

OAK HABITAT CONSERVATION AND MITIGATION PLAN



Simon Whetzel
660 Junction Plaza, Clearlake, CA
Lake County APNs 010-055-28 & 33

INTRODUCTION

The intent of this Oak Habitat Conservation and Mitigation Plan is to ensure compliance with the California Oak Woodlands Conservation Act throughout development and operation of the proposed commercial cannabis cultivation project. This Oak Habitat Conservation and Mitigation Plan identifies how tree removal has been minimized to the extent possible, and provides a long-term management plan to mitigate for the oak trees that must be removed to develop the proposed project. All of the trees to be removed have been identified, evaluated, tagged, and cataloged, as documented in this report.

PROJECT DESCRIPTION

Mr. Simon Whetzel is seeking a Major Use Permit from the County of Lake for a proposed Commercial Cannabis Cultivation Operation at 660 Junction Plaza near Clearlake, CA on Lake County APNs 010-055-28 and 33 (Project Parcels). Mr. Whetzel's proposed cultivation operation would be composed of a 348,480 ft² outdoor cultivation/canopy area, ten 3,000 ft² greenhouses, twelve 828 ft² hoop houses, three 120 ft² sheds, and a 6,000 ft² Processing Facility. All water for the proposed cultivation operation would come from two existing onsite groundwater wells located at Latitude: 39.00245° and Longitude: -122.60371° and Latitude: 39.00059° and Longitude: -122.60426°.

The Project Property is composed of five parcels totaling approximately 431 acres (Lake County APNs 010-055-28, 29, 33, 37, and 38), all of which are owned by Mr. Whetzel. The Project Property is located approximately one mile north of the City of Clearlake, south of Highway 20 and east of Highway 53. The Project Property is accessed via Ogulin Canyon Road and private gravel and native soil surfaced access roads off of Ogulin Canyon Road. The Project Property has been improved with four groundwater wells and a small hunting cabin. Metal gates control access to the private gravel and native soil surfaced access roads of the Project Property from Ogulin Canyon Road.

Topography of the Project Property is undulating, with elevations that range from approximately 1,500 to 2,000 feet above mean sea level, and consisting of a series of ridgelines and valleys. An unnamed intermittent Class II watercourse and tributary of Burns Valley (NHD/DFG Water ID 116955782) flows from north to south through the western half of the Project Property, paralleling Ogulin Canyon Road. Another unnamed intermittent Class II watercourse and tributary of Phipps Creek (NHD/DFG Water ID 156374109) flows from northwest to southeast through the eastern half of the Project Property, through Soda Canyon and into. Multiple ephemeral Class III watercourses form on the Project Property and flow into the unnamed intermittent Class II watercourses identified above.

The proposed outdoor cultivation/canopy area will be enclosed with 6-foot tall galvanized woven wire fences, and secured with locking metal gates. The proposed mixed-light cultivation/canopy areas will be located within ten 30' X 100' (3,000 ft²) greenhouse structures and twelve 6' X 138' (828 ft²) rudimentary hoop house structures. The growing medium of the proposed outdoor cultivation/canopy area will be native soil amended with compost. The growing medium of the proposed mixed-light cultivation/canopy areas will be an imported organic soilless growing medium (composed mostly of composted forest material) in garden beds and nursery pots. Drip

and micro-spray irrigation systems will be used to deliver irrigation water and to conserve water resources. The proposed cultivation operation would use two proposed 10'X120' (120 ft²) wooden sheds for pesticides & agricultural chemicals storage, and a proposed 60'X100' (6,000 ft²) metal building as a Processing Facility (please see Figure 2 - Proposed Conditions Site Plan).

