



11607

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trc@timberlandresource.com

April 30, 2020

David Cuevas  
P.O. Box 3521  
Eureka, CA 95503

Dear David,

Re: APN 522-023-001 / Application #:11607 – CUP16-302

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit CUP16-302. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.12.2.4 as sited below.

*"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 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 circulate the report to CAL-FIRE for review and comment."*

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites and associated areas contained within the application on April 23, 2020. 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: 522-023-001

Acreage: 460 acres

Legal Description: Section 16, Township 7 North, Range 4 East,  
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Willow Creek

Humboldt County Zoning: Timber Production

Site Address: None

Landowner/Timber Owner: David Cuevas

The project is located approximately 4.5 air miles southwest of Hoopa. Access to the property is via Old Three Creeks Road, which is located off of State Highway 299 near Berry Summit See attached Access 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 Pacific madrone, Chinquapin, incense cedar, and white fir. Review of 1947 aerial imagery shows the property and surrounding areas dominated by old growth Douglas-fir with scattered patches of younger timber and brush; presumably fire related. Review of subsequent 1972 historic aerial imagery revealed that the majority of the subject property was regenerated/clearcut in the late 1960's/early 1970's as evidenced by fresh skid roads, landings, truck roads, and distinct change in stand structure. The RPF observed old growth Douglas-fir stumps and second growth timber throughout the property confirming that timber was harvested in the late 1960's/early 1970's. There have been no subsequent commercial harvests per Cal Fire's Watershed Mapper ([http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/)). TRC submitted a 10% Dead, Dying, and Diseased Exemption for the previous owner (Three Creeks Partnership) in 2012 (1-12EX-156-HUM), which overlapped the subject property. The property-wide 10% Exemption was for road maintenance activities on approximately 4,070 acres, and resulted in the salvaging of downed timber located on or near existing logging roads. Small log landings were used on the subject property that still contain residual logs and slash. David Cuevas purchased APN 522-023-001 on 9-20-2012 from Three Creeks Partnership.

## Project Description

Six cultivation sites and three cultivation related sites were inspected during the field assessment within APN 522-023-001. The following table lists the inspected site and its acreage; see detailed site descriptions below.

Cultivation Site	Total Acreage	Converted?	Converted Acreage
Site 1	0.37	Yes	0.37
Site 2	0.36	Yes	0.36
Site 3	0.73	Yes	0.73
Site 4	0.27	Yes	0.27
Site 5	0.16	Yes	0.16
Site 6	0.33	Yes	0.33
Site 7a	0.08	Yes	0.08
Site 7b	0.35	Yes	0.35
Site 7c	0.17	Yes	0.17
TOTAL	2.82	Yes	2.82

### Site 1

Review of Google and NAIP aerial imagery reveals that Cultivation Site 1 was developed between 2012 and 2014 in timberland consisting of brush and scattered incense cedar, white fir, Douglas-fir, and Jeffrey pine. The cultivation site is located on a native hillslope with no evidence of grading and/or stump removal. The cultivation activities observed at Cultivation Site 1 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.

### Site 2

Review of Google and NAIP aerial imagery reveals that Cultivation Site 2 was developed at an existing log landing between 2012 and 2014 in timberland consisting of Chinquapin, tanoak, and Douglas-fir. The log landing is visible in imagery dating back to 1998, and also appears to have been used in association with the 2012 10% Dead, Dying, and Diseased Exemption (1-12EX-156-HUM). In addition, timber harvesting on approximately 0.30 acres occurred between 2014 and 2016 located directly west of Cultivation Site 2. Overstory conifers and hardwoods were felled to increase sunlight with no grading or stump removal. The cultivation activities observed at Cultivation Site 2 impede the use of this space for current timber growth

## **Project Description (Cont.)**

and harvesting, including the use of the historic log landing; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### **Site 3**

Review of Google and NAIP aerial imagery reveals that Cultivation Site 3 was initially developed on an existing spur logging road, which consisted of several small log landings, between 2010 and 2012 in timberland consisting of Chinquapin, tanoak, madrone, and Douglas-fir. The site was expanded between 2012 and 2014, and again between 2016 and 2018 to its current size and configuration. The cultivation activities observed at Cultivation Site 3 impede the use of this space for current timber growth and harvesting, including the use of the historic log landings; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### **Site 4**

Review of Google and NAIP aerial imagery reveals that Cultivation Site 4 was developed between 2012 and 2014 in timberland consisting of Chinquapin, tanoak, and Douglas-fir. In addition, timber harvesting on approximately 0.60 acres occurred between 2016 and 2018 located southwest, south, and east of Cultivation Site 4. Overstory conifers and hardwoods were felled to increase sun-light with no grading or stump removal. The cultivation activities observed at Cultivation Site 4 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 of adjoining timber stands to increase sunlight has not resulted in timberland conversion. However, a reduction in timber stocking/site occupancy has occurred, and the site occupancy provided by Group A species has been reduced relative to Group B species.

### **Site 5**

Review of Google and NAIP aerial imagery reveals that Cultivation Site 5 was developed on an existing skid road between 2014 and 2016. Approximately 475 feet of existing skid road contains full-term cannabis plants in smart pots placed on the roadbed with no signs of enlargement via grading, excavation, and placement of fill. The cultivation activities observed at Cultivation Site 5 impede the use of this space for timber production via the re-use of this skid road. The landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### **Site 6**

Review of Google and NAIP aerial imagery reveals that Cultivation Site 6 was developed between 2012 and 2014 in timberland consisting of Douglas-fir, tanoak, and madrone. The small peninsula of cultivation extending easterly is located on an existing skid road similar in nature to Cultivation Site 5. The date of development of this portion of the site is unknown. In addition, timber harvesting on approximately 0.40 acres occurred between 2016 and 2018 located north, west, and east of Cultivation Site 6. Overstory conifers and hardwoods were felled to increase sunlight with no grading or stump removal. The cultivation activities observed at Cultivation Site 6 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 of adjoining timber stands to increase sunlight has not resulted in timberland conversion. However, a reduction in overall site occupancy has occurred, and the site occupancy provided by Group A species has been reduced relative to Group B species.

## **Project Description (Cont.)**

### **Site 7a**

Site 7a is a small graded flat in a forest opening used for water storage; most recently water bladder(s). The clearing is too small to clearly delineate on past Google and NAIP aerial imagery. The cultivation related use of this site for water storage impedes 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.

