





Providing Professional Forestry Services

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November 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 within APN 315-291-001. 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

Enclosed: Conversion Evaluation Report, General Location Map, Timberland Conversion Evaluation Map, Orthographic Imagery Maps - 2010 and 2016, Mosquito Creek THP Map, CNDDB Map, Photos

APN 315-082-007 Notes for Brett Visser:

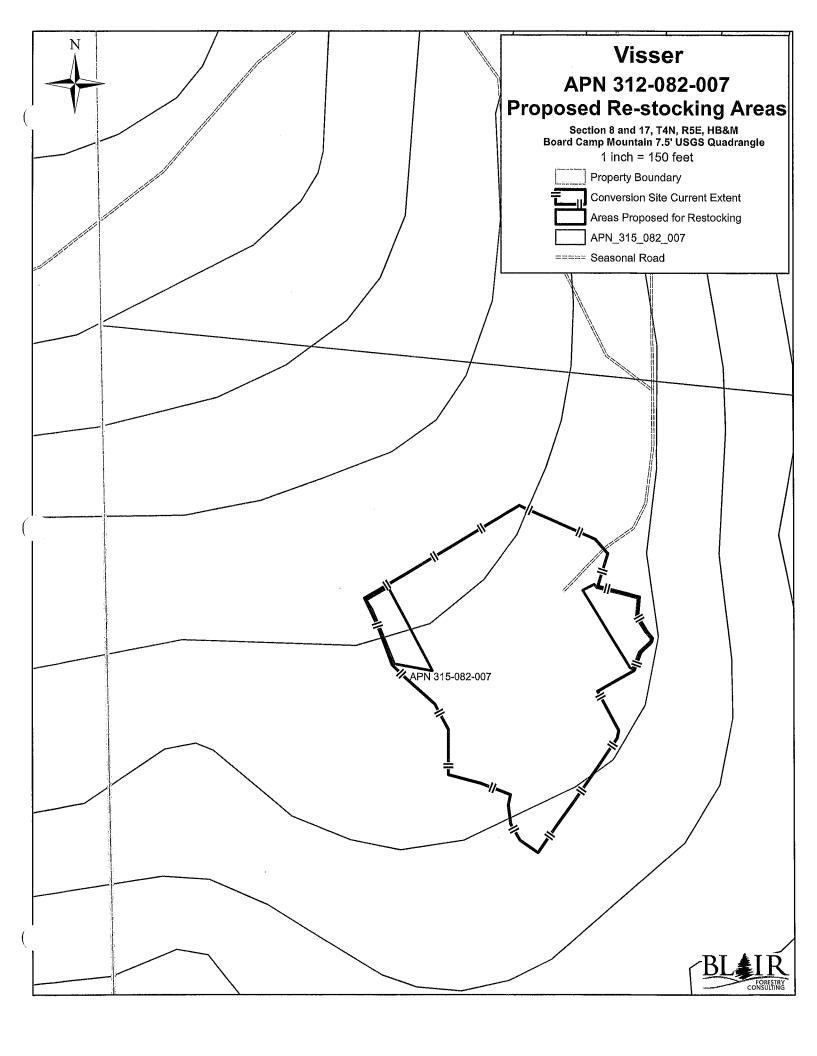
Historic timber operations on APN 315-082-007 occurred within a historic logging unit from THP 1-95-424 HUM2 and which was replanted with ponderosa pine in the late 1990s (stocking inspected in 2000 by CDFW). Approximately 2.23 acres of small early seral pine was initially cleared by a previous landowner on this pine plantation sometime prior to 2009. Mr. Visser purchased the parcel in November 2016 and claims that the site was expanded to its current size prior to him acquiring the property. The current clearing is approximately 3.25 acres of young pine removal.

The current clearing in APN 315-082-007 is slightly larger than an allowed under 14 CCR 1104.1 - Less Than 3 Acre Conversion Exemption. No roads have been created by the current landowner. There were no watercourse crossings associated with the conversion site and no timber operations occurred within the watercourse protection zones of any watercourses. All conversion activities were therefore consistent with 14 CCR 1104.1(a)(2)(F). No slash piles resulting from conversion activities were observed on the property consistent with 14 CCR 1104.1 (2)(H).

