



COUNTY OF HUMBOLDT

For the meeting of: 6/18/2026

File #: 26-641

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Robert Scarlett Special Permit
Assessor Parcel Number (APN) 077-072-007
Record No.: PLN-2026-19554
Redway area

A Special Permit for the removal of a hazardous, mature old-growth redwood tree within the lower Redway Q Zone area (Ordinance 2112). The tree is approximately 118-inches in diameter and 252 feet in height. Structural defects include a significant cavity with rot present at a height of approximately 200 feet, a large cut at the base of the tree which is a vector for disease, and a root system that is in poor health and has been adversely affected by adjacent improvements.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Attachment 1), which does the following:
 - a. Finds the Planning Commission has determined the project is exempt from further environmental review pursuant to Sections 15269 and 15304 of the State CEQA Guidelines; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Robert Scarlett Special Permit subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project site is in the Redway area, on the northwest corner of the intersection of Briceland-Thorne Road and Oakridge Drive, on the property known as 20 Oakridge Drive.

Present General Plan Land Use Designation: Residential Low Density (RL)

Present Zoning: Residential One-Family with a B-3 Combining Zone specifying a minimum lot size of 20,000 square feet and a Qualified (Q) Combining Zone requiring redwood trees to be protected from removal.

Environmental Review: The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15269 (Emergency Projects) and 15304 (Minor Alterations to Land Use) of the CEQA Guidelines.

State Appeal: The proposed project is NOT appealable to the California Coastal Commission.

Major Concerns: Q Zone Compatibility.

Monitoring Required: None.

Executive Summary: This project is a request for a Special Permit pursuant to Ordinance 2112 for the removal of a hazardous, mature old-growth redwood tree within the lower Redway Q Zone area. The tree is approximately 118-inches in diameter and 252 feet in height. Structural defects include a significant cavity with rot present at a height of approximately 200 feet, a large cut at the base of the tree which is a vector for disease, and a root system that is in poor health and adversely impacting adjacent improvements.

Protections for redwood trees in the lower Redway area were first established under Ordinance 1803 and then further protected in Ordinance 2112 by the Board of Supervisors (Attachment 4). Ordinance 1803 requires cutting of old growth redwood trees to be limited to that necessary for the site of the building. Ordinance 2112 further required approval of a Special Permit for the removal of any redwood greater than 12 inches in diameter at breast height and limited it to:

- 1) removal of trees within the physical footprint of a permitted building where there are no other feasible locations on the property which would allow for the trees to remain upon construction of the building, or*
- 2) removal of trees upon demonstration that such a tree, due to damage or disease is in imminent danger of falling, thus creating an immediate hazard.*

In this instance, the tree is proposed to be removed per section 2 of this ordinance. A Registered Professional Forester from Cal-Fire, a Registered Professional Forester hired by the property owner, and an International Society of Arboriculture (ISA) Certified arborist have all documented that the tree is an immediate hazard to residences and the public.

Background

In 2021 a stand of redwood trees was removed on a residentially owned parcel in the Eureka area and within a county Streamside Management Area without county permits and a code enforcement case was opened. This led to comments and discussion with RPF's on the County Forestry Review Committee, and with the local Cal-Fire office and the County was informed that Section 4516.5 of the California Public Resources Code (PRC) prohibits the County from regulating timber removal. This section of the PRC states that:

Individual counties may recommend that the board adopt rules and regulations for the content of timber harvesting plans and the conduct of timber operations to take account of local needs.

And:

Except as provided in subdivision (e), individual counties shall not otherwise regulate the conduct of timber operations, as defined by this chapter, or require the issuance of any permit or license for those operations.

The Planning and Building Department was informed that the County had no authority to regulate timber removal because the Board of Forestry had not adopted the Humboldt County regulations. This was staff's understanding between 2022 and present.

In December of 2025 CalFire issued a Notice of Exemption for removal of redwood trees that were deemed hazardous within 150 feet of the house on the subject site. In the Registered Professional Forester's report on the condition of the trees, he recommended the property owner check with the County to determine if there were permits required prior to initiating removal. The property owner did check with the county and was told that no permit would be required for the removal of those hazardous trees. Four of the trees were removed based on this information.

The community saw this and raised issues about how the Q-Zone could not be enforced. In response staff began reviewing the regulatory framework related to the relationship between the County Zoning and the Forest Practices Act. Until clarity could be achieved, Planning and Building staff have been instructed to not sign or consent to any CalFire exemption where a county permit is normally required.

On March 13, 2026, Supervisor Bushnell and John Ford met with the concerned residents of Lower Redway. The residents were concerned that the trees were not hazardous and there was still a tree remaining. Due to potential Q-Zone implications a Stop Work Order was issued until the property owner demonstrated that the tree was in fact hazardous. The property owner provided a report from a Registered Professional Forester supported by a Certified Arborist finding that the tree had several hazardous components including a large cavity 200 feet up, a scar on the side of the tree where another tree had been removed, and root damage that occurred from development on the property and from the road. The Stop Work Order was lifted once the report was submitted.

Subsequently staff discussed this situation with a senior leader in Cal Fire who affirmed that the county does have the ability to issue permits based upon the Q-Zone which is in a Residential Zoning District, and the property is less than 3 acres. These are important elements that were not discussed in the 2022 meeting. The section cited above from the Forrester Practices Act is followed by section 4516.5 (f) which states:

This section does not apply to Timber Operations on any land area of less than three acres and which is not zoned Timberland production.

The jurisdiction of the county has also been confirmed by a search of relevant case law. The County does have discretion to administer the Q-Zone. Based upon these findings a Special Permit has been required for removal of the remaining tree on the property.

Current Proposal

The current Special Permit is to authorize the removal of a mature old-growth redwood tree that is 252 feet in height and 118 inches in diameter at breast height that is located approximately 20 feet from the existing residence on the property. The tree is estimated to be approximately 350-370 years old.

The lower Redway area has a substantial number of large, mature redwood trees that are viewed as important to the identity of Redway and help define the visual character of the community. The purpose of the Q zone is to protect mature redwood trees from removal as these mature redwood trees are considered an important contributor to the general welfare of the community. This particular redwood tree is a very large old-growth tree that is prominently visible to the community as it is located approximately 40 feet from Briceland-Thorne Road, a major thoroughfare in the Redway area. Driving east on this roadway into the Redway urban center the entire width and height of this tree is prominently visible.

While large redwood trees such as this are considered an important characteristic of the lower Redway community and can be considered to contribute to the general welfare of the public, this must be balanced with the risk to private landowners and the public from falling limbs and potentially from the large tree falling onto residences, power lines or the public roadway. The Q-zone restrictions attempt to balance these competing interests by allowing such trees to be removed only when determined to be an immediate hazard, and even then, only through a discretionary permit application except in an emergency that necessitates action faster than the discretionary permit process would allow.

In this instance the applicant has documented that the existing tree is an immediate hazard that could adversely impact the public health, safety and welfare and could be materially injurious to properties and improvements in the vicinity. Two different registered professional foresters and a separate ISA

certified arborist who is additionally certified by the ISA in tree risk assessment have documented that the tree is a safety hazard in need of removal (Attachments 2A and 2B). The tree is 252 feet in height and there are five residences within that radius that could be harmed if it were to fall. The residence on the property is approximately 15 feet from the base of the tree. In addition, Briceland-Thorne Road is a frequently travelled roadway located within 40 feet of the tree and both the roadway and drivers utilizing this road are in danger from the tree and/or limbs falling.

A Registered Professional Forester with Hohman and Associates Forestry Consulting conducted a visual and drone inspection of the whole tree and a careful examination of the root zone and concluded that 1) “the tree has a significant cavity with rot present within a 15 foot portion of the tree about 200’ up the tree”, 2) “portions of the bole have now been exposed to elements and can be considered a vector for disease to enter the cambium layer”, and 3) several roots have been cut structurally degrading the foundation of the tree and that “the poor health of the root system is a significant structural defect.” The RPF report (Attachment 2B) declares that the tree is a hazard to the landowner, adjacent owners and the general public. Separately, an ICA Certified Arborist has documented that the tree has damaged roots, severe damage to the trunk which will facilitate rot and decay, and states that the lack of a lower canopy results in an unnatural raised crown. The arborist report (Attachment 2C) determines that the poor condition of the tree poses a threat to the community and that mitigation options to manage the hazard, such as pruning would not be feasible without retaining a high degree of risk and recommended the immediate removal of the tree. Lastly, a Registered Professional Forester and Cal-Fire Resource Management Forester submitted a Service Record Report (Attachment 2A) that determined that the tree poses a safety hazard to habitable structures.

The Planning Commission is likely to receive comment that the tree should not be approved for removal because it is not “*in imminent danger of falling and creating an immediate hazard*”. This ordinance language must be read in context. Imminent means something is about to happen. Taken literally this would be an event than can be predicted. Trees typically fall with no warning. The ordinance also allows a waiver of the Special Permit procedures for emergency removal of trees (section a)3)(iii)) where an emergency exists requiring action more quickly than could happen with the processing of a Special Permit. In providing for emergency waivers the ordinance makes a distinction between an immediate hazard and an emergency. When a Certified Arborist and Registered Professional Forester recommend the immediate removal of a tree, that should be understood as the tree being in imminent danger of falling and creating an immediate hazard that qualifies under this ordinance.

Other than its inclusion within the Q-zone, this tree is not identified as a designated scenic or visual resource, and is not mapped or identified as having or contributing as habitat for any sensitive plant or animal species. The tree is a mature old-growth redwood and located within a larger area of old-growth redwoods. Old-growth redwood trees are known to provide habitat for a variety of bird species, including Northern spotted owl and marbled murrelet, both of which are listed endangered

species. The tree is approximately 650 feet from Whitmore Grove in the John B. Dewitt Redwoods State Natural Reserve, which is designated by USFWS as critical habitat for marbled murrelet. Public lands within the range of marbled murrelet that meet the habitat characteristics necessary for the species are designated as critical habitat regardless of presence of the species. The California Department of Fish and Wildlife (CDFW) has recommended that the removal of the tree be done outside of the marbled murrelet nesting season in order to avoid potential noise impacts to nesting marbled murrelet should they exist in the vicinity. This would require that the tree work be completed after September 15th (and no later than March 24th). It is with great hesitation that staff has not included this as a recommended condition of approval to this staff report, as the hazard from the tree appears to be immediate. Unfortunately trees often fall without warning. Given the information provided by the forester and arborist, staff is concerned about the immediate danger to properties and the public from the tree were it or any large branches to fall, and staff is unaware of any confirmed presence of marbled murrelet in the vicinity and/or in the mapped critical habitat of Whitmore Grove. Planning staff is continuing to have discussions with CDFW and with state parks, who manage the Natural Reserve and it is possible that additional information and/or recommendations may be presented at the hearing.

The nearest mapped activity center for northern spotted owl is just over a mile away to the west. A nesting bird survey (Attachment 2D) was completed on May 19, 2026, which found no evidence of nesting birds in the tree or immediate vicinity. The project is conditioned to require an additional nesting bird survey just prior to removal of the tree, and for the tree to not be removed while any active nests are present.

In addition to the public noticing requirements of Humboldt County Code, property owners and occupants within 1,000 feet of the property were notified of this hearing. Further, all property owners of the Lower Redway R-1-B3-Q zone that are north of Briceland-Thorne Road were notified as required by the Q zone ordinance. In addition, on May 26, 2026, a press release was issued by Humboldt County about the scheduled Planning Commission meeting. Comments have been submitted requesting a postponement of the hearing because ten property owners were sent notice separately and later than required under Section 312-8.3, however that section only requires notice to be given to property owners and occupants within 300 feet of the property. The ten additional property owners in question are within the Q zone and over 1,000 feet away from the subject property. The Q zone does require that these owners be notified, however it does not specifically require that they be notified ten calendar days prior.

Recommendation

In order to approve the Special Permit, the Q-zone restrictions require a finding that the tree is an immediate hazard due to disease and damage. Staff believes that the applicant has demonstrated that this is the case through the submittal of documentation from multiple experts who are in agreement that the tree is an immediate hazard that should be removed.

OTHER AGENCY INVOLVEMENT:

Referrals were sent to various county departments and state agencies. The County received responses from County Code Enforcement and the Building Division, both recommending approval and from the Department of Public Works, requiring compliance with the issued encroachment permit. The County has also received a referral response from CDFW. While State Parks was not originally referred, after receiving comments from CDFW staff has reached out to the State Parks and may have additional information at the hearing.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. In particular the Planning Commission could apply a condition of approval requiring that the tree only be removed after September 15th to avoid the marbled murrelet nesting season.
2. The Planning Commission could deny the application if unable to make all the required findings of approval. Given that multiple licensed professionals and tree experts have concurred that there is an immediate hazard to life and property, staff does not recommend this action.

ATTACHMENTS:

1. Draft Resolution
 - A. Draft Conditions of Approval
2. Applicant's Evidence in Support of the Required Findings
 - A. CalFIRE Permit and Report
 - B. Forester Report
 - C. Arborist Report
 - D. Nesting Bird Survey
3. Referral Agency Comments and Recommendations
 - A. CDFW Comments
4. Q Zone Ordinance 2112
5. Public Comments

Applicant:

Robert Scarlett
PO Box 91
Garberville, CA 95542

Owner: Same as above

Agent: N/A

Please contact Cliff Johnson, Planning Manager at cjohnson@co.humboldt.ca.us or 707-268-3721 if you have questions about this item.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 26-

Record Number: PLN-2026-19554

Assessor's Parcel Number: 077-072-007

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Robert Scarlett Special Permit.

