

January 13, 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 for Brian Southard within APNs 208-241-006 and 208-241-007. Please accept this letter as the Registered Professional Forester's (RPF) written report showing sufficient evidence that the converted area was inspected as required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10(j), sited below.

"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. .. "

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, California Natural Diversity Database (CNDDDB) Map

# Timberland Conversion Evaluation Report

January 13, 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): **Brian Southard**  
Phone: **(807) 671-3111**
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:  
Address: Located off **Ridge Road**  
**Dinsmore, CA 95526**  
APN(s): **208-241-006, 208-241-007**  
**Section 36; T2N; R5E; HB&M; Humboldt County**  
Parcel Size: **80 acres**  
Acres Converted: **0.79 acres**

## Project Description

### Property History

Note: The property boundaries are based on the Humboldt County Assessor's APN parcel map. Assessor's Parcel data in the ArcMap GIS mapping program differed slightly geographically but parcel

boundaries were not associated with conversion areas. 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. To avoid speculation and maintain relevancy, the property background shall focus on the past 12 years (2005 to 2017).

There are no Timber Harvest Plans (THPs) on record with Cal Fire for this parcel. The property consists of oak woodland mixed with Douglas-fir and some open meadow habitat. There are a few non-timbered rock outcrops on the property (one of which is associated with Conversion Area A). The property was used for hunting historically and some smaller access roads and/or quad trails started showing up on orthographic images around the late 1990's. There was no apparent evidence of historic logging activity (i.e. stumps, skid trails) observed on the site visit but the entire property was not inspected.

**Project Description**

The current landowner, Brian Southard, purchased the property in March of 2017 with 2 of the 3 unauthorized timberland conversion sites already present. The previous landowners conducted 2 unauthorized timberland conversions (Conversion Sites A and B) totaling approximately 0.5-acres between the years 2012 and 2014 while the current landowner was responsible for 1 conversion site (Conversion Site C). When a site visit was conducted, all three conversion sites were inspected for consistency with the California Forest Practice Rules (CFPRs). Roads leading directly to, and terminating at, unauthorized conversion sites were also considered in the calculation of total converted area and inspected for consistency with the CFPRs. See Conversion Evaluation Map and table below for explanation of conversion areas inspected.

| <b>Conversion Site ID</b>          | <b>Conversion Site Acreage</b> | <b>Time Periods of Completion</b> |
|------------------------------------|--------------------------------|-----------------------------------|
| A                                  | 0.4 acres                      | 2005 to 2009                      |
| B                                  | 0.1 acres                      | 2010 to 2012                      |
| C                                  | 0.3 acres                      | 2012 to 2014                      |
| Roads                              | 0.35 acres                     | 2005 to 2014                      |
| <b>Total Conversion Sites Area</b> | <b>1.15 acres</b>              | <b>2005 to 2014</b>               |

The total acreage of unauthorized converted area on the property is 1.15 acres, well below the 3-acre maximum allowed under 1104.1(a).

Humboldt County has zoned this parcel **Unclassified (U)**. According to Humboldt County Code Zoning Regulations, Title III, Land Use Development - Unclassified Zone is "all of the unincorporated area of the County not otherwise zoned is designated as the Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications" (Section 314-8.1, Chapter 4, page 36).

A field inspection of the property and conversion areas was conducted on October 10, 2017 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 timber stand near the conversion areas is dominated by true oak woodland (primarily Oregon white oak and live oak) intermixed with some Douglas-fir, especially closer to drainages. Other hardwood species include black oak and madrone. Oak species age ranges from young to possibly several hundred years. Douglas-fir age ranges from young growth to 60 years. Forested areas give way to open grassland habitat in multiple areas of the parcel.

The original composition of the converted sites was mostly oak woodland and some small Douglas-fir. Based on observation of remnant slash piles around the conversion sites, the timber removed consisted almost entirely of white oak.

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***

There are no records of practices used for harvesting on the unauthorized timberland conversion sites but it can be assumed trees were hand-felled and that operations involved an excavator or bulldozer. It is also assumed that no timber left the property following the conversion evidenced by some existing slash piles near the conversion sites, the remoteness of the property and the non-marketable nature of oak locally.

Inspection around some of the conversion sites suggest that some trees were pushed over the edge of the conversion site during subsequent grading. Some of the wood from the conversion sites was used for firewood (pers. contact with landowner).