Road improvements and construction of the proposed greenhouses and Processing Facility would disturb approximately three acres of Blue Oak Woodland habitat, and require the removal of up to 42 mature blue oak trees (*Quercus douglasii* with a DBH of 6 inches or more). Development of the proposed outdoor cultivation area and hoop houses would occur on non-native grassland habitat, and would not require the removal of any trees. This Oak Habitat Conservation and Mitigation Plan describes how impacts to the Blue Oak Woodland habitat will be minimized and mitigated on the Project Property.

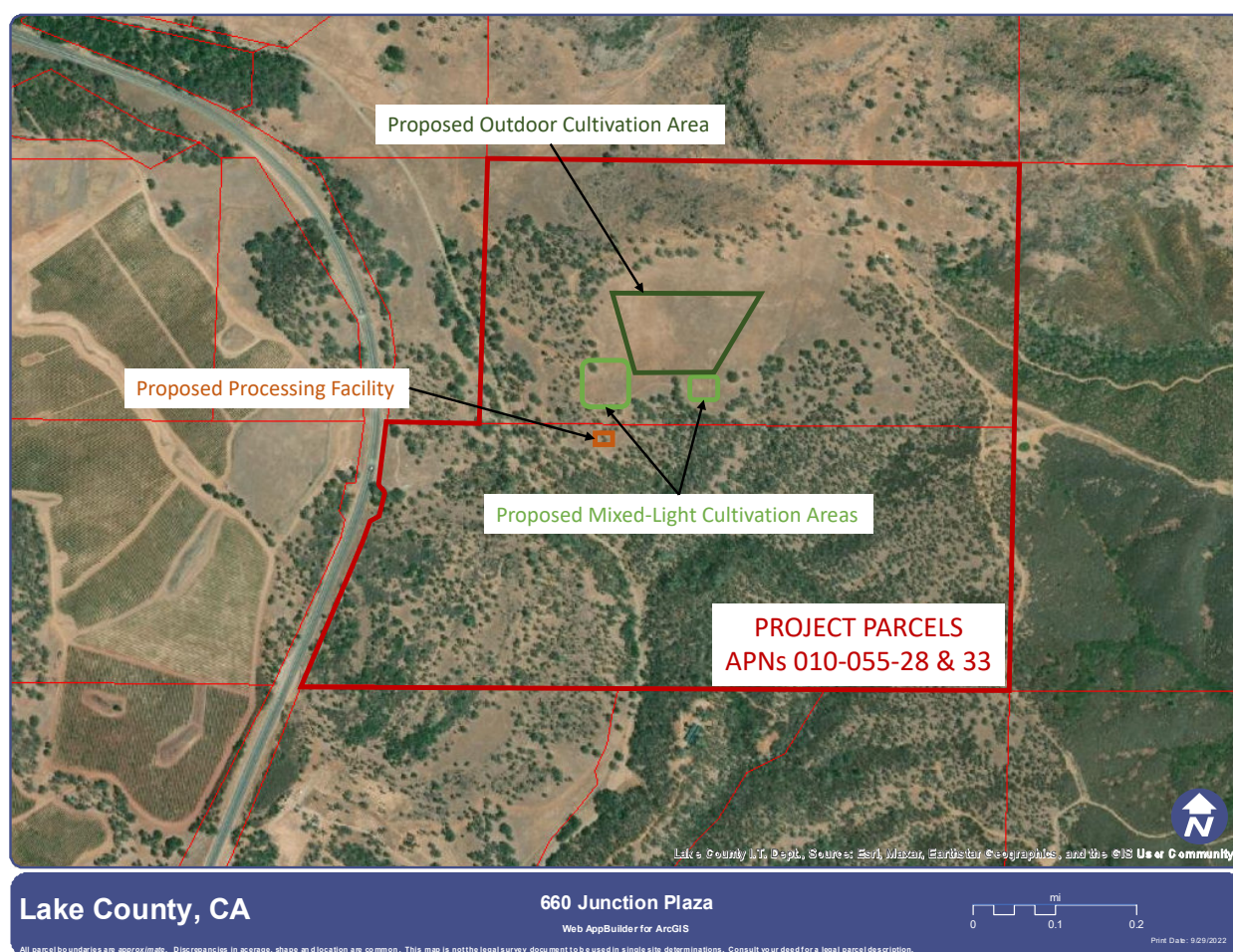


Figure 1 – Aerial Image of Project Parcels

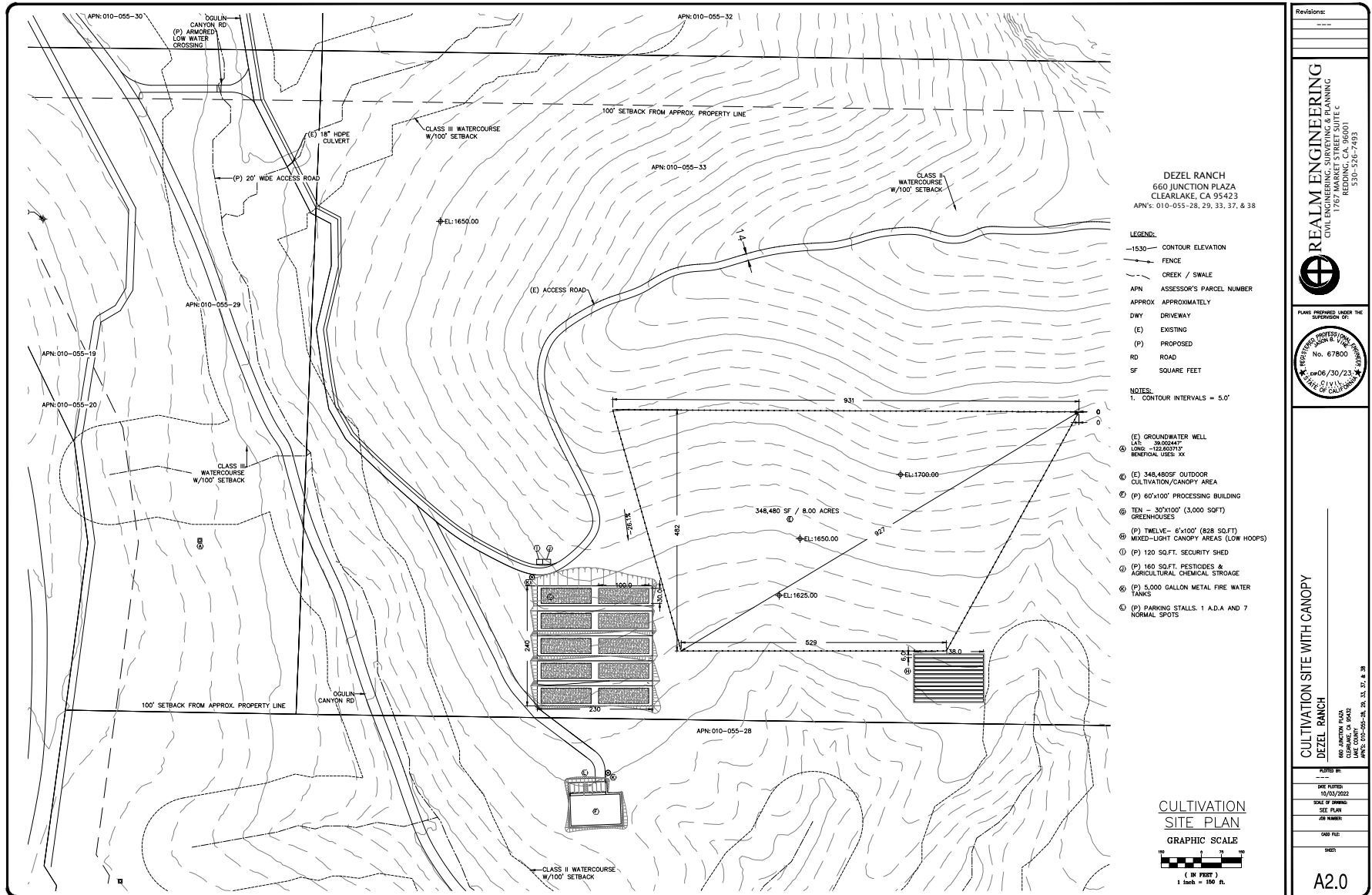


Figure 2 - Proposed Conditions Site Plan

EXISTING FOREST CONDITIONS

The Blue Oak Woodland habitat of the Project Parcels is characterized by an open-to-dense canopy of blue oaks (*Quercus douglasii*), with the occasional gray pine (*Pinus sabiniana*) and interior live oak (*Quercus wislizeni*), and an understory of common manzanita (*Arctostaphylos manzanita ssp. manzanita*), birch leaf mountain mahogany (*Cercocarpus betuloides*), poison oak (*Toxicodendron diversilobum*), toyon (*Herteromeles arbutifolia*) and buck brush (*Ceanothus cuneatus*), and annual herbs and