WHEREAS, Robert Scarlett applied for a Special Permit to allow removal of a 252 foot tall redwood tree that qualifies as an old growth tree; and

WHEREAS, the County Planning Division has reviewed the application and evidence and has referred the application and evidence to reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the Planning Division as the Lead Agency has determined that the project qualifies for statutory and categorical exemptions found in Sections 15269 (Emergency Projects) and 15304 (Minor Alteration of Lands) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Special Permit for removal of a mature redwood tree in the lower Redway Q zone area); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on June 18, 2026, and reviewed, considered, and discussed the application for the Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** Approval of a Special Permit pursuant to Ordinance 2112 for the removal of a hazardous old-growth redwood tree. The tree is approximately 118-inches in diameter and 252 feet in height. Structural defects include a significant cavity with rot present at a height of approximately 200 feet, a large cut at the base of the tree which is a vector for disease and has a root system that is in poor health and adversely impacting

adjacent improvements. The tree is an immediate hazard to improvements, residents and the public.

EVIDENCE: a) Project File: PLN-2026-19554

2. FINDING: CEQA: The requirements of the California Environmental Quality Act have been met as the project is exempt under Sections 15269, which exempts emergency projects and 15304 of the CEQA Guidelines which exempts minor alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, mature scenic trees except for forestry or agricultural purposes.

EVIDENCE: a) The project is for the removal of a 252-foot-tall mature redwood tree that is in poor health and an immediate hazard to residents and the public and is therefore an emergency.

b) The tree is documented to be in poor health and an immediate hazard by two registered professional foresters and an ISA certified arborist.

c) The tree is not designated as a scenic tree. Although it is located on a major public roadway going through an area of old growth and mature second growth trees, this area has not been designated as a scenic vista.

3. FINDING: The proposed tree removal is in conformance with all applicable policies and standards in the General Plan.

EVIDENCE: a) The property is designated Residential Low Density which is intended primarily for single-family units on individual lots. The project would protect existing residences and residents from harm from the hazard of a falling tree and/or tree limbs.

b) Removal of the tree will not introduce any hazards to the occupants and will instead remove a hazard to existing residences and the public.

c) The tree has been documented by two registered professional foresters and a separate ISA certified arborist who is additionally certified by the ISA in tree risk assessment as being a safety hazard in need of removal. The tree is 252 feet in height and there are five residences within that radius that could be harmed if it were

to fall. In addition, a frequently travelled public roadway, Briceland-Thorne Road is within 40 feet of the tree and both the roadway and drivers utilizing this road are in danger from the tree and/or limbs falling.

- d) According to the California Natural Diversity Database, the area is only mapped as having the likely occurrence on the property is the western bumblebee, which would not utilize the tree as habitat. While mapped critical habitat for marbled murrelet is located nearby, the subject property is on a busy road surrounded by residential uses and over 650 feet away from the mapped habitat area. A nesting bird survey of the tree and surrounding area was completed on May 19, 2026 which found no evidence of nesting birds and the project is conditioned to conduct an additional nesting bird survey no more than 7 days prior to removal of the tree.
- e) The project is conditioned to require an additional survey for nesting birds immediately prior to removal of the tree.
- f) The project was referred to the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Tribal consultation was performed resulting in no comments.
- g) There are no wetlands, special-status species, or coastal natural resources on the project site as depicted on the County's natural resources GIS database.

4. FINDING: The project is consistent with the purposes of the existing zone in which it is located.

EVIDENCE: a) The property is zoned Residential One Family which allows single family residences as a principal permitted use. Removal of hazard trees within striking distance of the residence protects the principally permitted use which is consistent with the Residential One-Family zone district.

5. FINDING: The project conforms with all applicable development standards and requirements of these regulations.

EVIDENCE: a) The subject parcel has been determined to be eligible for an unconditional Certificate of Subdivision Compliance pursuant to

Section 66499.34 of the Subdivision Map Act due to the issuance of building permit #84-0092A3.

- b) The project is conditioned to require posting of the completed Record of Action on the property for not less than ten calendar days, consistent with the requirements of the Qualified Zone.
- c) In addition to the public noticing requirements of Humboldt County Code, all property owners north of the centerline of Briceland Road in the Lower Redway R-1-B-3-Q zone were notified of this proposed Special Permit, as required by the Qualified Zone.

6. FINDING: The condition of the tree meets the required finding for removal established by the Qualified Zoning ordinance for Lower Redway (Ordinance 2112) because due to damage or disease the tree is in imminent danger of falling, thus creating an immediate hazard.

- EVIDENCE:**
- a) A Registered Professional Forester and Cal-Fire Resource Management Forester submitted a Service Record Report that determined the tree poses a safety hazard to habitable structures.
 - b) A Registered Professional Forester with Hohman and Associates Forestry Consulting conducted a visual and drone inspection of the whole tree and a careful examination of the root zone and concluded that 1) “the tree has a significant cavity with rot present within a 15 foot portion of the tree about 200’ up the tree”, 2) “portions of the bole have now been exposed to elements and can be considered a vector for disease to enter the cambium layer”, and 3) several roots have been cut structurally degrading the foundation of the tree and that “the poor health of the root system is a significant structural defect.” The RPF report declares that the tree is a hazard to the landowner, adjacent owners and the general public.
 - c) The Registered Professional Forester states that it is “likely that the tree or a significant part of it will fail and fall on someone or damage property.”
 - d) An ICA Certified Arborist has documented that the tree has damaged roots, severe damage to the trunk which will facilitate rot and decay, and that the lack of a lower canopy results in an unnatural raised crown and that the tree may be directly exposed to heavy winds during wind events.

- e) The arborist determined that the poor condition of the tree poses a threat to the community.
- f) The arborist has identified that mitigation options to keep the tree and manage the hazard from it would not be feasible without retaining a high degree of risk.
- g) Due to the identified hazard from the tree the arborist recommends the immediate removal of the tree.

7. FINDING: The removal of the old-growth redwood tree will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) While large redwood trees are considered an important characteristic of the lower Redway community and can be considered to contribute to the general welfare of the public, this must be balanced with the risk to private landowners and the public from falling limbs and potentially from the large tree falling onto residences, power lines or the public roadway.
 - b) The existing tree has structural defects which make it an immediate hazard that could adversely impact the public health, safety and welfare and could be materially injurious to properties and improvements in the vicinity if the tree falls or breaks apart.
 - c) The removal of the hazardous tree is done to protect the public health safety and welfare by removing a hazard.

8. FINDING: The proposed project will not reduce the residential density of this parcel or the surrounding area.

- EVIDENCE:**
- a) The parcel is not included in the 2019 adopted Housing Element Inventory.
 - b) The project is proposing to remove a redwood tree that has been determined to be a hazard to the existing residence and other residences in the vicinity and will have no effect on the County Housing Inventory.

Decision

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Approve the Robert Scarlett Special Permit for removal of the redwood tree, subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **June 18, 2026**.

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department

ATTACHMENT 1A
CONDITIONS OF APPROVAL
PLN-2026-19554

Approval of the Special Permits are conditioned upon the following terms and requirements which must be fulfilled as specified below:

1. Prior to removal the applicant shall post the completed Record of Action of the approved Special Permit conspicuously upon the property, in such a manner as to allow reasonable inspection by the public, for a period of not less than ten calendar days. The applicant shall provide photographic evidence of such posting to the Planning and Building Department.
2. The tree may not be removed unless evidence has been presented that there are no active bird nests within the tree. Within 7 days prior to removal of the tree a nesting bird survey shall be conducted and submitted to the Planning and Building Department.
3. The applicant shall comply with all terms of the Public Works encroachment permit for the tree removal and traffic control.
4. Cutting and/or removal activities shall be limited to the hours between 8:00 AM to 5:00 PM, Monday through Friday.

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.

ATTACHMENT 2
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS
PLN-2026-19554

Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division or attached to the staff report as noted below.

1. Application Form (On file)
2. Cal-Fire Permit and Report (Attachment 2A)
3. Grant Deed (On file)
4. Forester Report (Attachment 2B)
5. Arborist Report (Attachment 2C)
6. Campaign Finance Disclosure (On file)
7. Nesting Bird Survey (Attachment 2D)
8. Hazardous Waste and Substances Statement (On file)



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NORTHERN REGION HEADQUARTERS - SANTA ROSA
135 Ridgway Avenue
Santa Rosa, CA, 95401
(707) 576-2959
Website: www.fire.ca.gov



December 16, 2025

Robert Scarlett
PO Box 91
Garberville, CA 95542

Structure Protection (0 to 150 feet) v2019
No: 1-25EX-00914-HUM

Letter of Acceptance

This letter acknowledges acceptance of your "Notice of Exemption" per **Title 14, California Code of Regulations, Section 1038(a), (b), (c), (c)(6), (d), (e), (f), 1038.3, 1038.5, and 1038.6**, from plan preparation and submission requirements (PRC 4581) and from the completion and stocking report requirements (PRC 4585 and 4587).

This Exemption EXPIRES December 14, 2026. Timber operations shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules. Note: in-lieu practices, exceptions to rules, and alternative practices are not allowed.

Regulatory rules may differ if the exemption is in a county with special rules or within a Special Treatment Area. The Timberland Owner and the Licensed Timber Operator are advised to be aware of the rules for the specific location of the exemption.

Other Agency Considerations:

- **Regional Water Quality Control Boards** (Regional Boards) regulate waste discharges from timber harvest activities. The Regional Boards may have special requirements for timber harvesting conducted under this exemption. Please contact your local Regional Water Control Board with any questions regarding compliance with the California Water Code.
- **Department of Fish and Wildlife** (DFW) may require notification if the timber operations will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. Information on the Lake and Streambed Alteration Program and other DFW programs can be found at the following internet address: <https://www.wildlife.ca.gov/Conservation/Environmental-Review>

On-site inspection will be conducted by local CAL FIRE Unit Forest Practice Inspectors to evaluate compliance with all the provisions of the Forest Practice Act and Rules. For questions regarding the above referenced exemption, please contact the appropriate regional office listed above or contact the local CAL FIRE Unit for your County.

Sincerely,

Cale Lopez – RPF #3154
Timber Regulation & Forest Restoration Forester
Northern Region Headquarters – Santa Rosa
135 Ridgway Ave. Santa Rosa, CA 95401
707-576-2940 (office)
707-608-8020 (cell)

cc: Unit, File

To view Exemption Notices, please visit: <https://caltreesplans.resources.ca.gov/caltrees/>



Timber Salvage Operations

Do I need a Water Board permit?

The purpose of this flyer is to make you aware of the water quality regulations and permitting that apply now that you have decided to conduct post-fire timber salvage activities on your property.

Now that your project has been authorized by the California Department of Forestry and Fire Protection (CAL FIRE), additional agency permits may be required or may automatically apply to you, including from one of California's nine Regional Water Quality Control Boards (RWQCBs).



The map above shows the nine different RWQCB jurisdictions throughout the state. Links to each RWQCB can be found here:

www.waterboards.ca.gov/waterboards_map.html

Regions 1, 5 and 6 have permits that your project may be eligible for or are automatically subject to.

Wildfires and Water Quality

While impacts to the environment from wildfires can be significant, impacts can be positive or negative, and this is especially relative to the health of streams, rivers, and wetlands. Following a wildfire, the landscape can be extremely vulnerable to additional impacts from land use activities, including timber salvage operations and road and watercourse crossing management.

On private lands, landowners may choose to harvest merchantable timber following a wildfire in order to salvage the value of burned trees before they degrade. While conducting timber salvage operations, landowners, their consulting registered professional foresters (RPFs) and contracted licensed timber operators (LTOs) must all be aware of the regulations that apply to their activities and ensure that operations are conducted in a manner that is protective of the environment, including water quality.



Water Quality Regulations

The RWQCBs are the primary water-pollution control and prevention agencies for the state. In that role, the RWQCBs issue permits, conduct inspections, and in some circumstances take enforcement actions to address activities that cause or may cause pollutants to discharge into streams, lakes, or wetlands, or impact riparian vegetation.

To protect yourself, your property and the environment, you should work closely with your consulting RPF and LTO to ensure that post-fire salvage activities conform with all applicable regulations and permitting!

We encourage landowners, RPFs, and LTOs to contact their RWQCB's Forest Activities Program for guidance on applicable water quality regulations and permits. A list of the RWQCBs can be found at the following web address:

https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/boardoverview.pdf



DROUGHT & WATER DRAFTING

California Department of Fish and Wildlife

ARE YOU DRAFTING WATER FOR YOUR TIMBER HARVESTING OR VEGETATION MANAGEMENT PROJECT?

Californians are facing the second year of historic drought. Drought conditions in California's streams have the potential to affect aquatic species' movements and survival. The California Department of Fish and Wildlife (CDFW) helps landowners avoid impacts to fish, wildlife, native plants, and sensitive habitats, including California's rivers, streams, and lakes (waterbodies).

We encourage you to consult with CDFW **BEFORE** you begin your project. Failure to notify CDFW of any substantial diversion or obstruction of the natural flow of or a substantial change or use of any material from the bed, bank, or channel of any river, stream, or lake may result in a violation of the Fish and Game Code (see sidebar). See the next page for a preparation checklist.



