

ATTACHMENT 1A

CONDITIONS OF APPROVAL

Approval of the CDP and Special Permit is conditioned upon the following terms and requirements which must be fulfilled.

1. All work shall be consistent with the site plan received by the Planning Division on September 18, 2020. No trees other than what is located within the proposed project boundaries as shown on the site plan, are authorized to be removed by this permit. Tree removal is prohibited in areas of 30% slopes or greater. Tree removal is prohibited within 50 feet of the Class III intermittent waterways. No deviations shall be permitted without prior written authorization from the Planning Division. Major changes may necessitate an amendment of this permit.
2. All activities related to the removal of trees under this permit shall be in strict conformance with the Small Woodland Performance Standards.
3. Harvesting operations (including timber falling, log processing and clean up slash disposal activities, and hauling) shall be restricted to the hours between 7:00 a.m. and 4:00 p.m. Monday – Friday and 8:00 a.m. and 4:00 p.m. on Saturday. No operations on Sundays.
4. Any debris hauled off site shall be tarped or contained within an enclosed space. Any debris, dirt, mud, or rocks that are tracked out onto the street shall be removed from the street on a daily basis.
5. Tree removal and any vegetation clearing must be conducted outside of the bird breeding season (generally March 1st – August 15th) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code (FGC) §3503m 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 US Code 703 *et seq.*). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take.
6. Applicant must clean-up all brush and debris on-site. On-site chipping and grinding activities, including land application of processed materials, are acceptable for management of wood waste provided that they do not create a nuisance, or public health and safety hazard. On-site burial or disposal of wood waste and slash is not permitted by state and local regulations.
7. Within 60 calendar days after the date of approval, on a form provided by the Planning Division, the applicant shall provide evidence showing the tree cutting and removal (after the fact and proposed) will qualify as exempt from the definition of Timber Harvest in §313-155 of the Humboldt County Zoning Ordinance. Documentation can take the form of bids for tree removal from a licensed timber operator or tree removal service.

Informational Notes:

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see “Effective Date”); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The periods within which construction or use must be commenced may be extended as provided by Section 312-10.5 of the Humboldt County Code.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.