There is a northern spotted owl (NSO) Activity Center (AC – HUM1067) 0.4 miles from the clearing site. According to the CNDDB, the last known positive sighting of a northern spotted owl associated with this AC was on August 14, 2006. Typically, when a timber harvest plan is developed in this region of California, ACs fall under USFWS Attachment B protection measures which considers habitat retention within 1.3 miles from an AC. Conversion activity at this site removed only early seral pine trees (low quality NSO foraging habitat under Attachment B protection measures). Given the vast amount of foraging habitat in the region, as well as the vast amount of high quality nesting habitat in the USFS land surrounding the property, it is unlikely that conversion activities at Site C had any significantly negative impact on this AC. Due to the distance from the known NSO AC and available suitable habitat surrounding the site within its range, it is reasonable to conclude that no impacts have occurred from the relatively small size of conversion on this property.

This cleared site in APN 315-082-007 is otherwise consistent with the requirements of the California Forest Practice Rules from the standpoint of a Less Than 3 Acre Conversion Exemption under 14 CCR 1104.1.

There is no harvest document for the unauthorized current timberland conversion area created by the previous land owner. Mr. Visser is willing to replant approximately 10,000 square ft. of the clearing that, according to him, existed when he purchased the property in November 2016. These areas were identified, measured and flagged by a RPF in the field. See attached map and photos of these sites.



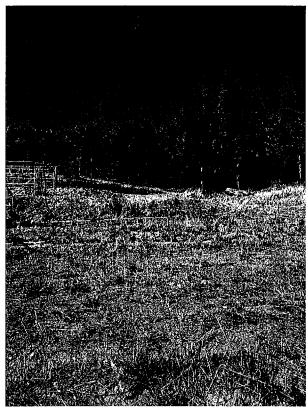


Photo 1. Area to be re-stocked.



Photo 2. Area to be re-stocked.



Photo 3. Area to be re-stocked.

Timberland Conversion Evaluation Report

November 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): Brett Visser

Phone: (707) 599-7999

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

Address: N/A - Approximately 4.7 miles southeast of USFS 1 on USFS 5N04; Friday Ridge Road,

Blue Lake, CA

Legal Description: Sections 8 and 17; T4N; R5E; HB&M; Humboldt County

Assessor's Parcel Number (APN): 315-291-001

Parcel Sizes: Approximately 150 acres

Acres Converted: Approximately 1.95 acres

Project Description

Property and Timberland Conversion History

Note: Property boundaries are based on the Humboldt County Assessor's APN parcel maps 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 on Google Earth, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2. This conversion evaluation report will focus on unauthorized conversion activities from the last 13 years (since 2005).

Timber Harvest Plan 1-95-424HUM2 (Mosquito Creek THP) occurred on the subject parcel and on Timberland Conversion Sites being evaluated in this report. There are three (3) Conversion Sites on APN 315-291-001 being evaluated in this report (Conversion Sites A - C, see Conversion Evaluation Map). All 3 Conversion Sites were mostly cleared when the current property owner acquired the parcel in January of 2014. These sites were graded landing areas from the historic timber operations in THP 1-95-424HUM2 (See attached Historic Orthographic Imagery Maps and Mosquito Creek THP Operations Map) with haul roads constructed leading to them. Although these sites did not meet stocking requirements for timber operations under THP 1-95-424HUM2 and were not expanded on excessively by the current landowner, the total acreage calculated of "unauthorized" conversion activity assumes these sites would have eventually naturally re-stocked.

The current footprint of the 3 unauthorized Conversion Sites combined totals approximately 1.94 acres however, less than 0.9 acres of trees and vegetation were cleared by the landowner. Minor single tree vegetation removal started to occur at Conversion Site A sometime prior to summer of 2012 and again prior to 2014. Between the years of 2014 and 2016 both Conversion Sites A and B were expanded on at their peripheries (Conversion Site A to its current extent). Sometime after May of 2014 and prior to May 2016, Conversion Site B was expanded on at its periphery to its current extent (removal of about 7 - 10 Douglas-fir trees). Conversion Site C, a relatively small clearing of trees, also occurred after May of 2016 and prior to May 2018 to expand a historic graded landing adjacent existing structure constructed by a previous property owner.

The current landowner – Mr. Brett Visser, purchased the property in 2014. Most timberland conversion activity after THP 1-95-424HUM2 can be attributed to the current landowners. See Table 1 below for a summation of conversion history on this parcel and the focus of this Timberland Conversion Evaluation.