grasses. The Wye Fire burned a significant portion of the Project Property in 2012. The Blue Oak Woodland habitat in the eastern portion of the Project Property was completely consumed by the fire, while the western portion of the Project Property was mostly spared. Some of the Blue Oak Woodland habitat that existed on the Project Property prior to the Wye Fire has since revegetated as Chamise Chaparral habitat.

SITE SELECTION, MINIMIZATION, AND AVOIDANCE

Originally, Mr. Whetzel wanted to establish the proposed greenhouses and Processing Facility along Ogulin Canyon Road in the westernmost portions of the Project Property to completely avoid impacts to trees and Blue Oak Woodland habitat. However, the westernmost portions of the Project Property are located within a Scenic Combining District associated with Highway 53. Article 34 of the Lake County Zoning Ordinance restricts and/or prohibits greenhouses within Scenic Combining Districts associated with State Highways and County Roadways. As such, the proposed greenhouses could not be established along Ogulin Canyon Road. Therefore, a different location east of Ogulin Canyon Road and over 1,000 feet from Highway 53 was chosen as the location of the proposed greenhouses and Processing Facility. This location was chosen to minimize impacts to trees and Blue Oak Woodland habitat while allowing for development of the proposed greenhouses and Processing Facility. Development of the proposed outdoor cultivation area and hoop houses would occur on non-native grassland habitat, and would not require the removal of any trees

TREE SURVEY AND INVENTORY

Each tree within the areas of disturbance was surveyed on June 9th, 2022 by Environmental & Regulatory Compliance Consultant Roy “Trey” Sherrell, who holds a Master’s Degree in Forest Resources from University of Georgia Warnell School of Forestry and Natural Resources. The location of each tree was marked using a Garmin GPS Unit and a corresponding Tree ID/Tag was nailed into the base of each tree. The diameter at breast height (DBH) of each tree was measured using a Forestry Suppliers English Fabric Diameter Tape, and the height and crown width of each tree was estimated using the Arboreal Tree application on an iPhone 12. This data and information on the condition of each tree can be found in the Tree Inventory Data Table on the next page. In total, development of the proposed cultivation operation will result in the disturbance of 42 Blue Oak trees with a DBH of 6 inches or greater. Of these, every tree was determined to be in a good or fair condition except for three.