### **Site 7b**

Review of Google and NAIP aerial imagery reveals that Site 7b was developed at an existing log landing site between 2010 and 2012. The log landing is visible in imagery dating back to 1998, and appears to have been used in association with the 2012 10% Dead, Dying, and Diseased Exemption (1-12EX-156-HUM). The use of this site for water storage, cultivation related materials storage, and other cultivation related uses impedes 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.

### **Site 7c**

Review of Google and NAIP aerial imagery reveals that Site 7c was developed between 2014 and 2016 in timberland consisting of tanoak, Douglas-fir, and madrone. The use of this site for water storage, cultivation related materials storage, and other cultivation related uses impedes 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.

## **Timberland Conversion Summary**

TRC observed approximately 2.82 acres of potential timberland conversion for cultivation-related purposes within APN 522-023-001. 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 a Watercourse and Lake Protection Zone (WLPZ). Please note that watercourse classification done in association within this evaluation occurred during a relatively dry winter.

At Cultivation Site 1, timberland conversion has occurred within the outer edge of the Class III watercourse's 50-foot Equipment Limitation Zone. The area in question where cultivation is occurring within the Class III's 50-foot Equipment Limitation Zone is relatively small. Conversion of timberland within a Class III ELZ is not prohibited by the Forest Practice Rules. Per the Humboldt County General Plan, the Grading and Open Space Ordinance would not have applied to this project (Timber Production zoning), and County review and signed off would not have been required. Consequently, a Stream Management Area of 50 feet would not have been required on the Class III watercourse. Instead, this project would have required a minimum 50-foot Equipment Limitation Zone (watercourse side-slopes greater than 30%), which would not have prohibited timber harvesting of conifers and hardwoods within the Class III ELZ. The development of Cultivation Site 1 involved minor timber harvesting and brush removal, and no grading or stump removal.

State Water Resources Control Board Order WQ 2019-0001-DWQ will require a minimum 50-foot riparian buffer zone along the subject Class III watercourse located south of Cultivation Site 1. The Site Management Plan will require removal of the smart pots (approximately 4-6) and restoration of the riparian buffer. The Order specifically requires the site *"shall be restored with regional native vegetation of similar*

## Limitations and Considerations for Timberland Conversion Activities (Cont.)

*native species. Riparian trees over four inches diameter at breast height shall be replaced by similar native species at a ratio of three to one (3:1)". Given these requirements, the RPF recommends inter-planting the Class III buffer zone with Douglas-fir/white fir/incense cedar seedlings per the attached Restocking Plan. Please note that this recommendation is not a requirement per the Forest Practice Rules or Act because timberland conversion within a Class III ELZ is not prohibited per 14CCR 1104.1. However, this is expected to be required per the Site Management Plan.*

### **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.*

All cultivation sites contain slash and woody debris that requires treatment. The RPF and landowner inspected each cultivation site during the April 23, 2020 field visit, and all areas requiring slash and woody debris treatment were identified to the landowner. The densest concentrations of slash and woody debris are shown on the attached maps. Smaller concentrations exist along the perimeter of all of the sites, but many are too small to map. Cultivation Site 4 and Cultivation Site 6 have adjoining areas where timber harvesting occurred to increase sunlight but conversion of timberland did not occur. These areas are beginning to overgrow with brush and stump sprouting hardwoods. If these particular areas are not treated immediately; future slash treatment will undoubtedly become more challenging and impactful to the existing vegetation and stump-sprouting hardwoods. Cultivation Site 4 and Cultivation Site 6 shall require restocking as further described in this report.

## **Limitations and Considerations for Timberland Conversion Activities (Cont.)**

### **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 April 30, 2020 revealed one observation of sensitive, rare, threatened, or endangered species or species of special concern within a 1.3-mile radius biological assessment area (BAA) surrounding the cultivation sites. A Southern torrent salamander was identified approximately 3,500 feet south of Cultivation Site 6. This species is neither State or Federal listed but is rather a species of special concern. The status of this species and distance from the project area would not have required consultation with CDFW in association with a Cal Fire conversion exemption. 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 NSO Database revealed one known Northern Spotted Owl (NSO) Activity Center within a 1.3-mile radius biological assessment area (BAA) surrounding the property. HUM 52 was detected in Supply Creek approximately 4,000 feet northwest of Cultivation Site 5. The last known detection was from 1995 on the Hoopa Reservation in what appears to be old growth Douglas-fir. The 100-acre Core Area and conventional ¼-mile disturbance buffer does not overlap the subject property. Lastly, given the abundance of mature and old growth timber located within the Hoopa Reservation surrounding this NSO site; there is adequate NSO habitat for HUM 52 per Revised USFWS Attachment B Northern Spotted Owl Take Avoidance Analysis – Interior (2/27/08). The conversion of timberland via a conversion exemption from Cal Fire would not have required Technical Assistance from the US Fish and Wildlife and no impacts to the NSO could reasonably be expected to occur.

No major forest health issues were observed during the field assessment. The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD) but the RPF observed no symptoms, signs, and evidence of oak mortality within the property. The conversion areas did not appear to include late successional stands, late seral stage forests, or old growth trees. The conversion areas 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 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

TRC observed approximately 2.82 acres of potential timberland conversion for cultivation-related purposes within APN 522-023-001. This total does not exceed the three-acre conversion exemption maximum. The past conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules.

1. At Cultivation Site 1, the RPF recommends inter-planting the Class III buffer zone with Douglas-fir/white fir/incense cedar seedlings per the attached Restocking Plan. Please note that this recommendation is not a requirement per the Forest Practice Rules or Act because timberland conversion within a Class III ELZ is not prohibited per 14CCR 1104.1. However, this is expected to be required per the Site Management Plan.
2. All cultivation sites contain slash and woody debris that require treatment. The RPF and landowner visited and inspected each site during the April 23, 2020 field visit, and all areas requiring slash and woody debris treatment were identified to the landowner. The densest concentrations of slash and woody debris are shown on the attached maps. Smaller concentrations exist along the perimeter of all of the sites that are too small to map, but require treatment nonetheless.
3. Timber harvesting for the purpose of increasing sunlight at Cultivation Site 4 and 6 has resulted in an overall reduction in site occupancy of conifers and hardwoods. In the absence of future management (slash treatment and artificial regeneration), site occupancy of Group A species (conifers) will be reduced relative to Group B species (hardwoods). To comply with 14CCR 912.7(d) and 913.11; the RPF recommends replanting the areas surrounding Cultivation Site 4 and 6 per the attached Restocking Plan.