Table 1.

Conversion Site	Acreage(s) Cleared	Total Acreage of Conversion Site Including Historic Landing	Period of Completion	Notes
А	0.5	1.17	2012 - 2016	Removal of vegetation and some conifer trees at the edges of historical landing area from THP 1-95-424 HUM2
В	0.3	0.69	Prior to May 2016	Cutting of Douglas-fir trees below the western side of historic landing and some clearing around the edges of historic landing area from THP 1-95-424 HUM2
С	0.07	0.07	Between 2016 and May 2018	Smaller area cleared of trees behind existing house which was built on historic road base and landing area from THP 1-95-424 HUM2
TOTAL CONVERSION AREA	0.9 acres	1.94 acres		

Timber Stand Description

The property near the conversion areas is dominated by 40 to 100+-year-old Douglas-fir with understory comprised of younger Douglas-fir, tanoak, live oak and madrone. The general region consists of a mosaic of forest and open meadow which was historically maintained by punctuated fire regimes. In more recent decades, fire suppression has resulted in conifer encroachment into areas that were historically meadow habitat or oak woodland. The timber stands around the conversion areas appear healthy with adequate conifer stocking. Much of the area surrounding the parcel is U.S. National Forest land with larger and older conifer stocking.

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.

Project Description

The current property owners conducted unauthorized timber operations violating California Public Resources Codes (PRC)s 4571 (a) — Necessity of License, 4581 — Necessity of a Timber Harvest Plan and 4621 (a) - Application for Conversion. As part of the commercial cannabis cultivation permitting process with the Humboldt County Planning Department and State agencies, the current landowners seek a Registered Professional Forester's (RPF's) recommendations as to remedial actions necessary to bring the conversion areas into compliance with provisions of the Forest Practices Act, specifically 14 CCR 1104.1.

This Timberland Conversion Evaluation focused on unauthorized timberland conversion activities and inconsistencies with the requirements of the California Forest Practice Rules (CFPRs). Timberland conversion sites are generally associated with a southeastern facing slope. The combined acreage of the three (3) Conversion Sites inspected during this evaluation is approximately 2.26 acres which is less than the 3-acre maximum allowed under 14 CCR 1104.1. Trees cut were a mix of Douglas-fir and white and black oaks.

Humboldt County has zoned this parcel **Timber Production Zone (TPZ)**, which is defined as – established under the Timberlands Preservation Act (California Government Code Section 51113), a zoning district

to designate and set standards in areas designated for growth, harvesting, and production of timber, timber products, and other compatible uses.

A field inspection of the property and conversion area was conducted on August 3 and November 6, 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.

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

Conversion Site, Timber Harvesting and Operations Descriptions

14 CCR 914.1 Felling Practices 14 CCR 914.2 Tractor Operations 14 CCR 914.7 Timber Operations, Winter Period

Records of timber harvesting on the conversion sites prior to 2012 are available in THP 1-95-424 HUM2. As stated above, all 3 Conversion Sites were landing areas for this plan and all show evidence of having been operated in (i.e. large remnant Douglas-fir logs and evidence of historic grading and road cuts). Conversion activities and/or maintenance of historic landing areas after 2014 on this property presumably involved hand felling with chainsaws and tractor skidding or piling. There are no records of a winter operation plans for these sites. The current property owner claims all conversion activities involving timber harvesting and operations occurred during the dry times of the year when the ground was not saturated. There was no obvious indication that conversion activities at any site were in violation of 14 CCR 914.7.

Conversion Site A is approximately 1.17 acres in size and is located mid-slope and southeast facing at approximately 3,350 feet in elevation. The current landowner maintained and slightly expanded on this site by cutting trees around the edge of a large historic landing area. Trees felled included Douglas-fir, ponderosa pine and oak. Operations appeared to be consistent with the CFPRs concerning 14CCR 914.1, 914.2 and 914.7.

Conversion Site B is approximately 0.69 acres in size and is located mid-slope and southeast facing at approximately 3,140 feet in elevation. The current landowner maintained and slightly expanded on this site by cutting trees around the edge of, and just below historic landing area. Trees felled included Douglas-fir. Operations appeared to be consistent with the CFPRs concerning 14CCR 914.1, 914.2 and 914.7.