No Winter Operations Plan was recorded for any conversion site considered in this report. Although it is difficult to tell what time of year operations took place at Conversion Sites A and B, the landowner stated that timber felling and clearing at Conversion site C was conducted during late spring in dry conditions. No erosion hazards resulting from timber operations are apparent on any conversion site or associated road. Slopes on and around the conversion sites are gentle to moderate. All 3 conversion sites experienced some degree of grading after the conversions took place.

## Roads, Soil Stabilization and Erosion Control

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

#### 14 CCR 914.6 Waterbreaks

Roads associated with access to timberland conversion sites were presumably permanently established when the conversion activities took place at each site. Operations, including mobilization of any heavy equipment to the conversion sites, used roads that appear to have been put in place for access to these sites - as they do not extend beyond these points. While it is very likely these roads followed historic access roads or quad trails, potentially to hunting sites, it is difficult to know for sure. The roads leading to conversion sites do not show up well on historical orthographic imagery until the conversions are present.

Other than the graded areas at the conversion sites themselves, there were no apparent landings associated with the conversion activities. All 3 timberland conversion sites were graded to effectively shed water in a manner to that minimizes concentrated runoff. The conversion sites and grading fill slopes have also become stabilized and vegetated with grasses and forbs further reducing erosion potential.

The entire road system associated with access to conversion sites was walked and assessed for sediment delivery potential. Road surfaces were generally rocked, intact and did not exhibit rutting. A total of 4 watercourse crossings associated with roads accessing the conversion sites were inspected (see Conversion Exemption Map for locations). The road leading to Conversion Sites A and B has 3 crossing sites (SC#8, SC#9 and SC#10) and the road leading to Conversion Site C has 1 crossing site (SC #2)\*. Although these crossings sites require upgrades (see recommendations below), there were no apparent imminently threatening sediment delivery issues associated with road surfaces or watercourse crossings.

Crossing sites SC #2, SC #8, SC #9 and SC #10 were not installed under the proper 1600 permitting and are not adequately sized to withstand a 100-year storm flow. The property owner is currently in the process of having a Water Resource Protection Plan (WRPP) drafted by Pacific Watershed Associates (PWA). The roads and crossing sites associated with access to Conversion Sites A, B and C will all be addressed within 4 years under this agreement through the proper permitting avenue (pers. comm. Colin Hues at PWA). See table below with stream crossing information provided by PWA's "WRPP for APNs 208-241-006 & 208-241-007".

| Stream Crossing # | Existing Culvert Diameter (in) | Q-100 Discharge Estimate for 100-yr Storm (cfs) | Recommended Culvert Diameter (in) |
|-------------------|--------------------------------|---|-----------------------------------|
| SC #2             | 18                             | 9   | 24                                |
| SC #8             | 24                             | 22  | 36                                |
| SC #9             | 48                             | 137   | 48                                |
| SC #10            | Fill                           | 6   | 24 or armored fill                |

Overall, the soils, slope, aspect and climate are all suitable for the converted uses.

## Recommendations:

- Address road surface points on roads leading to conversion sites and watercourse crossings at sites SC #2, SC #8, SC #9 and SC #10 as dictated in your Water Resource Protection Plan (currently being drafted by Pacific Watershed Associates (PWA)) within a 4-year period.

\*Watercourse crossing sites discussed in this report and on the Timberland Conversion Evaluation Map are labeled identically to stream crossing sites in Pacific Watershed Associate's Water Resource Protection Plan (WRPP).

## Watercourses and Water Resources

**14 CCR 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. state, county, city)."**

The conversion areas are between 3,100 and 3,600 feet in elevation and fall inside the Hastings Creek watershed (CALWATER V2 - 1109.300104). Drainage originating from this property makes its way to the Mad River to the south. The conversion areas are all generally situated on or near ridge lines. As stated in the previous section above - there were no observable soil stabilization or erosion control issues that would negatively affect any watercourses or water resources far downslope.

Each conversion site was inspected for proximity to Class I through class IV waters and domestic water sources. Only Class II and Class III watercourses were observed on the property during inspection. Timber conversion activities at Conversion Sites A, B and C did not occur within 100 feet of any Class II watercourse or 50 feet of any Class III watercourse. Conversion activities associated with road construction and watercourse crossings did occur within watercourse and lake protection zones. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may substantially divert or obstruct the natural flow of any river, stream or lake; or change or use any material from the bed, channel or bank of any river, stream, or lake.

The conversion area appears to comply with 14 CCR 1104.1(a)(2)(F). No recommendation is suggested regarding Watercourses and Water Resources.