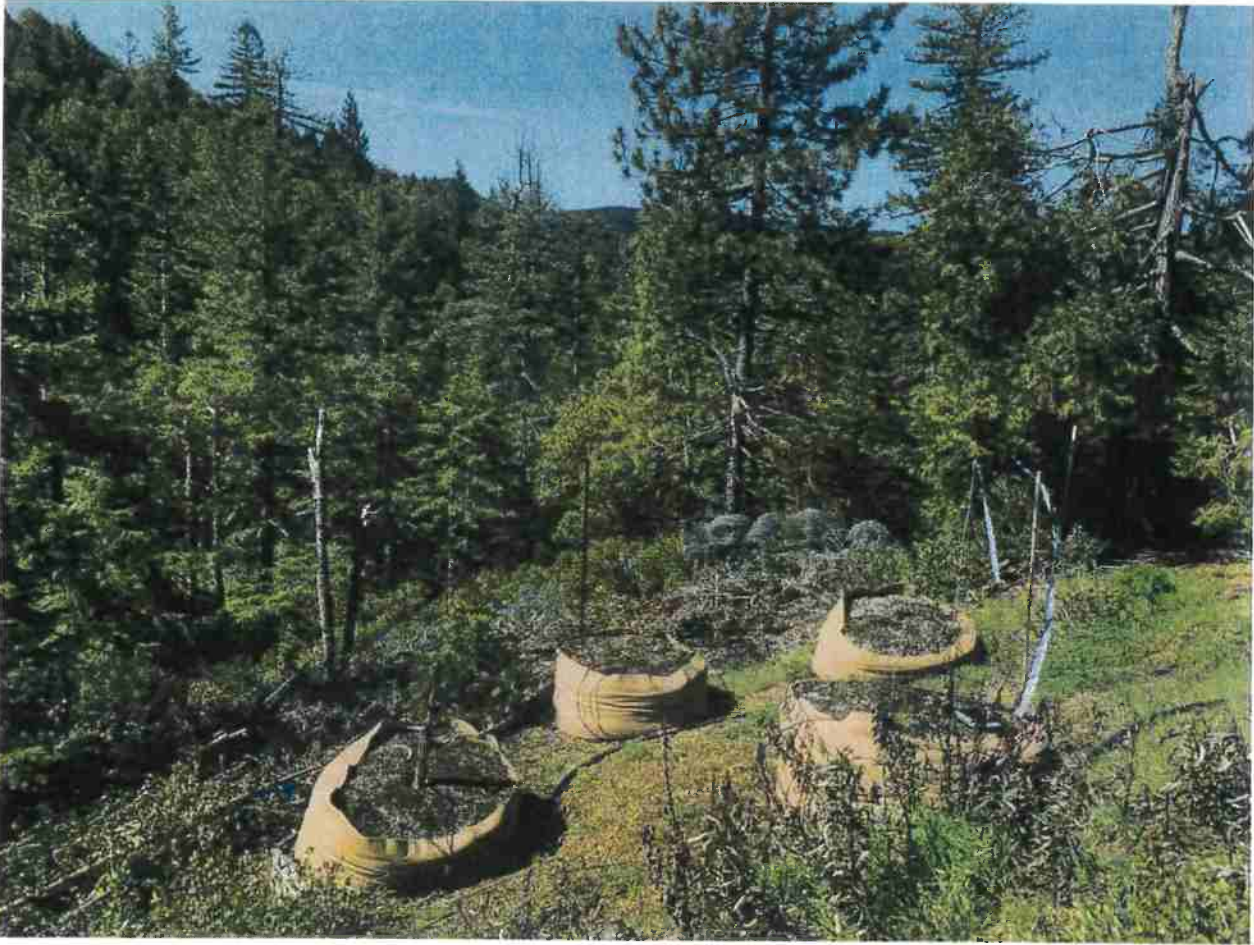
Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants



**Pictures**



Picture 1: Cultivation Site 1. Riparian buffer zone containing four smart pots. Photo date 4-23-2020.



## Pictures



Picture 2: Cultivation Site 2. Untreated slash located along the site's northern periphery. Photo date 4-23-2020.