Applicable Fish and Game Codes

§ 86: "Take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

§ 1600 et seq. (LSA Program): Requires an entity to notify CDFW, and if required, obtain an Agreement, before substantially diverting or obstructing the natural flow of a river, stream, or lake; substantially changing or using any material from the bed, channel, or bank of a river, stream, or lake; or depositing or disposing debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

(Continued on next page)



DROUGHT & WATER DRAFTING

Preparation Checklist

Before you begin your water drafting project, consider the checklist below to help determine if it may have the potential to affect fish and wildlife resources. CDFW is available to help answer these questions and provide assistance.

- ☐ Have you assessed current water flow and water quality conditions at each drafting location?
- ☐ Will your water drafting activities allow for enough water to flow downstream during drafting so fish and other aquatic species can survive?
- ☐ Do you have an alternative water source or dust abatement strategy if you must stop drafting or there is not enough water for drafting? These may include:
 - dust abatement products
 - road base materials
 - alternative water sources such as municipal water
- ☐ What methods will you use to determine when to stop drafting to avoid potential affects to fish and wildlife? This may include using:
 - an instream staff gauge
 - a measuring stick with water level markers
 - directly measuring flow
 - drafting logs or other ways to determine when drafting should stop
- ☐ Will your water drafting project result in a substantial diversion or obstruction of the natural flow of the water or change/alter the bed, bank or channel of any river, stream, or lake?
- ☐ Will construction or modifying your drafting site require vegetation trimming or removal, or ground-disturbing operations to access the site, potentially affecting wildlife?

NOTE! It is important for landowners, Registered Professional Foresters, Licensed Timber Operators, utility companies, or anyone drafting water to know what CDFW permits may be required. Even if you are working under a CAL FIRE Permitted Project, California Fish and Game Code must still be followed. Contact CDFW if you have any questions or to start a consultation. To locate the Fish and Wildlife office near you:

[Search CDFW Regions](#)

For more information on permits and water drafting visit the following web pages:

[CDFW Timber](#)

[CDFW Environmental Review](#)

[CDFW Water Drafting Workshop](#)

For more information on drought conditions:

[Drought Preparedness](#)

[Drought in California](#)

[California Water Board](#)

Applicable Fish and Game Codes

§ 2050 et seq. (CESA):

Prohibits unauthorized take of species listed or a candidate for listing under CESA.

§§ 5650 and 5652: Prohibits depositing in, permitting to pass into, or placing where it can pass into a water of the state any substance or material deleterious to fish, plant life, mammals, or bird life (§ 5650), or garbage, rubbish, litter, refuse, waste, and debris, among other materials (§ 5652).

§ 5901: Prohibits construction or maintenance of any device that prevents, impedes, or tends to impede upstream or downstream fish passage.

§ 5937: Requires the owner of a dam or other artificial obstruction to allow sufficient water at all times to pass over, around, or through the dam, to keep fish below the dam in good condition.



DROUGHT & WATER DRAFTING

MD ✓

Admin Use Only

Exemption Number: 1-25EX-00914-HUM

Date Received: DEC 15 2025

Date Approved: DEC 16 2025

Date Expires: DEC 14 2026

STRUCTURE PROTECTION EXEMPTION

Removal of fire hazard trees from 0 to 150 feet of an
Approved and Legally Permitted Structure

VALID FOR ONE YEAR FROM DATE RECEIPT BY CAL FIRE.

Timber Operations pursuant to the notice of exemption may not commence for five (5) working days from the date of the Director's receipt of the notice unless this delay is waived by the Director. If the Director does not act within five (5) working days of receipt of the notice of exemption, Timber Operations may commence. [ref. 14 CCR § 1038.1(c)(13)]

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of Timber Operations under the requirements of 14 CCR § 1038(c)(1) to cut or remove trees within one-hundred-fifty (150) feet from any point of an Approved and Legally Permitted Structure that complies with the California Building Standards Code in compliance with Public Resources Code (PRC) § 4290 & 4291. Complete all items on this notice; when responses do not fit in the space provided, so state, and add additional pages as necessary.

1. **LICENSED TIMBER OPERATOR(S)** When more than one LTO is on the Plan, please provide a detailed description of timber operation responsibilities for each.

Name: Sherwood Inc Lic. No.: 4013227 ✓ Phone: 707-496-8995

Address: P.O. Box 5987 City: Eureka State: Ca Zip: 95502

Email: Sherwood Excavation@gmail.com

I acknowledge the responsibilities as the Licensed Timber Operator for this plan.

Signature: (optional) [Signature] Date: _____

2. **TIMBERLAND OWNER(S) OF RECORD**

Name: Robert Scarlett Phone: 707-223-8668

Address: P.O. Box 91 City: Garberville State: CA Zip: 95542

Email: robert.scarlett461@gmail.com

I acknowledge the responsibilities as the Timberland Owner for this plan.

Signature: [Signature] Date: 12/11/2025

3. **TIMBER OWNER(S) OF RECORD**

Name: Robert Scarlett Phone: 707 223 8668

Address: P.O. Box 91 City: Garberville State: CA Zip: 95542

Email: robert.scarlett461@gmail.com

TIMBER TAX NOTICE: The **TIMBER OWNER** is responsible for payment of a yield tax.

For timber yield tax information or for assistance with these questions call 1-800-400-7115, or write: Timber Tax Section, MIC: 88, California Department of Tax and Fee Administration, P.O. Box 942879, Sacramento, CA 94279-0088; or visit CDTFA at <https://www.cdtfa.ca.gov>.

Some small or low-value harvests may be exempt from the Timber Yield Tax per Revenue and Taxation Code Section 38116. Timber Owners may be considered exempt if the value of the harvesting operations does not exceed \$3,000 dollars within a quarter, according to CDTFA's Timber Tax Harvest Value Schedules.

If the Timber Owner believes harvesting may be exempt (according to the timber tax exemption language above for low-value harvests) please complete the volume and species information below. Otherwise, proceed to the next item.

Final determination of tax-exempt status will be made by the Timber Tax Section of the California Department of Tax and Fee Administration.

If the CDTFA timber tax section is to be considered a tax exemption based on projected harvest, please complete the information below.

Select the best estimate of total volume for this harvest, in thousands of board feet (MBF-Net Scribner short log):

☐ Under 8 MBF ☐ 8 – 15 MBF ☐ 16 – 25 MBF ☒ Over 25 MBF

A. Estimate the percentage of timber to be removed during this harvest: (percentages should equal 100%)

Redwood 100 % Ponderosa/Sugar Pine _____ % Douglas-fir _____ % Other Conifer _____ %
Cedar _____ % Port-Orford Cedar _____ % Fir _____ % Other Hardwoods _____ %

B. Fuelwood over 150 cords? ☐ Yes ☒ No

C. Christmas trees over 3,000 lineal feet? ☐ Yes ☒ No

4. Is it anticipated that a tree existing before 1800 AD greater than 60 inches in diameter at stump height for Sierra or Coastal Redwoods, or 48 inches in diameter at stump height for all other tree species will be harvested? [ref. 14 CCR § 1038.1(c)(15)] ☒ Yes ☐ No

NOTE: If "Yes", refer to 14 CCR § 1038.1(c)(15)(A-C). An RPF is required to prepare an explanation and justification per 14 CCR § 1038.1(c)(15)(B)(1-3) to be included at submission unless 14 CCR § 1038.1(c)(15)(C) applies.

5. Will timber harvesting occur within the standard width of a Watercourse or Lake Protection Zone (WLPZ)?
☐ Yes ☒ No

If "Yes", trees to be harvested shall be marked by, or under the supervision of, a Registered Professional Forester (RPF) prior to Timber Operations [ref. 14 CCR § 1038.1(c)(12)]. Include the name, license number, and signature of the RPF [ref. 14 CCR § 1602.1]:

RPF Name: _____

License number: _____

Signature: _____

If "Yes" to harvesting in the WLPZ, indicate the exception permitted per 14 CCR § 1038.1(c)(12):

- ☐ Sanitation-salvage harvesting, as identified in 14 CCR § 913.3 [933.3, 953.3], shall meet the Stocking Standards of 14 CCR § 912.7 [932.7, 952.7](b)(2) immediately after completion of operations.
☐ The removal of dead or Dying Trees where consistent with 14 CCR § 916.4 [936.4, 956.4](b).

6. Will Timber Operations occur in a WLPZ, or within any equipment limitation zone (ELZ) or equipment exclusion zone (EEZ) designated for Watercourse or lake protection, **within a watershed with listed anadromous salmonids**? ☐ Yes ☒ No

If "Yes", indicate the exception(s) permitted by 14 CCR § 916.9 [936.9, 956.9](s):

- ☐ Hauling on existing roads.
☐ Road maintenance.
☐ Operations conducted for public safety.
☐ Construction or reconstruction of approved Watercourse crossings.
☐ Temporary crossings of dry Class III Watercourses that do not require notification under Fish and Game Code §1600 et seq.
☐ Harvesting recommended *in writing* by California Department of Fish and Wildlife (CDFW) to address specifically identified forest conditions (attach a copy of the written recommendation from CDFW).

7. Have significant archaeological sites been identified within the project area? ☐ Yes ☒ No

NOTE: No Timber Operations are allowed on any site that satisfies the criteria listed in 14 CCR § 895.1 for a Significant Archaeological or Historical Site except under conditions described in 14 CCR § 1038.1(c)(3)(A) & (B).

If "Yes", will operations occur within these identified archaeological sites? ☐ Yes ☐ No

NOTE: If "Yes", provide written concurrence from a Department Archaeologist with the exemption submission per 14 CCR § 1038.1(c)(3)(C).

8. Tentative commencement date of Timber Operations: January 1st, 2026 per 14 CCR § 1038.1(a)(5)

NOTE: Prior to Timber Operations, the Timber Operator shall notify the Department of the actual commencement date of operations. The notification shall be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector, or other designated personnel. If the notification is provided by mail, Timber Operations may not commence until three (3) days after the postmark date of notification per 14 CCR § 1038.1(c)(14).

9. Check all Yarding methods to be utilized per 14 CCR § 1038.2:

	GROUND - BASED		CABLE		OTHER
☒	Tractor, including end/long lining	☐	Cable, ground lead	☐	Hand thinning and removing
☐	Rubber tire skidder, forwarder	☐	Cable, high lead	☐	Other (describe below)
☐	Feller buncher	☐	Cable, skyline		
☒	Shovel yarding				
☐	Tethered operations				

NOTE: If more than one yarding method is selected, they must be identified on accompanying maps.

10. Provide the legal land description of the location of the Timber Operation [ref. 14 CCR § 1038.1(a)(4)]. Attach a USGS 7.5-minute quadrangle map or equivalent map, per 14 CCR § 1038.2 depicting:

- Boundaries of the Harvest Area.
- Location of all Watercourses and Lakes with Class I, II, III or IV waters.
- A larger scale (detailed) map such as an assessor's parcel map showing the location of Timber Operations shall be included with the exemption submission.
- Color coding shall not be used.

Additional maps, which may be topographic or planimetric, may be used to provide additional information, to show details, and improve map clarity. **A legend shall be included indicating the meaning of the symbols used.** Describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas. Attach additional supporting pages as necessary.

Baseline Meridian	Township	Range	Section	County	Acreage*	Assessor's Parcel # (optional)
H&M	04S	03E	10	Humboldt	0.43	077-072-007-00

*Acres are estimated and are for the Harvest Area

11. CERTIFICATION OF COMPLIANCE: Per 14 CCR § 1038(c)(5), Timber Operations conducted under this exemption subsection shall conform to the applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the notice of exemption is located. The following must be completed by the LTO, Timberland Owner, or if applicable the RPF, as listed in this exemption.

(select agent thereof)

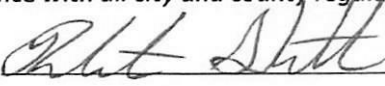
☐ LTO ☒ Timberland Owner ☐ RPF

Name: Robert Scarlett Phone: 707 223 8668

Address: P.O. Box 91 City: Garberville State: CA Zip: 95542

Email: robert.scarlett461@gmail.com

I certify that the city or county within which this exemption is located has been contacted and the exemption is in conformance with all city and county regulatory requirements in accordance with 14 CCR § 1038(c)(5).