## 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."**

Some untreated remnant slash piles resulting from the timberland conversion activities exist near Conversion Area A (Observation Site(a) - Shown on Conversion Map). The largest pile is likely composed of slash from both Conversion Areas A and B and could be as old as 10 years old. The slash has begun to somewhat naturally decay but could be considered a fuel hazard. Some smaller pieces of saw logs are intermixed with fill from grading pushouts around Conversion Area C but are not an imminent fire danger and would likely disturb settled soils if removed. All piles are located away from structures, posing no immediate fuel hazards.

The RPF recommends that slash and woody debris resulting from conversion activities be reduced to the degree that its treatment would not cause soil disturbance issues. Burying slash would likely cause soil disturbance in areas that soils have already settled. Furthermore, slash piles which have been intermixed with fill likely have value as wildlife habitat for small mammals. Slash piles and logs that are not heavily intermixed with soil and reasonably accessible should be lopped and scattered by hand (to specifications described in 14 CCR 1104.1(a)(2)(D)(1)), cut and used for wood heat (to specifications described in 14 CCR 1104.1(a)(2)(D)(7)) or piled on the clearings and burned during the wet winter period (under permit from the appropriate fire protection agency).

Recommendations:

- Treat slash and woody debris at Observation Site(a), (Shown on Conversion Map) as described above and in 14 CCR 1104.1(a)(2)(D)(6).

## **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 January 13, 2017 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile buffer area surrounding the parcel. No sensitive, rare, threatened, or endangered species or species of special concern were observed during the field assessment of the property. The nearest northern spotted owl activity centers (HUM 0043 and TRI 0187) are approximately 0.75 miles away from the Southard property parcel boundary, and even further from the conversion sites. 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, grazing/foraging sites and mast-producing tree species such as oaks.

The conversions areas appear 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 areas appear 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

- Address road surface points on roads leading to conversion sites and watercourse crossings at sites SC #2, SC #8, SC #9 and SC #10 as dictated in your Water Resource Protection Plan (currently being drafted by Pacific Watershed Associates (PWA)) within a 4-year period.

### 2. Hazard Reduction

- Treat slash and woody debris around Conversion Areas A and B (Shown on Conversion Map) as described above and in 14 CCR 1104.1(a)(2)(D)(6).

## Site Maps

General Location Map: Shows ownership boundary in proximity to recognizable landmarks and general location of conversion within property boundary.

Timberland Conversion Map: Shows location of timber conversion operations, Boundaries of Conversion Areas A, B and C location and classification of watercourses, Observation Sites, pertinent structure locations and roads.

California Natural Diversity Database (CNDDDB) Map: Shows sites of rare, threatened or endangered plants or animals near the Conversion Evaluation area.



