

ATTACHMENT 4B

Timberland Conversion Report



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trc@timberlandresource.com



11051

May 15, 2018

Steven M. Jones
PO Box 2204
Redway, CA 95560

Dear Steven M. Jones,

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application (Apps #11051) for APN 220-272-003. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying 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 Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation site and associated areas contained within the application on May 11, 2018. The RPF exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

Project Location

APN: 220-272-003

Acreage: 43 acres

Legal Description: SW 1/4 of SE 1/4 of Section 7
Township 4 South, Range 3 East,
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Ettersburg

Humboldt County Zoning: Forest Recreation

Site Address: None

Landowner/Timber Owner: Steven M. Jones

The project is located in Humboldt County, in the Briceland area, on Elk Ridge Road. From junction of Briceland Road and Perry Meadow Road, drive north-northwest approximately 1.8 miles to junction of Perry Meadow Road and Elk Ridge Road. Turn left and drive south for approximately 800 feet to property. (see General Location Map).

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.

The property consists of second growth tanoak and Douglas-fir with a minor component of madrone. Review of 1968 aerial imagery revealed no signs of recent timber harvesting. Based upon stand age, structure, and composition, the timber stands within the property and nearby areas were regenerated from the harvesting of old growth Douglas-fir in the 1950's in combination with conifer encroachment into areas that were formally grasslands.

Review of historic aerial imagery from 1968-2016 shows no signs of ground disturbance or changes in stand structure or composition suggesting additional logging entries have occurred since the original harvest. Moreover, none have been recorded by Cal Fire (Watershed Mapper v2 http://egis.fire.ca.gov/watershed_mapper/). The current landowner, Steven M. Jones purchased the property from Williams Andrews in December 2014.

Project Description

One cultivation site and homesite were inspected during the field assessment within APN 221-111-023. The following table lists the inspected sites and their acreages; see detailed site descriptions below.

Cultivation Site/Associated Area	Total Acreage	Converted?	Converted Acreage
Cultivation Site	0.50	Yes	0.50
Homesite	0.26	Yes	0.26
TOTAL	0.76		0.76

Cultivation Site

The Cultivation Site is approximately 0.5-acres in size located 600 feet southeast of the residence. Pre-existing historic cultivation per landowner has been approximately 26,775 ft² consisting of 21,375 ft² of outdoor and 5,400 ft² of mixed light. Review of aerial imagery reveals that the cultivation site was established between 2014 and 2016 and included extensive timber harvesting within 200+ feet of the graded site to the south and east. A majority of the slash and woody debris has been chipped and treated, however several small log decks remain. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation. The timber harvesting that occurred to the south and east of the cultivation site is approximately 1.5-2.0 acres in size. Sumps were removed from this area, however no cutting, filling, or grading occurred. During the inspection the RPF observed conifer and hardwood natural regeneration occurring throughout the cleared area below the cultivation site. At the present rate of natural succession, this area is expected to meet the stocking standards of 14CCR 912.7 of the Forest Practice Rules within several years.

Homesite

Defensible space was cleared around the residence between 2014 and 2016 concurrent with development of the cultivation site. This operation included the removal of both trees and stumps. An approximately 0.26 acre clearing directly south of the residence may be used in the future for cultivation activities. Consequently, this evaluation shall include this area in the event that the County allows portions of the existing cultivation to be relocated to this site. A majority of the slash and woody debris has been chipped and treated, however one small log deck remains. If cultivation activities are permitted in the future at this site then it will impede the use of this space for current timber growth and harvesting. Consequently, this site is potentially a timberland conversion.

Timberland Conversion Summary

TRC observed approximately 0.76 acres of unauthorized timberland conversion for cultivation-related purposes. This total does not exceed the three acre conversion exemption maximum.

Limitations and Considerations for Timberland Conversion Activities

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)."

No conversion areas exist within Watercourse and Lake Protection Zones (WLPZ) or Equipment Exclusion Zones (EEZs) on the property. The closest watercourse (Class III) is located approximately 200+ feet from the Cultivation Site and homesite. Conversion activities have not impacted water resources.

Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 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.
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.
- 8) Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.

A majority of the slash and woody debris has been chipped. A majority of the logs have been processed into firewood. Five small log decks remain that require treatment as shown on the attached map. Treatment includes cutting logs into firewood at lengths 24 inches or less.