Signature:  Date: 12/11/2025

The following are limitations or requirements for Timber Operations conducted under this Notice of Exemption for Fire Hazard Trees within 0-150 feet of a legally permitted structure that complies with the California Building Code:

- This notice must be submitted to and received by CAL FIRE at the appropriate office listed below prior to the commencement of Timber Operations.
 - Coastal Special Treatment areas and Marin County:** the Director shall have ten calendar days from date of receipt to accept or reject the notice of Timber Operations.
- 14 CCR § 1038(c) places certain limits on the harvesting of trees under this exemption. These limits need to be examined to assure compliance.
- 14 CCR § 1038 Timber Operations conducted under this notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan," "THP," and "Plan." Timber operations must conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the exemption is located. The requirements to submit a completion and stocking report do not normally apply within the 0 to 150-foot zone.
- Only trees within 150 feet of an Approved and Legally Permitted Structure (14 CCR § 895.1) that complies with the California Building Code (includes only structures designed for human occupancy, garages, barns, stables, and structures used to enclose fuel tanks) may be cut and removed. [ref. 14 CCR § 1038(c)(1)]
- Clearcutting, seed tree removal step or shelterwood removal step are not allowed under this Notice of Exemption. 14 CCR § 1038(c)(2)
- All surface fuels created by Timber Operations, within 150 feet of an approved or legally permitted structure, that could promote the spread of wildfire, including slash and woody debris, exceeding one (1) inch in diameter, and brush, shall be chipped, burned, or removed within 45 days from the start of operations. 14 CCR § 1038(c)(3)
- In addition to the surface fuel treatment described in 14 CCR § 1038(c)(3), the Harvest Area must meet the vegetation treatment standards in PRC § 4584(i)(1) to (2)(A) illustrated in Board Technical Rule Addendum No.4 within one (1) year from the receipt of issuance of notice of acceptance. 14 CCR § 1038(c)(4)
- There are special requirements for Timber Operations conducted in Coastal Commission Special Treatment Areas and in counties with special rules adopted by the Board of Forestry and Fire Protection. Timber Operations shall comply with the rules associated with the specific Special Treatment Area Timber Operations are within. 14 CCR § 1038.1(c)(6). These rules should be reviewed prior to submitting this notice to CAL FIRE.
- All Timber Operations conducted in the Lake Tahoe Region must have a valid Tahoe Basin Tree Removal Permit, as defined by TRPA,

or shall be conducted under a valid TRPA memorandum of understanding, when such a permit is required by TRPA, 14 CCR § 1038.1(b)(1)

10. Timber Operations may not be conducted without a copy of the Directors notice of acceptance of the notice of exemption at the operating site, except where the Director has failed to act within the five (5) working day review period. 14 CCR § 1038.1(c)(13)(A)
11. No helicopter yarding shall be allowed 14 CCR § 1038.1(b)(3)
12. In-lieu practices within WLPZs as specified under Article 6 of these rules, exception to the rules, and alternative practices are not allowed 14 CCR § 1038.
13. No Tractor or heavy equipment operations on slopes greater than 50%. 14 CCR § 1038.1(c)(5)
14. No construction of new tractor roads on slopes greater than 40%. 14 CCR § 1038.1(c)(5)
15. No Tractor or heavy equipment operations on known Unstable Areas. 14 CCR § 1038.1(c)(7)
16. No new road construction or reconstruction, as defined by 14 CCR § 895.1. 14 CCR § 1038.1(c)(8)
17. No heavy equipment operations within the standard width of a WLPZ, as defined in 14 CCR § 916.4[936.4, 956.4](b). 14 CCR § 1038.1(c)(9)
18. **No timber harvesting within the standard width of a Watercourse or Lake Protection Zone**, as defined in 14 CCR § 916.4 [936.4, 956.4](b), except sanitation-salvage harvesting, as defined in 14 CCR § 913.3 [933.3,953.3], where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR § 912.7 [932.7,952.7](b)(2), except for the removal of dead or dying trees where consistent with 14 CCR § 1038.1(c)(12). Trees to be harvested within a WLPZ shall be marked by, or under the supervision of, an RPF prior to Timber Operations. 14 CCR § 1038.1(c)(12)
19. **ASP watersheds** – No Timber Operations are allowed in a WLPZ, or within any ELZ or EEZ designated for Watercourse or Lake Protection, under exemption notices except (1) Hauling on existing roads (2) Road maintenance (3) Operations conducted for public safety (4) Construction or reconstruction of approved watercourse crossings (5) Temporary crossings of dry Class III watercourses that do not require notification under Fish and Game Code §1600 et seq. (6) Harvesting recommended in writing by CDFW to address specifically identified forest conditions.
20. Operations conducted under a notice of exemption are not permitted in known sites of rare, candidate, threatened or endangered plants and animals if the sites will be disturbed or damaged. No Timber Operations may occur within a buffer zone of a listed, or sensitive species as defined by 14 CCR § 895.1. 14 CCR § 1038.1(c)(10)(11)
21. If any activities related to Timber Operations, as defined by PRC 4527, are to include any of the following activities in any river, stream or lake, including episodic and perennial waterways, a notification to the California Department Fish and Wildlife is required pursuant to Fish and Game Code §1602: 1) A substantial alteration of the bed, bank, or channel 2) A substantial diversion (i.e. water drafting) or obstruction of the natural flow; or 3) Use of material from or deposit of material into the Watercourse. Information on the Lake and Streambed Alteration Program, as well as notification forms, may be found at the following link: <https://www.wildlife.ca.gov/conservation/lsa>.
22. **Completion and Stocking reports are required for areas when operations occur within the COAST DISTRICT, COASTAL COMMISSION SPECIAL TREATMENT AREAS and/or MARIN COUNTY.** The landowner shall submit to CAL FIRE a RM-71 Completion and Stocking report per PRC 4585 and PRC 4587.
23. This Notice of Exemption is valid for one year from the date of receipt by CAL FIRE.
- **Marin County** the exemption is valid for the calendar year of acceptance.
24. A Timber Operator with a valid state license must be designated upon submission of this Notice.

The following suggestions may help ensure compliance with the Forest Practice Rules:

1. Timber Owners, Timberland Owners and Timber Operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Emergency. Copies may be obtained from Barclays Law Publishers, P.O. Box 2006, San Francisco, CA 94126, CAL FIRE, Forest Practice, P.O. Box 944246, Sacramento, CA 94244-2460; or CAL FIRE's website at <http://www.fire.ca.gov>.
2. Contact the CAL FIRE office listed below for questions regarding the use of this notice.

File this notice online with CalTREES (<https://caltreesplans.resources.ca.gov/caltrees/>) or send to the CAL FIRE Forest Practice Manager at the office below for the county in which the operation will occur:

Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties.	135 Ridgway Avenue Santa Rosa, CA 95401 santarosareviewteam@fire.ca.gov (707) 576-2959
Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties.	6105 Airport Road Redding, CA 96002 reddingreviewinbox@fire.ca.gov (530) 224-2454
Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties.	1234 East Shaw Avenue Fresno, CA 93710 fresnoreviewinbox@fire.ca.gov (559) 243-4107

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt-Del Norte Unit
118 S. Fortuna Boulevard
Fortuna CA 95540-0425
Humboldt County
(707) 725-4413
Website: www.fire.ca.gov



November 10, 2025

Robert Scarlett
20 Ridgeway Dr
Redway, CA 95560

SERVICE RECORD REPORT

The Department of Forestry and Fire Protection (CAL FIRE) has permitting and enforcement jurisdiction over, among other things, the conduct of timber operations, including the conversion of timberland to uses other than growing timber, on timberland.

In the State of California, the conduct of timber operations is strictly regulated pursuant to the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Resources Code, §§ 4511–4629.13) (the Forest Practice Act) and the Forest Practice Rules (Title 14, Cal. Code of Regs., §§ 895–1115.3) adopted by the State Board of Forestry and Fire Protection (the Board of Forestry) pursuant to the authority delegated to the Board in the Act.

Timber operations, as defined in the Forest Practice Act, means (i) the cutting or removal, or both (ii) from timberlands (iii) of timber or other solid wood forest products (iv) for commercial purposes. The commercial purposes of the cutting and removal may be either an intent to sell, barter, exchange, or trade the timber or an intent to convert timberland to a use other than growing timber, whether or not there is any intent to commercialize the timber. (Pub. Resources Code § 4527.) All timber operations must be conducted pursuant to a Timber Harvesting Plan (THP) approved by CAL FIRE. (Pub. Resources Code § 4581.) A landowner who intends to convert timberland must also secure a Timberland Conversion Permit (TCP) from CAL FIRE prior to the timberland conversion. (Pub. Resources Code § 4621.)

The Act defines “timberlands” to include all non-federal land that is available for, and capable of, growing a crop of trees of commercial species, as designated by the Board of Forestry. (Pub. Resources Code § 4526; see 14 CCR § 895.1.) A “crop of trees” includes any number of trees that may be harvested commercially. (14 CCR § 895.1.) It is important to note that timberlands are thus defined by their physical characteristics rather than their zoning, that some or all of a property may be timberlands, and that zoning restrictions may not preclude the conduct of timber operations and, therefore, the requirement of a THP or TCP.

In addition to local permit requirements (e.g. building, grading, cannabis cultivation, etc.), a THP is required prior to conducting timber operations on timberland and a TCP is required prior to converting timberland to a use other than growing timber. However, several exemptions are available should the eligibility requirements be met.

California State Law also requires that any person who conducts timber operations on timberland be a License Timber Operator (LTO). LTO's are persons who have been licensed under the Forest Practice Act law and are authorized to conduct timber operations on timberland. LTO's are required to work under a harvest document that has been accepted or approved by CAL FIRE prior to conducting timber operations.

Service Record ID: 25SR-00416
Date Services Performed: 11/10/2025 12:00:00 AM
Legal Description: HBM: T04S R03E S10 077-072-007
Site Address:

“The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California.”

RECEIVED 12/15/2025
Coast Area Office
Resource Management

Notes:

On October 21st, 2025, I conducted a service inspection at 20 Oakridge Road in Redway CA. Onsite during the inspection was the new landowner Robert Scarlett and LTO Levi Cope. The landowner requested a site visit to evaluate several trees that he feels pose a safety hazard to the structures on his property and his neighbors. I have inspected this property several times in the past year under the previous owners who harvested several trees around the property and wanted to harvest several more trees after their house was damaged by dead material or tops of the trees breaking and damage the habitable structures.

During the inspection approximately five trees/ clumps were identified all within 30 feet of structures as having the defect and site conditions indicative of tree failure as described in Hazardous Tree Identification, Powerline Fire Prevention Field Guide as defined in the Forest Practice Rules under 895.1

Danger Tree means any tree located on or adjacent to a utility right-of-way or facility that could damage utility facilities should it fall where: the tree leans toward the right-of-way, or (2) the tree is defective because of any cause, such as: heart or root rot, shallow roots, excavation, bad crotch, dead or with dead top, deformity, cracks or splits, or any other reason that could result in the tree or a main lateral of the tree falling. See Chapter VII, Hazardous Tree Identification, Powerline Fire Prevention Field Guide-1977, A Joint Publication of the California Department of Forestry and Fire Protection, U.S. Forest Service, and U.S. Bureau of Land Management.

These identified trees have already damaged the roof and deck of the main habitable structure and caused damage to the adjacent shed and adjacent property and continue to pose a safety threat.

The property in question is in the Lower Redway Q Zone as delineated by Humboldt County Building and Planning Department. In this zone trees over 12 inches at DBH are not allowed to be harvested unless in an emergency situation, and tree(s) are threatening people or property. In the County ordinances it states a Special Permit is necessary. On Thursday November 6th I had a phone conversation with Warren Black with the County of Humboldt, and he didn't think the County was requiring a permit within the Redway Zone to harvest select safety hazard trees but was going to investigate zoning further.

Also, trees existing before 1800 AD greater than 60 inches in diameter at stump height for Sierra or Coastal Redwoods, or 48 inches in diameter at stump height for all other tree species will be harvested. Based on the safety issues surrounding the proposed trees this RPF agrees that the selected trees pose a safety hazard to the habitual structures and may be harvested.

If trees are to be harvested and commercialized a harvest document from CAL FIRE is required. Based on my inspection, a Structure Protection Exemption which allows removal of fire hazard trees from 0-150 feet of an approved and legally permitted structure would be an exemption that could be used to harvest the select safety hazard trees identified during the inspection. I would also encourage the landowner to get written approval or documentation that no Special Permit from the County of Humboldt is required to harvest trees with the Lower Redway Q Zone.

Please call with any questions.

CAL FIRE encourages landowners to contact a Registered Professional Forester or their local CAL FIRE Unit Forester to assist in determining whether their land includes timberlands. Finally, other agencies may have jurisdiction related to your potential project and it is encouraged that you contact them.