Conversion Site C is approximately 0.07 acres in size and is located next to a Class III watercourse behind an existing structure. This site appears to have been adjacent to or part of a historic landing and possibly a road crossing site. Trees felled included Douglas-fir. A Douglas-fir tree was observed to have been felled across the Class III watercourse making this Site is inconsistent with the requirements of 14CCR 914.1 concerning Felling Practices. Operations otherwise appeared to be consistent with the CFPRs concerning 14CCR 914.2 and 914.7. The RPF has no recommendations concerning 14CCR 914.1, 914.2 and 914.7.

Roads, Soil Stabilization and Erosion Control

14 CCR Article 12 Logging Roads, Landings, and Logging Road Watercourse Crossings 14 CCR 914.6 Waterbreaks

Historic logging operations, including THP 1-95-424 HUM 2, are responsible for the current road system within the subject parcels and roads associated with access to the timberland Conversion Sites (See Mosquito Creek THP Operations Map). Roads that access timberland Conversion Sites were walked during the site visit and assessed for consistency with 14 CCR 923.5 regarding erosion control for logging roads. The property owner, with Pacific Watershed Associates (PWA), is in the process of drafting a Water Resource Protection Plan (WRPP, pers. comm. with property owner and PWA) to address roads and erosion control. The ECP should adhere minimally to all erosion control requirements in 14 CCR Article 12 (923.5 specifically) and requirements 14 CCR 914.6 in the case of road use deactivation/discontinuation.

There are approximately 1.5 miles of seasonal road accessing Conversion Sites on the parcel which were in working condition and did not exhibit excessive scouring on site visit. Soil in this region contains a high amount of rock and the roads therefore experience little erosion. The WRPP being developed by PWA will address installation of rolling dips where appropriate. The RPF agrees with the proposed placement of rolling dips on roads accessing Conversion Sites (Pers. Comm. PWA).

Grading has occurred on Timberland Conversion Sites for cultivation flats. Graded cultivation flats on timberland Conversion Sites were inspected for consistency with CFPRs 14 CCR 923.5 regarding erosion control for landings. Erosion associated with cleared and terraced areas was not observed and was consistent with 14 CCR Article 12, 923.5.

Watercourse crossings and required Lake and Streambed Alteration permitting associated with roads accessing the Conversion Sites are being addressed by PWA in the WRPP. The conversion areas comply with 14 CCR Article 12 concerning Logging Roads, Landings and Logging Road Watercourse Crossings. No recommendation is suggested regarding Roads, Soil Stabilization and Erosion Control.

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 Class III watercourses which eventually drains to Mosquito Creek to the east of the property approximately 3,000 feet downslope from Conversion Site C.

At Conversion Site C, trees were cut, and grading occurred within the watercourse and lake protection zone (WLPZ) of a Class III watercourse (Observation Point C(1)). This area was flagged in the field on site visit. The RPF recommends that:

The area where grading occurred including any perched fill within the WLPZ of the Class III watercourse be pulled back and returned to natural gradient during the dry time of the year.
 Utilize straw wattles at edge of clearing where it interfaces with vegetation. PWA has identified

this site as a "streamside management area" and has already incorporated it into their WRPP to be remediated.

 Restore the area that trees were cut within 50 feet of the watercourse transition line of the Class III watercourse 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 (plant trees with a minimum of 12 feet spacing).

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 were walked and assessed for debris resulting from timberland conversion activities. There were areas associated with Conversion Sites A and B where debris resulting from nearby conversion activities, was stacked or accumulated. Generally, timber logs and slash debris resulting from conversion activities were stacked and piled somewhere along the edge of the associated conversion areas indicating that no timber was hauled off of the property. The remaining timber stand and surroundings was otherwise clean and free of excessive debris.

At "Hazard Reduction" locations, the RPF recommends that sawlogs be cut to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1) and that the landowner obtain proper county burn permits and burn remaining slash during rainy period.

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 (CNDDB) on August 2, 2018 showed there is a northern spotted owl (NSO) Activity Center (AC – HUM1067) approximately 0.2 miles to the west of the northern most Conversion Site A, 0.24 miles from Site B (See attached CNDDB Map). According to the CNDDB, the last known positive sighting of a northern spotted owl associated with this AC was on August 14, 2006. Typically, when a timber harvest plan is developed in this region of California, ACs fall under USFWS Attachment B protection measures which considers habitat retention within 1.3 miles from an AC. Sites A and B represented such minimal habitat reduction due to the sites already being for THP 1-95-424 HUM2 it is unlikely that conversion activities had any significantly negative impacts to this AC. However, the RPF recommends that a Biological Resource Assessment be drafted by a qualified professional biologist that analyzes potential impacts and proposes mitigation strategies moving forward for activities associated with cultivation.