Biological Resources and Forest Stand Health

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 May 13, 2018 revealed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the cultivation sites. No sensitive, rare, threatened, or endangered species or species of special concern were observed during the TRC field assessment of the project area, though potential habitat may exist on the property.

The query of the CNDDDB revealed no known Northern Spotted Owl (NSO) Activity Centers. NSO habitat within the property is "foraging" with no nesting or roosting habitat observed.

No major forest health issues were observed during the field assessment. Though the property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), no symptoms, signs, or evidence of oak mortality were observed (*Oak Mortality Disease Control*). According to UC Berkeley's Mobile SOD Map, SOD infections are located within a one-mile radius of the cultivation site and associated area. No risk assessment was made at the property. The conversion activities do not appear to have impacted forest health.

The conversion areas did not include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

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

No archeological sites were observed during the TRC field assessment. The RPF conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding undisturbed areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Chris Carroll, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #575). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surfaces.

Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

Recommendations

In summary, a total of 0.76 acres of unauthorized timberland conversion has occurred within APN 220-272-003. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property do *not* comply with the California Forest Practice Act and the California Forest Practice Rules. The RPF recommends the following measures for the converted areas:

Cultivation Site: Log deck treatment required.

Homesite: Log deck treatment required.

Pictures



Picture 3. Homesite conversion site. Residence is off photo to the right. Note log deck in distance. Fenced area is proposed cultivation site. Photo date 5-11-2018.

Sincerely,



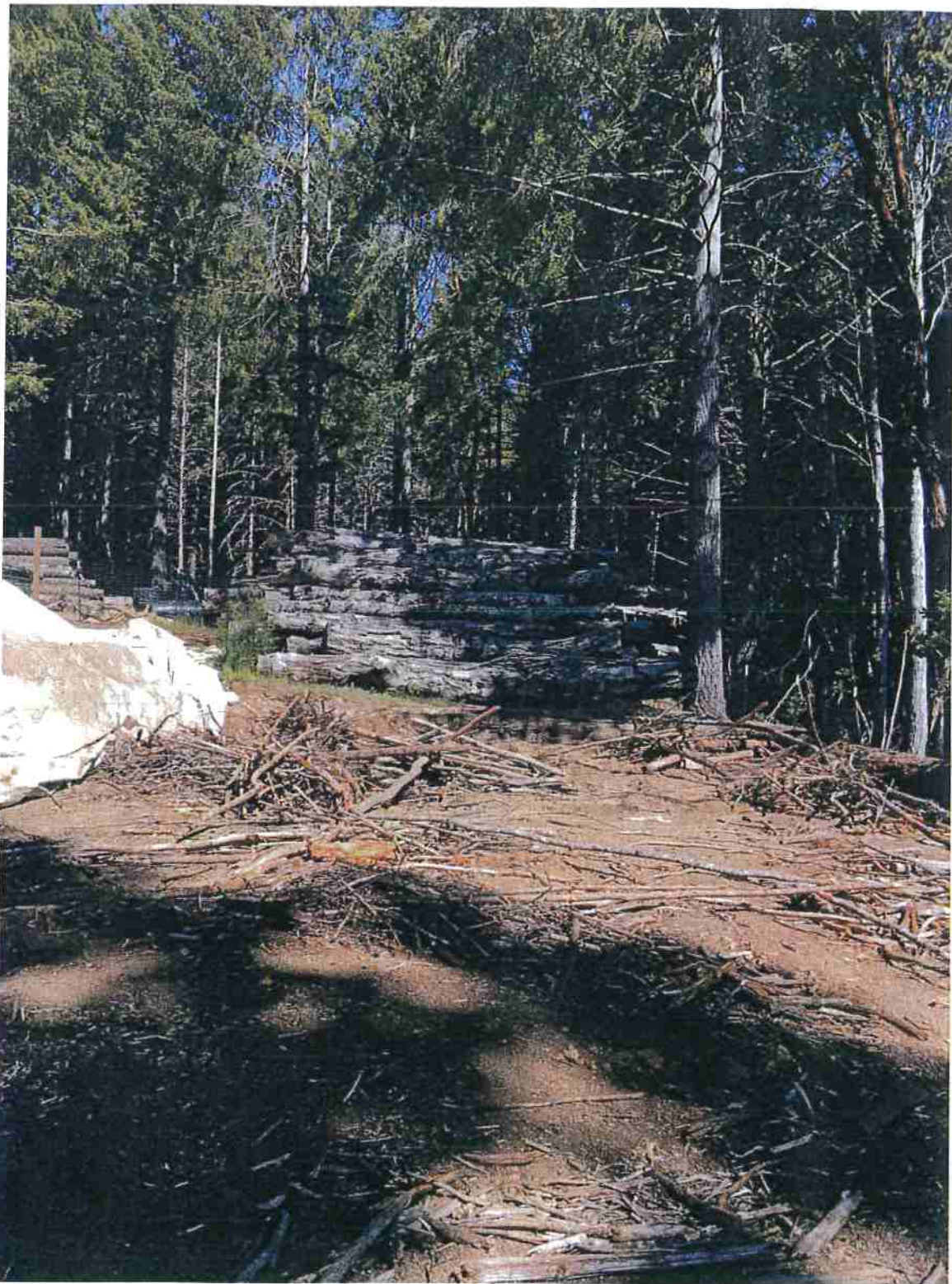
Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1: Logs that require treatment located near the cultivation site. Photo date 5-11-2018.

