



The Bluff Creek Company, Inc.

A California Nonprofit Mutual Benefit Corporation, C3854447
Humboldt County: 12834
CDFA: TML18-0002415, TAL18-0002412

Good Evening Ladies and Gentlemen of the Planning Commission,

I respectfully request that Mrs. O'Neill recuse herself from this hearing as I believe she has a bias against me.

My name is Lucien Smith, I am the President of the Bluff Creek Company Inc., a State Permitted Medical and Adult use Cannabis Cultivator. I am a Humboldt County Native, born in Mad River Community Hospital in Arcata, and Raised on my ancestral territory on the Klamath River, outside of Weitchpec. As a boy I went to Hoopa Head Start, Orleans Elementary, and Hoopa Valley High School. I grew up and went to school with members of local Native American Tribes. We were always friends and always treated one another as equals. While I was in elementary school, I watched my Grandfather, Lucien E. Saunders, whom I am named after, pass away from a horrible and incurable disease, amyotrophic lateral sclerosis (ALS), more commonly known as Lou Gehrig's Disease. A horrible thing to watch any person go through.

I left my homeland to join the United States Navy in 2001 after graduating from Hoopa Valley High School. During my time in the Navy I realized the horrible and debilitating effects of Post-Traumatic Stress Disorder (PTSD) that my brothers and sisters were coming back from Afghanistan and Iraq with, and also watched two dear friends pass away from ALS. While I was living in Maryland my family lost my brother Phil, and then my mother Carolyn, leaving my aging and ailing father to live on his own. I returned home to care for my Father and I began cultivating medical marijuana under California Proposition 215 to do something good for others that are afflicted with such horrible conditions beyond their control, offering a viable medicine to them that does not have the horrible side effects of many prescription drugs.

I have followed the Humboldt County application process since it was made available to the public and always provided everything that the Planning and Building department asked me to do. I have complied with all State and County policies and laws and continued operation in good faith. When I initially received correspondence from both the Karuk and Yurok tribes demanding that I pay them \$2,500 each, and submit to the jurisdiction of each Tribe, I was concerned as the correspondence that I received was tantamount to extortion. I brought this to the attention to the board of Supervisors in late February 2017 and was asked that evening by Director Ford to call him and set a meeting. I did as I was asked. During the meeting the lessor of the property in question, (my Father), and I were told that the tribes had no say in the approval or denial of the county permit to cultivate cannabis; that I was not to engage either Tribe any further; that the Planning Department would engage in Government to Government communication with the tribes regarding my permit; that Director Ford would invite appropriate members of both the Karuk and Yurok Tribes to conduct a site visit of the property and operation with him and my current planner; and that I was to retain an archeologist for a Cultural Resource Survey of my property. I complied with his request, retained William Rich and Associates to conduct the SHPO inspection which was completed and submitted to Planning and Building on June, 18 2018. Both Tribes refused Director Ford's invitation to attend the site visit. No cultural resources were discovered on or near our property.

I met with my project's current planner, Mrs. Castellano on August 9, 2018 to discuss what else may be needed to move my project forward to completion and receive the Special Permit for my 9,200

square foot, outdoor cannabis cultivation, (although I have been paying excise tax for 10,000 square feet of outdoor cultivation). During that meeting, I agreed with planner Castellano that we would invite both tribes for a mutual site visit with her once more, and that if they denied the request again that she would proceed with the findings of the SHPO Report that was conducted by Mr. Rich; During the meeting I was also told by planner Castellano that she saw no reason why we would not receive our special permit, and that we would probably have it by November, 2018 at the latest. Good news right, everything was submitted and the long process was finally coming to a close and I could continue work and research on developing a non-psychoactive medicine to help people.

Instead of receiving a Special Permit this past fall, I received a letter of denial and a request for me to engage in the County's RRR program to move my operation elsewhere. I contacted my planner and Director Ford, and I began reaching out to Frankie Meyers who was the THPO for the Yurok tribe at the time and now the Vice Chair of the Tribe, and who has known me since we went to High School at Hoopa Valley High. In a meeting I had with him I explained my situation and was told that the tribe wasn't trying to shut me down but trying to remove the Cartel presence from their reservation, who actually cause irreparable harm to **OUR** community and bring other illicit drugs such as Heroin and Methamphetamine to the people of **OUR** community. He set up a meeting between myself and my lessor, and the Yurok Tribal Cannabis Task Force, where we were told that there was no way to mitigate and to find common ground with the Yurok Tribe. As a Native to Humboldt County, raised in the same place on the Klamath River, growing up with the Hoopa, Karuk, and Yurok people, we always treated each other as equals, we went to school together, we played sports together, we ate together. On the ancestral territory that I **SHARE** with the local tribes, I am conducting a legal and lawful business with the goals of helping the community and helping the people of the United States and the World regardless of the color of their skin or their religious beliefs. I find it hard to believe that we can't work together in an industry that has been a supporting backbone of Humboldt County since before I was born. That both **TRIBAL and NON-TRIBAL** peoples have been and continue to be engaged in.

I do not cause any harm, let alone any irreparable harm to our environment or any Cultural Resources of any local Tribe. I only use organic, certified Kosher, and food safe amendments in my nutrient program throughout the growth cycle of the cannabis plant and anywhere else on our property. This can be seen through the test results of the Cannabis that I grew this year (Attachment A). We grew some of the cleanest medicine in the State of California this season, and we always will. Moving forward, I will provide jobs to local people, Tribal members and Non-Tribal members, and work together with the local tribes to develop **OUR** community and see it grow and flourish. My door is always open to the local tribes, which are always invited to visit my operation to provide assurance that nothing is being done that is harmful to **OUR** environment.

I do not see how the conclusions can be made that I am causing irreparable harm to cultural resources when the SHPO Report states there are none on the property and **NO representatives of either tribe will conduct a site visit with a neutral third party, or conduct a site visit while I maintain my sovereignty as a citizen of the United States of America, the country and the rights that I voluntarily enlisted to defend for all people regardless of culture or religious beliefs, let alone the color of their skin.** I attended a Yurok Tribal Council meeting on December 20, 2018, where their Medical Cannabis Ordinance was on the agenda, to peacefully sit and listen, and only speak if I was invited to by the counsel. However, I was kicked out of the meeting because I am not a member of the Yurok Tribe. How can a government claim jurisdiction over me and not even allow me to sit and listen

to a public government meeting? Also, how can a resolution (Yurok Tribal resolution 18-87, Attachment B) be adopted to "Approve the Yurok Tribal Heritage Preservation Officer to include the Proposed Kewet Ceremonial District to the Yurok Tribal Register and the State Historic Register for Cannabis Related Activities contingent on OTA and Cultural Committee Approval." (Resolution 18-87, Passed November 9, 2018) which denies all cannabis cultivation on non-reservation fee land while the Yurok Tribe institutes their own **Medical Cannabis Ordinance**, which I am not allowed to hear about or read being as I am not a **Member of the Yurok Tribe**? No one has approached me and asked if they could inspect the farm to ensure that no harm is being done, instead there are only demands for money and control over the property that has been owned by my family since 1973.

How can we work together? How can we work to benefit our community? How can we provide **CLEAN** medical marijuana at no cost to local medical card holders, Tribal members and non-tribal members? It can be done ladies and gentlemen, if local organic farmers are allowed to cultivate **Clean, Organic Medical Cannabis**, while protecting the environment; **The Bluff Creek Company, Inc.**, my company, does. We do not contaminate the natural living soil that we grow in. All that I ask is that you give us a chance, give us a chance to continue doing the right thing, give us a chance to continue to produce the alternative medicine that people want to take and that people in our area have been taking for decades. Give us a chance to come together as a community.

I know that the all of our ancestors would give me a chance. A chance to do something good. A chance to combat the Opioid crisis, the Heroin problem, the Methamphetamine problem, by providing an easily accessible, all-natural alternative medicine, naturally grown from the land, from a seed.

I respectfully request that the Planning Commission reconsider the decision to deny Application 12834, reject the Staff recommendation to deny the Project and Application, and approve the Project and Application.

I respectfully request that both the Karuk and Yurok tribes reconsider their decision to reject Application 12834, and do the right thing by their people, by their ancestors and approve Application 12834.

In the event the Commission decides to follow the staff recommendation, in order to prevent irreparable harm to myself, my Lessor, and the property, I respectfully request that no final action be taken to cancel The Bluff Creek Company, Inc.'s Temporary Permit to operate, and that we be allowed to continue to the Project pending a final decision on appeal.

Every culture, White, Black, Asian, and Native American all have parts of their past that are dark. I have never engaged in any activities that were discriminatory or hateful to a group of people. I see no reason why I must pay for the misdeeds of others just because we share the same skin pigmentation. Working together is something that everyone always says, but no one ever does. Right here, in this room, this evening, is an opportunity to actually do it, to work together, to treat one another as equals, and to actually work for the benefit of **OUR** community. See me as a man, not as a white man, but one that breathes the same as you. My hand remains extended.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Lucien J. Smith', with a long horizontal line extending to the right.

Lucien J. Smith

President Bluff Creek Company, Inc.

Ringo's Gift

Sample ID: 1901ENC0056.0166

Strain: Ringo's Gift

Matrix: Plant

Type: Flower - Cured

Sample Size: 66.5 g; Batch: 18,143.7 g

Collected: 01/22/2019

Received: 01/22/2019

Completed: 01/30/2019

Batch#: 5424J5

Distributor

Passion Care, LLC

Lic. # M11-18-0000297-TEMP

16225 Beaver Rd.

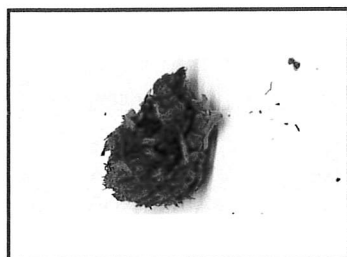
Adelanto, CA 92301

Producer

The Bluff Creek Company Inc.