## Additional Information

### Photos

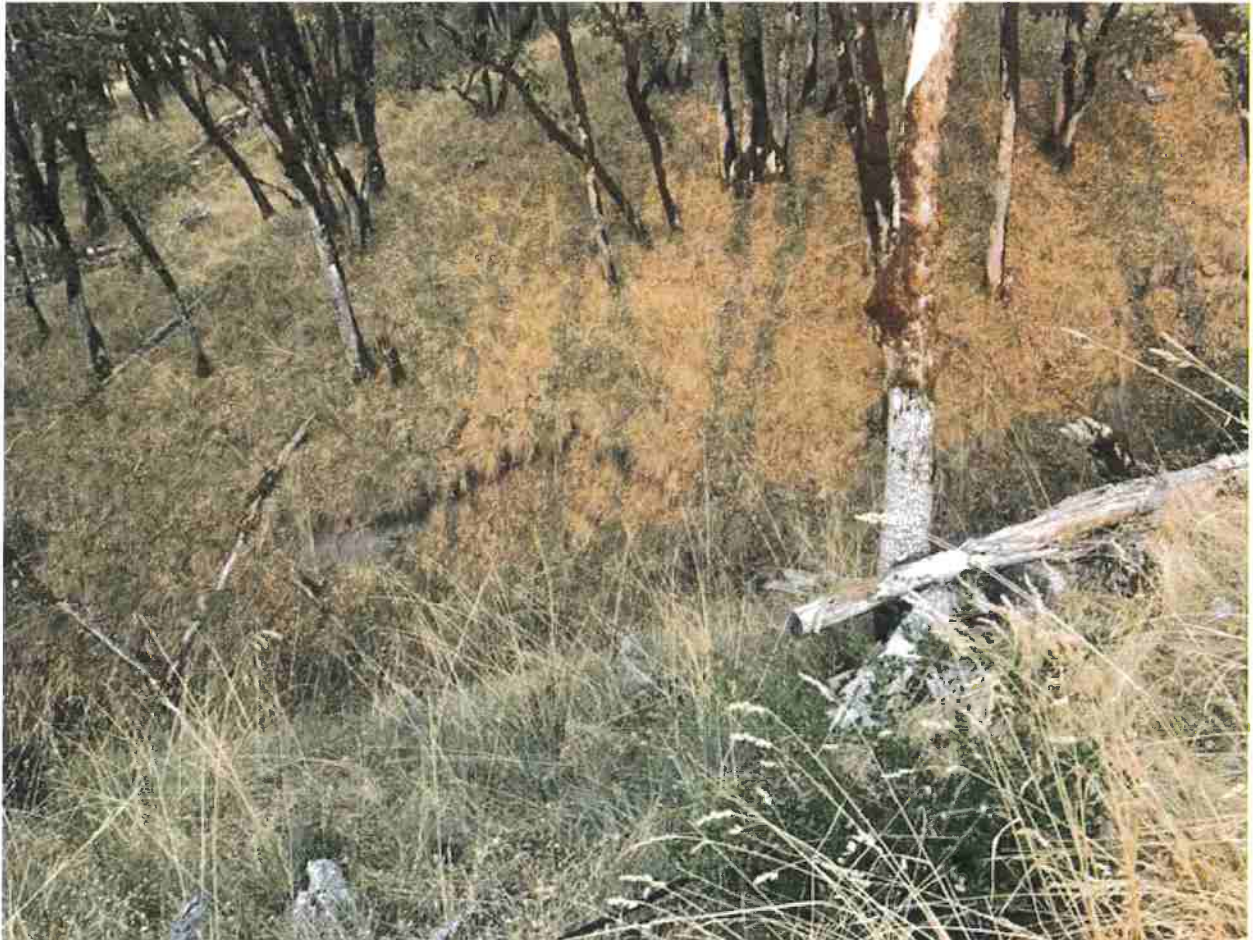


Photo 1: Class III watercourse to the west of Conversion Area C (which falls outside of WLPZ for Converted Area excluding the road crossing which access the site at SC #2)