Pictures



Picture 2: Logs and woody debris that require treatment located near the cultivation site. Photo date 5-11-2018.

Pictures



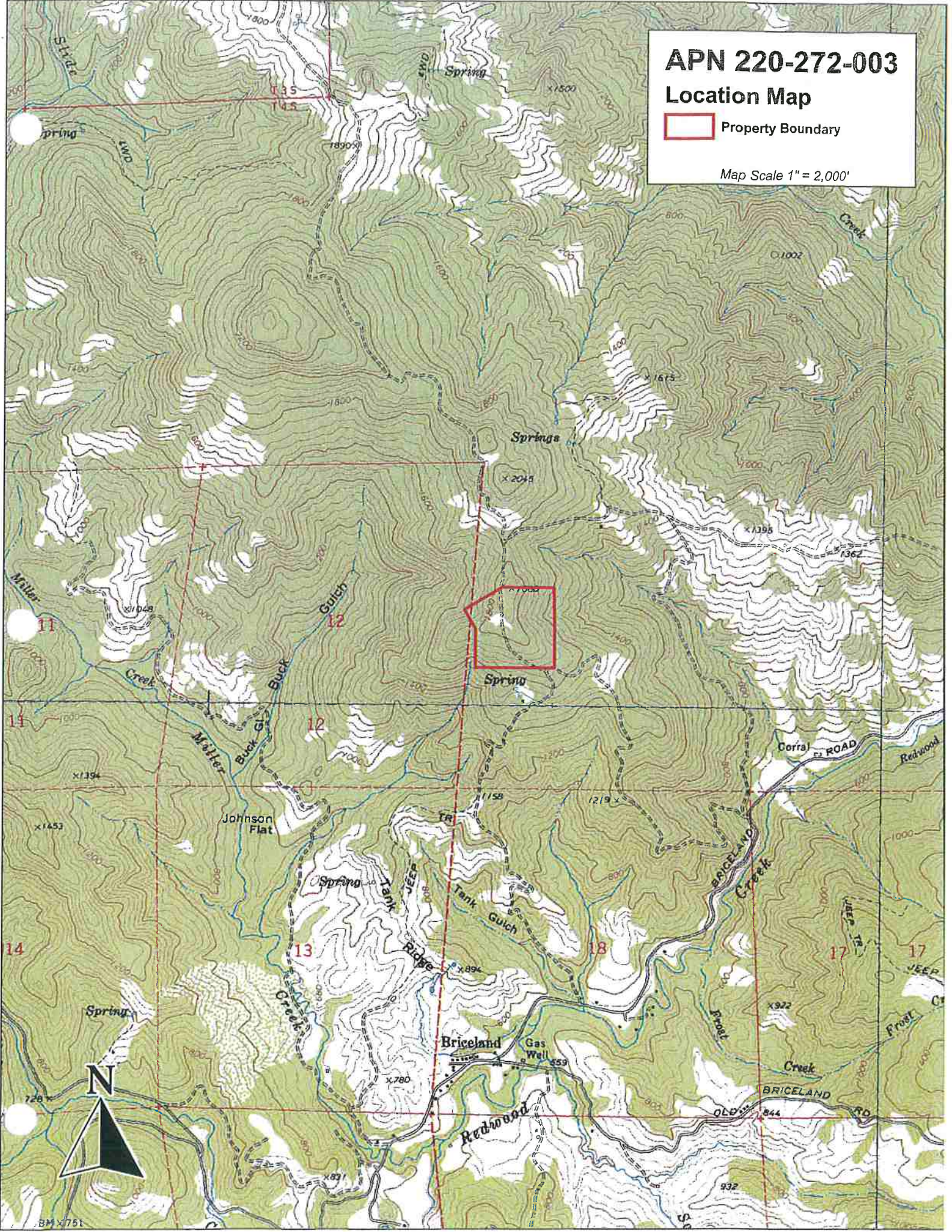
Picture 4: Logs that require treatment located near the homesite. Photo date 5-11-2018.