GPS #	Tag #	Species	DBH (inches)	Height (feet)	Canopy Diameter	Condition
950	3921	Blue Oak	20	29	22'	Good
951	3922	Blue Oak	7.5	23	12'	Fair
952	3923	Blue Oak	14.5	27	24'	Good
953	3924	Blue Oak	19.5	21	22'	Good
954	3925	Blue Oak	12.5	23	14'	Good
955	3926	Blue Oak	24	26	23'	Good
956	3927	Blue Oak	11	20	12'	Fair
957	3928	Blue Oak	8	22	8'	Good
958	3929	Blue Oak	8	23	12'	Good
959	3930	Blue Oak	7.5	22	8'	Good
960	3931	Blue Oak	14	23	14'	Fair
962	3932	Blue Oak	14.5	22	20'	Good
963	3933	Blue Oak	19.5	26	26'	Good
964	3934	Blue Oak	17.5	25	18'	Fair
965	3935	Blue Oak	13.5	25	12'	Good
966	3936	Blue Oak	17	16	19'	Poor
967	3937	Blue Oak	13.5	21	14'	Fair
968	3938	Blue Oak	10	16	8'	Poor
969	3939	Blue Oak	10.5	20	10'	Good
970	3940	Blue Oak	7.5	16	16'	Good
971	3941	Blue Oak	6.5	18	12'	Fair
972	3942	Blue Oak	13	13	6'	Poor
973	3943	Blue Oak	14.5	15	20'	Good
974	3944	Blue Oak	6.5	15	10'	Good
975	3945	Blue Oak	7.5	20	7'	Fair
976	3946	Blue Oak	16	18	22'	Good
977	3947	Blue Oak	6.5	13	8'	Good
978	3948	Blue Oak	13	10	8'	Fair
979	3949	Blue Oak	15	23	16'	Fair
980	3950	Blue Oak	14	25	18'	Good
981	3951	Blue Oak	24	23	22'	Good
982	3952	Blue Oak	7	16	10'	Fair
983	3953	Blue Oak	14.5	15	18'	Good
984	3954	Blue Oak	12	16	18'	Good
985	3955	Blue Oak	26	23	16'	Good
986	3956	Blue Oak	26	20	18'	Good
987	3957	Blue Oak	15	16	12'	Fair
988	3958	Blue Oak	12.5	20	12'	Fair
989	3959	Blue Oak	11	18	16'	Good
990	3960	Blue Oak	8	18	12'	Good
991	3961	Blue Oak	13	13	10'	Fair
992	3962	Blue Oak	3-6	17	24'	Fair