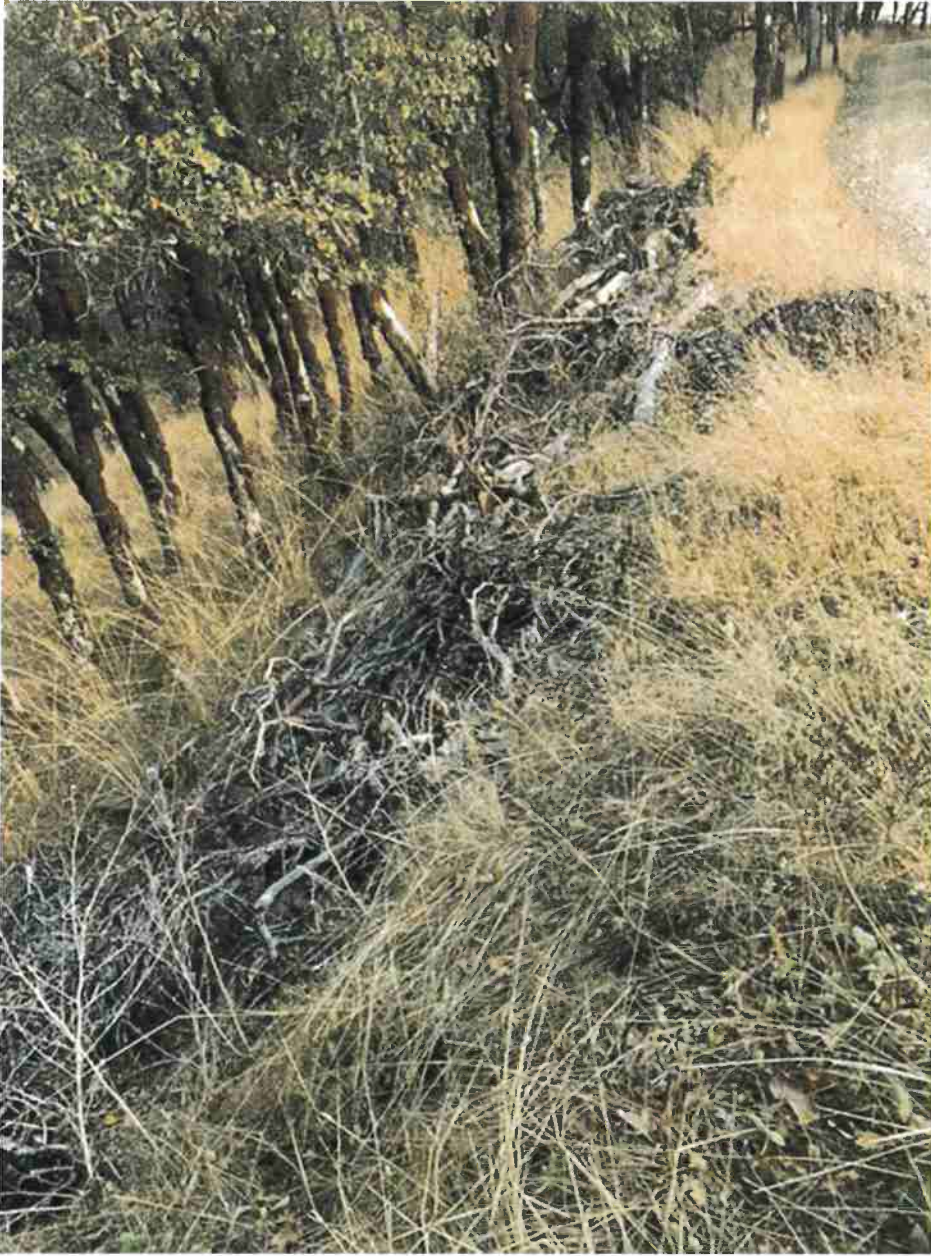


Photo 2: Slash pile adjacent to road at Observation Site(a).