Sincerely,



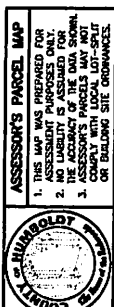
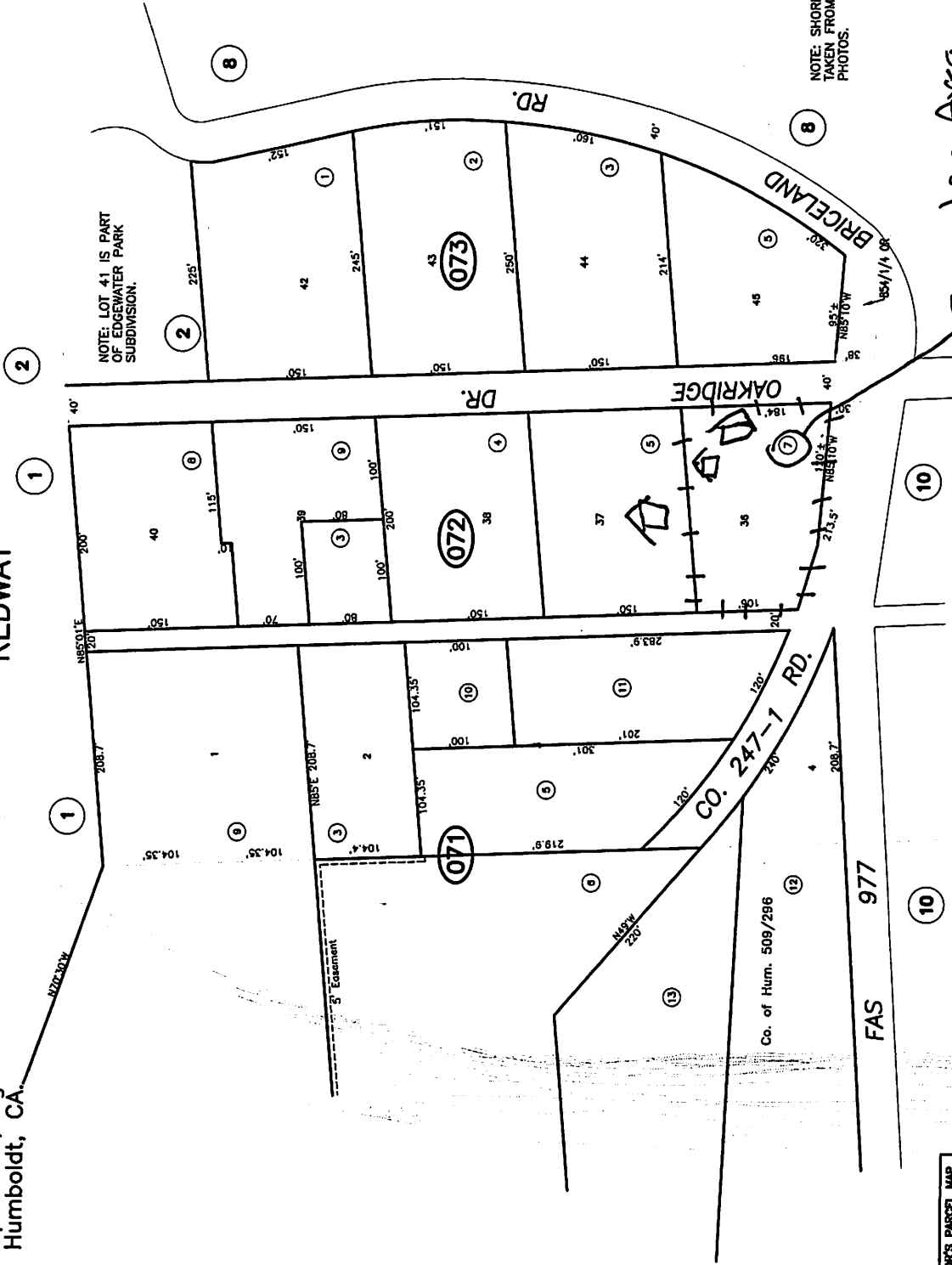
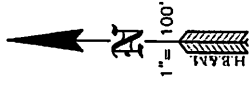
Lucas Titus - RPF#2780
Forester II, Resource Management
South/Central Supervisor
Cell (707) 599-6893
Email: Lucas.Titus@fire.ca.gov

Scarlett U-150 Assessor's Parcel Map

Assessor's Map Bk.77, Pg.7
County of Humboldt, CA.

REDWAY

077-07

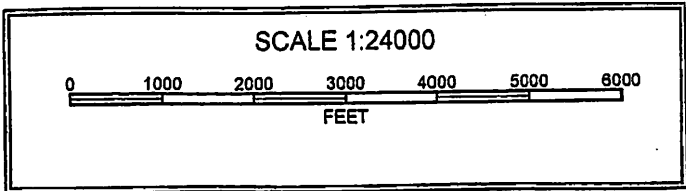


NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

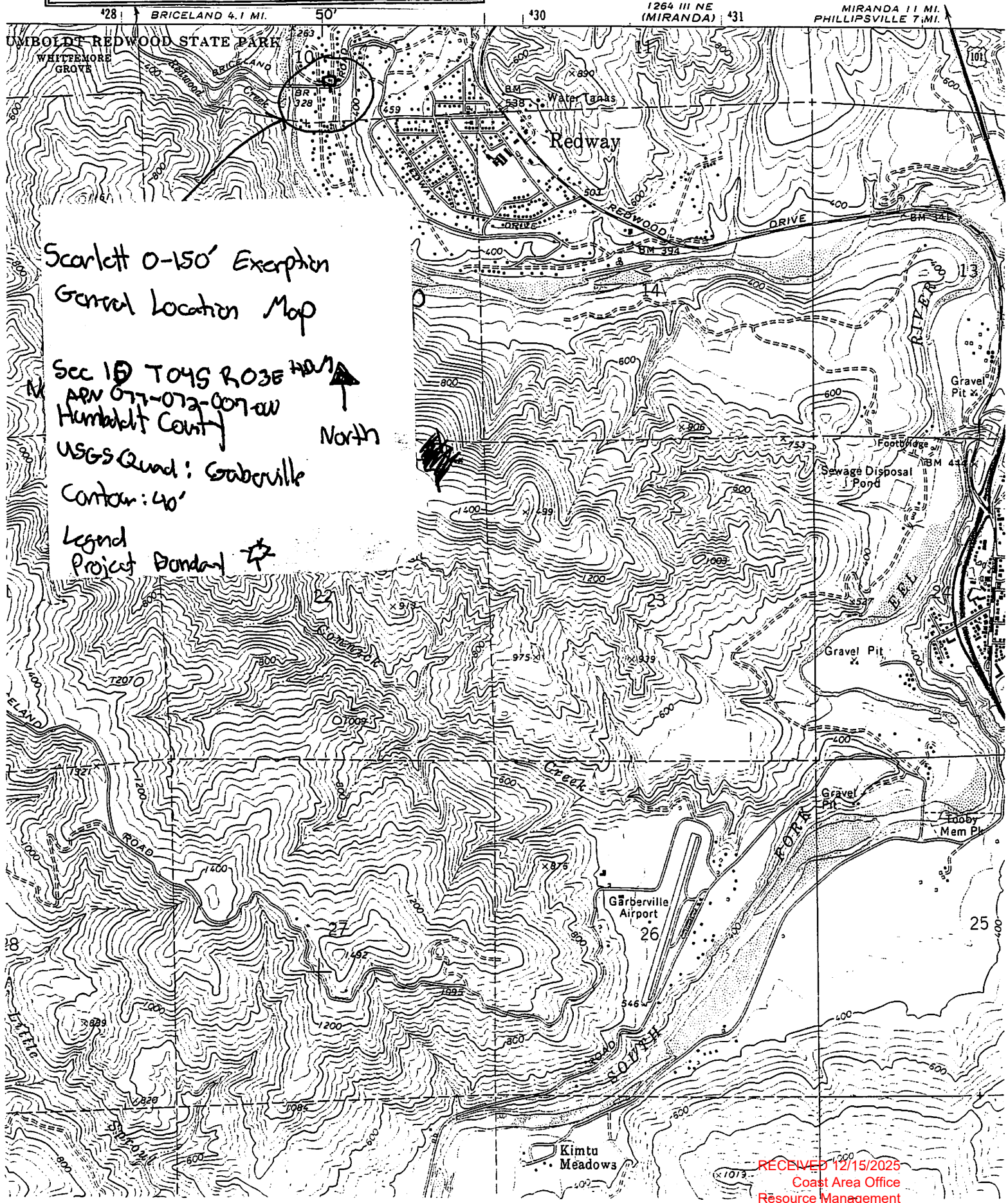
RM BK. 11, MAPS PG. 43-44

Exemption Area
D = structure
--- - Boundary

RECEIVED 12/15/2025
Coast Area Office
Resource Management



STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES



RECEIVED 12/15/2025
Coast Area Office
Resource Management



Outlook

Hazard Exemption

From Robert Scarlett <robertscarlett461@gmail.com>

Date Mon 12/15/2025 4:18 PM

To CAL FIRE Santa Rosa Review Team <santarosareviewteam@fire.ca.gov>

 1 attachment (3 MB)

Scarlett 0-150' Structure Protection Exemption.pdf;

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

Good afternoon, here is the hazard tree exemption for 20 oakridge dr, Redway, California, 95560, please let me know if you have any questions or concerns I look forward to hearing from you.

Thank You,

Robert Scarlett



P.O. Box 733, Hydesville, CA 95547 . (707) 768-3743 . (707) 768-3747 fax

John Ford
Humboldt County Planning Department
3015 H Street
Eureka CA 95501

3/24/2026

Subject; Robert Scarlett – Residential Hazard Tree

On Friday, March 20, 2026, an ISA certified arborist, from Omyr Arborcare and I completed a site visit at 20 Oak Ridge Drive, Redway CA 95560, APN 077-072-007 on March 20th, 2026. We were retained by landowner Robert Scalett to determine if an existing redwood tree present on the residential property is a high-risk tree that has a structural defect that makes it likely that the tree or a significant part of it will fail and fall on someone or damage property.

Tree Identification

The tree was identified by the landowner on site. We examined a 118" diameter, 252' tall redwood tree located within the southeast corner of the property. The tree is estimated to be between 350 to 370 years old. The lower portion of the bole is open with no significant branches present on the lower 1/3 of the tree. The tree maintains a 50% + tree crown with multiple forks present at the top. The tree leans to the east roughly 10 to 12 percent. It appears that one moderate size redwood tree located on the same stump was recently removed to the west leaving an exposed cambium layer. The exact diameter was unknown, but it is estimated to have been 24" + in diameter. One other smaller diameter tree, approximately 16" in diameter was also removed from the south side.

Tree Targets

For a tree to be a hazard, a "target" must be within the falling distance of a part of the tree (or entire tree) that has a high potential of falling. A "target" means people, vehicles, and structures. Present within striking distance of the tree include the following.

- Existing single story ~1200 square foot residence located approximately 20 feet north of the tree.
- Oak Ridge Drive, County Road Open to the public 30' east of the tree.
- Existing single story ~1500 square foot residence located approximately 209 feet northeast of the tree.
- Existing single story ~1800 square foot residence located approximately 115 feet east of the tree.
- Briceland-Thorne Rd, County Road Open to the public 40' south of the tree.

- Existing single story ~1200 square foot residence located approximately 220 feet southeast of the tree.
- Existing single story ~1200 square foot residence located approximately 231 feet northwest of the tree.

Tree Examination

The tree was systematically examined for high-risk conditions. Visual and drone scanning occurred from the crown, downward along the trunk, and then a careful examination of the root zone.

- During visual scanning by the use of a drone, it was identified that a portion of the tree has a significant cavity with rot present within a 15-foot portion of the tree at about 200' up the tree. The cavity is significant and is a structural defect.
- Due to the past tree removal at the base of the tree, portions of the bole have now been exposed to elements and can be considered a vector for disease to enter the cambium layer. This is not significant by itself but is considered a hazard in relation to the health of the remaining portion of the tree.
- During examination of the root system, it is noted that several tree roots are present on the surface within the original driveway between the house and the tree. The roots range from 2" to 8" in diameter and are pushing up the asphalt driveway and the adjacent residence foundation. Several appeared to have been cut during years of roadway maintenance, structurally degrading the foundation of the tree. The poor health of the root system is a significant structural defect.

Recommendation

After examination of the redwood tree by myself and the arborist, we declare the tree to have significant structural defect and recommend that this tree is a hazard to the landowner, adjacent owners and general public. Please see Arborist report attached for further findings.

Sincerely

A handwritten signature in black ink, appearing to read 'S. Hohman', written in a cursive style.

Stephen Hohman, RPF 2652
Hohman and Associates Forestry Consulting, Inc.

Arborist Report

Tree Risk Assessment

20 Oak Ridge Dr.
Redway, CA 95560
3/23/2026

Prepared by:

Omayr Elsalim
2919 Highland Ct, CA 95521
(530) 903-7813

omayrarborcare@gmail.com

ISA Certified Arborist WE-14085A
ISA Tree Risk Assessment Qualification (TRAQ)

Assignment

Provide a risk assessment to one large mature Coastal Redwood (*Sequoia sempervirens*) growing at 20 Oak Ridge Rd in Redway, California. The assessment will include species, size, condition (health and structure of tree), and suitability for preservation.

Assignment Limits

My site investigation is based solely on my visual inspection of the tree and photographs that I took. A complete evaluation of the tree's potential for failure would require a root collar excavation and an aerial assessment to inspect branch attachment and angles, and to look for defects that are not readily observable from the ground.

The information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection on 3/23/2026. The inspection is limited to visual examination of accessible items without climbing, dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

Background

One very large Coastal Redwood (*Sequoia sempervirens*) stands in the southeast corner of a residential parcel located on the corner of Oakridge Dr and Eel River Ln in Redway. The tree measures 118" in diameter at breast height and stands at over 250'. Directly north of the tree by approximately 20 feet is the house, and to the east, there is a neighboring property with a house that sits within striking distance of the tree. To the south, there are high voltage powerlines within 30 feet of the trunk and Briceland Rd lies just beyond the power lines.





Observations

Due to the home being built in such close proximity, the tree has likely experienced damage from the home's construction in the form of soil compaction and damaged roots. At the time of the site visit, there was some severe damage inflicted to the tree trunk. There was a very large cut made along the base of the tree just above the root flare and into the trunk. This cut was likely done to remove a smaller stem protruding from the side of the tree. However, this cut leaves a very large wound on the trunk which will almost certainly facilitate the presence of rot and decay within the trunk at a faster rate. In addition, almost all of the lower canopy has been removed resulting in an unnaturally raised crown. The tree has been known to shed large limbs over the years, striking and damaging the house on numerous occasions. The tree stands quite a bit taller than any others in the immediate vicinity and appears to be in a spot where it would be directly exposed to heavy winds during any wind events.