Table 1 - Tree Inventory Data Table

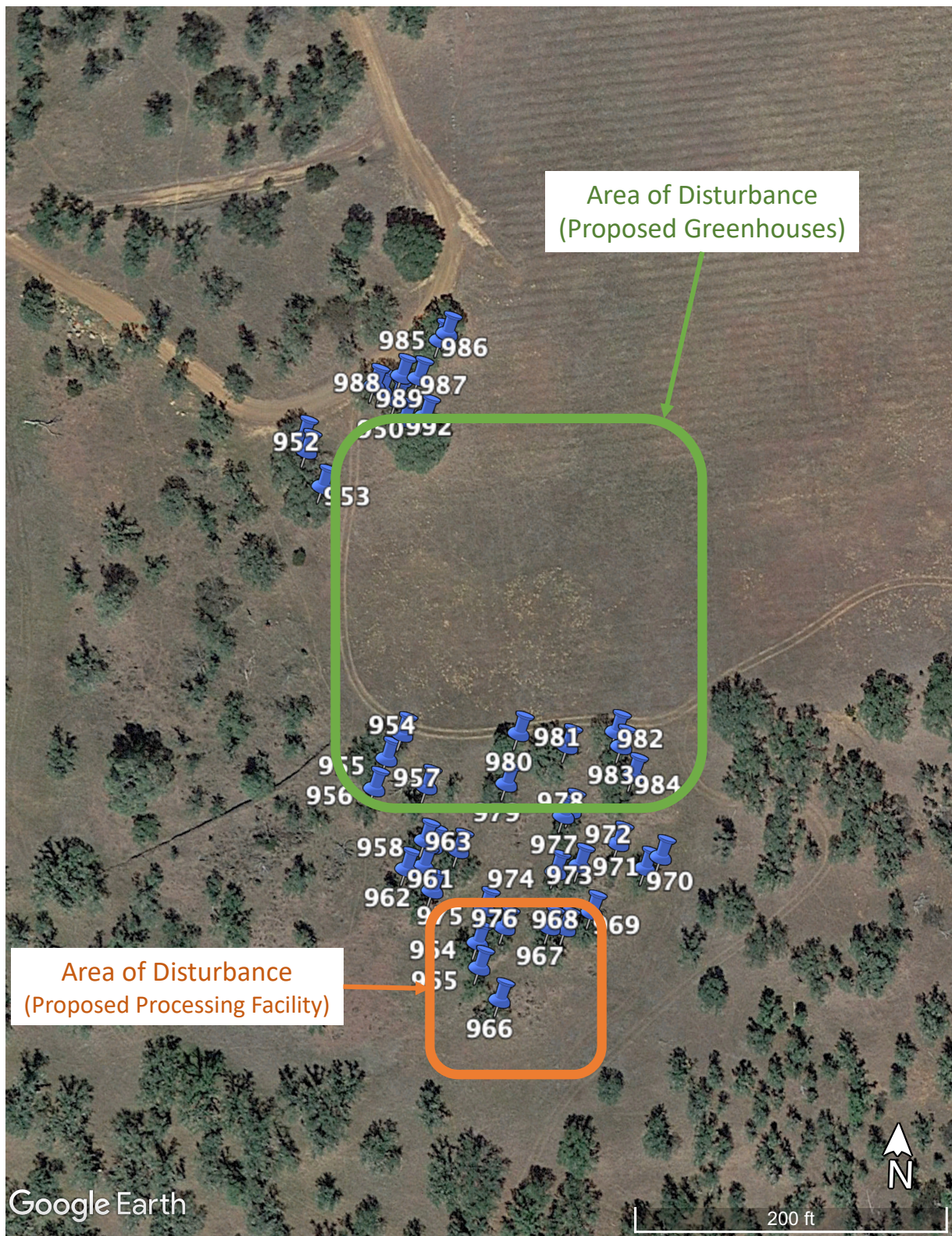


Figure 3 – Tree Inventory Map

MITIGATION PLAN

The California Oak Woodlands Conservation Act requires counties, in determining whether CEQA requires an environmental impact report, negative declaration, or mitigated negative declaration, to determine whether a project in its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment, and would require the county, if it determines there may be a significant effect to oak woodlands, to require one or more of specified mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands. Alternatives to mitigate the significant effect of the conversion of oak woodlands: replace removed trees at a rate of 3:1 and maintain trees pursuant to Section 4526 of Senate Bill No. 1334 terminating seven years after the trees are planted.

To comply with the California Oak Woodlands Conservation Act and to mitigate for the trees that would be removed as a result of the proposed Project, the applicant shall plant and care for 126 blue oak seedlings on the Project Property. Additionally, the applicant proposes to establish a +15-acre No Development Zone to mitigate for the approximately three acres of Blue Oak Woodland habitat that would be disturbed as a result of the proposed Project, and a 50-foot exclusion zone would be established around the base of a Heritage Oak (+36-inch DBH) located just east of the proposed cultivation operation (pictured on cover of this report). The blue oak seedlings will be planted in an area where Blue Oak Woodland habitat was severely burned during the Wye Fire (Restoration Site), on the eastern slopes of a northwest-southeast trending ridge near the center of the Project Property. The +15-acre No Development Zone would be located on the western slopes of the northwest-southeast trending ridge, where the blue oak canopy is dense and the trees are mostly health and in good condition. These mitigations should more than adequately mitigate/compensate for the trees and Blue Oak Woodland habitat disturbed as a result of development of the proposed cultivation operation.