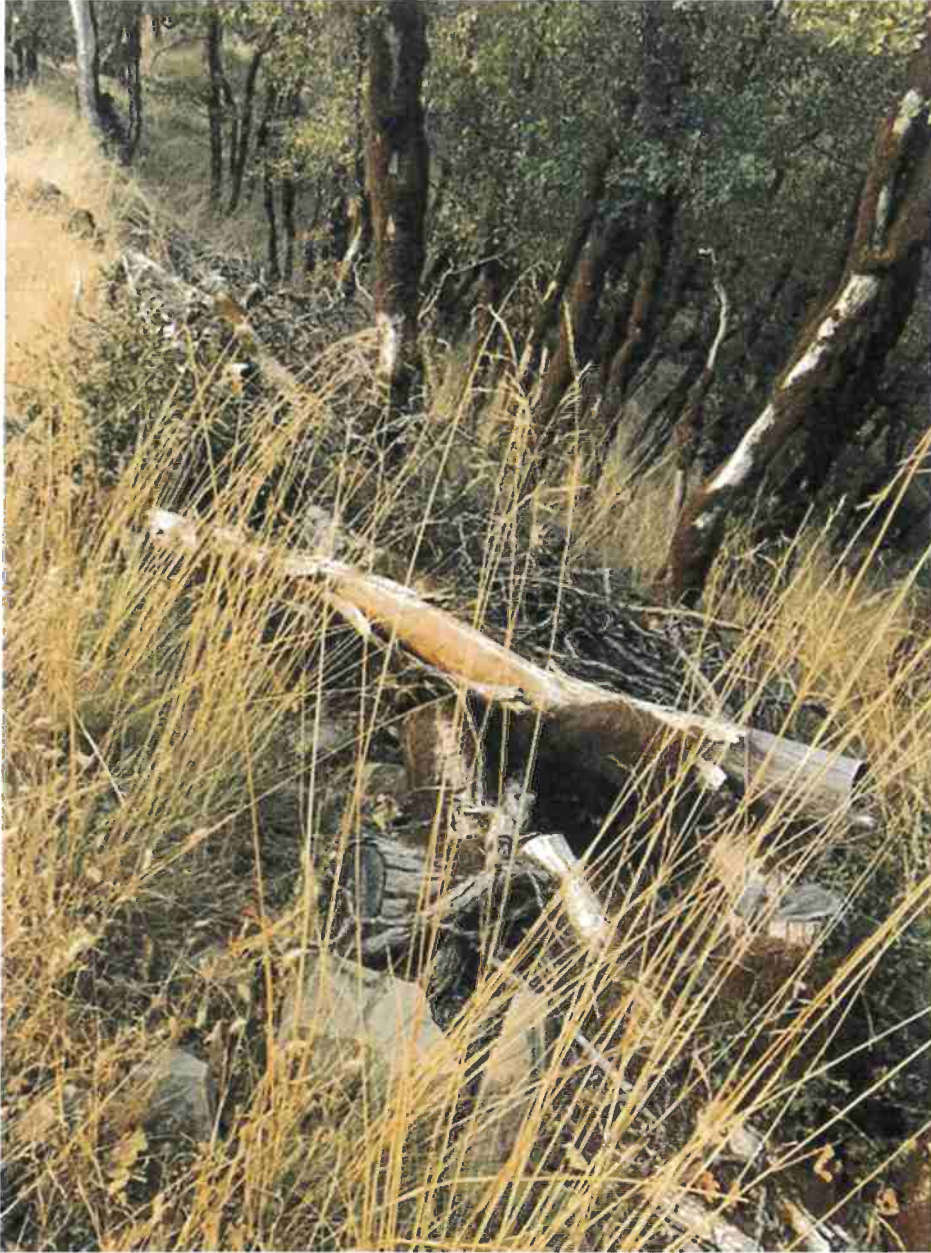


Photo 3: Slash pile adjacent to road at Observation Site(a).



Photo 4: Conversion Area A across road from Observation Site(a).



Photo 5: Smaller slash scattered below Conversion Area C.

## Resources

California Forest Practice Rules 2016. Sacramento: CAL FIRE, 2017. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDB>. Version 5.56.24. Accessed September 13, 2017

Forest Practice Watershed Mapper v2. CAL FIRE. Web. [http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/). Accessed September 6, 2017.