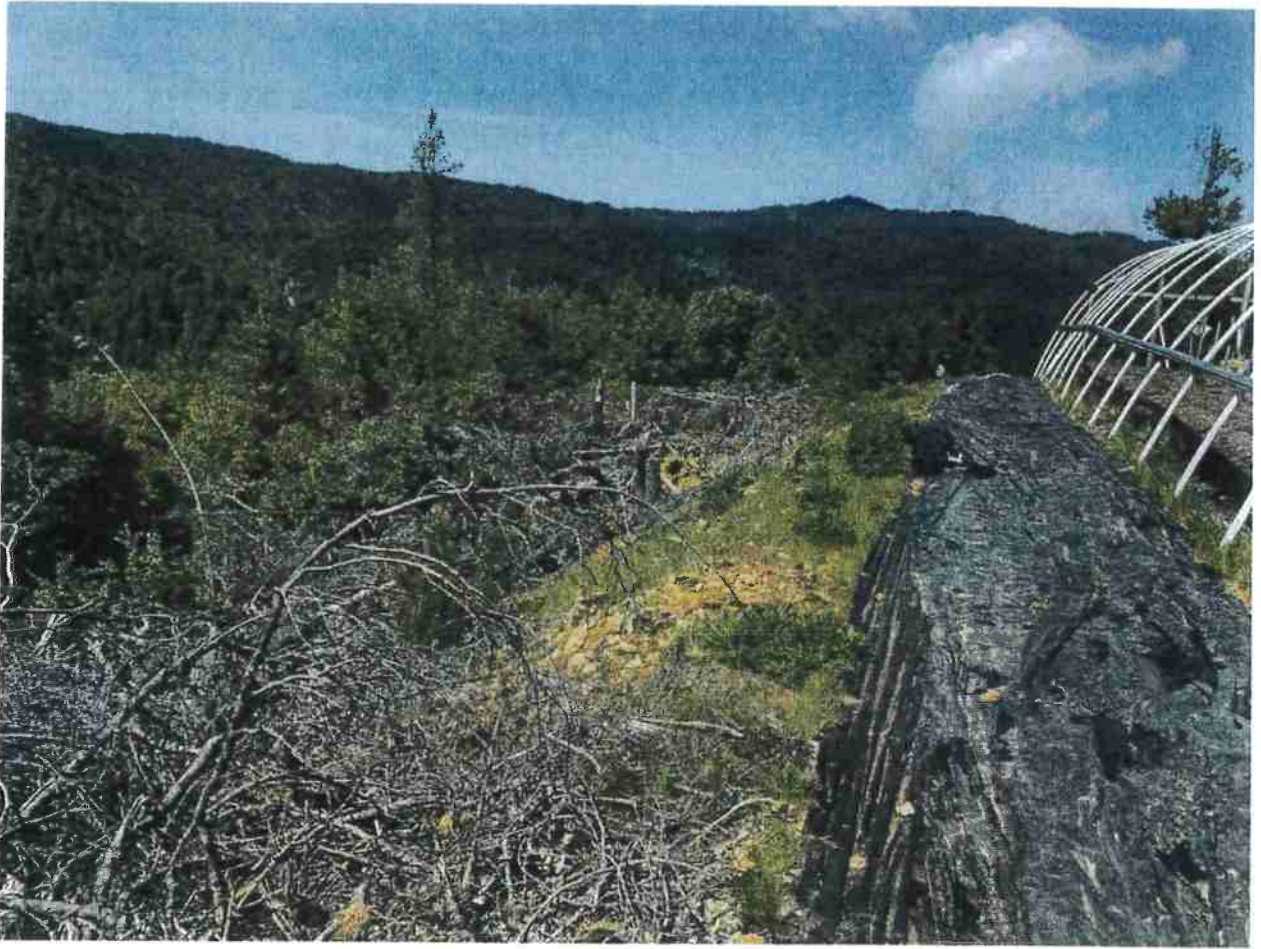
## Pictures



Picture 3. Cultivation Site 3. Untreated slash located along the site's northwestern periphery. Photo date 4-23-2020.



## Pictures



Picture 4: Cultivation Site 4. Untreated slash located along the site's southern periphery. Photo date 4-23-2020.

## Pictures



Picture 5. Cultivation Site 5. Minor amount of untreated slash located along the site's western periphery. Photo date 4-23-2020.



## Pictures



Picture 6. Cultivation Site 1. Photo date 4-23-2020.

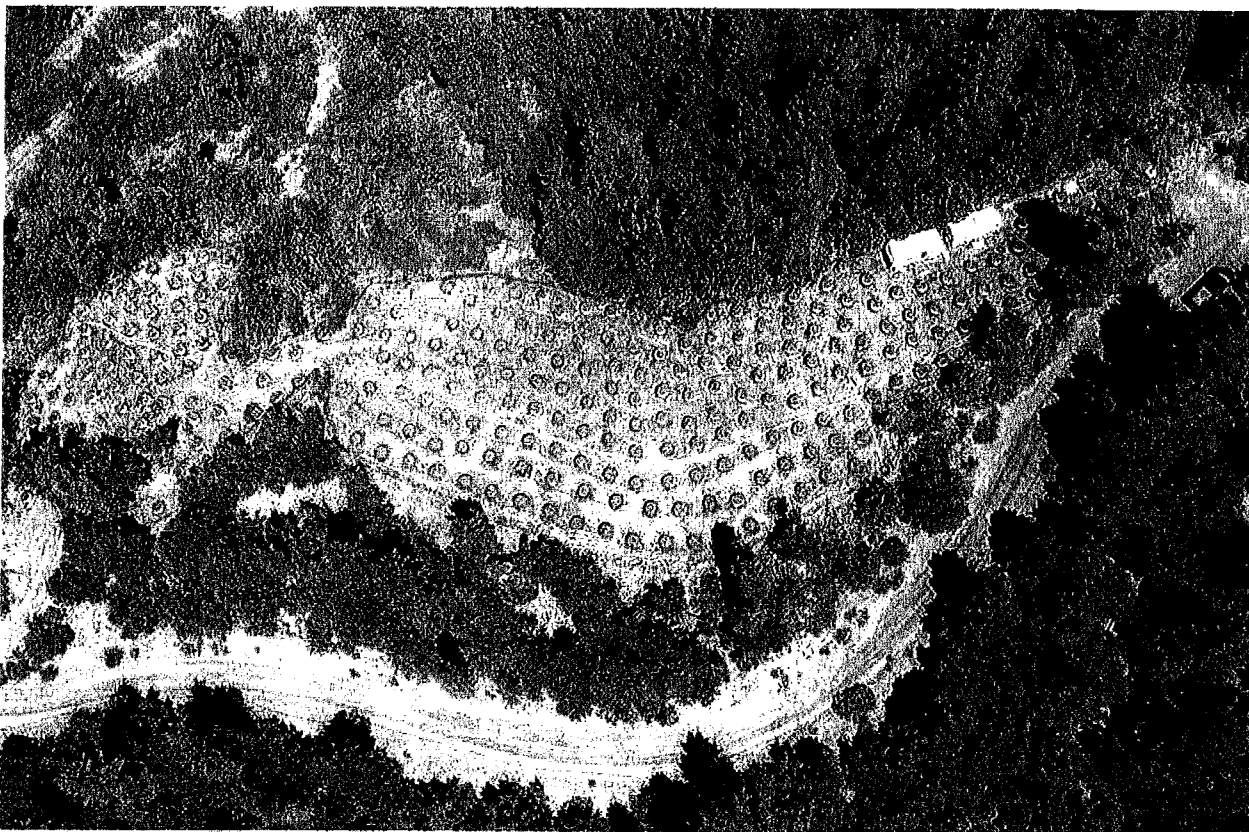


## Pictures



Picture 7: Cultivation Site 2. Photo date 4-23-2020.

## Pictures



Picture 8: Cultivation Site 3. Photo date 4-23-2020.



## Pictures



Picture 9: Cultivation Site 4. Note untreated slash surrounding the site. Photo date 4-23-2020.



## Pictures



Picture 10. Cultivation Site 5. Photo date 4-23-2020.