Lic. # TML18-0002415

HC 67 PO Box 620 Hoopa, CA 95546



0.531%

Total THC

15.600%

Total CBD

18.543%

Total Cannabinoids

Summary

Batch	Pass
Cannabinoids	Complete
Moisture	9.8%
Water Activity	0.39270 aw - Pass
Terpenes	Complete
Microbials	Pass
Mycotoxins	Pass
Pesticides	Pass
Heavy Metals	Pass
Foreign Matter	Pass

Cannabinoids

Complete

Date Tested: 01/24/2019
SOP: EL-CANNABINOIDS
LC-DAD

Analyte	LOQ	LOD	Mass	Mass
	%	%	%	mg/g
THCa	0.051	0.017	0.606	6.06
Δ9-THC	0.029	0.010	<LOQ	<LOQ
Δ8-THC	0.051	0.017	ND	ND
THCV	0.035	0.012	ND	ND
CBDa	0.043	0.014	17.011	170.11
CBD	0.012	0.004	0.682	6.82
CBN	0.012	0.004	ND	ND
CBGa	0.043	0.014	0.072	0.72
CBG	0.017	0.005	0.092	0.92
CBC	0.025	0.008	0.081	0.81
Total			18.543	185.43

Total THC = THCa * 0.877 + Δ9-THC; Total CBD = CBDa * 0.877 + CBD; Total Cannabinoids = Total THC + Total CBD
LOQ = Limit of Quantitation; LOD = Limit of Detection; NT = Not Tested; ND = Not Detected. The reported result is based on a sample weight with the applicable moisture content for that sample. Foreign Material SOP: EL-FOREIGN; Moisture and Water Activity SOP: EL-WATER

Terpenes

SOP: EL-TERPENES
GC-MS

Complete

Analyte	LOQ	Mass	Mass	Analyte	LOQ	Mass	Mass
	%	%	mg/g		%	%	mg/g
β-Myrcene	0.01	1.21	12.1	cis-Nerolidol	0.00	ND	ND
α-Pinene	0.01	0.35	3.5	δ-3-Carene	0.01	ND	ND
β-Pinene	0.01	0.14	1.4	Eucalyptol	0.01	ND	ND
β-Caryophyllene	0.02	0.10	1.0	γ-Terpinene	0.01	ND	ND
δ-Limonene	0.01	0.07	0.7	Geraniol	0.01	ND	ND
α-Humulene	0.01	0.03	0.3	Guaiol	0.01	ND	ND
Linalool	0.01	0.02	0.2	Isopulegol	0.02	ND	ND
α-Bisabolol	0.01	ND	ND	Ocimene	0.01	ND	ND
α-Terpinene	0.01	ND	ND	Terpinolene	0.01	<LOQ	<LOQ
Camphene	0.01	<LOQ	<LOQ	trans-Nerolidol	0.00	ND	ND
				Total		1.91	19.1

Date Tested: 01/24/2019

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Kevin Nolan

Kevin Nolan
Lab Supervisor
01/30/2019

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(866) 506-5866
www.confidentcannabis.com



This product has been tested by Encore Labs using valid testing methodologies and a quality system as required by state law. Values reported relate only to the product tested. Encore Labs makes no claims as to the efficacy, safety or other risks associated with any detected or non-detected levels of any compounds reported herein. This Certificate shall not be reproduced except in full, without the written approval of Encore Labs.

Ringo's Gift

Sample ID: 1901ENC0056.0166
Strain: Ringo's Gift
Matrix: Plant
Type: Flower - Cured
Sample Size: 66.5 g; Batch: 18,143.7 g

Collected: 01/22/2019
Received: 01/22/2019
Completed: 01/30/2019
Batch#: 5424J5

Distributor
Passion Care, LLC
Lic. # M11-18-0000297-TEMP
16225 Beaver Rd.
Adelanto, CA 92301

Producer
The Bluff Creek Company Inc.
Lic. # TML18-0002415
HC 67 PO Box 620 Hoopa, CA 95546

Mycotoxins

SOP: EL-PesticidesLCMS
LC-MS

Pass

Analyte	LOD µg/kg	LOQ µg/kg	Limit µg/kg	Units µg/kg	Status
B1	2	4		ND	Tested
B2	2	4		ND	Tested
G1	2	4		ND	Tested
G2	2	4		ND	Tested
Ochratoxin A	1	2	20	ND	Pass
Total Aflatoxins			20	ND	Pass

Date Tested: 01/24/2019
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Microbials

SOP: EL-MICROBIALS
qPCR

Pass

Analyte	Result	Status
Aspergillus flavus	Not Detected in 1g	Pass
Aspergillus fumigatus	Not Detected in 1g	Pass
Aspergillus niger	Not Detected in 1g	Pass
Aspergillus terreus	Not Detected in 1g	Pass
Shiga toxin-producing E. Coli	Not Detected in 1g	Pass
Salmonella	Not Detected in 1g	Pass

Date Tested: 01/25/2019

Heavy Metals

SOP: EL-HEAVYMETALS
ICP-MS

Pass

Analyte	LOD	LOQ	Limit	Result	Status
	µg/g	µg/g	µg/g	µg/g	
Arsenic	0.040	0.122	0.200	ND	Pass
Cadmium	0.036	0.109	0.200	ND	Pass
Lead	0.095	0.286	0.500	ND	Pass
Mercury	0.022	0.067	0.100	ND	Pass

Date Tested: 01/30/2019

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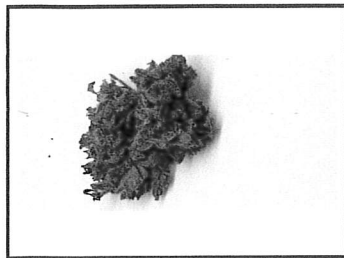
Ghetto Girl

Sample ID: 1901ENC0056.0168
Strain: Ghetto Girl
Matrix: Plant
Type: Flower - Cured
Sample Size: 49.6 g; Batch: 11,339.8 g

Collected: 01/22/2019
Received: 01/22/2019
Completed: 01/30/2019
Batch#: 5424K3

Distributor
Passion Care, LLC
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16225 Beaver Rd.
Adelanto, CA 92301

Producer
The Bluff Creek Company Inc.
Lic. # TML18-0002415
HC 67 PO Box 620 Hoopa, CA 95546



18.110%	ND	21.250%
Total THC	Total CBD	Total Cannabinoids

Summary	
Batch	Pass
Cannabinoids	Complete
Moisture	12.1%
Water Activity	0.44960 aw - Pass
Terpenes	Complete
Microbials	Pass
Mycotoxins	Pass
Pesticides	Pass
Heavy Metals	Pass
Foreign Matter	Pass

Cannabinoids

	Analyte	LOQ	LOD	Mass	Mass	
		%	%	%	mg/g	
Complete Date Tested: 01/24/2019 SOP: EL-CANNABINOIDS LC-DAD	THCa	0.051	0.017	19.577	195.77	
	Δ9-THC	0.029	0.010	0.941	9.41	
	Δ8-THC	0.051	0.017	ND	ND	
	THCV	0.035	0.012	ND	ND	
	CBDa	0.043	0.014	ND	ND	
	CBD	0.012	0.004	ND	ND	
	CBN	0.012	0.004	ND	ND	
	CBGa	0.043	0.014	0.680	6.80	
	CBG	0.017	0.005	0.053	0.53	
	CBC	0.025	0.008	ND	ND	
	Total			21.250	212.50	

Total THC = THCa * 0.877 + Δ9-THC; Total CBD = CBDa * 0.877 + CBD; Total Cannabinoids = Total THC + Total CBD
LOQ = Limit of Quantitation; LOD = Limit of Detection; NT = Not Tested; ND = Not Detected. The reported result is based on a sample weight with the applicable moisture content for that sample. Foreign Material SOP: EL-FOREIGN; Moisture and Water Activity SOP: EL-WATER

Terpenes

SOP: EL-TERPENES
GC-MS

Analyte	LOQ	Mass	Mass	Analyte	LOQ	Mass	Mass
	%	%	mg/g		%	%	mg/g
β-Myrcene	0.01	0.40	4.0	α-Terpinene	0.01	<LOQ	<LOQ
β-Caryophyllene	0.02	0.40	4.0	Camphene	0.01	<LOQ	<LOQ
α-Pinene	0.01	0.20	2.0	cis-Nerolidol	0.00	ND	ND
δ-Limonene	0.01	0.18	1.8	δ-3-Carene	0.01	<LOQ	<LOQ
α-Humulene	0.01	0.12	1.2	Eucalyptol	0.01	ND	ND
Terpinolene	0.01	0.10	1.0	γ-Terpinene	0.01	ND	ND
α-Bisabolol	0.01	0.10	1.0	Geraniol	0.01	ND	ND
β-Pinene	0.01	0.08	0.8	Guaiol	0.01	<LOQ	<LOQ
Ocimene	0.01	0.06	0.6	Isopulegol	0.02	ND	ND
Linalool	0.01	0.04	0.4	trans-Nerolidol	0.00	ND	ND
				Total		1.67	16.7

Date Tested: 01/24/2019

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Kevin Nolan
Lab Supervisor
01/30/2019

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Ghetto Girl

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Pesticides

SOP: EL-PesticidesLCMS
LC-MS

Pass

Analyte	LOD	LOQ	Limit	Mass	Status	Analyte	LOD	LOQ	Limit	Mass	Status
	µg/g	µg/g	µg/g	µg/g			µg/g	µg/g	µg/g	µg/g	
Abamectin	0.031	0.094	0.100	ND	Pass	Fludioxonil	0.015	0.045	0.100	ND	Pass
Acephate	0.009	0.028	0.100	ND	Pass	Hexythiazox	0.005	0.016	0.100	ND	Pass
Acequinocyl	0.029	0.089	0.100	ND	Pass	Imazalil	0.020	0.040	0.020	ND	Pass
Acetamiprid	0.016	0.050	0.100	ND	Pass	Imidacloprid	0.014	0.046	5.000	ND	Pass
Aldicarb	0.020	0.040	0.020	ND	Pass	Kresoxim Methyl	0.011	0.034	0.100	ND	Pass
Azoxystrobin	0.008	0.026	0.100	ND	Pass	Malathion	0.011	0.034	0.500	ND	Pass
Bifenazate	0.011	0.034	0.100	ND	Pass	Metaxyl	0.011	0.032	2.000	ND	Pass
Bifenthrin	0.021	0.065	3.000	ND	Pass	Methiocarb	0.010	0.040	0.010	ND	Pass
Boscalid	0.010	0.030	0.100	ND	Pass	Methomyl	0.013	0.040	1.000	ND	Pass
Captan	0.011	0.032	0.700	ND	Pass	Methyl Parathion	0.023	0.070	0.023	ND	Pass
Carbaryl	0.005	0.016	0.500	ND	Pass	Mevinphos	0.020	0.040	0.020	ND	Pass
Carbofuran	0.010	0.040	0.010	ND	Pass	Myclobutanil	0.007	0.021	0.100	ND	Pass
Chlorantraniliprole	0.012	0.035	10.000	ND	Pass	Naled	0.009	0.026	0.100	ND	Pass
Chlordane	0.050	0.100	0.050	ND	Pass	Oxamyl	0.005	0.014	0.500	ND	Pass
Chlorfenapyr	0.030	0.090	0.030	ND	Pass	Paclobutrazol	0.040	0.100	0.040	ND	Pass
Chlorpyrifos	0.020	0.040	0.020	ND	Pass	Pentachloronitrobenzene	0.050	0.100	0.100	ND	Pass
Clofentezine	0.010	0.030	0.100	ND	Pass	Permethrin	0.010	0.030	0.500	ND	Pass
Coumaphos	0.020	0.040	0.020	ND	Pass	Phosmet	0.006	0.017	0.100	ND	Pass
Cyfluthrin	0.010	0.030	2.000	ND	Pass	Piperonyl Butoxide	0.006	0.019	3.000	ND	Pass
Cypermethrin	0.009	0.028	1.000	ND	Pass	Prallethrin	0.030	0.089	0.100	ND	Pass
Daminozide	0.020	0.040	0.020	ND	Pass	Propiconazole	0.005	0.016	0.100	ND	Pass
DDVP	0.020	0.040	0.020	ND	Pass	Propoxur	0.010	0.040	0.010	ND	Pass
Diazinon	0.007	0.021	0.100	ND	Pass	Pyrethrins	0.008	0.025	0.500	ND	Pass
Dimethoate	0.010	0.040	0.010	ND	Pass	Pyridaben	0.013	0.039	0.100	ND	Pass
Dimethomorph	0.008	0.027	2.000	ND	Pass	Spinetoram	0.010	0.030	0.100	ND	Pass
Ethoprophos	0.010	0.040	0.010	ND	Pass	Spinosad	0.006	0.018	0.100	ND	Pass
Etofenprox	0.020	0.040	0.020	ND	Pass	Spiromesifen	0.019	0.058	0.100	ND	Pass
Etoazole	0.006	0.018	0.100	ND	Pass	Spirotetramat	0.011	0.035	0.100	ND	Pass
Fenhexamid	0.016	0.048	0.100	ND	Pass	Spiroxamine	0.020	0.040	0.020	ND	Pass
Fenoxycarb	0.010	0.040	0.010	ND	Pass	Tebuconazole	0.009	0.028	0.100	ND	Pass
Fenpyroximate	0.009	0.026	0.100	ND	Pass	Thiacloprid	0.020	0.040	0.020	ND	Pass
Fipronil	0.021	0.064	0.021	ND	Pass	Thiamethoxam	0.009	0.028	5.000	ND	Pass
Flonicamid	0.013	0.040	0.100	ND	Pass	Trifloxystrobin	0.005	0.016	0.100	ND	Pass