Oak Tree Replacement Plan

Acorns will be harvested directly from blue oaks of the Project Property in late fall when the acorns are beginning their transition from green to brown. Mr. Whetzel and/or his staff will collect, sort, store, and plant trees in addition to selecting saplings within the Restoration Site to protect. Oak regeneration guidelines are adapted from Regenerating Rangeland Oaks in California (UCANR Publication 21601e) and will be followed for the harvesting, care, and planting of acorns.

Acorns will be planted in basins containing three to five acorns across the Restoration Site. Acorn basins will be spaced approximately 20-25 feet apart to allow for trees to reach full size at maturity and within a naturalistic manner using the surrounding trees as a model. A 3-foot diameter circle around each plant is to be cleared of all vegetation by hand weeding or hoeing. A 3-foot diameter and 6" deep layer of wood chips will be placed around the base of each tree, to protect against weeds and help conserve moisture by reducing evaporation from the soil surface. Tree shelters will be placed over the acorn basins to deter herbivory by wildlife and encourage growth of saplings by creating a greenhouse effect. The seedlings will require irrigation for seven years, via a drip irrigation system installed and maintained by the applicant. Additional measures may be implemented to ensure seedling survival.

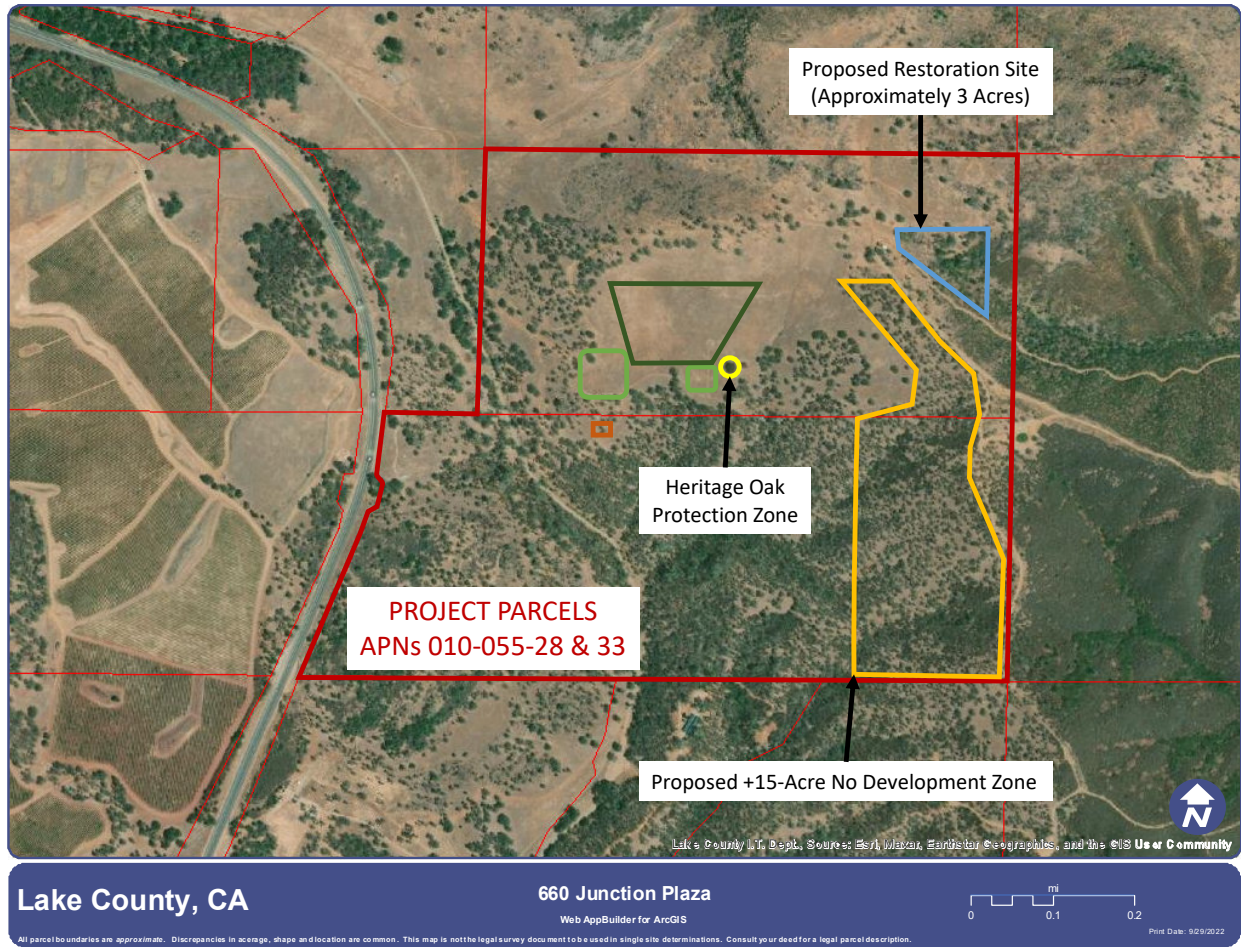


Figure 4 – Blue Oak Woodland Mitigation Diagram

Maintenance Activities

Mitigation requires the maintenance and monitoring of plantings over a seven-year period. Weed growth reaches its peak during mid-February through early May. In addition to the primary competitive impacts of weeds, large amounts of dead annual grasses can provide favorable habitat for voles or meadow mice which are predators of both acorns and seedlings. During this period, the area around each basin should be hand weeded every four to six weeks. Weed growth within the mulch will be the highest in Year 1; however, with proper weed management in the first year, there will be fewer weeds in the following years, resulting in greatly diminished maintenance. Recommended maintenance activities by year are included in Table 2: Mitigation Maintenance Schedule.

Year	Maintenance Activities
