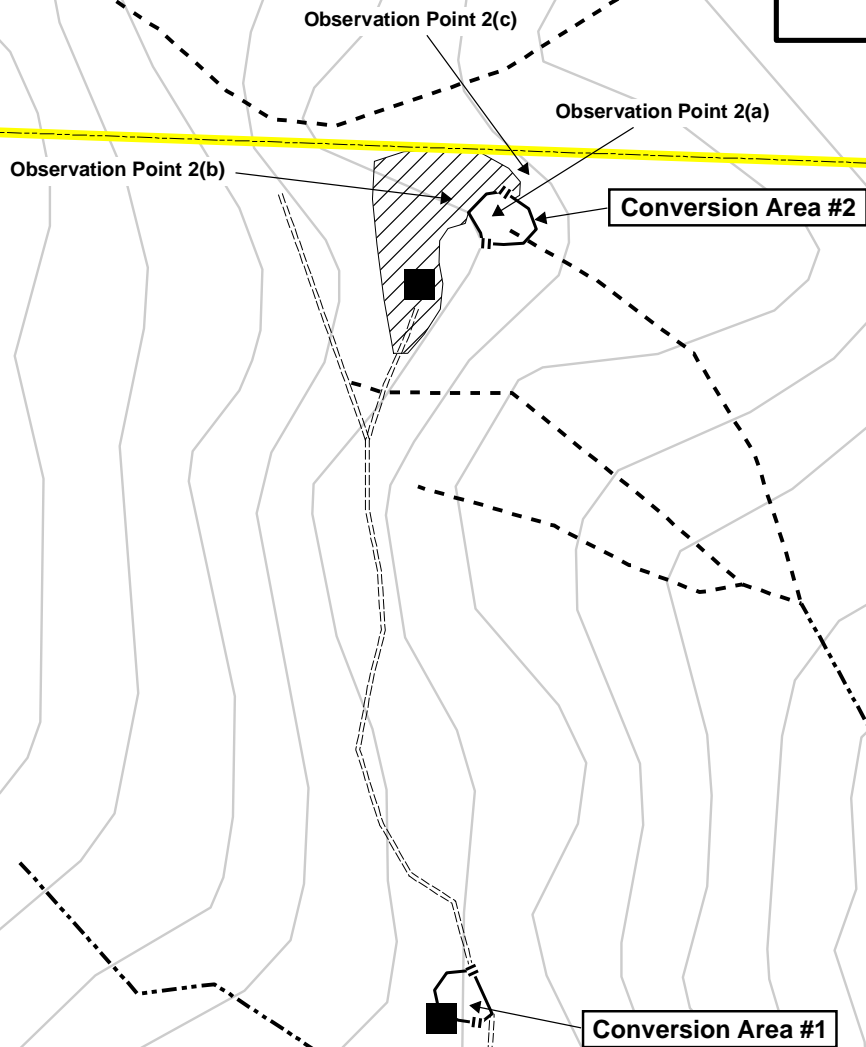
 Seasonal Road

 Class II Watercourse

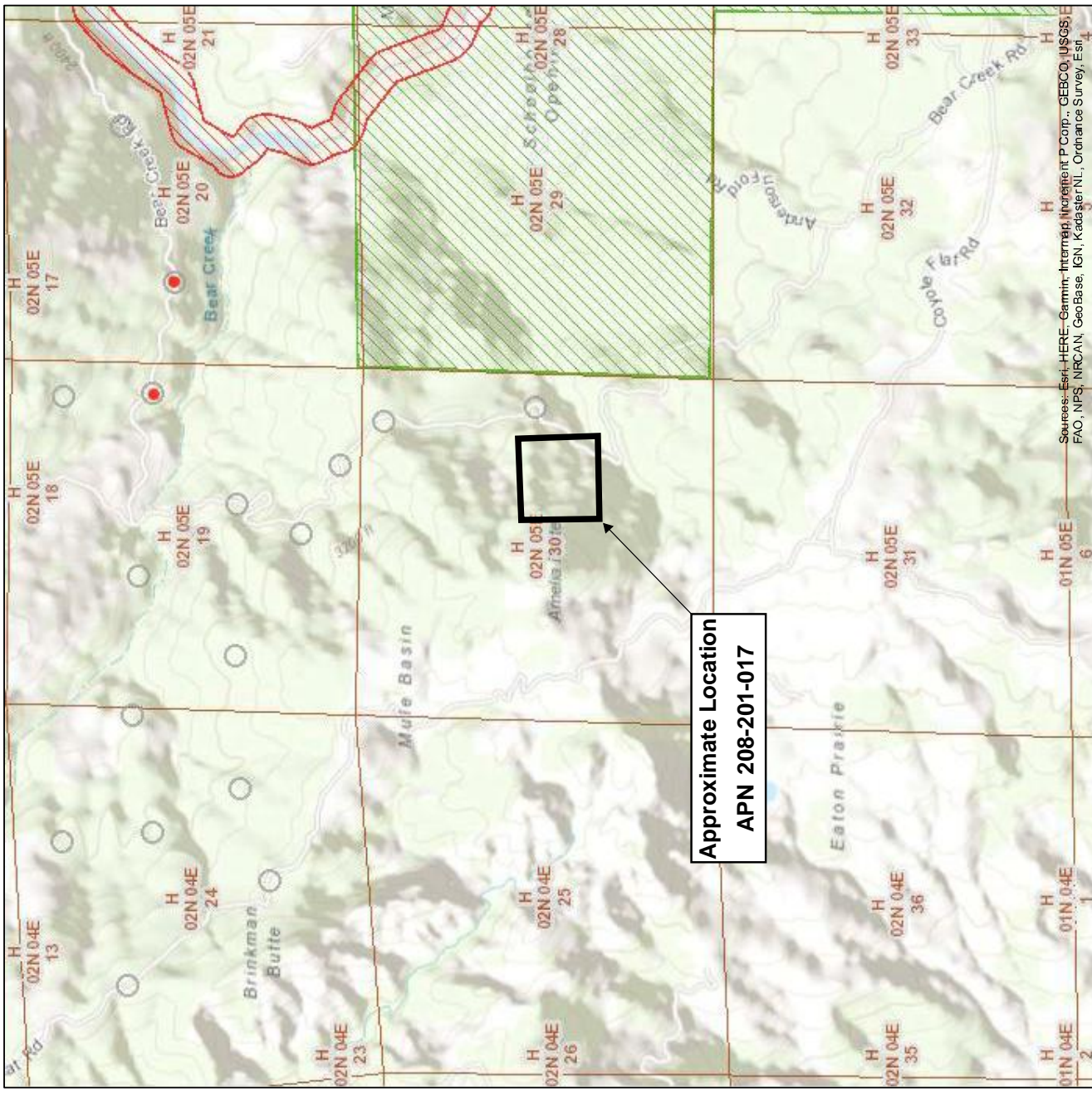
 Class III Watercourse

 Graded Flat

 Structure



# Cherry Tree, LLC CNDDB



- Spotted Owl Observations [ds704]**
- Positive Observation
  - Negative Observation
  - Activity Center
  - Not Valid Activity Center
  - ◇ Abandoned
- California Natural Diversity Database (CNDDB) Commercial [ds85]**

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)