Date Tested: 01/24/2019
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Kevin Nolan
Kevin Nolan
Lab Supervisor
01/30/2019

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(866) 506-5866
www.confidentcannabis.com



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Ghetto Girl

Sample ID: 1901ENC0056.0168
Strain: Ghetto Girl
Matrix: Plant
Type: Flower - Cured
Sample Size: 49.6 g; Batch: 11,339.8 g

Collected: 01/22/2019
Received: 01/22/2019
Completed: 01/30/2019
Batch#: 5424K3

Distributor
Passion Care, LLC
Lic. # M11-18-0000297-TEMP
16225 Beaver Rd.
Adelanto, CA 92301

Producer
The Bluff Creek Company Inc.
Lic. # TML18-0002415
HC 67 PO Box 620 Hoopa, CA 95546

Mycotoxins

SOP: EL-PesticidesLCMS
LC-MS

Pass

Analyte	LOD µg/kg	LOQ µg/kg	Limit µg/kg	Units µg/kg	Status
B1	2	4		ND	Tested
B2	2	4		ND	Tested
G1	2	4		ND	Tested
G2	2	4		ND	Tested
Ochratoxin A	1	2	20	ND	Pass
Total Aflatoxins			20	ND	Pass

Date Tested: 01/24/2019
LOQ = Limit of Quantitation; LOD = Limit of Detection; NT = Not Tested; ND = Not Detected.



Kevin Nolan

Kevin Nolan
Lab Supervisor
01/30/2019

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Microbials

SOP: EL-MICROBIALS
qPCR

Pass

Analyte	Result	Status
Aspergillus flavus	Not Detected in 1g	Pass
Aspergillus fumigatus	Not Detected in 1g	Pass
Aspergillus niger	Not Detected in 1g	Pass
Aspergillus terreus	Not Detected in 1g	Pass
Shiga toxin-producing E. Coli	Not Detected in 1g	Pass
Salmonella	Not Detected in 1g	Pass

Date Tested: 01/25/2019

Heavy Metals

SOP: EL-HEAVYMETALS
ICP-MS

Pass

Analyte	LOD	LOQ	Limit	Result	Status
	µg/g	µg/g	µg/g	µg/g	
Arsenic	0.040	0.122	0.200	<LOQ	Pass
Cadmium	0.036	0.109	0.200	<LOQ	Pass
Lead	0.095	0.286	0.500	ND	Pass
Mercury	0.022	0.067	0.100	ND	Pass

Date Tested: 01/28/2019

LOQ = Limit of Quantitation; LOD = Limit of Detection; NT = Not Tested; ND = Not Detected.



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Banana Split

Sample ID: 1901ENC0056.0167
Strain: Banana Split
Matrix: Plant
Type: Flower - Cured
Sample Size: 41.9 g; Batch: 11,339.8 g

Collected: 01/22/2019
Received: 01/22/2019
Completed: 01/30/2019
Batch#: 5424H7

Distributor
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Producer
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20.779%	ND	25.104%
Total THC	Total CBD	Total Cannabinoids

Summary	
Batch	Pass
Cannabinoids	Complete
Moisture	10.9%
Water Activity	0.45240 aw - Pass
Terpenes	Complete
Microbials	Pass
Mycotoxins	Pass
Pesticides	Pass
Heavy Metals	Pass
Foreign Matter	Pass

Cannabinoids

	Analyte	LOQ	LOD	Mass	Mass
		%	%	%	mg/g
Complete	THCa	0.051	0.017	22.415	224.15
Date Tested: 01/24/2019	Δ9-THC	0.029	0.010	1.122	11.22
SOP: EL-CANNABINOIDS	Δ8-THC	0.051	0.017	ND	ND
LC-DAD	THCV	0.035	0.012	ND	ND
	CBDa	0.043	0.014	ND	ND
	CBD	0.012	0.004	ND	ND
	CBN	0.012	0.004	ND	ND
	CBGa	0.043	0.014	1.463	14.63
	CBG	0.017	0.005	0.105	1.05
	CBC	0.025	0.008	ND	ND
	Total			25.104	251.04

Total THC = THCa * 0.877 + Δ9-THC; Total CBD = CBDa * 0.877 + CBD; Total Cannabinoids = Total THC + Total CBD
LOQ = Limit of Quantitation; LOD = Limit of Detection; NT = Not Tested; ND = Not Detected. The reported result is based on a sample weight with the applicable moisture content for that sample. Foreign Material SOP: EL-FOREIGN; Moisture and Water Activity SOP: EL-WATER

Terpenes

SOP: EL-TERPENES
GC-MS

Complete

Analyte	LOQ	Mass	Mass	Analyte	LOQ	Mass	Mass
	%	%	mg/g		%	%	mg/g
Terpinolene	0.01	0.77	7.7	α-Terpinene	0.01	0.03	0.3
β-Myrcene	0.01	0.35	3.5	α-Bisabolol	0.01	0.02	0.2
δ-Limonene	0.01	0.18	1.8	γ-Terpinene	0.01	0.02	0.2
β-Caryophyllene	0.02	0.16	1.6	Ocimene	0.01	0.01	0.1
β-Pinene	0.01	0.10	1.0	Camphene	0.01	<LOQ	<LOQ
α-Pinene	0.01	0.06	0.6	cis-Nerolidol	0.00	ND	ND
α-Humulene	0.01	0.05	0.5	Eucalyptol	0.01	<LOQ	<LOQ
Guaiol	0.01	0.05	0.5	Geraniol	0.01	ND	ND
Linalool	0.01	0.05	0.5	Isopulegol	0.02	ND	ND
δ-3-Carene	0.01	0.03	0.3	trans-Nerolidol	0.00	ND	ND
				Total		1.88	18.8

Date Tested: 01/24/2019

LOQ = Limit of Quantitation; LOD = Limit of Detection; NT = Not Tested; ND = Not Detected. The reported result is based on a sample weight with the applicable moisture content for that sample.



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01/30/2019

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Matrix: Plant
Type: Flower - Cured
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Received: 01/22/2019
Completed: 01/30/2019
Batch#: 5424H7

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Adelanto, CA 92301

Producer
The Bluff Creek Company Inc.
Lic. # TML18-0002415
HC 67 PO Box 620 Hoopa, CA 95546

Pesticides

SOP: EL-PesticidesLCMS
LC-MS

Pass

Analyte	LOD	LOQ	Limit	Mass	Status	Analyte	LOD	LOQ	Limit	Mass	Status
	µg/g	µg/g	µg/g	µg/g			µg/g	µg/g	µg/g	µg/g	
Abamectin	0.031	0.094	0.100	ND	Pass	Fludioxonil	0.015	0.045	0.100	ND	Pass
Acephate	0.009	0.028	0.100	ND	Pass	Hexythiazox	0.005	0.016	0.100	ND	Pass
Acequinocyl	0.029	0.089	0.100	ND	Pass	Imazalil	0.020	0.040	0.020	ND	Pass
Acetamiprid	0.016	0.050	0.100	ND	Pass	Imidacloprid	0.014	0.046	5.000	ND	Pass
Aldicarb	0.020	0.040	0.020	ND	Pass	Kresoxim Methyl	0.011	0.034	0.100	ND	Pass
Azoxystrobin	0.008	0.026	0.100	ND	Pass	Malathion	0.011	0.034	0.500	ND	Pass
Bifenazate	0.011	0.034	0.100	ND	Pass	Metaxyl	0.011	0.032	2.000	ND	Pass
Bifenthrin	0.021	0.065	3.000	ND	Pass	Methiocarb	0.010	0.040	0.010	ND	Pass
Boscalid	0.010	0.030	0.100	ND	Pass	Methomyl	0.013	0.040	1.000	ND	Pass
Captan	0.011	0.032	0.700	ND	Pass	Methyl Parathion	0.023	0.070	0.023	ND	Pass
Carbaryl	0.005	0.016	0.500	ND	Pass	Mevinphos	0.020	0.040	0.020	ND	Pass
Carbofuran	0.010	0.040	0.010	ND	Pass	Myclobutanil	0.007	0.021	0.100	ND	Pass
Chlorantraniliprole	0.012	0.035	10.000	ND	Pass	Naled	0.009	0.026	0.100	ND	Pass
Chlordane	0.050	0.100	0.050	ND	Pass	Oxamyl	0.005	0.014	0.500	ND	Pass
Chlorfenapyr	0.030	0.090	0.030	ND	Pass	Paclobutrazol	0.040	0.100	0.040	ND	Pass
Chlorpyrifos	0.020	0.040	0.020	ND	Pass	Pentachloronitrobenzene	0.050	0.100	0.100	ND	Pass
Clofentezine	0.010	0.030	0.100	ND	Pass	Permethrin	0.010	0.030	0.500	ND	Pass
Coumaphos	0.020	0.040	0.020	ND	Pass	Phosmet	0.006	0.017	0.100	ND	Pass
Cyfluthrin	0.010	0.030	2.000	ND	Pass	Piperonyl Butoxide	0.006	0.019	3.000	ND	Pass
Cypermethrin	0.009	0.028	1.000	ND	Pass	Prallethrin	0.030	0.089	0.100	ND	Pass
Daminozide	0.020	0.040	0.020	ND	Pass	Propiconazole	0.005	0.016	0.100	ND	Pass
DDVP	0.020	0.040	0.020	ND	Pass	Propoxur	0.010	0.040	0.010	ND	Pass
Diazinon	0.007	0.021	0.100	ND	Pass	Pyrethrins	0.008	0.025	0.500	ND	Pass
Dimethoate	0.010	0.040	0.010	ND	Pass	Pyridaben	0.013	0.039	0.100	ND	Pass
Dimethomorph	0.008	0.027	2.000	ND	Pass	Spinetoram	0.010	0.030	0.100	ND	Pass
Ethoprophos	0.010	0.040	0.010	ND	Pass	Spinosad	0.006	0.018	0.100	ND	Pass
Etofenprox	0.020	0.040	0.020	ND	Pass	Spiromesifen	0.019	0.058	0.100	ND	Pass
Etoxazole	0.006	0.018	0.100	ND	Pass	Spirotetramat	0.011	0.035	0.100	ND	Pass
Fenhexamid	0.016	0.048	0.100	ND	Pass	Spiroxamine	0.020	0.040	0.020	ND	Pass
Fenoxycarb	0.010	0.040	0.010	ND	Pass	Tebuconazole	0.009	0.028	0.100	ND	Pass
Fenpyroximate	0.009	0.026	0.100	ND	Pass	Thiacloprid	0.020	0.040	0.020	ND	Pass
Fipronil	0.021	0.064	0.021	ND	Pass	Thiamethoxam	0.009	0.028	5.000	ND	Pass
Fonicamid	0.013	0.040	0.100	ND	Pass	Trifloxystrobin	0.005	0.016	0.100	ND	Pass