Conducting timber operations within the WLPZ of watercourses, such as occurred at Observation Point C(1), can alter habitat for endangered salmonids downstream by increasing sediment delivery. Given the

stream classification where this occurred, the distance to the nearest Class I watercourse and the mitigation measures proposed by the RPF for Observation Point C(1) - it is unlikely that there will be significantly negative effects to water resources. Other conversion activities did not appear to have significantly 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, nesting and foraging sites. A copy of the CNDDB map generated by this query is included in this report.

Although unauthorized timberland conversion activities did not take into consideration compliance with 14 CCR 1104.1 (2)(H), after mitigation recommendations described in this report are applied, it is unlikely that rare, threatened or endangered biological resources were or will be significantly negatively impacted.

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. Watercourse and Water Resources

- The area where grading occurred and perched fill is located within the WLPZ of the Class III watercourse at Observation Point C(1) be pulled back and returned to natural gradient during the dry time of the year (streamside management area remediation PWA). Utilize straw wattles at edge of clearing where it interfaces with vegetation.
- in the area that trees were cut and within 50 feet of the watercourse transition line of the Class III watercourse be restored 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. (Minimum - 1 tree every 12 feet)

2. Hazard Reduction

- Address "Hazard Reduction" areas discussed above and shown on the Conversion Evaluation Map at the end of this report. Cut sawlogs to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1). Obtain proper county burn permits and burn remaining slash during rainy period.

Site Maps

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

Timberland Conversion Evaluation Map: Location of timber conversion operations, Boundary of the conversion areas, location and classification of watercourses, Observation Sites and roads.

Historic Orthographic Imagery Maps: Show Conversion Sites A and B in 2010 (prior to unauthorized timberland conversion activity) and 2016 (after unauthorized conversion activity).

Mosquito Creek THP Operations Map: Shows THP 1-95-424 HUM in relation to approximate location of Conversion Sites A, B and C and associated roads.

California Natural Diversity Database (CNDDB) 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/CNDDB. Version 5.56.24. Accessed August 2, 2018.

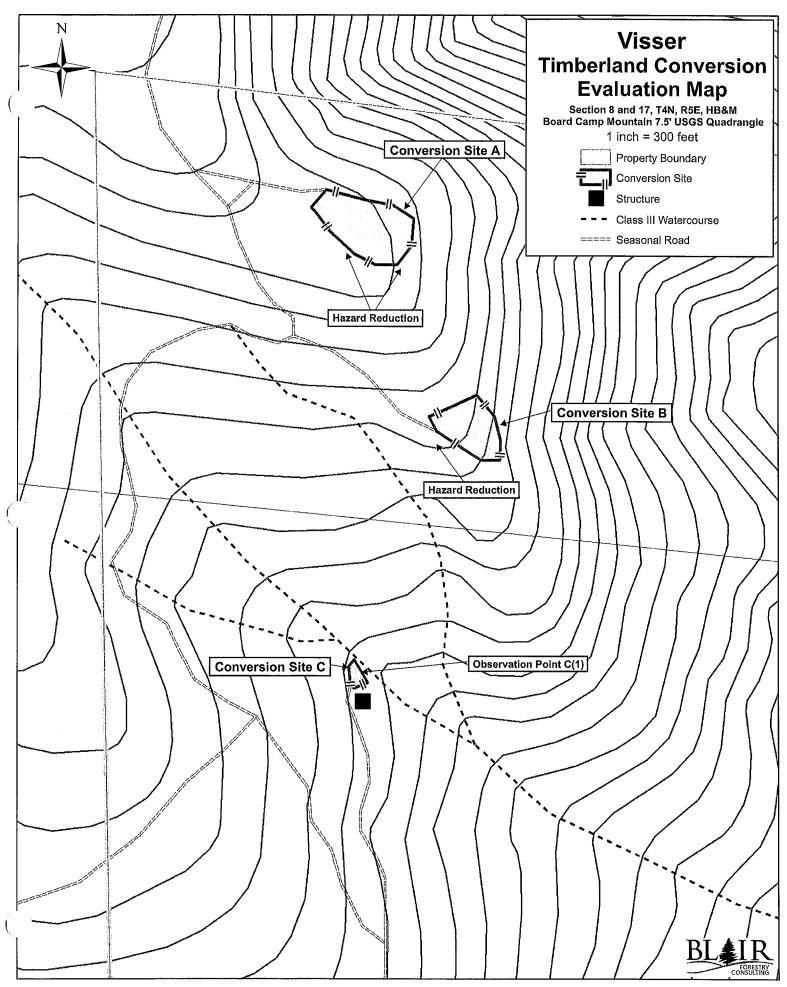
California Native Plant Society, Rare Plant Program. 2018. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed 09 October 2018].