APN 220-272-003

Location Map












 Property Boundary

Map Scale 1" = 2,000'

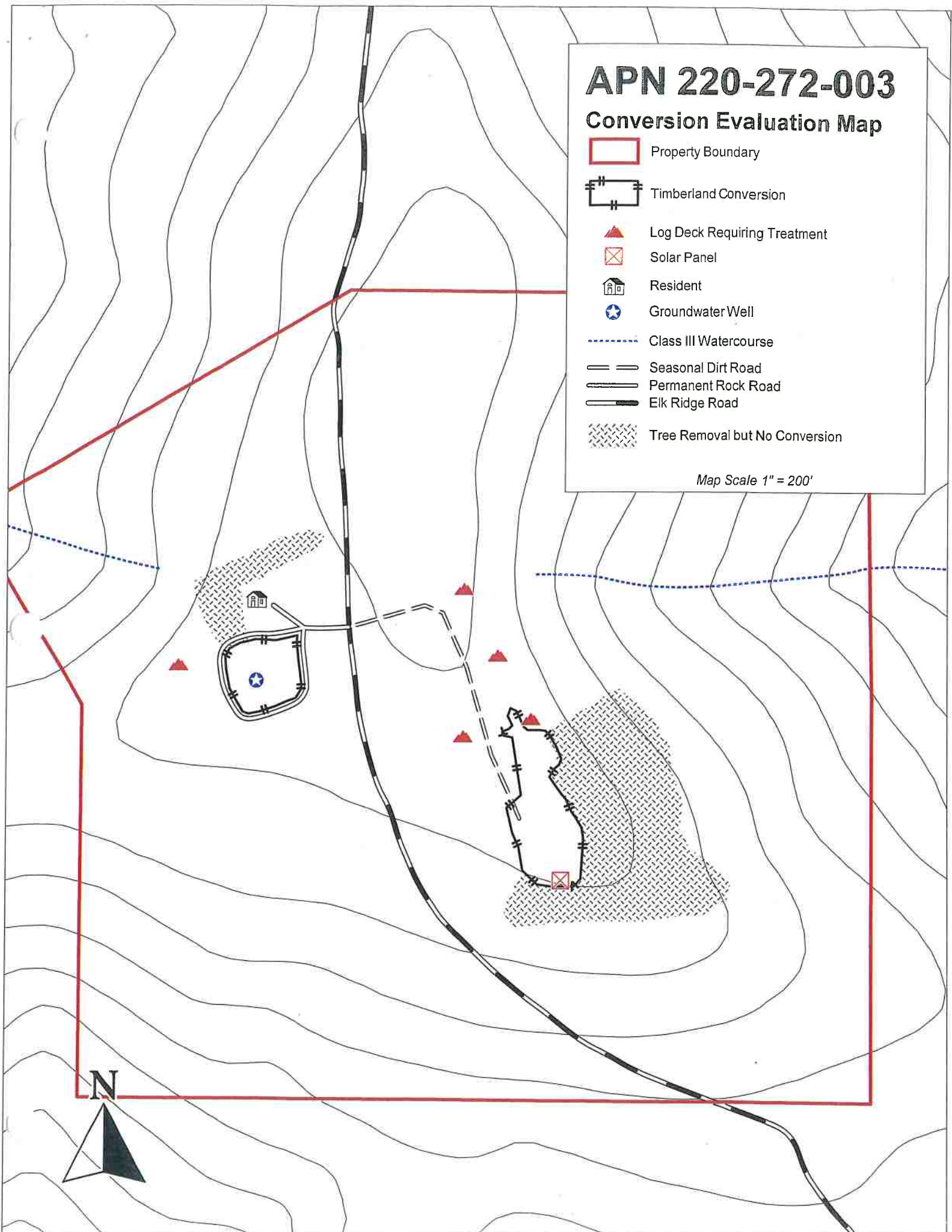


APN 220-272-003

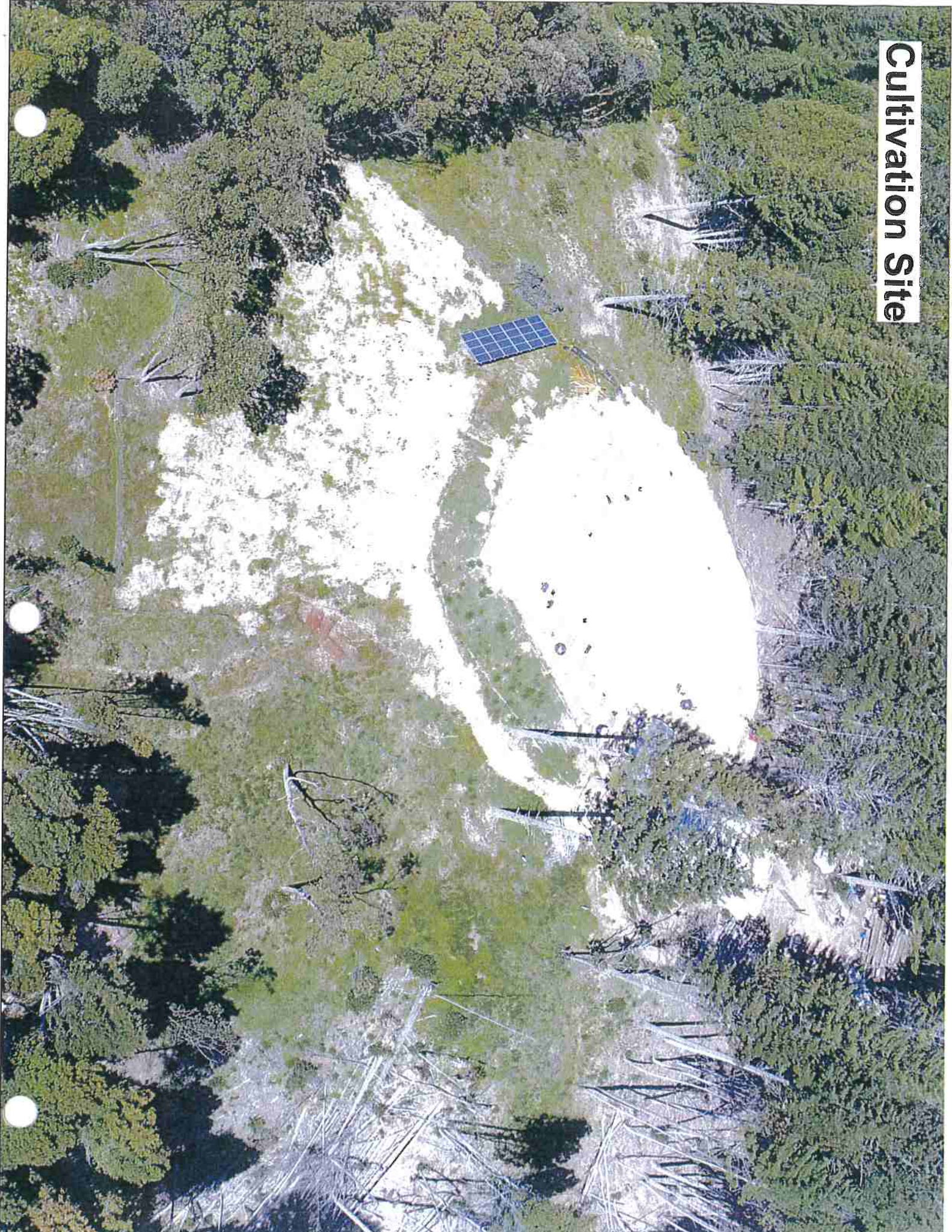
Conversion Evaluation Map

-  Property Boundary
-  Timberland Conversion
-  Log Deck Requiring Treatment
-  Solar Panel
-  Resident
-  Groundwater Well
-  Class III Watercourse
-  Seasonal Dirt Road
-  Permanent Rock Road
-  Elk Ridge Road
-  Tree Removal but No Conversion