Date Tested: 01/24/2019
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Lab Supervisor
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Completed: 01/30/2019
Batch#: 5424H7

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Producer
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HC 67 PO Box 620 Hoopa, CA 95546

Mycotoxins

SOP: EL-PesticidesLCMS
LC-MS

Pass

Analyte	LOD	LOQ	Limit	Units	Status
	µg/kg	µg/kg	µg/kg	µg/kg	
B1	2	4		ND	Tested
B2	2	4		ND	Tested
G1	2	4		ND	Tested
G2	2	4		ND	Tested
Ochratoxin A	1	2	20	ND	Pass
Total Aflatoxins			20	ND	Pass

Date Tested: 01/24/2019
LOQ = Limit of Quantitation; LOD = Limit of Detection; NT = Not Tested; ND = Not Detected.



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HC 67 PO Box 620 Hoopa, CA 95546

Microbials

SOP: EL-MICROBIALS
qPCR

Pass

Analyte	Result	Status
Aspergillus flavus	Not Detected in 1g	Pass
Aspergillus fumigatus	Not Detected in 1g	Pass
Aspergillus niger	Not Detected in 1g	Pass
Aspergillus terreus	Not Detected in 1g	Pass
Shiga toxin-producing E. Coli	Not Detected in 1g	Pass
Salmonella	Not Detected in 1g	Pass

Date Tested: 01/25/2019

Heavy Metals

SOP: EL-HEAVYMETALS
ICP-MS

Pass

Analyte	LOD	LOQ	Limit	Result	Status
	µg/g	µg/g	µg/g	µg/g	
Arsenic	0.040	0.122	0.200	<LOQ	Pass
Cadmium	0.036	0.109	0.200	<LOQ	Pass
Lead	0.095	0.286	0.500	<LOQ	Pass
Mercury	0.022	0.067	0.100	<LOQ	Pass

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YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



Resolution

with

YUROK TRIBAL COUNCIL

RESOLUTION: 18-87
DATE APPROVED: November 9, 2018
SUBJECT: Ke'wet Ceremonial District

- WHEREAS:** The Yurok Tribe is a federally recognized Tribe; and
- WHEREAS:** The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993; and
- WHEREAS:** The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized Tribes; and
- WHEREAS:** The Yurok Constitution Article IV, Section 1(g), with certain conditions, authorizes the Tribal Chairperson to take such actions as are necessary to safeguard the health or safety of the Tribe from imminent danger pending action by the Tribal Council; and
- WHEREAS:** The Yurok Tribe has lived along the Klamath River, since the Spirit People, Wo-ge' made things ready for us and the Creator, Ko-won-no-ekc-on Ne-ka-nup-ceo, placed us here; and
- WHEREAS:** The Yurok Tribe has followed all the laws of the Creator from the beginning, which became the whole fabric of our tribal sovereignty; and
- WHEREAS:** In times past and now Yurok people bless the deep river, the tall redwood trees, the rocks, the mounds, and the trails. We pray for the health of all the animals, and prudently harvest and manage the great salmon runs and herds of deer and elk. we never waste and use every bit of the salmon, deer, elk, sturgeon, eels, seaweed, mussels, candlefish, otters, sea lions, seals, whales, and other ocean and river animals; and
- WHEREAS:** Yurok Tribal Council, by action March 22, 2018, designated the Ke'wet Ceremonial District, a Tribal Cultural Resource to be included to the Yurok Tribal Register and State Historic Register because of the features,

places, cultural landscapes, sacred places, and objects with cultural value to the Yurok Tribe; and

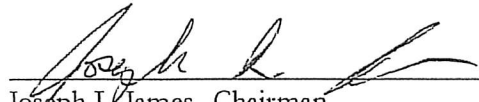
BE IT RESOLVED: That the Ke'wet Ceremonial District is a Tribal Cultural Resource; and

BE IT FURTHER RESOLVED: That the Ke'wet Ceremonial District be added Tribal Register and State Historic Register.

C*E*R*T*I*F*I*C*A*T*I*O*N

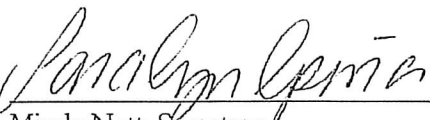
This is to certify that this Resolution was approved at a duly called meeting of the Yurok Tribal Council on November 9, 2018, at which a quorum was present and that this Resolution was adopted by at which a quorum was present and that this Resolution Number 18-87 was adopted by a vote of 5 for and 0 opposed and 0 abstentions in accordance with Article IV, Section 5 and Article IV, Section 1(g) of the Constitution of the Yurok Tribe. This Resolution Number 18- has not been rescinded or amended in any way.

DATED THIS 9 DAY OF November, 2018



Joseph L. James., Chairman
Yurok Tribal Council

ATTEST:



Mindy Natt, Secretary
Yurok Tribal Council

YUROK TRIBAL COUNCIL AGENDA INFORMATION SHEET

ExDir18-009

Date: March 22, 2018

Submitted By: Frankie Myers

Directors Approval: _____

Please attach all relevant documentation

SUBJECT: Kewet Ceremonial District
FUNDING TO COME FROM:

Reviewed by:	Initials
1. Chairperson	_____
2. Executive Director	_____
3. Finance Department	_____
4. Personnel Office	_____
5. Legal Department	_____
6. Grants Compliance	_____
7. _____ Committee	_____

Recommendation
Approve for Agenda
Approve Deny
Approve Deny
Approve Deny
Approve Deny
Approve Deny
Approve Deny

Executive Use Only
Consent Agenda Item Yes____No____
Finance____ Planning____ Action____

No Recommendation
No Recommendation
No Recommendation
No Recommendation
No Recommendation
No Recommendation
No Recommendation

Is Coordination required with other Departments? If so who? When were they contacted and what was the response:

REQUESTED ACTION: (Describe request in the form of a motion) to approve the Kewet Ceremonial District to be eligible for the Yurok Tribal Historical Register and any other register as necessary. Contingent upon OTA and Cultural Committee approval.

Yurok Tribal Council Use Only

Motion: _____ MAJOR ACTION

MOTION STATED AS ABOVE

Motion Made by Natt

Second Made By Aubrey

ROLL CALL VOTE:

	Yes	No	Abs	Np		Yes	No	Abs	Np
Vice Chairperson	Yes	No	Abs	Np	Orick District	Yes	No	Abs	Np
East District	Yes	No	Abs	Np	Pecwan District	Yes	No	Abs	Np
Requa District	Yes	No	Abs	Np	North District	Yes	No	Abs	Np
Weitchpec District	Yes	No	Abs	Np	South District	Yes	No	Abs	Np

Chairperson Aye Nay

VOTE: 6 Yes 0 No 1 Abstaining 1 Not Present

ACTION: Approved Denied Tabled No Action Referred to: _____

Previous Action: _____

Date Approved: 3/22/18

YUROK TRIBAL COUNCIL AGENDA INFORMATION SHEET

EX-18009

Date: March 22, 2018

Submitted By: Frankie Myers

Directors Approval: NA

Please attach all relevant documentation

SUBJECT: Kewet Ceremonial District approval to the Yurok Tribal Register of Historic Properties.

FUNDING TO COME FROM: NA

Reviewed by:

Initials

Recommendation

1. Chairperson DLG
2. Executive Director NA
3. Finance Department NA
4. Personnel Office NA
5. Legal Department NA
6. _____ Committee NA

- Approve for Agenda
- Approve Deny
- Approve Deny
- Approve Deny
- Approve Deny
- Approve Deny

Executive Use Only

Consent Agenda Item Yes ___ No ___
Finance ___ Planning ___ Action ___

- No Recommendation
- No Recommendation
- No Recommendation
- No Recommendation
- No Recommendation

Is Coordination required with other Departments? If so who? When were they contacted and what was the response: Education, OTA, Tribal Court, Social Services, Executive, Education

REQUESTED ACTION: (Describe request in the form of a motion) Approve the Yurok Tribal Heritage Preservation Officer to include the proposed Kewet Ceremonial District to be included into the Yurok Tribal Register and State Historic Register of Sacred Places. Contingent upon OTA and cultural committee approval

Motion: Yurok Tribal Council Use Only

Motion Made by NAH

Second Made By Aubrey

ROLL CALL VOTE:

Major Action

	Yes	No	Abs	Np		Yes	No	Abs	Np
Vice Chairperson	Yes	No	<u>Abs</u>	Np	Orick District	<u>Yes</u>	No	Abs	Np
East District	<u>Yes</u>	No	Abs	Np	Pecwan District	<u>Yes</u>	No	Abs	Np
Requa District	<u>Yes</u>	No	Abs	Np	North District	<u>Yes</u>	No	Abs	Np
Weitchpec District	<u>Yes</u>	No	Abs	Np	South District	Yes	No	Abs	<u>Np</u>

Chairperson

Aye Nay

VOTE:

6 Yes 0 No 1 Abstaining 1 Not Present

ACTION:

Approved Denied Tabled No Action Referred to: _____

Previous Action:

Date Approved: 3/22/18

EMERGENCY AGENDA ITEM



*****Form must be complete. If incomplete, it will not be considered.*****

Date: March 22, 2018 Submitted By Frankie Myers

SUBJECT: Approve the Yurok Tribal Heritage Preservation Officer to include the Proposed Kewet Cereminal District to the Yurok Tribal Register and State Historic Register for Cannabis Related Activities contingent on OTA and Cultural Committee Approval

FUNDING TO COME FROM (budget & justification must be attached): NA

PLEASE EXPLAIN WHY THIS ITEM IS AN EMERGENCY:

Time sensitive Due to Humboldt County Cannabis Ordinance timeline.

PLEASE EXPLAIN WHY THIS ITEM WAS NOT SUBMITTED ON TIME:

Cannabis Task Force and THPO discussion last week approval to move forward with the roposed Ceremonial District.