Pictures



Picture 11: Cultivation Site 6. Note untreated slash surrounding the site. Photo date 4-23-2020.

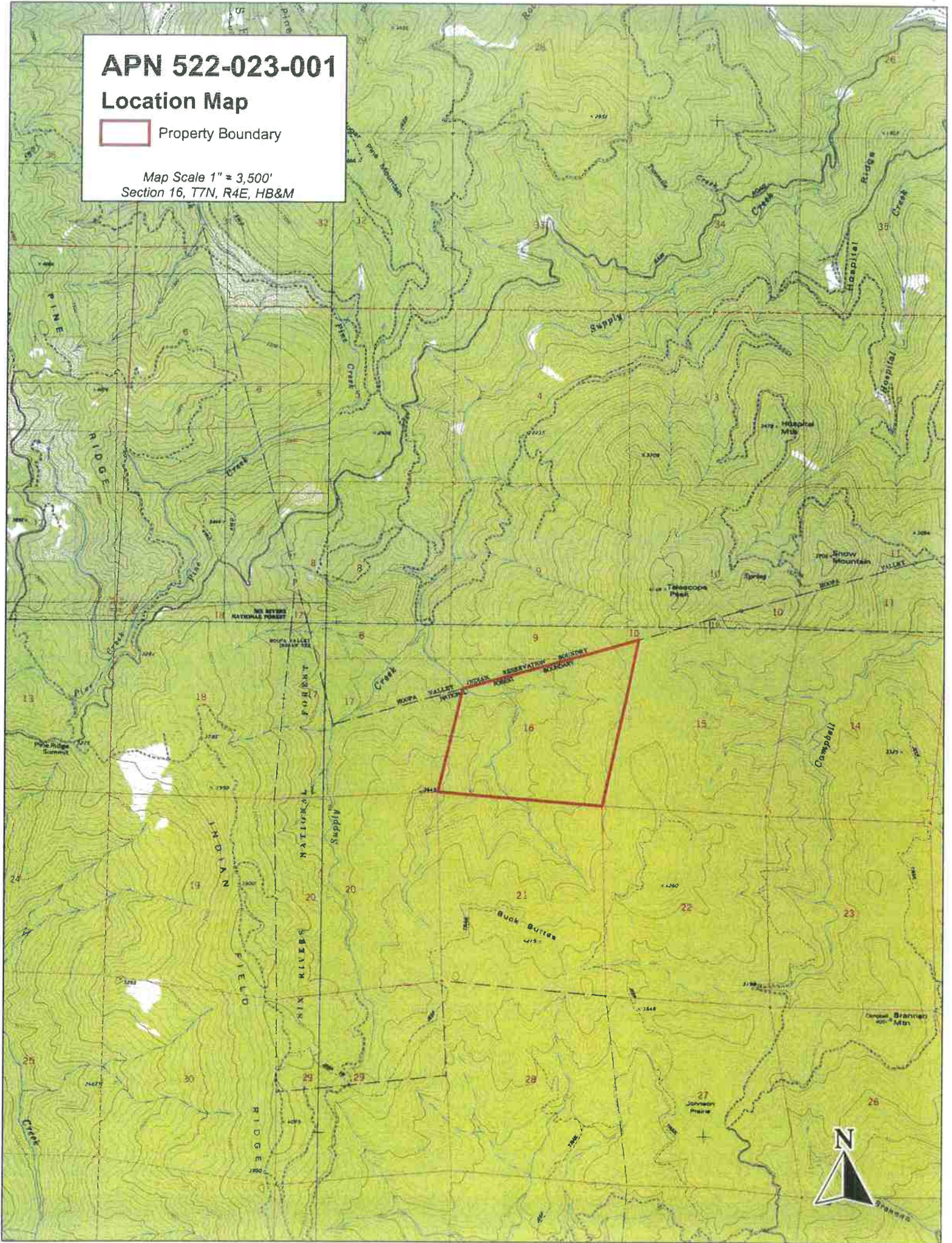


**APN 522-023-001**

**Location Map**

 Property Boundary

Map Scale 1" = 3,500'  
Section 16, T7N, R4E, HB&M



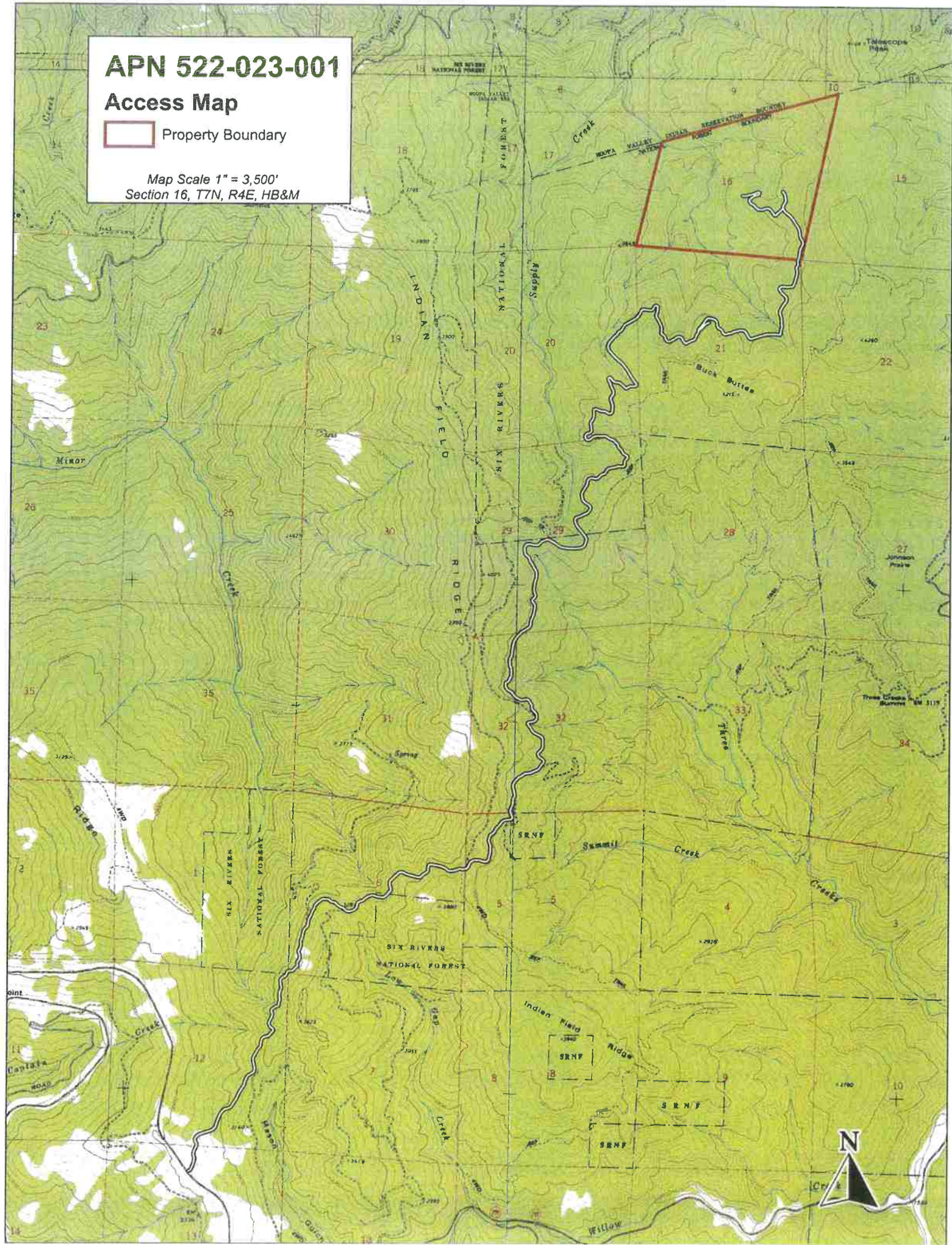


# APN 522-023-001

## Access Map

 Property Boundary