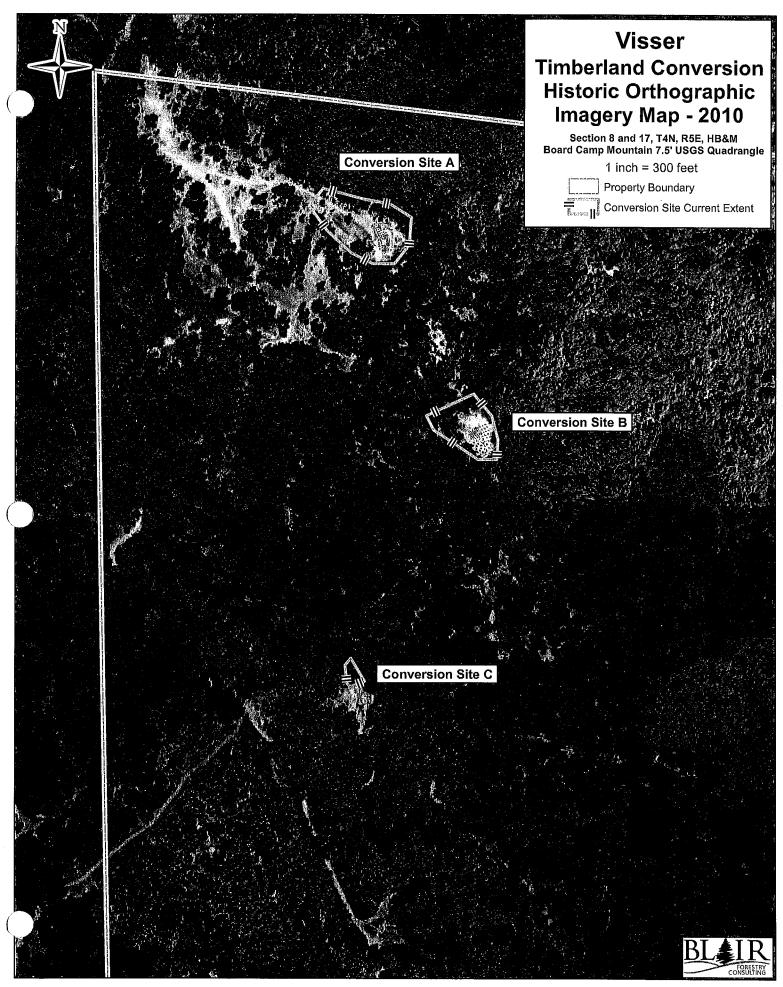
Forest Practice Watershed Mapper v2. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed October 3, 2018.