Council Support Use Only

Motion Made by _____

Second Made By _____

ROLL CALL VOTE:

	<u>Yes</u>	<u>No</u>	<u>Abs</u>	<u>Np</u>		<u>Yes</u>	<u>No</u>	<u>Abs</u>	<u>Np</u>
Vice Chairperson	Yes	No	Abs	Np	Orick District	Yes	No	Abs	Np
East District	Yes	No	Abs	Np	Pecwan District	Yes	No	Abs	Np
Requa District	Yes	No	Abs	Np	North District	Yes	No	Abs	Np
Weitchpec District	Yes	No	Abs	Np	South District	Yes	No	Abs	Np

Chairperson **Yes** **No**

VOTE: Yes No Abstaining Not Present

ACTION: Approved for Agenda Referred to Next Agenda on _____

Date of this Action: _____

ATTACHMENT 3



COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT CANNABIS SERVICES DIVISION

3015 H Street Eureka CA 95501
Fax: (707) 268-3792 Phone: (707) 445-7541

Bluff Creek Company, Inc.
Lucien J Smith
HC 67 Box 620
Hoopa, CA 95546

October 16, 2018

RE: Application No. 12834, APN: 530-102-004-000, Case No. SP16-667, ZCC17-011

Dear Bluff Creek Company, Inc.,

Your application for Commercial Cannabis Cultivation is located within the Yurok Ancestral Territory. The Yurok Tribe has identified this property as being within a Cultural Landscape consisting of a combination of archaeological and cultural resources, and religious and ceremonial sites. This Cultural Landscape constitutes a Tribal Cultural Resource under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The CMMLUO defines a Tribal Cultural Resource as *"sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California native American Tribe, including unique archaeological resources and historical resources ..."*

The CMMLUO Section 55.4.11 (d) requires cultivation areas and on-site processing to be set back from any Tribal Cultural Resource. Since this project is within a larger region identified as a Tribal Cultural Resource, this project cannot comply with this provision and thus cannot be approved.

Given the circumstances associated with the site, it is possible to convert your applications to a Retirement, Remediation and Relocation (RRR) project under the new Commercial Cannabis Land Use Ordinance (CCLUO, or "Ordinance 2.0"). This would allow relocation of all the square footage on the site to a site which would support the cultivation. The county will convert your application to a RRR under the CCLUO if that is the direction you choose. Your other options are to withdraw the application, or request a public hearing with the Planning Commission but keep in mind the site cannot be found to be consistent with the CMMLUO. Upon your submission of a request to do so, your application will be converted to an RRR without submittal of a new application. In order to change to an RRR you will need to submit updated paperwork. Enclosed is a Guide for RRR Applications.

If you have questions about this letter or would like to set-up a meeting to discuss RRR options, please contact Caitlin Castellano at ccastellano1@co.humboldt.ca.us or at 707-268-3731.

Sincerely,

John Ford
Planning and Building Department



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

3015 H Street Eureka CA 95501
Fax: (707) 268-3792 Phone: (707) 445-7541

Saunders Lucien E Trust
H.C. 67 Box 620
Hoopa, CA 95546

October 16, 2018

RE: Application No. 12834, APN: 530-102-004-000, Case No. SP16-667, ZCC17-011

Dear Saunders Lucien E Trust,

Your application for Commercial Cannabis Cultivation is located within the Yurok Ancestral Territory. The Yurok Tribe has identified this property as being within a Cultural Landscape consisting of a combination of archaeological and cultural resources, and religious and ceremonial sites. This Cultural Landscape constitutes a Tribal Cultural Resource under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The CMMLUO defines a Tribal Cultural Resource as *"sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California native American Tribe, including unique archaeological resources and historical resources ..."*

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Sincerely,

John Ford
Planning and Building Department

Cc: Property Owner (if different from applicant)

Castellano, Caitlin

From: Lucien Smith <lu cien@bluffcreekco.com>
Sent: Tuesday, December 18, 2018 7:14 AM
To: Ford, John
Cc: Castellano, Caitlin
Subject: Application 12834, Bluff Creek Company, Inc.

Good Morning Director Ford,

I respectfully request a planning commission hearing for my cannabis cultivation application 12834. I also request a meeting with you prior to the hearing date to discuss the actions the Yurok Tribe has taken against me through assumptions having never performed a site visit.

Very Respectfully,

Lucien Smith
President, Bluff Creek Company
lu cien@bluffcreekco.com
Direct: (443) 889.6634
Fax:(800) 867.4689

Phil Smith, the Brier Patch on the Klamath River

HC 67 Box 620, Hoopa, CA 95546

February 7, 2019

Before The Humboldt County Planning Commission
Humboldt County California
825 5th Street
Eureka, CA 95501

Re: Case Number: SP16-667; Application Number 12834 (filed 12/29/2016);
Assessor Parcel Numbers: 530-102-004, 530-101-009 & 530-101-010
HUMBOLDT COUNTY PLANNING COMMISSION NOTICE OF
PUBLIC HEARING RECEIVED JANUARY 28, 2019
Hearing Date: February 7, 2019 at 6:00 p.m.
Hearing Location: Humboldt County Courthouse, 825 5th Street, Eureka,
California.

Request for Reconsideration and for The Commission to Reject the Staff Recommendation of Denial of the Project and Application, and to Approve the Project and Application, or, In The Alternative, to Take no Final Action to Cancel the Temporary Permit to Operate and Allow the Applicant to Continue the Project Pending Further Appeal.

Honorable Planning Commission Members:

My name is Phillip Wayne Smith, my family and I have lived on the subject parcels continually since 1973. I will be 80 years old in August and I have been a full-time resident in Humboldt County since 1980, part-time resident since 1964, and I am familiar with the lawful occupancy and use of the property since 1973, as well as its historic use prior to our ownership. I never dreamed that I would spend this time of my life fighting my local government for my right to live in peace on our land. The property is not within the exterior boundaries of the Yurok Reservation, and it is not in Karuk Tribe ancestral territory, it is not tribal land. I am Trustee and lessor of the above-referenced parcels. PLEASE NOTE that I have not had the opportunity to review the materials, if any, submitted by the Yurok or Karuk Tribe to the Board of Supervisors in support of the decision to claim all of their ancestral territory as Tribal Cultural Resource, being within a cultural landscape consisting of a combination of archaeological and cultural resources, and religious and ceremonial sites and the County basis for its decision to accept the Tribe's positions without notice to all affected property owners as required by controlling State law. I reserve the right to present any and all such discovered information on appeal.

The decision to deny the Application is stated as: "Staff is recommending denial of the project because it does not meet the required 600-foot setback from a Tribal Cultural Resource (TCR) per CMMLUO Section 55.4 11 (d)." I believe the decision to deny the

Application on said grounds is unlawful under the County Code that applies to the Application; unlawfully denies the legal use of the property; subjects all activity on our property to control of the Yurok and/or the Karuk Tribes without lawful authority; devalues our property, violates my constitutional right to free exercise of my religion; violates my constitutional right to due process in the taking of my property by the County for a non-public purpose without a hearing or any other process in which I was involved, action which, if allowed to become final, will result in an unconstitutional taking of our property as well as a violation of due process and equal protection of law; my constitutional right to a representative form of government, and State and Federal law, to include precedent setting case law as follows:

Unlawful Under County Code 314-55.4 11 (d)

To assure compliance with Sec. 55.4.7 “Area of Tribal Cultural Affiliation,” Lessor and Applicant, before submitting Application 12834, checked with Humboldt Planning and Building for any maps showing areas of traditional and tribal use by indigenous people, and were told by the Planning Department that no such maps existed showing any such areas. In good faith reliance on that information, Applicant proceeded with the Application in full compliance with Sec. 55.4.7 and submitted the Application on August 16, 2016, final acceptance by the Planning Department was on December 29, 2016. Money was borrowed, legal debt was incurred, fees were paid, and investments made based on the information received that the subject property was not in an Area of Tribal Cultural Affiliation and representations by Staff that they saw no problem in the issuance of the Permit. Though requested, I still haven’t seen any such maps, and I’ve been told that maps were filed sometime in August, 2018, two years after the Application was filed. Information in the record seems to reflect that the Yurok Tribe did not file anything until after November 9, 2018, the date of Tribal Resolution 18-87, attached hereto as Attachment “A” and made a part hereof. Our reliance on information provided by the County is reasonable and justifiable, to our detriment, and the County should be estopped from denying the Application on information received after our Application was submitted and accepted.

The Tribe’s should not be allowed to deny the Application by the ex-post facto filing of such maps and its unsubstantiated declaration reflecting the property as a Tribal Cultural Resource. The Tribes wanted me to pay their costs and fees, submit myself, my use of and conduct on the property and the property to the jurisdiction of the Tribe’s and their laws. I do not know what those laws are, nor do the Tribes. I do not have to surrender my rights to a foreign government where, as a non-member, I have no standing and none of the rights guaranteed me by both the U. S. and California Constitutions. *(Please see Tribal Correspondence filed herewith and made a part hereof as Attachment “B”. Please review the correspondence and tell me if any of you would agree to such terms on you and your property to a foreign government in which you have no rights whatsoever. Please note that Indian Tribes do not have jurisdiction over non-members without such non-members express consent. See Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978), Duro v. Reina, 110 S. Ct. 2053 (1990), Montana v. United States, 450 U.S. 544, (1981) and other statutes and cases cited therein.)* I believe the filing in November by the Tribe’s to

include the property in its Area of Tribal Cultural Resource is in retaliation for my refusal to surrender to their jurisdiction, is without legal precedence or authority, contrary to public policy, and in direct violation of Public Resources Code Sections 5024.1 and 21080.3.2(c)(1), in that the procedure set forth therein was not followed by either Tribe and it was not followed by the County. The mere declarations by the Yurok Tribe and by the Karuk Tribe of my property being a "Tribal Cultural Resource" does not make it so; they are required to prove it by substantial evidence pursuant to the procedures set forth in controlling law, and all affected property owners must be given notice and the right to be heard and agree or object.