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed September 6, 2017

Google Earth Pro



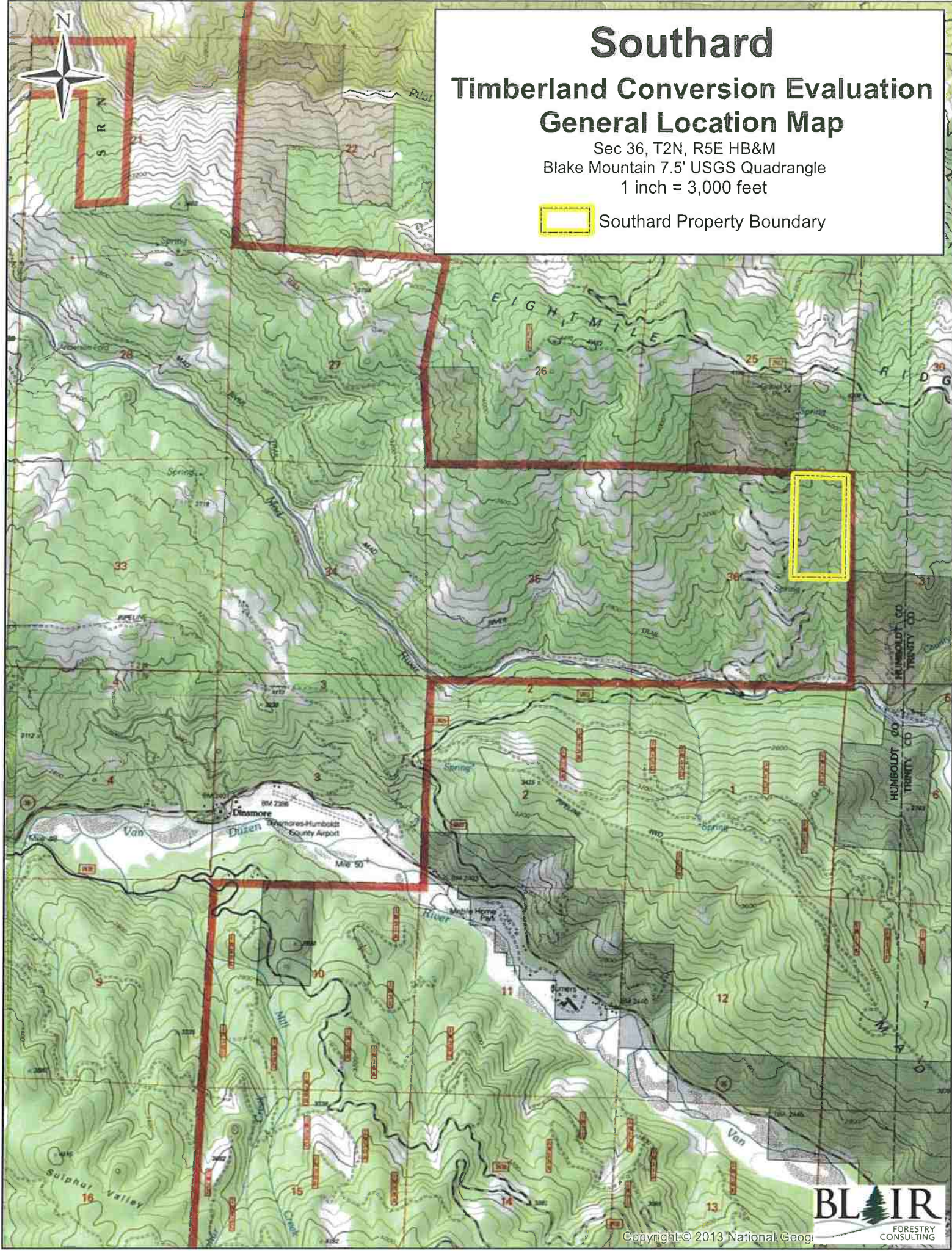
# Southard

## Timberland Conversion Evaluation

### General Location Map









Sec 36, T2N, R5E HB&M  
Blake Mountain 7.5' USGS Quadrangle  
1 inch = 3,000 feet

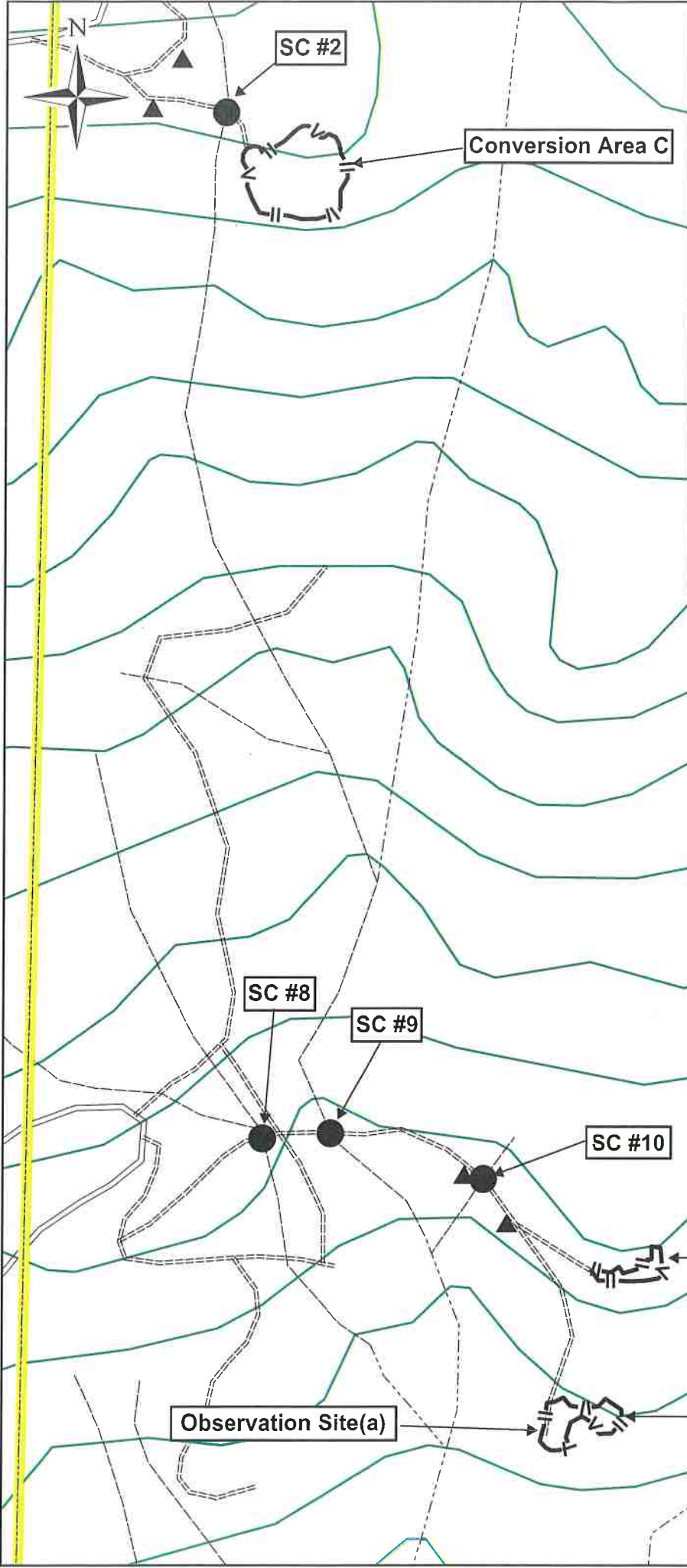
 Southard Property Boundary



# Southard Timberland Conversion Evaluation Map

Sec 36, T2N, R5E HB&M  
Blake Mountain 7.5' USGS Quadrangle  
1 inch = 200 feet

-  Southard Property Boundary
-  Conversion Areas
-  County Roads
-  Private Road System
-  Class II Watercourse
-  Class III Watercourse
-  Stream Crossing
-  Structure