Map Scale 1" = 200'

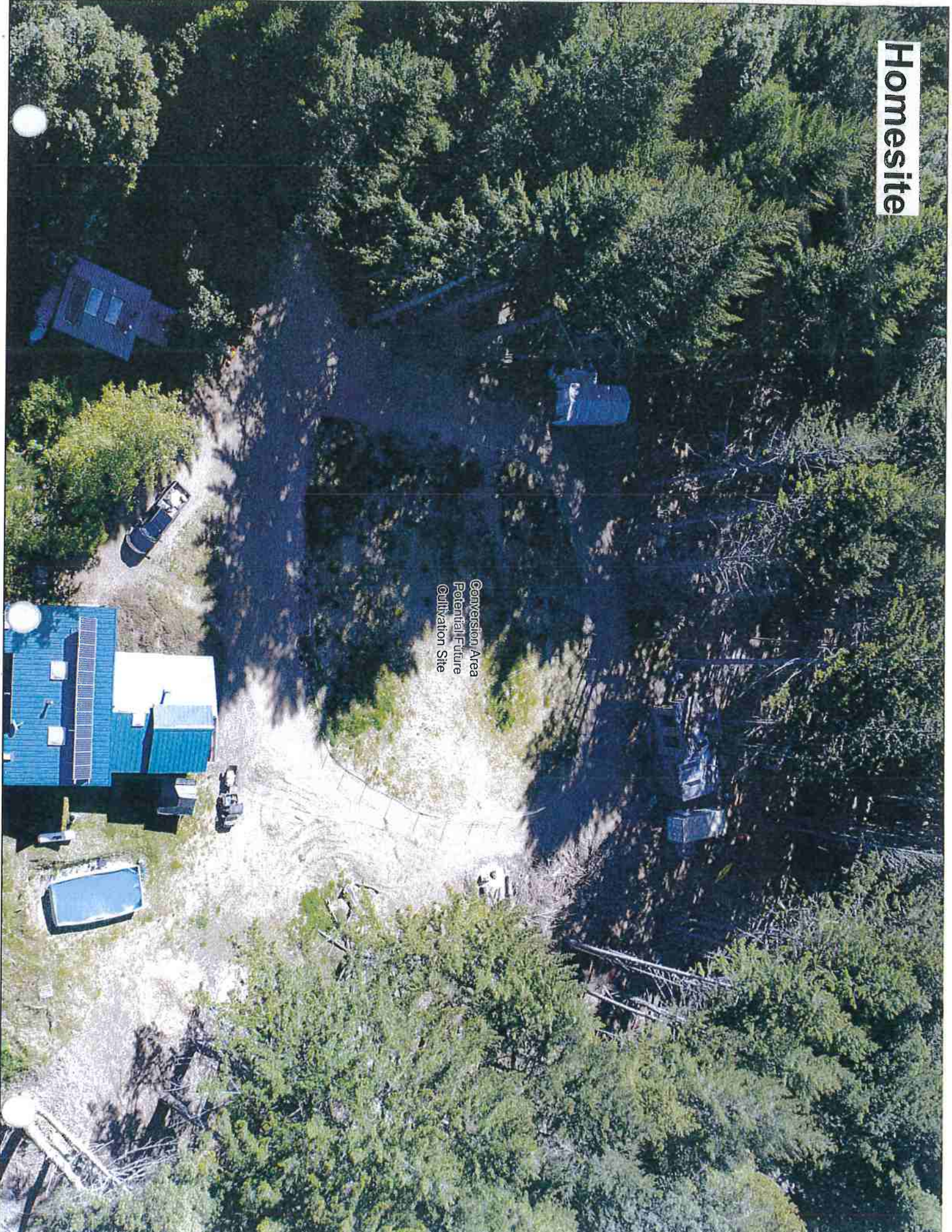


Cultivation Site



Homesite


Conversion Area
Potential Future
Cultivation Site




APN 220-272-003

NDDB Map

 Property Boundary

 0.7-Mile BAA

 NSO Territory

 NDDB Sensitive Species

Map Scale 1" = 1,320'