Under the State Public Resources Code, Sec. 21074, (cited in Ord. Sec. 55.4.7) a Tribal Cultural Resource is defined as either:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources. *(My property is not included or determined to be eligible for inclusion, nor is the ancestral territory claimed by either Tribe. The procedure for eligibility for and inclusion in the California Register of Historical Resources has not been complied with.)*

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. *(My property is not, nor is the ancestral territory claimed by the Tribes listed in any registered historical resources I could find for Humboldt County. PLEASE NOTE, the County could not have listed the property in a local register prior to Staff recommendation to deny the Application, since the County did not receive Yurok Resolution 18-87 until after November 9, 2018, the date the Tribe enacted it.)*

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. *(Section 5024.1 is too lengthy to cite in full, but a copy is attached hereto as Attachment "C" and made a part hereof and I request the Commission take judicial notice thereof. There is no evidence in the record that the four items in subdivision (c) were addressed by the County. It is obvious from a reading of the statute that no action can be taken on the mere declaration of a Tribe. Per the statute, every property owner impacted by a request for inclusion in the California Register of Historical Resources shall be given notice and an opportunity to object. The application of subdivision (c) does not eliminate the lead agency's requirement of giving the notice required by subdivision (f)(4). I was not notified by the State of any such application by either Tribe to include my property as a cultural resource suitable for registration as a historical resource, nor was I notified by the County. I have not been allowed discovery of the process used by the County to accept the*

declarations by the Tribe's as supported by substantial evidence and do not know whether the Board of Supervisors was not made aware of the statutory requirements of Sec. 5024.1(f)(4), or merely chose to ignore the notice requirements to affected property owners, and the requirement of providing said property owners with proof of such substantial evidence proffered by the Tribe's.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. *(The Yurok and Karuk claimed landscape, ancestral territories, could contain hundreds, perhaps thousands of square miles and I have no idea of the size and scope and do not know if the County used this subsection in making its determination to deny the application, and Staff will not allow me to see the maps or any information to insure my property is even included. In my opinion the Yurok claims stated in its November 9, 2018, Resolution 18-87 are not a survey, do not prove the validity of the claims and they are only repeated platitudes from the Yurok Constitution which is available for review on the Yurok website. See Yurok Resolution 18-87, Attachment "A". These claims are based on their stated religious beliefs in their Creator which, as a Christian, are contrary to my religious beliefs in God, His Commandments and in His Son, Jesus Christ. And while I respect the right of the Yurok and Karuk People to believe anything they want to believe, I cannot be forced by the County or by any other governmental entity to comport my lawful conduct on and use of our property to those beliefs.)*

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal resource if it conforms with the criteria of subsection (a). *(The SHPO Cultural Resources Investigation ordered by the Planning Department on March 8, 2018 and commissioned by the Applicant to survey the property for Native American cultural resources, concluded that no such resources were found on the property or within a quarter of a mile of the property in any direction. **The Yurok Tribe and the Karuk Tribe were invited to join in this investigation by the SHPO Investigator and they refused. The Yurok Tribe and the Karuk Tribe were invited by Planning Department Director Ford to conduct a site visit and they refused.** The Cultural Resources Report the Applicant commissioned was received by the Planning Department on June 18, 2018, and was not included in the Application Package given to me by the County in response to my request, and it is probably in the "Confidential Folder" and not made public. I do not object to the Report being made public; it does not contain any confidential information on cultural resources and the absence of any such resources is not confidential. The Investigation Report referenced in the Staff Report is made a part hereof.)*

Under the State Public Resources Code, Sec. 21083.2 (g) (cited in Ord. Sec. 55.4.7) "Tribal Cultural Resources" is also defined as:

(g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated

that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is demonstrable public interest in that information. *(The findings contained in the Cultural Resources Report on the property answers this section in the negative.)*
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type. *(See response to (1)).*
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person. *(See response to (1)).*

Public Resources Code Section 21080.3.2(c)(1) states: “ This section does not limit the ability of a California Native American tribe or **the public** to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the projects impact on tribal cultural resources, or any appropriate measures to mitigate the impact.” (emphasis added) *(This section is properly interpreted to state that the public has to be given an opportunity to comment to the County regarding the significance of the tribal cultural resources and to suggest appropriate mitigation measures. As a proponent of the Project, the County did not provide me with notice of an opportunity to comment or otherwise be heard on its action negatively impacting our property. Section (c)(2) allows a proponent to “incorporate changes and additions to the project as a result of the consultation. . . .” Section (d) provides “If the project proponent or its consultant participate in the consultation, those parties shall respect the principles set forth in this section.” Neither I nor the Applicant, as proponents of the Project were given an opportunity to participate in mitigation discussions, and, as previously stated herein, the Tribe’s would not meet with us and the County did not notice us as required by law. The County and the Tribes did not act in good faith and failed to comply with the law.)*

Other Legal Issues

The County action in denying the Applicant’s Permit raises other legal issues impacting me and our property, some of which are as follows:

1. U. S. Constitution, Article 6: “. . . This Constitution and the Laws of the United States . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. . . . “
(State and local laws cannot be enacted that violate the U.S. Constitution, and I contend that the County CMLUO, parts thereof, and some parts of the State Public Resources Code as addressed above, are unconstitutional.)

2. U. S. Constitution, Article 4, Section 4: “The United States shall guarantee to every State in this Union a Republican form of Government . . .”
(A republican form of government is a “representative” form of government. The County’s authorization allowing the Yurok and Karuk Indian Tribes jurisdiction over our property and my conduct thereon is in violation of Article 4, Section 4, in that I do not have any rights before these tribes. I cannot become a member, I cannot vote, I cannot hold office, I cannot attend Council meetings, nor can I exercise any of my other U. S. or State Constitutional rights before these nonrepresentative tribal governments.)
3. U. S. Constitution, Amendment I: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .”
*(The County’s CMMLUO restricting the legal use of our property prohibits the free exercise of my religious beliefs in that it would force me to comport my behavior and legal use of our property to the religious beliefs and practices of the Yurok and Karuk tribes. I am a Christian and cannot and will not comply with what I believe are the pagan beliefs of the Tribe’s. God’s First Commandment is that “Thou shalt have no other gods before me.” God’s Second Commandment is that “Thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above or that is in the earth beneath, or that is in the water under the earth. Thou shalt not bow down thyself to them, for I am a jealous God . . .” (Exodus 20, 2-5 KJV). I do not know who the Yurok and Karuk Creator is, and I will only worship the God of the Bible, Jehovah, and I will not worship the earth and those things God created for man’s use.
The County CMMLUO, parts thereof, result in an unconstitutional violation of my free exercise of religion.)*
4. U. S. Constitution, Amendments 5 and 14: 5: “No person shall be . . . deprived of life, liberty, or property, without due process of law . . .” and 14: Section 1, “. . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
*(If the County follows the Planning Department recommendation to deny Applicant’s Permit, effectively prohibiting a legal use of our property, effectively devaluing the property, effectively depriving me of my liberty to follow my religious beliefs in the use of our property, subjecting me and our property to the control of non-republican governments in which I have none of the rights guaranteed to me as a citizen, will result in a taking of my property and denial of other protected rights without due process of law and doing so is unconstitutional.)
(Re Property Taking See: Siskiyou County Farm Bureau v. Department of Fish and Wildlife, 35, Cal. App. Third (2015))*

On any further appeal I reserve the right to cite appropriate sections of the California Constitution.

Conclusion

Congress has declared and courts have held that Native American governments are dependent sovereignties. Their exercise of government powers is dependent on federal recognition by Congress. As a general rule, tribes do not have powers not expressly authorized by Congress, federal statutes or federal case law. Tribes do not have jurisdiction over non-members or their fee lands on Indian reservations except as provided by Congress, federal statutes or federal case law, and they have absolutely no jurisdiction over fee lands off their reservations. Tribes do not have the power of eminent domain. Congress has not given them that power. Neither the State nor the County can give them any authority that results in an exercise of that power. The County CMMLUO, and the State Public Resources Code, to the extent it allows the tribes in the County to effectively exercise eminent domain or any other jurisdictional power over non-reservation lands over which they have no jurisdiction, are unconstitutional. The tribes in the County cannot do indirectly that which they have no lawful authority to do directly and the State Legislature or the County's governing body cannot lawfully permit this unlawful jurisdiction by the tribes over fee lands in the county.

The County Board of Supervisors enacted an ordinance permitting the tribes final approval of all cannabis permits in the county if the land to be used for cannabis production is within a tribe's claimed ancestral territory. In exercising the power given to them by the Board, the Yurok Tribe and Karuk Tribe demand surrender of fee lands and fee property owners to tribal jurisdiction and tribal laws. Tribal laws are either non-existent or not available for review. Refusal to submit to those demands results in a denial of the permit by the Tribe and by the County. We are informed that surrendering to tribal jurisdiction will and has resulted in permit approval by the tribes and the County. We refused to surrender our constitutional rights, the tribes denied the Application, the County Planning Staff then recommended the Application be denied, concluding our land is within tribal ancestral territory and can never meet the required 600 foot set-back required by the CMMLUO without tribal approval. We met with the Yurok Tribe Cannabis Task Force and the Tribal Historic Preservation Officer on November 8, 2018 in an effort to discuss receiving Tribal approval and we were informed that the Tribe's cultural map was developed after meeting with property owners and cultivators (we were not given notice of such meeting and we were not invited to participate), and the Tribe concluded that our property has cultural resources on it, and that we do not have to be told what they are, adding that the Tribe decided that mitigation was not a possibility for us and our property. The Yurok Tribe completed its Resolution 18-87 on November 9, 2018, the day after our meeting with the Tribal Historic Preservation Officer and the Cannabis Task Force. It has been suggested to me that the Tribes are pleased with how easy it has been to gain control over us and in controlling everything we ever want to do on our property. In my opinion the State and County have allowed the Tribes to engage in fraud and extortion so one of the of the two Tribes (maybe they plan to share it) can eventually acquire our property by never approving any future development that would require a County or State permit. Reacquiring all ancestral territory is an objective set forth in the Yurok Constitution, and

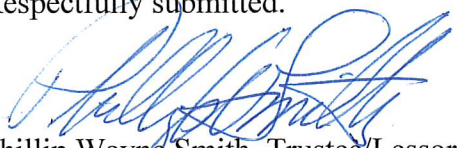
it is a goal and purpose of the tribally supported local movement to Kill the Settler and Save the Human which is active in Eastern Humboldt County.

As stated above, in passing the CMMLUO the Board did not give notice to impacted property owners as required by State law, Public Resources Code Sections 5024.1 and 21080.3.2(c)(1), and CMMULO sections allowing tribal authority over fee land cannabis production activities. The State Code and County Ordinance must be followed and cannot lawfully be enforced until impacted property owners are given notice and given an opportunity to be heard. Impacted property owners are guaranteed due process of law.

I respectfully request that the Planning Commission reconsider the decision to deny the Applicant's Application 12834, reject the Staff recommendation to deny the Project and Application, and approve the Project and Application.

In the event the Commission decides to follow the Staff recommendation, in order to prevent irreparable harm to the Applicant and to me and the property, I respectfully request that no final action be taken to cancel Applicant's Temporary Permit to operate, and that Applicant be allowed to continue the Project pending a final decision on appeal.

Respectfully submitted.