Analysis and Recommendation

Due to the sheer size of this tree, it poses a high risk to multiple homes and their occupants, the powerlines and other infrastructure within striking distance. Even a perfectly healthy redwood tree with none of the structural defects and flaws mentioned earlier can still shed large limbs without showing any outward signs of stress. Some of the branches remaining

in this tree are quite large and can weigh hundreds of pounds. A branch that heavy falling and picking up speed for 200' can easily cause severe property damage, injury or death.

A tree this size and age has likely been growing in that spot since before any human development in the area and has adapted to certain wind conditions in that specific area. Due to the changing of the landscape that occurs with the construction of houses and roads in the neighborhood, the tree is now experiencing much different wind forces than it had originally adapted to while growing. In addition to this relatively new force acting on the tree, the tree's artificially high canopy will now act as a large sail at the tip of an extremely long lever leading to a lot more movement along the tree during a wind event. The winds the tree experiences will now be much more likely to result in a whole tree failure with catastrophic consequences.

Trees that have had their soil compacted are known to increase the probability of whole tree failure from the roots. The combination of the soil compaction, the new presence of extreme trunk damage by the root flare and the structure of the crown compounds the level of risk presented by an already hazardous tree.

Conclusion

It is my professional opinion that this tree poses a threat to multiple residential structures and the people who reside there as well as the power lines and roads that are in the vicinity.

Mitigation options such as pruning would be unfeasible without retaining a high level of risk due to the lack of remaining canopy and the severe trunk damage the tree has suffered. It would be unreasonable to expect the residents of this house to continue to live at this address without addressing the risk posed by this tree. Therefore, I would recommend the immediate removal of this tree due to the potential of severe consequences that would result in the case of this tree's failure.



P.O. Box 733, Hydesville, CA 95547 . (707) 768-3743 . (707) 768-3747 fax

Nesting Bird Survey Report

Humboldt County

20 Oakridge Drive
Redway, California 95560
APN: 077-072-077-000

Prepared for:
Robert Scarlett
20 Oakridge Drive
Redway, California 95560

Prepared by:
Mark Pera staff forester/biologist
Hohman & Associates Forestry Consultants

CONFIDENTIALITY NOTICE: *This document contains CNDDDB and Spotted Owl data that may be shared freely between current subscribers. Because of the sensitivity of the data, it should not be made readily available and released to the public or non-subscribers.*

Signature:

Mark Pera

Date: 05/20/2026

Executive Summary

An on-site survey was conducted on May 19, 2026 to assess presence of nesting birds on or adjacent to a single redwood tree proposed for removal deemed a hazard tree.

No nesting birds or birds exhibiting nesting behavior were observed. The tree provides marginal nesting habitat or substrate. The likelihood of nesting behavior utilizing this tree or immediate adjacent area is low due to the proximity of residential activity in the neighborhood and vehicle traffic on Briceland Road.

Background

The focus of the survey is to assess presence of nesting birds utilizing the hazard tree proposed for removal and habitat or substrate on or immediately adjacent to the parcel located at 20 Oak Ridge Drive, APN 077-072-007 located in Humboldt County in Section 10, Township 4 South, Range 3 East, on the Garberville USGS 7.5' Quad.

Nesting birds includes State and Federally listed, CDFW Species of Special Concern and those listed in 50 CFR 10.13.

Biologist Qualifications

Mark Pera staff forester/biologist

Hohman and Associates Forestry Consultants

mpera@hohmanandassociates.com Cell: (707) 672-9632

Mark Pera is a staff forester/biologist at Hohman and Associates Forestry Consultants. He has a BS in Forestry with a concentration in Resource Management from Humboldt State University. He has over 20 years being employed by private consulting forestry businesses. Duties of employment have covered the full range of private timberland management and various permit applications. Mark has prepared various habitat assessments, survey reports and conducted protocol level surveys for Northern spotted owl, foothill yellow-legged frog, raptors (golden eagle, bald eagle, osprey), nesting birds, and floristic botanical surveys in a variety of habitats along coastal northern California.

Biological experience includes:

- Pre-construction surveys for nesting birds and amphibians (2020-2026).
- Assist in conducting CDFW protocol botanical surveys (2020-2026).
- Visual Encounter Surveys FYLF on Gualala Redwood Timber LLC (2017-2019).
- Many years northern spotted owl surveys and drafting requests for Technical Assistance.
- Identification of species and likely habitat: California Red-legged frog, Pacific tailed frog, Southern torrent salamander and other non-listed species.

Methods

CDFW CNDDDB spatial records of listed species occurrences were downloaded and reviewed prior to the field assessment. There are no occurrences of listed species within or adjacent to the subject parcel. The largest minimum buffer was used as an assessment area for scoping, 1,000 foot radius, 72 acres.

Nesting bird surveys for this report were conducted using the following methodology:

- Surveys should be conducted during the nesting season, March 15 to August 15.
- Weather and time of day are an important factor for the greatest success for observation and presence. The survey period should be rainless with good visibility and winds less than 10 mph. The time of day should be early morning (Dawn—2 hours after sunrise) when birds are most active and vocal to capture peak singing and territorial behavior; ie., the dawn symphony.
- Habitat should be pre-scanned from a distance before walking through to avoid disturbance or flushing birds too soon.
- Walking meandering transects through the survey area should be at intervals close enough to visually observe the matrix of habitat.
- Making stops to look and listen for birds in and around the survey area. Field clues to be alerted to: direct food carry, repeated directional flights or alarm calls.
- Looking for specific evidence that points to use of the site by nesting birds. Such features would range from nest cups for passerines, to large debris platforms for potential raptor species such as bald eagle (*Haliaeetus leucocephalus*) or osprey (*Pandion haliaetus*). Any observed snags or live trees with cavities should also be a focus of investigation, ie., secondary cavity nesting, granary tree.

The above methodologies provide species survey overlap for a range of potential nesting bird species.

Results

The nesting bird survey for this report was conducted on May 19, 2026 between the hours of 09:00 to 10:00 by Mark Pera. This was a rainless day with clear skies and winds estimated at less than 1 mph. The ambient air temperature was 58°F throughout the survey period. The on-site survey was a comprehensive assessment of the single redwood tree and parcel, which ranged from the existing building and eaves to scanning the adjacent vegetation and habitat types.

The surrounding area was relatively active and busy with resident activity in the neighborhood and vehicle traffic on Briceland Road. The majority of the parcel has been bladed of vegetation to bare soil. Wildlife observed included a domestic cat, band-tailed pigeon which came into the parcel to drink from a puddle to foraging violet-green swallows approximately 300-500 feet above ground.

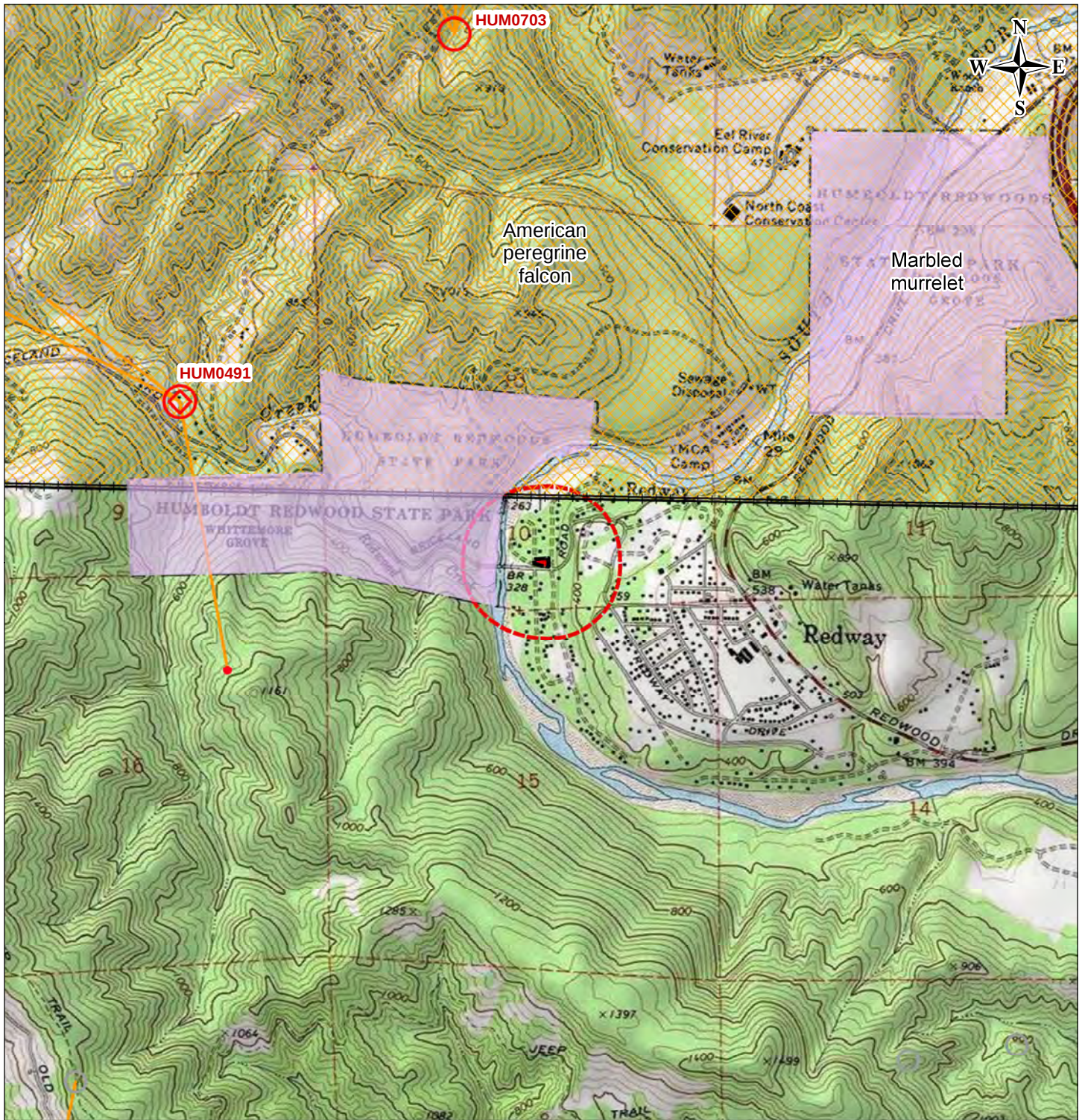
The entire length of the tree was scanned from all cardinal directions with a 50X spotting scope. The tree has a relatively fresh face cut and is limbed up to approximately 180 feet. No cavities, debris platforms or stick nests were observed. One large horizontal branch is located in the lower portion of the current canopy on the north side of the bole. It was smooth with no deformities. The tree is forked in the very upper portion. The eaves of the house are clean with no mud nests.

Conclusion and Recommendations

No evidence of nesting birds were located on or adjacent to the single redwood tree proposed for removal. No protection measures are proposed at this time.

ATTACHMENTS

- Maps
- Site Photos



Robert Scarlett
CNDDDB Birds Occurrences Map

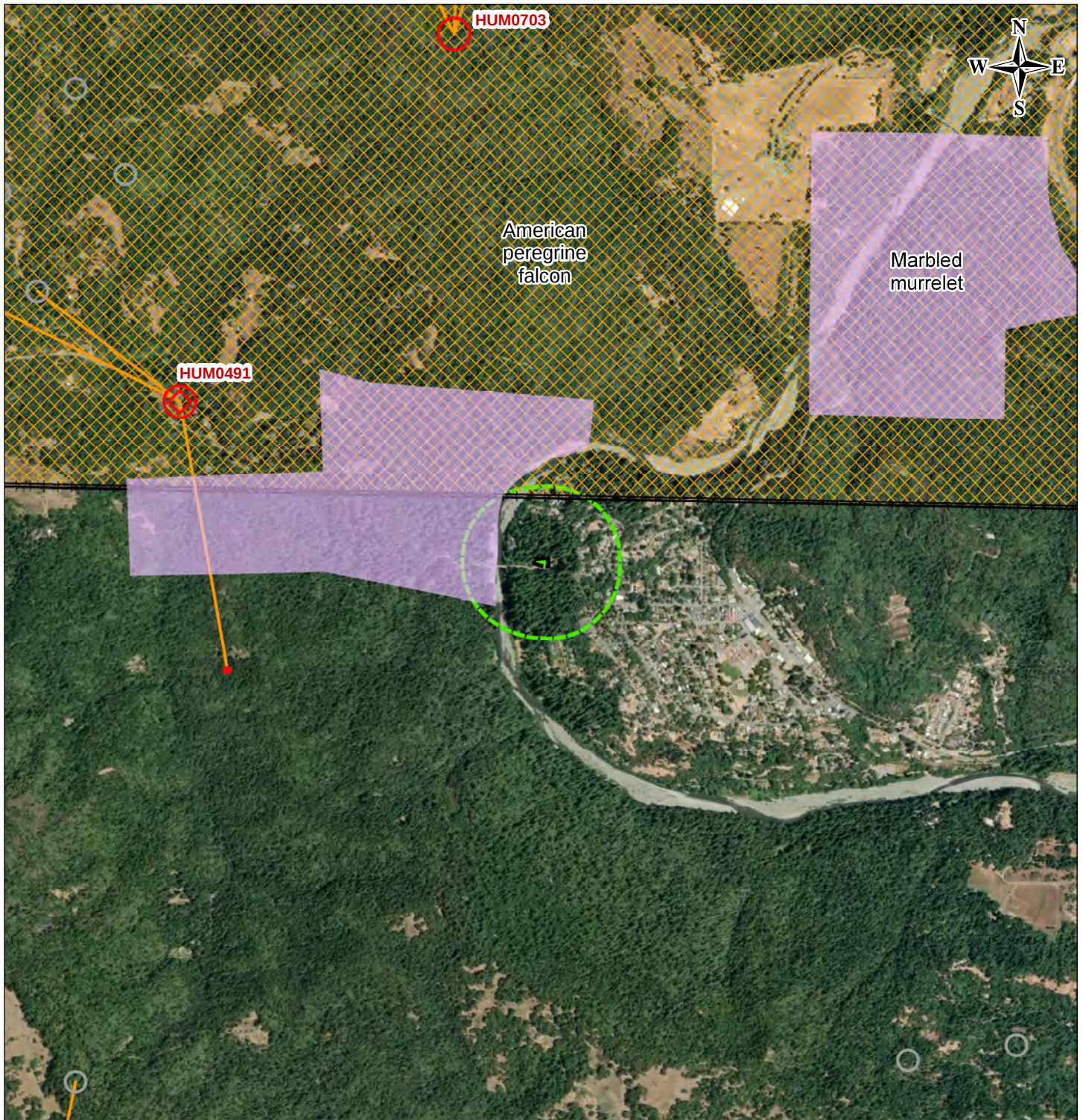
Section 10; T04S; R03E; HB&M
Humboldt County
Located on the Garberville 7.5' USGS
Quadrangle