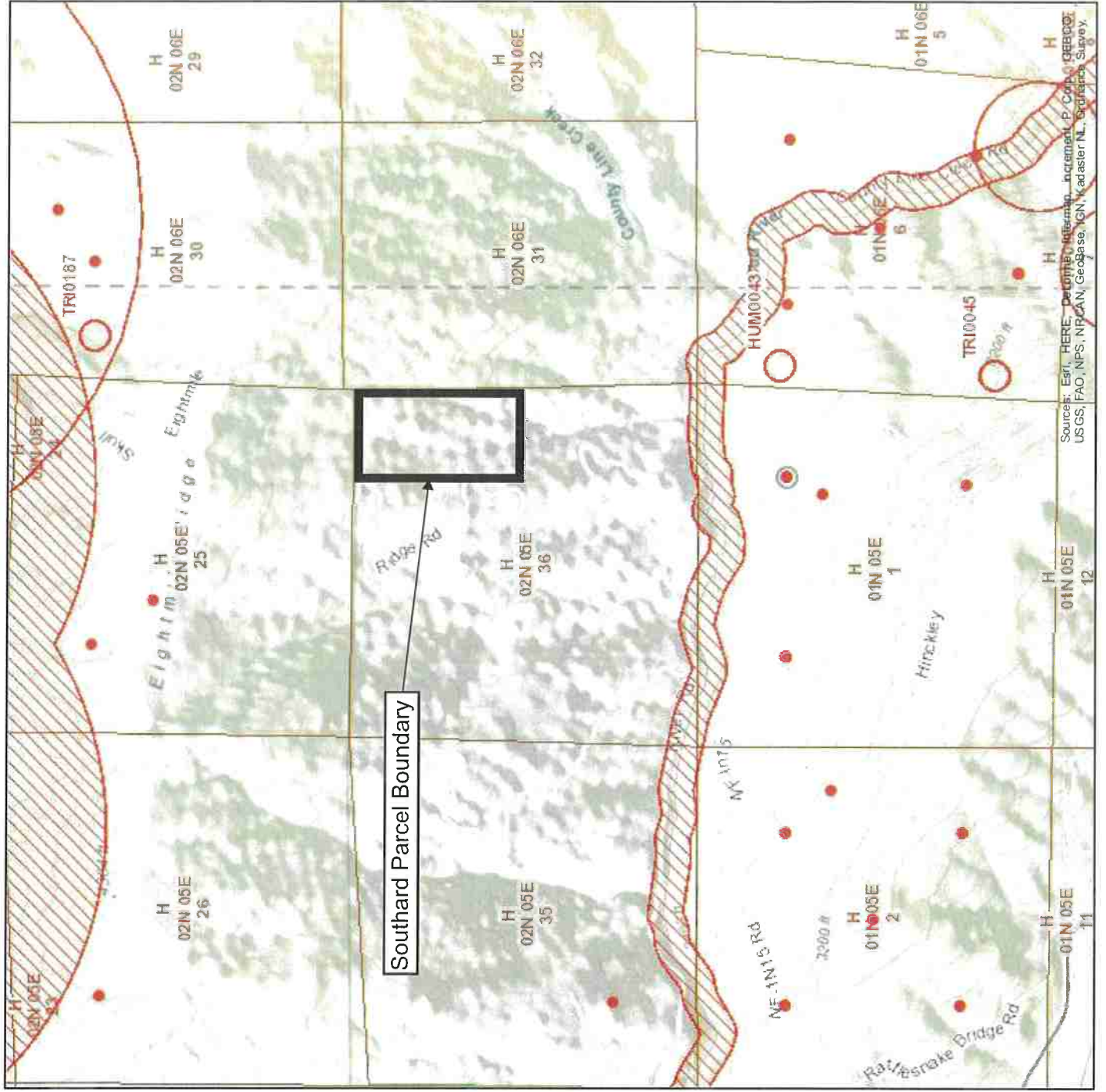
# Southard Conversion Evaluation

## 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)



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,