Map Scale 1" = 3,500'  
Section 16, T7N, R4E, HB&M



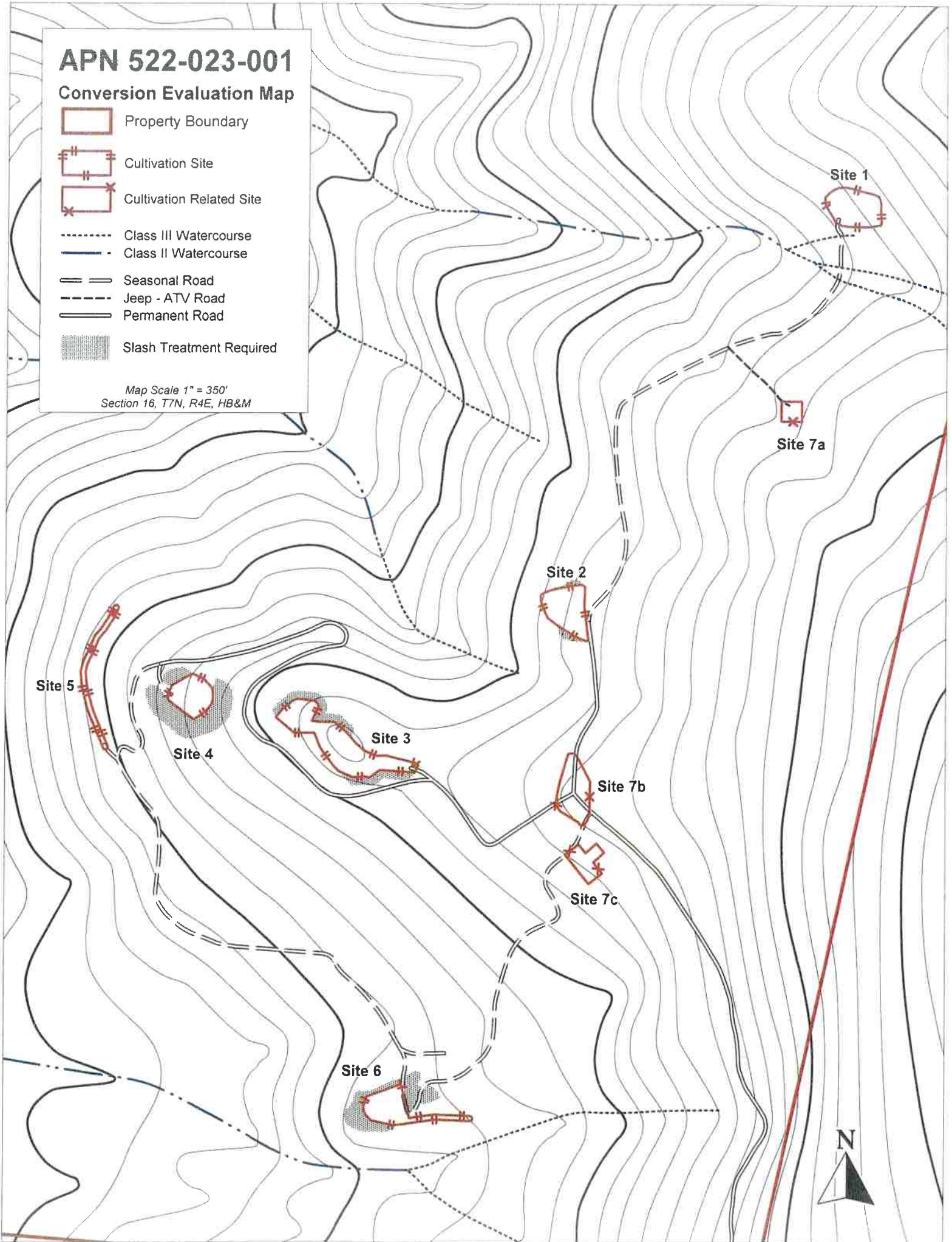


# APN 522-023-001

## Conversion Evaluation Map

-  Property Boundary
-  Cultivation Site
-  Cultivation Related Site
-  Class III Watercourse
-  Class II Watercourse
-  Seasonal Road
-  Jeep - ATV Road
-  Permanent Road
-  Slash Treatment Required