Phillip Wayne Smith, Trustee/Lessor



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



Resolution

with

YUROK TRIBAL COUNCIL

RESOLUTION: 18-87
DATE APPROVED: November 9, 2018
SUBJECT: Ke'wet Ceremonial District

- WHEREAS:** The Yurok Tribe is a federally recognized Tribe; and
- WHEREAS:** The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993; and
- WHEREAS:** The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized Tribes; and
- WHEREAS:** The Yurok Constitution Article IV, Section 1(g), with certain conditions, authorizes the Tribal Chairperson to take such actions as are necessary to safeguard the health or safety of the Tribe from imminent danger pending action by the Tribal Council; and
- WHEREAS:** The Yurok Tribe has lived along the Klamath River, since the Spirit People, Wo-ge' made things ready for us and the Creator, Ko-won-no-ekc-on Ne-ka-nup-ceo, placed us here; and
- WHEREAS:** The Yurok Tribe has followed all the laws of the Creator from the beginning, which became the whole fabric of our tribal sovereignty; and
- WHEREAS:** In times past and now Yurok people bless the deep river, the tall redwood trees, the rocks, the mounds, and the trails. We pray for the health of all the animals, and prudently harvest and manage the great salmon runs and herds of deer and elk. we never waste and use every bit of the salmon, deer, elk, sturgeon, eels, seaweed, mussels, candlefish, otters, sea lions, seals, whales, and other ocean and river animals; and
- WHEREAS:** Yurok Tribal Council, by action March 22, 2018, designated the Ke'wet Ceremonial District, a Tribal Cultural Resource to be included to the Yurok Tribal Register and State Historic Register because of the features,

Attachment A

places, cultural landscapes, sacred places, and objects with cultural value to the Yurok Tribe; and

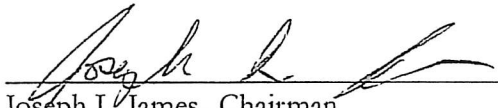
BE IT RESOLVED: That the Ke'wet Ceremonial District is a Tribal Cultural Resource; and

BE IT FURTHER RESOLVED: That the Ke'wet Ceremonial District be added Tribal Register and State Historic Register.

C*E*R*T*I*F*I*C*A*T*I*O*N

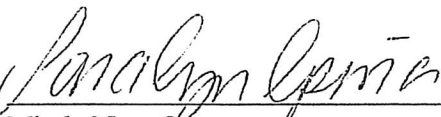
This is to certify that this Resolution was approved at a duly called meeting of the Yurok Tribal Council on November 9, 2018, at which a quorum was present and that this Resolution was adopted by at which a quorum was present and that this Resolution Number 18-87 was adopted by a vote of 5 for and 0 opposed and 0 abstentions in accordance with Article IV, Section 5 and Article IV, Section 1(g) of the Constitution of the Yurok Tribe. This Resolution Number 18- has not been rescinded or amended in any way.

DATED THIS 9 DAY OF November, 2018



Joseph L. James., Chairman
Yurok Tribal Council

ATTEST:



Mindy Natt, Secretary
Yurok Tribal Council

Attachment A

Department of Natural**Resources**

39051 Highway 96
Post Office Box 282
Orleans, CA 95556
Phone: (530) 627-3446
Fax: (530) 627-3448

Karuk Tribe

**Administrative Office**

Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

Orleans Medical Clinic

325 Asip Road
Post Office Box 249
Orleans, CA 95556
Phone: (530) 627-3452
Fax: (530) 627-3445

December 4, 2017

Re: Commercial Cannabis Cultivation Permit# 12834
APN: 530-102-004-000
Owner: Lucien J Smith for Saunders Lucien E Trust
Mailing Address: Box 620 HC 67, Hoopa CA. 95546

Lucien J Smith,

The Karuk Tribe has received your application filed as Application # 12834 under Humboldt County's Commercial Cannabis Cultivation Land Use Ordinance. In order for the Tribe to assess the scope of potential impacts this project may have on Karuk Cultural Resources, the Karuk Tribe requires the applicant to attend an initial consultation with Tribal Staff. An initial consultation meeting has been scheduled on **December 12, 2017 at 11:00am**, at the Karuk Dept. of Natural Resources building located at 39051 Highway 96, Orleans, CA.

Karuk requests that you provide a copy of the Humboldt County application during this meeting and any other relevant filings including those with State Water Resources Control Board Cannabis Cultivation water rights permit or registry, CalFire's Timberland Conversion Permit, Regional Water Quality Control Board's water quality regulatory program enrollment, Fish & Wildlife's streambed alteration permit, and any grading plans for site conditions such as concentrated areas of run-off, etc. Furthermore, during consultation we shall discuss next steps to evaluate the potential impact of your proposed project on Karuk Cultural Resources. This evaluation will be subject to reasonable fees and costs, associated herein. We have further attached our required agreement, sent to all applicants, so that you will have applicable time for review.

Please contact the Karuk Tribe to confirm your attendance at the scheduled date above. If you have any questions or unable to make the scheduled consultation date please contact **Earl Crosby** at (530) 469-3454 or ecrosby@karuk.us, prior to two (2) business days before consultation.

Yootva,

Leaf Hillman

Director, Natural Resources and Environmental Policy
Karuk Tribe

Attachment B'

**Department of Natural
Resources**

39051 Highway 96
Post Office Box 282
Orleans, CA 95556
Phone: (530) 627-3446
Fax: (530) 627-3448

Karuk Tribe



Administrative Office

Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

Orleans Medical Clinic

325 Asip Road
Post Office Box 249
Orleans, CA 95556
Phone: (530) 627-3452
Fax: (530) 627-3445

**Karuk Tribe
Agreement for Cultural Monitoring
Agreement Number: 17-A-**

This Cannabis Permit Agreement (“Agreement”) is made and entered into as of _____, by and between the **Karuk Tribe**, a federally recognized Indian tribe (“Karuk Tribe” or “Tribe”) and _____ (“_____” or “Applicant”) (Karuk Tribe and _____ may be referred to individually as “Party,” and collectively as the “Parties”).

Recitals

WHEREAS, the Parties have a shared concern over the safety and protection of cultural resources as determined by Karuk Tribal Council and/or Karuk Resource Advisory Board.

WHEREAS, the Karuk Tribe is a federally recognized tribe whose aboriginal lands are located within the proposed project area and that has a particular interest in preserving and safeguarding its own cultural resources and mitigating the impact the proposed project may have on Karuk Tribe’s cultural resources.

WHEREAS, in by signing this Agreement, _____ understands and agrees to submit to the jurisdiction of the Karuk Tribe.

WHEREAS, the Karuk Tribe offers its specialty in cultural resources surveying to ensure compliance of Karuk Tribal Law and Customs, California Cannabis laws, and Humboldt County Ordinances.

WHEREAS, the purpose of this Agreement is to formalize procedures and payment of tribal cultural resource surveying and monitoring for the Application #12834.

NOW, THEREFORE, the parties mutually agree as follows:

1. **Description of Services:** _____ hereby retains the Karuk Tribe to provide the services described in the attached Description of Services and Activities (Attachment 1).
2. **Duration:** The term of this Agreement shall be from the date of agreement execution throughout the period that _____ acquires and holds a valid California cannabis cultivation permit.

Attachment B²

3. **Compensation:** The Karuk Tribe will be compensated for the services provided for in the attached Description of Services and Activities, at rates described in the attached Fee Schedule. The Karuk Tribe requires the Applicant to pay a \$2,500 non-refundable deposit to be made the day of the execution of this Agreement. Services will be initially rendered from the deposit and any services performed beyond the deposit amount will be invoiced to the Applicant. Invoices for services will be sent to the Applicant within a reasonable time following the completion of services provided. Applicant will promptly pay the invoices upon receipt. The Tribal staff person responsible for overseeing this Agreement and approving invoices for payment shall be the Karuk Tribal Historic Preservation Officer or Department of Natural Resources and Environmental Director designee.
4. **Warranty of Ownership and Authorization:** _____ warrants and represents that the herein signed Applicant has the authority to enter into the Agreement, permit property access, and to perform in accordance with the terms herein.

Initials:

Owner with Record of Title

Representative of Owner

5. **Certification of Standard of Practice:** The Karuk Tribe assures _____ that the Tribe will supply trained and qualified tribal employees for satisfactory completion of the activities described in the Description of Services and Activities.
6. **Indemnity:** _____ shall hold harmless, defend and indemnify the Tribe and the Tribe's respective agents and employees from and against any all claims, demands, losses, damages, liabilities, and reasonable expenses and costs arising out of, or in connection with the performance of the services as described in the Description of Services and Activities, attached. The Tribe makes no indemnity or hold harmless agreement to _____.
7. **Confidential Information:** In the performance of the Agreement, each party may receive information that is confidential under tribal, local, state, and federal law. Each Party hereby agrees not disclose directly or indirectly any confidential information, knowledge or data acquired by virtue of this Agreement without the prior written approval of the other party. Each party agrees to take reasonable precautions to protect such confidentiality. It is understood and agreed by the Parties that the obligations set forth in this section shall survive the expiration or termination of the Agreement.
8. **Karuk Intellectual Property:** All Karuk cultural resources are subject to Karuk intellectual property laws. It is understood and agreed by the Parties that this section of the Agreement shall survive the expiration or termination of the Agreement.
9. **Cultural Resources Ownership:** It is agreed between the Parties that any Karuk cultural resources found during the performance of the services and activities, may be communally owned by the Karuk Tribe and that both parties shall comply with Tribal

Attachment B³

law. Ownership, if established, shall survive the expiration or termination of this Agreement.

10. **Access to Property:** _____ agrees and authorizes Karuk Tribe and its applicable employees or agents to access and enter the property listed in the Application, and any future land within or adjacent to the listed parcel added to the permit, during normal business hours only for the purposes described in the attached Description of Services and Activities and to determine the proposed project's potential effect on Karuk Tribal Cultural Resources.
11. **Annual Inspection:** _____ agrees to permit Karuk Tribe and its applicable employees or agents to enter the property once a year for the sole purpose of ensuring a continuance of compliance of applicable law. The Karuk Tribe will provide at least seven (7) days' notice to the Applicant. In finding compliance, the Karuk Tribe will support _____, so far as cultural resources protection requirements, in its renewal applications.
12. **Dispute Resolution:** The Parties agree to first attempt to resolve any disputes amicably and in good faith through negotiation. If resolution cannot be reached, the Parties agree to the jurisdiction of the Karuk Tribe and shall bring their dispute to Karuk Tribal Court to resolve any dispute or claim arising from this Agreement.
13. **Non-Assignability:** This Agreement may not be assigned or transferred by either Party without the prior written approval of the other Party.
14. **Termination:** This Agreement may be terminated at any time, with or without cause, by either Party, upon thirty (30) days' notice in writing. Tribe shall invoice _____ within thirty (30) days of Agreement termination for work performed up to the termination date. Termination prior to a full report being conducted, however, may result in a denial recommendation by the Karuk Tribe.
15. **Complete Agreement:** This Agreement constitutes the entire Agreement between the Parties, and no amendment or modification hereof shall be effective unless reduced to writing and signed by both Parties.
16. **Severability:** Should any provision of this Agreement be held invalid or unenforceable, such a holding shall not affect the validity or enforceability of any other provision thereof.
17. **Sovereign Immunity:** Nothing in this Agreement shall be construed or interpreted to relinquish the sovereign immunity of the Tribe.
18. **Contact Parties:**

TRIBE: Alex Watts-Tobin
THPO/Archeologist, Karuk Tribe

Attachment B

39051 Hwy 96, PO Box 282
Orleans, CA 95556

[Contact Information for other Party]

Signed:

Karuk Tribe

Date:

Signed:

[NAME OF PARTY]

Date

Attachment 1

Description of Services and Activities (Scope of Work)

1. To determine the impact of cannabis cultivation operations on Tribal Cultural Resources and identify any potential avoidance, minimization, or mitigation measures deemed appropriate. This shall include, but is not limited to, surveying, inspecting, and mapping the project area.
2. Write up findings in a Report to be sent to Humboldt County Planning Commission Officer.
3. Comply with all applicable Tribal, Federal, State, and County laws and regulations.