 RobertScarlett
 BAA 1,000'

0 900 1,800 3,600
Feet

Contour Interval: 40'
1 inch = 2,000 feet

Hohman And Associates Forestry Consultants
Date: 05/20/2026



Robert Scarlett
CNDDDB Birds Occurrences Map

Section 10; T04S; R03E; HB&M
Humboldt County
Located on the Garberville 7.5' USGS
Quadrangle

- BAA 1,000'
- RobertScarlett

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Hohman And Associates Forestry Consultants
Date: 05/20/2026



Robert Scarlett
CNDDDB Birds Occurrences Map

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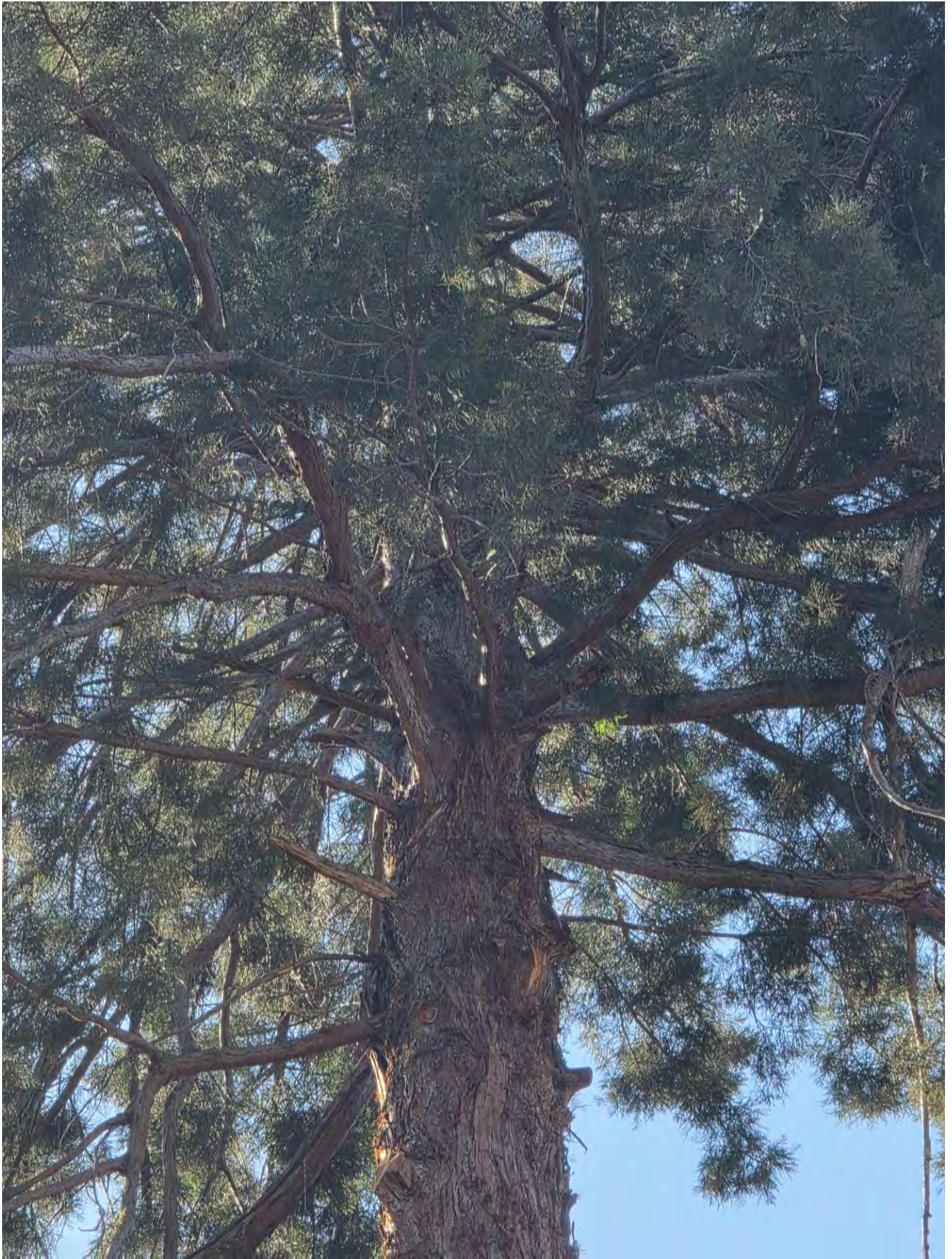
- RobertScarlett
- BAA 1,000'

0 230 460 920
 Feet 1 inch = 500 feet
 Contour Interval: 40'

Hohman And Associates Forestry Consultants
Date: 05/20/2026



Overview of subject tree in photo center; west edge of parcel viewing east. *(photo date 05/19/2026)*



View of lower canopy branching. (photo date 05/19/2026)



Distant view of previous image. (photo date 05/19/2026)



Viewing northwesterly from base of tree. Parcel extent is bare ground; forested condition is adjacent landowners (*photo date 05/19/2026*)



Viewing easterly. (photo date 05/19/2026)



Viewing southerly. (photo date 05/19/2026)



Viewing westerly. (photo date 05/19/2026)

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS
PLN-2026-19554

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
County Counsel			
County Public Works	✓	Conditional Approval	On File
County Code Enforcement	✓	Approval	On File
Building	✓	Approval	On File
Redway Community Services District			
Redway Fire Protection District			
CDFW	✓	Comments	Attachment 3A
CalFIRE	✓	Approval	Attachment 2A
North Coast Regional Water Quality Control Board			
Bear River Band of the Rohnerville Rancheria			
Intertribal Sinkyone Wilderness Council			
Wiyot Tribe			
PG&E			



Redway Redwood Tree

From Garwood, Rebecca@Wildlife <Rebecca.Garwood@wildlife.ca.gov>

Date Thu 6/11/2026 4:58 PM

To Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Cliff,

CDFW received the County's referral for a Special Permit that would authorize the removal of a redwood tree (*Sequoia sempervirens*) greater than 12 inches in diameter at breast height (DBH) pursuant to Humboldt County Ordinance No. 2112 (PLN-2026-19554; APN 077-072-007). The tree is approximately 118 inches in DBH and 252 feet tall; it is estimated to be between 350 and 370 years old. It has been determined to be a hazard tree based on the report of a Registered Professional Forester (RPF) and an ISA Certified Arborist. Although not under consideration as part of this Special Permit, four other large redwoods on the property were recently removed under the authority of CalFire through a Structure Protection Exemption.

Old growth redwood trees play an irreplaceable role in the surrounding ecosystem through carbon storage, nutrient cycling, microclimate regulation, and stream geomorphology, among other watershed functions. They also provide invaluable habitat throughout their life and beyond, supporting unique communities that exist only in redwood forest. In addition to amphibians, small mammals, and invertebrates, their complex crown structure provides nesting habitat for a variety of migratory and resident birds, including marbled murrelet (*Brachyramphus marmoratus*), an endangered species pursuant to the California Endangered Species Act. The subject parcel is in an area identified as potentially suitable habitat for marbled murrelet (see BIOS layer ds443) and within less than a quarter of a mile from federally designated Critical Habitat (ds157) in John B. Dewitt Redwoods State Natural Reserve.

As a Trustee Agency, CDFW typically provides recommendations to avoid and minimize project impacts to public trust resources; however, it is difficult to determine measures for the removal of an old growth redwood that has provided ecological benefits for hundreds of years and would have conceivably continued these benefits well into the future. CDFW recognizes the importance of public safety and will not weigh in on the determination of risk. Some of the structural deficiencies cited in the hazard tree assessment are associated with preparation for tree removal (e.g., raised crown, exposed cambium) rather than inherent characteristics or natural damage. In essence, the Special Permit would authorize an activity that has already begun.

To address direct impacts associated with tree removal, CDFW recommends conducting work outside the marbled murrelet breeding season (March 24 – September 15), which would be inclusive of most other resident and migratory bird species. The nesting bird survey submitted with the application did not evaluate potential impacts to marbled murrelet, nor did it provide adequate survey coverage of the area potentially subject to noise disturbance. Any mitigation for the loss of the tree itself would likely be extensive and out-of-kind. CDFW is happy to discuss potential mitigation ideas with the County.

Thank you for the opportunity to comment on this Special Permit application.

Rebecca Garwood
Environmental Program Manager
California Department of Fish and Wildlife

ORDINANCE NO. 2112

AMENDING SECTION 313-4 OF THE HUMBOLDT COUNTY CODE
BY REVISING THE PROVISIONS OF THE QUALIFIED ZONE FOR
PROPERTY IN THE LOWER REDWAY AREA

The Board of Supervisors of the County of Humboldt ordain as follows:

Paragraph 1. ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by revising the language of the Qualified Zoning Ordinance that applies to the property described in Exhibit A. The properties are also shown on the Garberville Redway Benbow Alderpoint Community Plan Zoning Map No. 1 of 2 on file at the Humboldt County Planning and Building Department.

Paragraph 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in this section are hereby made applicable to the property described in Paragraph 1 in accordance with Humboldt County Code Section 315-6 which authorizes restriction of the R-1 zone regulations by application of the "Q" (Qualified Combining) Zone.

Paragraph 3. PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Paragraph 1 is:

- a. To protect redwood trees greater than twelve inches (12") in diameter at breast height (four and one half feet above the ground) while allowing for the maintenance and development of permitted uses.

Paragraph 4. SPECIAL RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the Zone regulations of the Humboldt County Code Section 314-24(a) and (b) shall be allowed on the properties described in Paragraph 1 consistent with the following limitations:

- a) Other Regulations. In addition to the regulations of Section 314-24(c), the following shall also apply:
 - 1) A Special Permit shall be required for the removal of any redwood greater than twelve inches (12") in diameter at breast height (dbh).
 - 2) The removal of any redwood greater than twelve inches (12") dbh shall be limited to 1) removal of trees within the physical footprint of a permitted building where there are no other feasible locations on the property which would allow for the trees to remain upon construction of the building, or 2) removal of trees upon demonstration that such a tree, due to damage or disease is in imminent danger of falling, thus creating an immediate hazard. (Driveways, and off street parking areas, on-site sewage disposal systems shall not be considered part of the physical footprint of a permitted building.)
 - 3) Such removal shall not precede Health Department sewage disposal clearance.

4) Prior to removal of the tree or trees, the applicant shall consult a registered professional forester and his or her recommendations for the removal are to be followed to the satisfaction of the Planning Director, in conjunction with the recommendation of the California Department of Forestry, the Department of Fish and Game (where habitat concerns may exist), and other referral agencies as determined appropriate by the Planning Director.

5) In addition to the noticing requirements for Special Permits contained in Section 317-40.4 et seq of Humboldt County Code (Noticing Requirements), Notice of Application and/or Notice of Intent to Approve the Special Permit shall be provided to all property owners and occupants within 300 feet of the property. Also for those applications for Special Permits in the Lower Redway R-1-B-3-Q Zoning District on properties south of the centerline of Briceland Road, all property owners in the Lower Redway R-1-B-3-Q Zoning District south of the centerline of Briceland Road shall be notified. And for those Special Permit applications on properties north of the centerline of Briceland Road in the Lower Redway R-1-B-3-Q Zoning District, all property owners in the Lower Redway R-1-B-3-Q Zoning District north of the centerline of Briceland Road shall be notified.

6) No cutting or removal activities conducted pursuant to an approved Special Permit shall be commenced until and unless the completed Record of Action for the approved Special Permit, or facsimile thereof, is posted conspicuously upon the property, in such a manner as to allow reasonable inspection by the public for a period of not less than ten (10) calendar days.