Map Scale 1" = 350'  
Section 16, T7N, R4E, HB&M



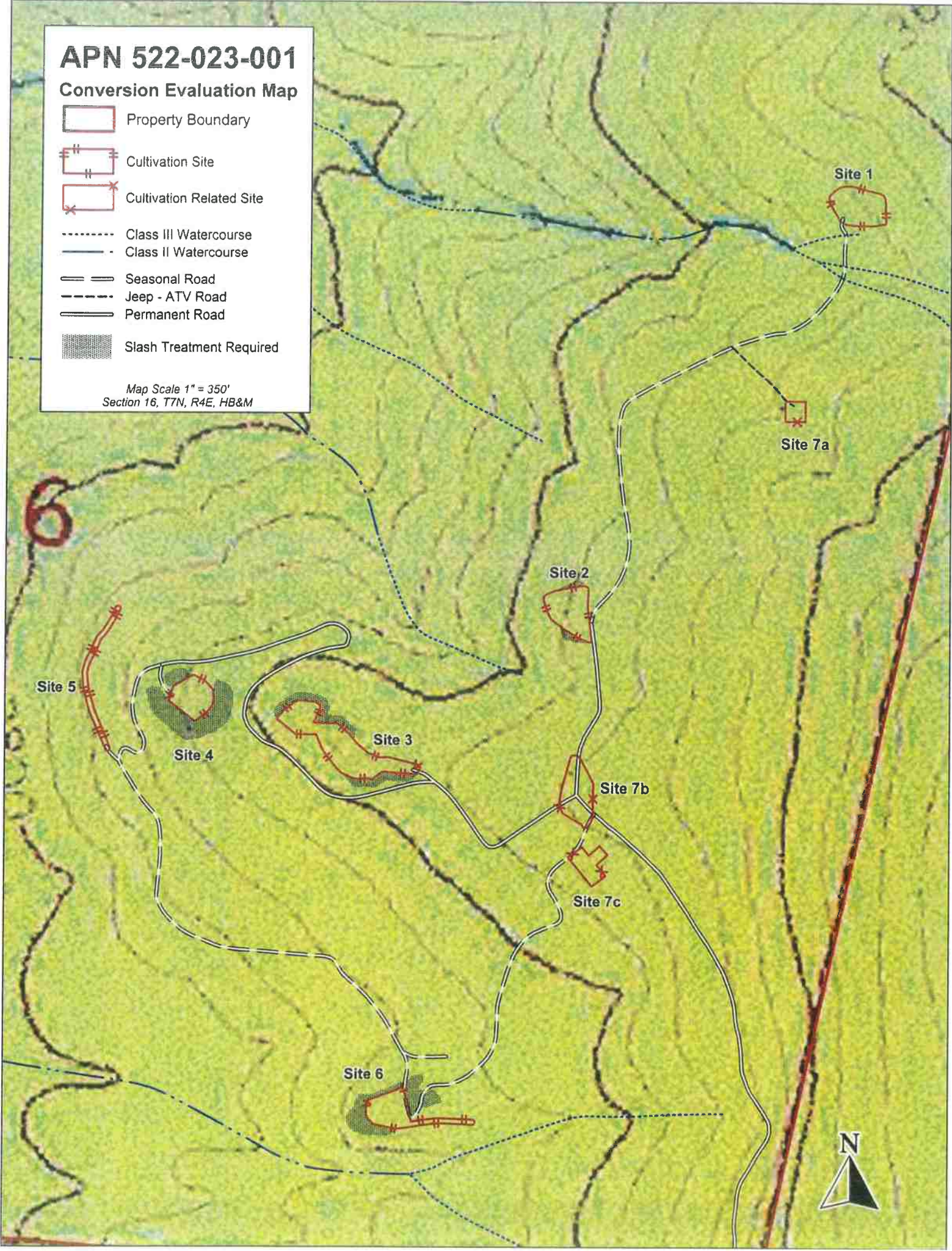


# APN 522-023-001

## Conversion Evaluation Map

-  Property Boundary
-  Cultivation Site
-  Cultivation Related Site
-  Class III Watercourse
-  Class II Watercourse
-  Seasonal Road
-  Jeep - ATV Road
-  Permanent Road
-  Slash Treatment Required










