

From: [Jana Ganion](#)
To: [Planning Clerk; Johnson, Cliff](#)
Cc: ted@wiyot.us; michelle@wiyot.us; [Adam Canter](#); [Melanie McCavour](#); melissa.kraemer@coastal.ca.gov
Subject: Blue Lake Rancheria Comments on Schneider Coastal Development Permit Modification
Date: Wednesday, August 17, 2022 11:25:06 AM
Attachments: [BLR Comments Schneider CDP Mod 8.17.2022.pdf](#)

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Dear Humboldt County Planning Commission, Mr. Ford, and Mr. Johnson,

Attached please find additional comments from the Blue Lake Rancheria Tribe regarding the Schneider Coastal Development Permit Modification on the agenda for the August 18, 2022 Planning Commission meeting.

Thank you,

Jana

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["Honoring Nations" Award Harvard Project on American Indian Economic Development](#)
["Amid shut-off woes, a beacon of energy" Washington Post 2020](#)
[FEMA John D. Solomon "Whole Community Preparedness" Award](#)
["Climate Action Champion" White House and U.S. Department of Energy](#)
[Blue Lake Rancheria Case Study, U.S. Climate Resilience Toolkit](#)

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August 17, 2022

Humboldt County Planning Commission

Mr. John Ford, Director

Cliff Johnson, Supervising Planner

Planning and Building Department

County of Humboldt

3015 H Street, Eureka, CA 95501

Via Email: Planningclerk@co.humboldt.ca.us and cjohnson@co.humboldt.ca.us

**Re: Schneider Coastal Development Permit Modification; Record Number PLN-17762 (filed 05/12/2022)
Assessor's Parcel Number: 402-171-030, 402-171-029 Eureka/Indianola Area; Date of Planning
Commission Hearing 8/18/2022**

Dear Commissioners, Mr. Ford, and Mr. Johnson,

The Blue Lake Rancheria ("Tribe") respectfully submits these additional comments regarding the Schneider Coastal Development Permit Modification; Record Number PLN-17762 (filed 05/12/2022) Assessor's Parcel Number: 402-171-030, 402-171-029 Eureka/Indianola Area, the Humboldt County Planning and Building Department staff report Attachment 1 Conditions of Approval for the modifications to the Coastal Development Permit and Special Permit, and related materials and actions.

These comments follow significant work by the Wiyot-area Tribal Nations and their Tribal Historic Preservation Officers (THPOs), the County Planning Department, and the California Coastal Commission to address the violations of these permits and the permit holder's problematic County-approved use of Alternate Owner Builder (AOB) framework.

These comments incorporate and refer to prior submissions to County Planning Department, including THPO edits to the staff report "Attachment 1 Conditions of Approval for the modifications to the Coastal Development Permit and Special Permit," sent to the County Planning Department via email on 8/15/2022, the Final Confidential Tribal Cultural Resources Report with Attachments sent to the County Planning Department via email on 6/6/2022, the Final BLR Letter Re Schneider sent to the County Planning Department via email on 2/11/2022, and the Joint Tribal Comments CDP Mod PLN 2022 17762 sent via email to the County Planning Department on 7/26/2022.

While the draft revised Conditions of Approval (COA) incorporate the majority of the corrective activities suggested by the THPOs, there is insufficient time to adequately review and provide comments on all components and documents referred to in the COA, and it remains unclear how the revised conditions will be implemented, monitored, and if necessary enforced. It is insufficient to defer the details of the conditions, and processes by which these revised conditions will be deployed, given the history of non-compliance and

lack of oversight in this situation. The Alternate Owner Builder permit must be revoked in this circumstance, due to lack of inspections and non-compliance with terms of the permits. As the Tribe understands it this would occur by separate action by the Humboldt County Board of Supervisors, and the Tribe urges the County Planning Department to lead and complete that process in parallel to the revised COA action. Analysis is needed to determine how much development has occurred inside the 100-foot setback, including lands under the jurisdiction of the California Coastal Commission and the Coastal Act. Initial analysis (8/25/22 by Jack Henry) stated 105-feet measured to corner of house, however, the measurement should be verified from the bottom and lower southern edge of the fill prism the house is located on.

Additionally, the Tribe's THPO has been asked by the County to provide comments on the Restoration Plan (8/25/22 by Jack Henry), which has not been possible to date due to time constraints. The Tribe has not seen the County's review of the comments provided by the California Coastal Commission on the Restoration Plan, and requests the County provide a written response. Work remains to add required processes, governance, and structure detail to the Restoration Plan, including but not limited to the following. Three Environmentally Sensitive Habitat Areas (ESHAs) have been proposed by the THPOs, yet only one is identified in the Henry Restoration Plan. The ESHAs include the Tribal Cultural Resources (TCR) ESHA - to be identified and recorded as the conservation easement and deeded to the three Wiyot area Tribes and managed by the Wiyot Land Trust; the blackberry ESHA; and the wetland ESHA. The latter two ESHAs must also be identified, mapped, and have detailed restoration plans vetted by the Tribes, County, California Coastal Commission, and others as appropriate. The three ESHAs likely have some overlap with each other. For the TCR ESHA, a management plan must be written, to include the proposed monitoring plan and implemented for the first three (3) years by Tribe(s) managing the Land Trust, including processes and penalties related to trespass.

The Tribe(s) and their recommended consultants will need to be compensated for the unexpected and extraordinary amount of work these issues have required, due to the tasks remaining to provide definition to the revised conditions, risks of further violations, and prior history of inadequate monitoring and oversight. Tribal THPOs will need to continue in this work to protect the relevant sites from damage.

As the County and others consider this set of issues, the Tribe expects information on tribal cultural resources and sites to be kept confidential as required by law to prevent theft and/or other damage.

Please contact Janet Eidsness, Blue Lake Rancheria THPO at jpeidsness@yahoo.com for more information as needed.

Regards,

/s/

Jason Ramos
Tribal Council Member
Tribal Administrator

Cc:

The Honorable Ted Hernandez, Tribal Historic Preservation Officer, Wiyot Tribe

Michelle Vassal, Tribal Administrator, Wiyot Tribe

Adam Canter, Environmental Department Director, Wiyot Tribe

Melanie McCavour, Tribal Historic Preservation Officer, Bear River Band of the Rohnerville Rancheria

Melissa Kraemer, California Coastal Commission