7) Cutting or removal activities pursuant to an approved Special Permit shall be limited to the hours between 8:00 AM to 5:00 PM, Monday through Friday, unless other hours and/or days of operation are specifically authorized in the Special Permit.

8) The location of redwood trees greater than 12" dbh in the physical footprint of the building, driveway, off street parking areas or on-site sewage disposal or reserve areas may be considered a "practical difficulty" and "exceptional circumstance" for the review of applications for variances pursuant to Section 317-26 et seq. of Humboldt County Code).

9) Cutting and removal of dead branches of redwoods for non-commercial purposes to protect public health, safety and welfare as demonstrated in writing to the satisfaction of the Planning Director shall be allowed without the need for a Special Permit.

10) Waiver of Procedures For Emergencies. The procedural requirements of this Paragraph may be waived by the Planning Director to permit cutting redwoods greater than twelve inches (12") dbh in an emergency defined as:

a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

(i) Petitions for waiver of Procedures. A petition for waiver of the procedural requirements for necessary emergency work shall be petitioned for by letter to the Planning Department or, if time does not allow, by phone or in person. The following information shall, when feasible to do so, be provided with the petition:

(I) The location, nature and cause of the emergency,

(II) The remedial, protective or preventative work required to deal with the emergency, and

(III) The circumstances during the emergency that appear to justify the waiver of procedural requirements, including the probable consequences of failing to take immediate corrective action

(ii) Proceedings for Waiver of Procedures The Planning Director shall verify the existence and nature of the emergency and, insofar as time allows, the facts relied upon by the petitioner The Planning Department shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency

(iii) Criteria for Waiver of Procedures The normal procedural requirements for obtaining a Special Permit may be waived, and an emergency Special Permit may be conditionally or unconditionally granted, only if the Planning Director makes all of the following findings

(I) An emergency exists that requires action more quickly than permitted by strict adherence to procedural requirements,

(II) Public comment received on the emergency action proposed, if any, has been reviewed and considered,

(III) The emergency action would be consistent with the policies of the adopted County General Plan and the regulations of this zoning ordinance

(IV) The proposed work can and will likely be completed within thirty (30) days, unless otherwise specified by the Planning Director, and

(iv) Special Permit Required Following the issuance of an emergency Special Permit, application shall be made for the required Special Permit in accordance with the other applicable provisions of this Paragraph

Paragraph 5 PENALTIES FOR NON-COMPLIANCE Cutting and/or removal of redwood trees greater than 12" dbh conducted without first obtaining approval of the Planning Director as specified in Paragraph 4 are inconsistent with the County General Plan, the Lower Redway R-1-B-3-Q Zoning District and pose a threat to public health, safety and welfare, and are therefore prohibited

a Any violation of any of the provisions of the zoning restrictions listed above in Paragraph 4 shall be declared to be a public nuisance and shall be subject to injunction and abatement as such

b Any nuisance as defined in Paragraph 5 a) above may be abated through the procedures provided for in Humboldt County Code Sections 351-11 through 351-44 The procedure for said abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure, or any other remedies provided by the laws of California or the Code of the County of Humboldt

- c. Any person, whether a principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of the zoning restrictions listed above in Paragraph 4, shall be guilty of a misdemeanor.
- d. In addition to any other orders issued by the Board of Supervisors, pursuant to Humboldt County Code Section 351-22, upon the conclusion of the hearing before the Board, the Board shall order the following penalties upon any person who violates any provisions of the zoning restrictions listed above in Paragraph 4:
- 1) An administrative penalty will be assessed which is equal to twice the current stumpage value of the cut tree(s), and twice the current stumpage value of any tree(s) damaged by the cut, as determined by the average of independent appraisals made by three Registered Professional Foresters, one selected by the owner, one selected by the Humboldt County Planning Director, and one selected by the owners of lots adjacent to the harvested trees. The costs of such appraisals will be paid by the owner of the parcel with the harvested tree(s).
 - 2) The monies collected for the administrative penalties listed above in Paragraph 5.d.1) shall be deposited in the Humboldt County General Fund for the purpose of code compliance.

This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED, AND ADOPTED this 13th day of February, 1996, on the following vote, to wit:

AYES: Supervisors: Dixon, Heider, Fulkerson, Neely, and Kirk
NOES: Supervisors: None
ABSENT: Supervisors: None


Chairman of the Board of Supervisors of the
County of Humboldt, State of California.

(SEAL)

LORA FREDIANI
Clerk of the Board of Supervisors
of the County of Humboldt, State
of California.

By 
February 13, 1996

PROOF OF PUBLICATION
(2015.5 C.C.P.)

this space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA

County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-mentioned matter. I am the principal clerk of the printer of THE TIMES-STANDARD, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967 Consolidated Case Number 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit.

February 28

All in the year 19 95

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,
this 29 day of February, 1996

Andrea Arnold
Signature

Proof of Publication of

Summary of ordinance

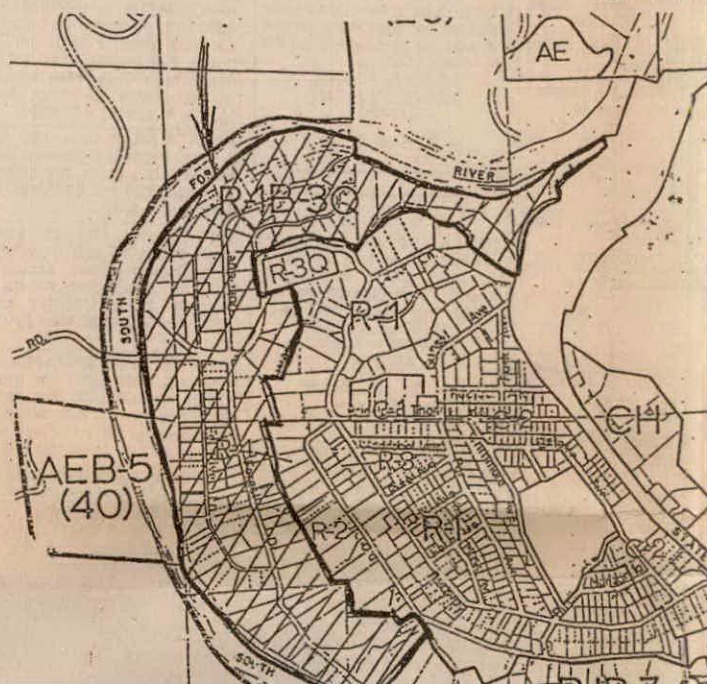
SUMMARY OF ORDINANCE

On February 13, 1996, the Humboldt County Board of Supervisors adopted Ordinance No. 2112, which amends the Q-Zone Ordinance (Section 313 of the Humboldt County Code) affecting property in the Lower Redway area shown on the attached map marked Exhibit A, to not permit removal of redwood trees more than twelve inches (12") in diameter at breast height unless a) they are within the physical footprint of a permitted building, there are no other feasible locations on the property which would allow the trees to remain, or b) in an emergency situation, the tree(s) are threatened to people or property. The ordinance amendments will also 1) clarify that a Special Permit is necessary for the removal of such trees; 2) specify properties to be included in the public noticing for such Special Permits; 3) establish procedures to allow for cutting redwood trees in emergency situations. The new zone will become effective thirty (30) days from the date of approval. The names of the Supervisors voting for and against are as follows:

Ayes: Supervisors Dixon, Heider, Fulkerson, Neely, and Kirk
Nays: Supervisors: None
Absent: Supervisors: None

A copy of the ordinance is posted in the Office of the Clerk of the Board of Supervisors, 825 Fifth St., Eureka, California.

Lora Fredian
Clerk of the Board





Outlook

Seeking postponement on 20 Oakridge Redwood Hearing

From Sue M <suesorganics17@gmail.com>

Date Fri 6/12/2026 11:53 AM

To Planning Clerk <planningclerk@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Cc Bushnell, Michelle <mbushnell@co.humboldt.ca.us>

 1 attachment (175 KB)

CliffJohnsonEmail061026.png;

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

RE:

PLN-2026-19554

20 Oakridge Redwood

Dear Planning Commission:

On behalf of the Old-Growth Neighborhood Association (OGNA), we respectfully request you postpone the hearing originally scheduled for June 18, 2026, until proper legal notification can be given to all residents north of Briceland Road in the Q-Zone in Lower Redway (R1B3Q).

Because the county was referring to an incomplete version of Ordinance 2112, it did not properly notify property owners that should have received the notice in the time legally required.

Therefore, we request that the hearing be postponed to a date that allows for strict compliance with Humboldt County Code section 8.3.1, which requires notice be provided at least ten (10) working days prior to the public hearing. As of June 10, 2026, when the County stated they would send the remaining notices out, there were fewer than ten working days remaining before the June 18th date, making legally adequate notice impossible without a postponement. (See attached email.)

Thank you,
Sue Moloney
Linda Sutton
Brittany White
Tom Wheeler
Damien Roomets
Wanda Naylor
Suzelle Suzelle
Jay Moller
Patrick Mulligan

Karie Hillary
Alan Linzer
Emilie Wilson
Bobby Wilson
Bonnie Hampton
Jen Cincotta
Barbara Strong
Mary Lou Saunders
Margaret Mayor
Michael Evenson
John Rushworth
Amy Gustin
Grant Johnson
Sandy Tilles



RE: Discrepancy with County's records for Ordinance 2112

From Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Date Wed 6/10/2026 12:04 PM

To Sue M <suesorganics17@gmail.com>; Ford, John <JFord@co.humboldt.ca.us>

Cc Adona White <adonacwhite@gmail.com>; Bushnell, Michelle <mbushnell@co.humboldt.ca.us>;
evenson@ecologylaw.com <evenson@ecologylaw.com>

Hi Susan,

Thank you for looking into this and reaching out about this. It does look like the Q zone ordinance on the County's GIS is missing a couple pages and we will correct that asap. Also, you are correct about the noticing. It looks like there is only a difference of 10 owners between the 1,000 feet and everything north, and we are sending them all a hearing notice today.

Cliff

Cliff Johnson, Planning Manager
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
(707) 268-3721

Effective July 1, 2024, the Humboldt County Planning and Building Department will reduce the in-person counter service hours. The new hours of operation will be from 8:30 a.m. to 2:00 p.m., Monday through Thursday, with the counter closed on Fridays.

From: Sue M <suesorganics17@gmail.com>

Sent: Wednesday, June 10, 2026 10:40 AM

To: Ford, John <JFord@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Cc: Adona White <adonacwhite@gmail.com>; Bushnell, Michelle <mbushnell@co.humboldt.ca.us>;
evenson@ecologylaw.com

Subject: Discrepancy with County's records for Ordinance 2112

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Mr Ford and Mr Johnson:

I stopped in at the Planning Department on Monday (6/8/26) and spoke with Leah. I asked about any prior versions of Ordinance 2112. She printed out 6 (3 double-sided) pages.

Attached below (Fronts and Backs.) Here, Ordinance 2112 is only 2 pages. (The other 4 pages are about the zoning changes, Ordinance 1803).

However, if you go to humboldt.gov.org and search on "Ordinance 2112", you will find a document with 4 unique pages (it appears to be 8 pages, but it's really only 4, they're duplicated). (Attached as Ord2112-Complete) The version Leah gave me is missing 2 pages.

Of particular interest, the "complete" version (Item 5 on the second page) includes information that states that all property owners north of Briceland Road must be notified if an applicant is on the north side of Briceland Road, not within 1000', as were recently notified by the county.

I'm not sure if we want to stop the process to get this corrected, or proceed.

Thank you for timely attention to this matter,
Susan Moloney

To the Humboldt County Planning Commission:

In the summer of 1978, as a young woman, I watched one August day as several mammoth, park-sized redwoods were felled in Redway, just where Briceland Road goes around the last curve (right before Oakridge). I was shocked and horrified. I will never forget that. A group of residents got together and put together the Q-zone ordinance, which was then ratified by the Board of Supervisors in 1987. I thought redwood giants in my neighborhood were protected. Not so, apparently.

My family's property is only a few hundred yards from Robert Scarlett's. His removal of four giant redwoods so close to my land is affecting and will affect *my* trees due to humidity and wind changes. And will affect land values and views in this area for many decades.

Please refuse to allow Scarlett to remove the "Fifth tree." His arguments are nonsense. His claim that a slice off the tree will be a "vector for disease" is silly—redwood is one of the most desired woods for decks because of its resistance to insects and disease. Likewise his spurious claim of damage to roots can be refuted. After nearly two decades of lawsuits and counter suits, the Richardson Grove controversy has still not been resolved. And Scarlett's driveway was hardly ever used, anyway.

Scarlett took down four huge redwoods already. He could have limbed them. He didn't—clearly he wanted to make money on the board feet.

The Q-zone legislation states that for a redwood larger than 24" DBH to be felled it must be "in imminent danger of falling." The "Fifth tree" is not in any *imminent* danger of falling, and Scarlett doesn't even pretend it is.

I think Scarlett should be fined for defying the Q-zone legislation. At the very least, spare this last big tree.

Most importantly of all, *the planning commission's decision will set an example for decades. Your choice: Let people know they should follow the laws. OR make it be known that's it's open season on redwoods; let's destroy more and more of the remaining 5% of the original redwoods.*

Sincerely, Wanda E. Naylor 5 Eel River Lane, Redway, CA