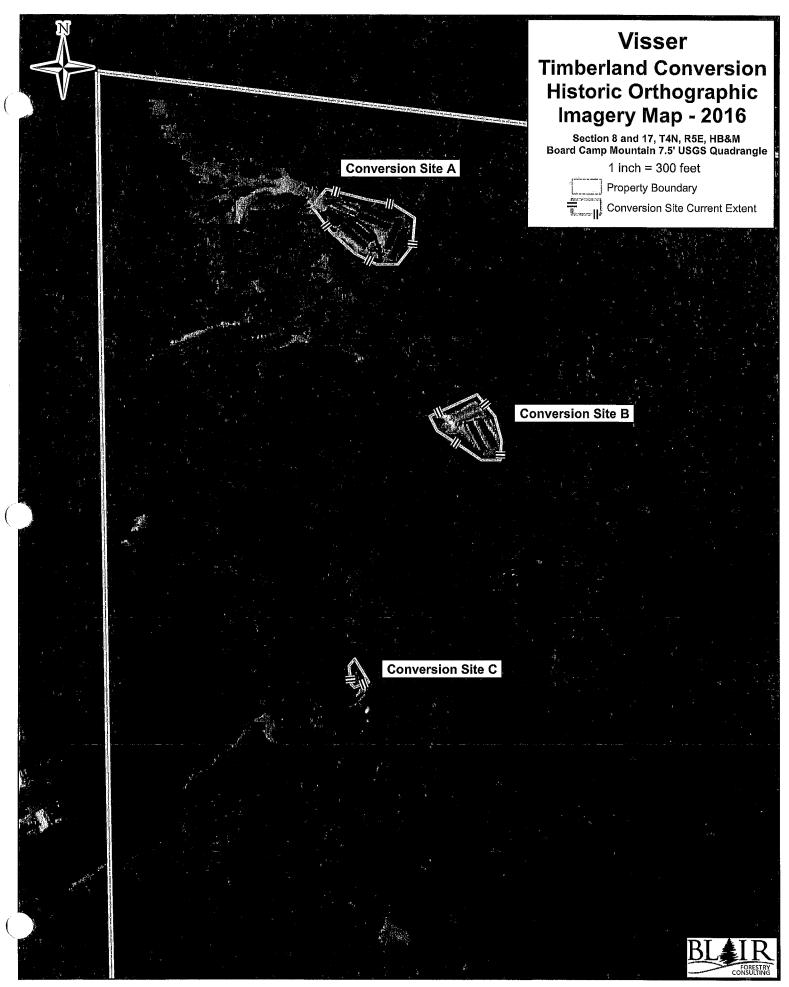
Humboldt County Web GIS. County of Humboldt. Web. http://webgis.co.humboldt.ca.us/HCEGIS2.0/. Accessed October 3, 2018.

Google Earth Pro

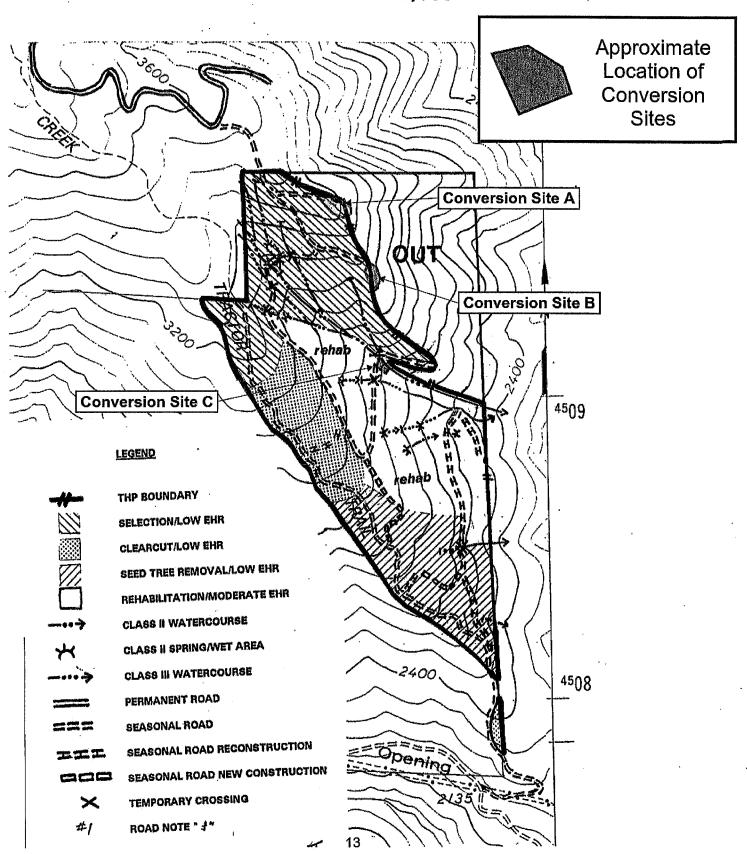








THP MAP MOSQUITO CREEK THP BOARD CAMP MTN. 7.5' QUADRANGLE T4N, R5E, SECTIONS 8 AND 17, HB&M SCALE 1" = 1,000'



Spotted Owl Observations [ds704] 0 ♦ [ds85]