Map Scale 1" = 350'  
Section 16, T7N, R4E, HB&M



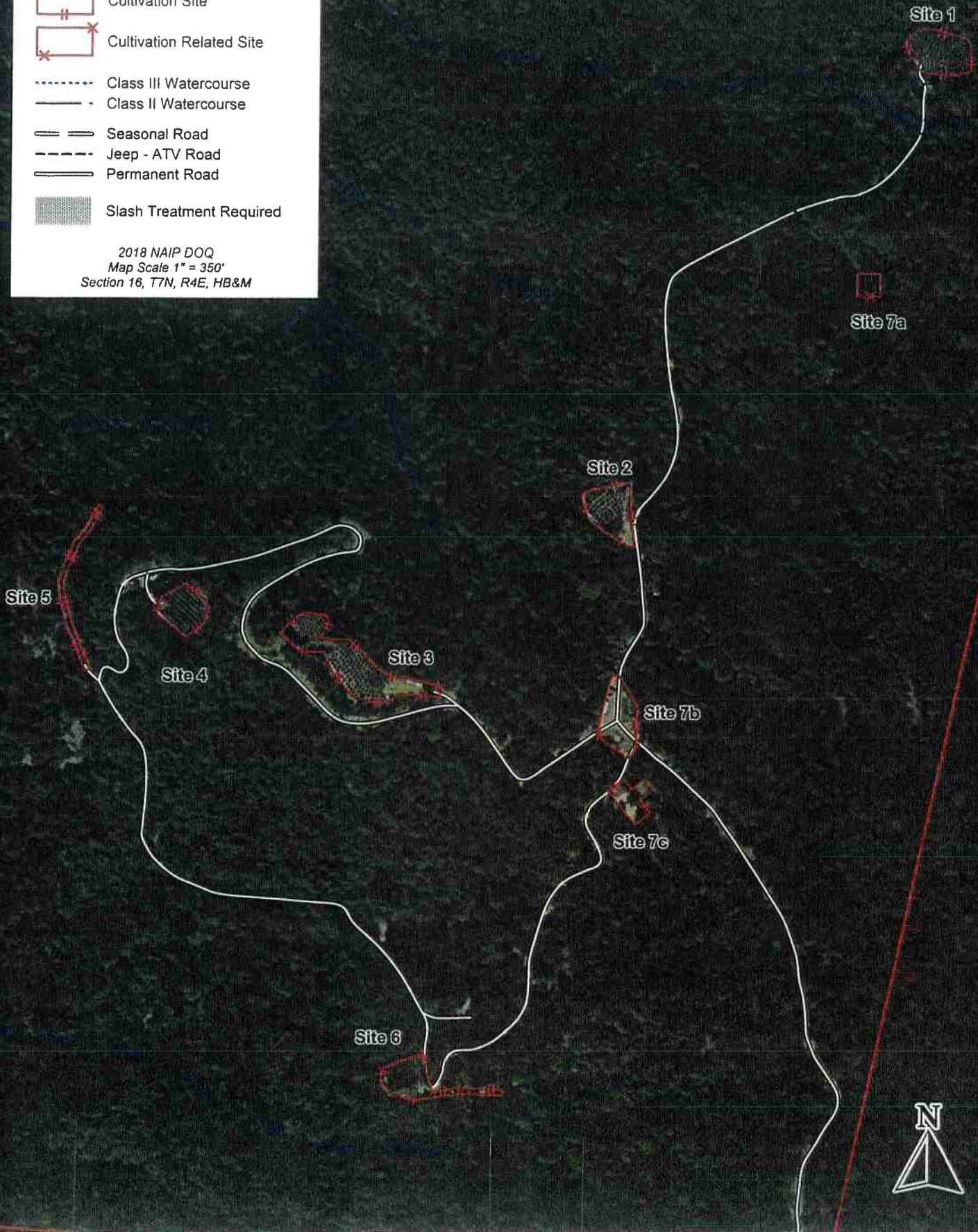


# APN 522-023-001

## Conversion Evaluation Map

-  Property Boundary
-  Cultivation Site
-  Cultivation Related Site
-  Class III Watercourse
-  Class II Watercourse
-  Seasonal Road
-  Jeep - ATV Road
-  Permanent Road
-  Slash Treatment Required

2018 NAIP DOQ  
Map Scale 1" = 350'  
Section 16, T7N, R4E, HB&M



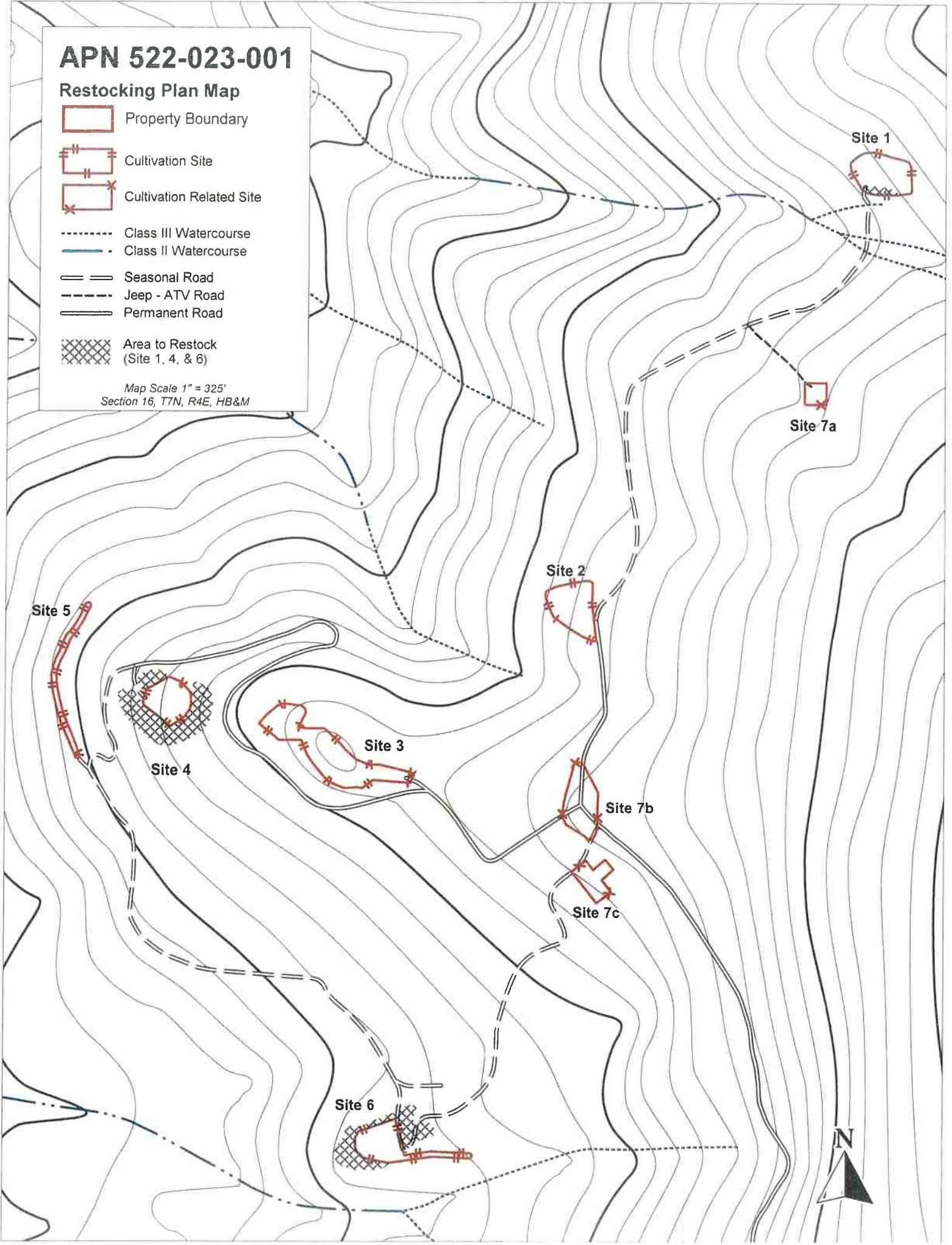


# APN 522-023-001

## Restocking Plan Map

-  Property Boundary
-  Cultivation Site
-  Cultivation Related Site
-  Class III Watercourse
-  Class II Watercourse
-  Seasonal Road
-  Jeep - ATV Road
-  Permanent Road
-  Area to Restock  
(Site 1, 4, & 6)





Map Scale 1" = 325'  
Section 16, T7N, R4E, HB&M





# APN 522-023-001

## CNDDB Map

-  Property Boundary
-  1.3-Mile Biological Assessment Area
-  NSO Activity Center
-  CNDDB Sensitive Species

Map Scale 1" = 2,200'  
Section 16, T7N, R4E, HB&M