Planting	Plant acorns between October and December to allow initial establishment during the wet season. Water as needed to ensure survival if rain is inconsistent. Clear weeds within a 3-foot diameter around acorn basins every four to six weeks and maintain a layer of mulch within a 3-foot diameter circle surrounding planting.
One	Water trees weekly (~15 gallons per week) with supplemental watering as needed if temperatures exceed 100 degrees for multiple days in a row. Replenish mulch in spring and remove weeds from the planting area.
Two	Water trees weekly (~15 gallons per week) with supplemental watering as needed if temperatures exceed 100 degrees for multiple days in a row. Replenish mulch in spring and remove weeds from the planting area.
Three	Water trees as needed if temperatures exceed 100 degrees multiple days in a row, but do not water more often than twice per month. Replenish mulch in the spring and remove weeds from the planting area.
Four	Water trees as needed if temperatures exceed 100 degrees multiple days in a row, but do not water more often than twice per month. Replenish mulch in the spring and remove weeds from the planting area. Pruning may be necessary to remove defective limbs or deadwood under the direction of a Qualified Arborist.
Five	Water trees as needed if temperatures exceed 100 degrees multiple days in a row, but do not water more often than twice per month. Replenish mulch in the spring and remove weeds from the planting area. Pruning may be necessary to remove defective limbs or deadwood under the direction of a Qualified Arborist.
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Table 2 – Mitigation Maintenance Schedule

Monitoring and Reporting

Each year in the annual Performance Review Report for the proposed cultivation operation, the applicant will include a section dedicated to this Oak Habitat Conservation and Mitigation Plan. This section will quantify the survival rate of the seedlings, and describe measures taken throughout the year to insure their survival and protection. The applicant will also provide photos demonstrating that they are implementing this Oak Habitat Conservation and Mitigation Plan, and to support their survival metrics. This section will also include any documentation and/or recommendations provided by a Qualified Arborist.

SITE PHOTOS



Location of Proposed Processing Facility (east view)



Location of Proposed Outdoor Cultivation Area (northeast view)



Location of Proposed Greenhouses (southwest view)



Location of Proposed Greenhouses (northwest view)