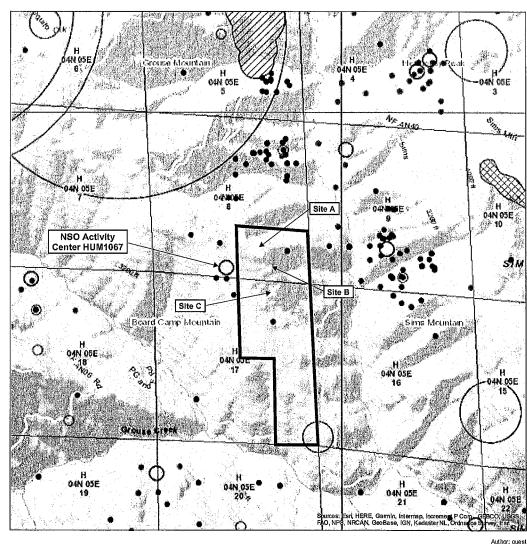
Property Boundary

- Positive Observation
- Negative Observation
- **Activity Center**
- Not Valid Activity Center
- Abandoned

California Natural Diversity Database (CNDDB) Commercial

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
 - Plant (circular)
- Animal (80m)
- \boxtimes Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (nonspecific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Committee (\$pecific)
- Aquatic Comm. (non-
- Aquatic Comm. (Circular)
- Multiple (80m)
- Multiple (specific)

Visser CNDDB Map



Printed from http://bios.dfg.ca.gov

PHOTOS



Photo 1. Hazard reduction area at Conversion Site A.



Photo 2. Hazard reduction at Conversion Site A.



Photo 3. Hazard reduction at Conversion Site A.



Photo 4.



Photo 5. East side of Conversion Site A.

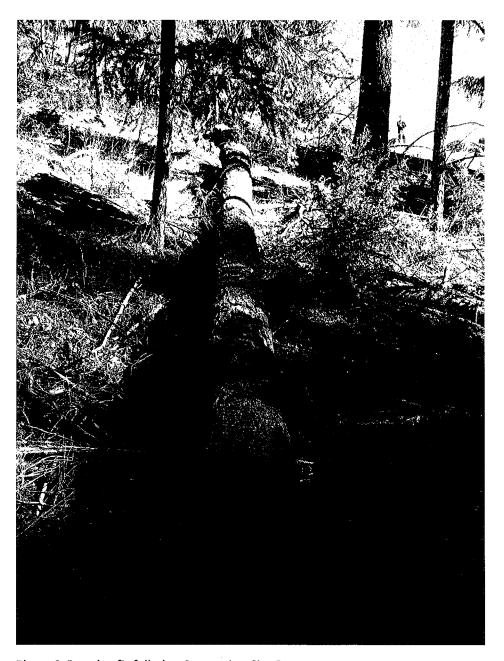


Photo 6. Douglas-fir felled at Conversion Site B.

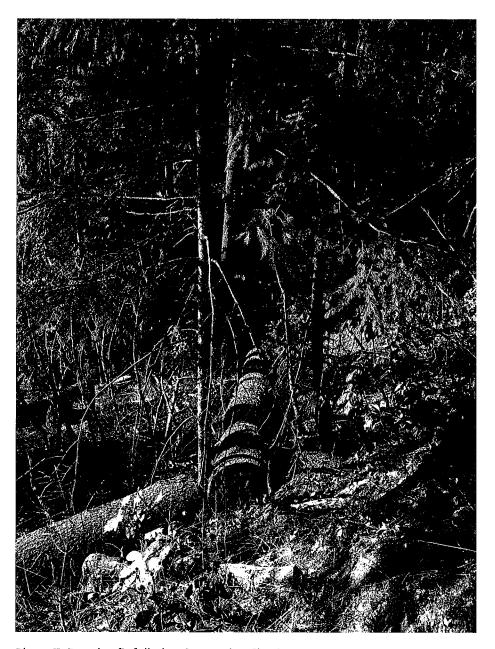


Photo 7. Douglas-fir felled at Conversion Site 2.



Photo 8. Tree felled across Class III watercourse at Conversion Site C.



Photo 9. Class III watercourse adjacent to Conversion Site C.



Photo 10. Observation Point C(1) where grading and tree removal occurred within the WLPZ of a Class III watercourse.



Photo 11. Observation Point C(1) where grading and tree removal occurred within the WLPZ of a Class III watercourse.



Photo 12. Old logs from THP 1-95-424 HUM2 below edge of historic landing at Conversion Site C.