Attachment B4

Phil Smith, the Brier Patch on the Klamath River

HC 67 Box 620, Hoopa, CA 95546-9601, SYPE Phone: 530-324-2902

E-mail: pro.tec@frontier.com

December 7, 2017

Leaf Hillman, Director
Natural Resources and Environmental Policy
Karuk Tribe of California
Post Office Box 1016
Happy Camp, CA 96039

Re: Commercial Cannabis Permit, Humboldt County, No.: 12834
Request to Submit to the Jurisdiction of the Karuk Tribe of California
Your Letter Dated December 4, 2017 to Lucien J. Smith, Lucien E. Saunders Trust.

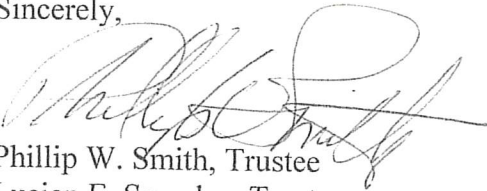
Dear Director Hillman:

Leaf, please be advised that I am the Trustee for the Lucien E. Saunders Trust and writing in that capacity, please know that I will not submit any of the Trust property to the jurisdiction of the Karuk Tribe.

We are not under the Tribe's jurisdiction and our property is not under the Tribe's jurisdiction. As nonmembers of the Tribe, we have no standing before the Tribe's governing body, cannot vote and are not represented by anyone on the Tribal Council. It is all we can do to comply with the myriad agencies costs, laws and regulations that do have jurisdiction, and we simply will not submit to the Tribe's jurisdiction. Your letter "requires" a meeting with the Tribe. We won't be there.

I find it interesting that you would think I, or anyone else for that matter, would sign the adhesion agreement you enclosed with your letter. I never enter an agreement when I don't have a say in its development through representation or personal participation.

Sincerely,



Phillip W. Smith, Trustee
Lucien E. Saunders Trust

cc: Humboldt County Planning Department

Attachment B⁵



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548
(707) 482-1350 Fax (707) 482-1365

Date: January 19, 2018

Re: Commercial Cannabis Cultivation Permit
APN #: 530-102-004
Applicant / Owner: Lucien Saunders / Bluff Creek Company
Address: Post Office Box 620 HC 67
Hoopa, CA 95546

CC: John Ford
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

Mr. Saunders / Bluff Creek Company,

The Yurok Tribe has been notified of an application filed under Humboldt County's Commercial Cannabis Cultivation Land Use Ordinance. In order for the Tribe to assess the scope of impacts to Yurok territory, the Yurok Tribe is requiring a consultation with Yurok Tribe's Tribal Historic Preservation Officer.

Before consultation we are requesting you to complete the Tribal application form for consultation go to www.yuroktribe.nsn.us, Planning Dept. , Cannabis Task Force, and Yurok RRR Site Remediation Application, provide an application fee of \$2,500 (started on Jan. 1, 2018), and to provide a copy of the Humboldt County application to include filing with State Water Resources Control Board Cannabis Cultivation water rights permit or registry, CalFire's Timberland Conversion Permit, Regional Water Quality Control Board's water quality regulatory program enrollment, Fish & Wildlife's streambed alteration permit, and any grading plans for site conditions such as concentrated areas of run-off, etc., as determined applicable to your parcel.

Failure to show a good faith effort towards consultation will result in a categorical denial to Humboldt County in regards to the Yurok Tribe's review process. Please contact the Yurok Tribe's Cannabis Task Force email: cannabistaskforce@yuroktribe.nsn.us if you have any questions.

Thank you,
Cannabis Task Force
Planning & Community Development
Yurok Tribe

Attachment B

The Bluff Creek Company, Inc.,
A California Nonprofit Mutual Benefit Corporation
Corporation Number C3854447
HC 67 Box 620, Hoopa, CA 95546-9601, Cell Phone: 443-889-6634
E-mail: lucien@bluffcreekco.com

January 25, 2018

Cannabis Task Force
Yurok Tribe
Post Office Box 1027
Klamath, CA 95548

Re: Commercial Cannabis Cultivation Permit No. : 12834
Humboldt County APN 530-102-004
The Bluff Creek Company, Inc.
Tribal Letter Dated January 19, 2018

To Whom It May Concern:

I am the President of Bluff Creek Company, Inc., a mutual benefit corporation organized pursuant to the laws of the State of California, and my Company cultivates cannabis on the above-referenced parcel pursuant to California and County law. It is the Board's position that the Yurok Tribe does not have jurisdiction over our Company or our business, and we do not submit to the Tribe's jurisdiction.

Anyone has the right to object to the issuance of our permit, and we suspect the Tribe may do so, but be advised, we do not believe the Tribe has the right to intentionally interfere with our contractual relationships with the State, County and others with whom we are lawfully engaged. We believe your demand for \$2,500.00 as a processing fee, and your threat to recommend "a categorical denial" of our permit if we do not submit to the Tribe's jurisdiction is tantamount to extortion. We are prepared to discuss publicly the Tribe's lack of jurisdiction whenever necessary.

Sincerely,

Lucien J. Smith, President
The Bluff Creek Company, Inc.

cc: Humboldt County Planning Department

Attachment R1



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548
(707) 482-1350 Fax (707) 482-1365

July 26, 2018

Re: Commercial Cannabis Cultivation Permit Application

APN: 530-102-004-000

Owner: Lucien E Saunders Trust

HC 67 BOX 620

HOOPA, CA 95546

Aiy-ye-kwee' Mr. Saunders,

The Yurok Tribe is responsible for protecting lands that hold cultural and environmental significance within the Yurok Ancestral Territory. The commercial cultivation application submitted under Humboldt County's Commercial Cannabis Cultivation Land Use Ordinance requires review of the impacts on Yurok communities and Indian lands.

We have completed a review of your application and have determined that the impacts of cannabis cultivation will cause a substantial adverse change in cultural resources that cannot be mitigated. We therefore must deny your application for a cultivation permit.

Wok-hlew',

A handwritten signature in blue ink, appearing to read 'F. Myers', with a horizontal line drawn through it.

Frankie Myers,
Tribal Heritage Preservation Officer
Yurok Tribe

Cc. John Ford, Director, Planning and Building Dept. Humboldt County
The Bluff Creek Company Inc. HC 67 Box 620, Hoopa, CA 95546

Attachment R8

Code: Section: [Up^](#) [<< Previous](#) [Next >>](#)[cross-reference chaptered bills](#)[PDF](#) | [Add To My Favorites](#)**PUBLIC RESOURCES CODE - PRC****DIVISION 5. PARKS AND MONUMENTS [5001 - 5873]** (*Division 5 added by Stats. 1939, Ch. 94.*)**CHAPTER 1. State Parks and Monuments [5001 - 5077.8]** (*Chapter 1 added by Stats. 1939, Ch. 94.*)**ARTICLE 2. Historical Resources [5020 - 5029.6]** (*Heading of Article 2 amended by Stats. 1974, Ch. 1156.*)

- 5024.1.** (a) A California Register of Historical Resources is hereby established. The California Register is an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The commission shall oversee the administration of the California Register.
- (b) The California Register shall include historical resources determined by the commission, according to procedures adopted by the commission, to be significant and to meet the criteria in subdivision (c).
- (c) A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:
- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
 - (2) Is associated with the lives of persons important in our past.
 - (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
 - (4) Has yielded, or may be likely to yield, information important in prehistory or history.
- (d) The California Register shall include the following:
- (1) California properties formally determined eligible for, or listed in, the National Register of Historic Places.
 - (2) State Historical Landmark No. 770 and all consecutively numbered state historical landmarks following No. 770. For state historical landmarks preceding No. 770, the office shall review their eligibility for the California Register in accordance with procedures to be adopted by the commission.
 - (3) Points of historical interest which have been reviewed by the office and recommended for listing by the commission for inclusion in the California Register in accordance with criteria adopted by the commission.
- (e) If nominated for listing in accordance with subdivision (f), and determined to be significant by the commission, the California Register may include the following:
- (1) Individual historical resources.
 - (2) Historical resources contributing to the significance of an historic district under criteria adopted by the commission.
 - (3) Historical resources identified as significant in historical resources surveys, if the survey meets the criteria listed in subdivision (g).
 - (4) Historical resources and historic districts designated or listed as city or county landmarks or historic properties or districts pursuant to any city or county ordinance, if the criteria for designation or listing under the ordinance have been determined by the office to be consistent with California Register criteria adopted by the commission.
 - (5) Local landmarks or historic properties designated under any municipal or county ordinance.
- (f) A resource may be nominated for listing as an historical resource in the California Register in accordance with nomination procedures adopted by the commission, subject to all of the following:
- (1) If the applicant is not the local government in whose jurisdiction the resource is located, a notice of nomination in the form prescribed by the commission shall first be submitted by the applicant to the clerk of the local government. The notice shall request the local government to join in the nomination, to provide comments on the

Attachment C

nomination, or if the local government declines to join in the nomination or fails to act upon the notice of nomination within 90 days, the nomination may be submitted to the office and shall include any comments of the local government.

(2) Prior to acting on the nomination of a survey, an individual resource, an historic district, or other resource to be added to the California Register, the commission shall notify property owners, the local government in which the resource is located, local agencies, other interested persons, and members of the general public of the nomination and provide not less than 60 calendar days for comment on the nomination. The commission shall consider those comments in determining whether to list the resource as an historical resource in the California Register.

(3) If the local government objects to the nomination, the commission shall give full and careful consideration to the objection before acting upon the nomination. Where an objection has been raised, the commission shall adopt written findings to support its determination concerning the nomination. At a minimum, the findings shall identify the historical or cultural significance of the resource, and, if applicable, the overriding significance of the resource that has resulted in the resource being listed in the California Register over the objections of the local government.

(4) If the owner of a private property or the majority of owners for an historic district or single property with multiple owners object to the nomination, the commission shall not list the property as an historical resource in the California Register until the objection is withdrawn. Objections shall be submitted to the commission by the owner of the private property in the form of a notarized statement certifying that the party is the sole or partial owner of the property, and that the party objects to the listing.

(5) If private property cannot be presently listed in the California Register solely because of owner objection, the commission shall nevertheless designate the property as eligible for listing.

(g) A resource identified as significant in an historical resource survey may be listed in the California Register if the survey meets all of the following criteria:

(1) The survey has been or will be included in the State Historic Resources Inventory.

(2) The survey and the survey documentation were prepared in accordance with office procedures and requirements.

(3) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

(4) If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources which have become eligible or ineligible due to changed circumstances or further documentation and those which have been demolished or altered in a manner that substantially diminishes the significance of the resource.

(h) Upon listing an historical resource or determining that a property is an historical resource that is eligible for listing, in the California Register, the commission shall notify any owner of the historical resource and also the county and city in which the historical resource is located in accordance with procedures adopted by the commission.

(i) The commission shall adopt procedures for the delisting of historical resources which become ineligible for listing in the California Register.

(Added by Stats. 1992, Ch. 1075, Sec. 4. Effective January 1, 1993.)

Attachment C