



10/23/2018

John Ford, Director
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

NCR VII, LLC
530-151-005
CUP16
in Yurok
District.

COPY



Re: Commercial Cannabis Cultivation Permit APPS # 11544

Ayukii (hello) Mr. Ford,

The Karuk Tribe writes to you regarding its cultural resources inspection for commercial cannabis cultivation application (APPS # 11544). The proposed cultivation site falls within a Karuk Area of Traditional Tribal Cultural Affiliation and as a result requires a cultural resource inspection. This inspection is in accordance with Humboldt County's Commercial Cannabis Land Use Ordinance ("Cannabis Ordinance") which provides for government-to-government consultation with federally recognized tribes over cannabis operations which impact their tribal cultural resources. As a result of coordination meetings between the Karuk Tribe and Humboldt County Planning and Building Staff, Karuk tribal representatives explained that the tribe would have a process for entering into agreements with applicants to perform cultural resource inspections of proposed cannabis cultivation operations that are within a Karuk Area of Traditional Tribal Cultural Affiliation to ensure the protection of Karuk cultural resources.

☐ Consistent with this tribal process, an agreement was signed on (_____) between the Karuk Tribe and the Applicant to conduct this inspection. An inspection was completed by tribal cultural monitors on (_____. During this inspection we determined that the cultivation area was less than 600 feet from a Karuk Cultural Resource. The applicant voluntarily entered into a mitigation plan with the Tribe which meets the intent of Section 55.4.6.4.4 (c) of the Cannabis Ordinance.

☐ Consistent with this tribal process, an agreement was signed on (_____) between the Karuk Tribe and the Applicant to conduct this inspection. An inspection was completed by tribal cultural monitors on (_____. During this inspection we determined that the cultivation area was at least 600 feet from a Karuk Cultural Resource as required by the Section 55.4.6.4.4 (c) of the Cannabis Ordinance. However, we found that the cultivation site will have an effect on certain Karuk Cultural Resources. As a result, we request that a cannabis permit be denied unless the applicant voluntarily enters into a mitigation plan with the Tribe.

☐ Consistent with this tribal process, an agreement was signed on (_____) between the Karuk Tribe and the Applicant to conduct this inspection. An inspection was completed by tribal cultural monitors on (____). During this inspection we determined that the cultivation area was less than 1000 feet from a Karuk Ceremonial Site which violates Section 55.4.6.4.4 (d) of the Cannabis Ordinance. As a result, we request that a cannabis permit be denied unless the applicant voluntarily enters into a mitigation plan with the Tribe.

☐ Consistent with this tribal process, an agreement was signed on (_____) between the Karuk Tribe and the Applicant to conduct this inspection. An inspection was completed by tribal cultural monitors on (____). During this inspection we determined that the cultivation area was less than 1000 feet from a Karuk Ceremonial Site which violates Section 55.4.6.4.4 (d) of the Cannabis Ordinance. We request that a cannabis permit be denied as there is no suitable mitigation measure at this time.

☒ The proposed cannabis cultivation operations are within the Karuk Area of Traditional Tribal Cultural Affiliation. We have determined that the cultivation area was at least 600 feet from a Karuk Cultural Resource per Section 55.4.6.4.4 (c) of the Cannabis Ordinance. Negative impacts of the proposed operation upon cultural resources are occurring and will continue to occur; as a result, the cannabis permit must be denied.

☐ Consistent with this tribal process, an agreement was signed on (_____) between the Karuk Tribe and the Applicant to conduct this inspection. An inspection was completed by tribal cultural monitors on (____). During this inspection we determined that the cultivation area was more than 600 feet from a Karuk Cultural Resource and had no discernable impact on cultural resources.

In conclusion, we request that the County comply with applicable federal and state law regarding the protection of tribal cultural resources, and the Cannabis Ordinance, and implement the Karuk recommendations contained in this letter regarding APPS# 11544. Please contact **Earl Crosby** at (530) 469-3454 or ecrosby@karuk.us of the Karuk Tribe Department of Natural Resources to discuss any of these recommendations.

Yootva (thank you),



Leaf Hillman
Chairman
Karuk Resource Advisory Board
39051 Hwy 96, PO Box 282
Orleans, CA 95556

Cc: Caitlin Castellano, Planner, Cannabis Services Planning & Building | Humboldt County, CA



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

m-referral

6/1/2023

Project Referred To The Following Agencies:

Yurok Tribe, Karuk Tribe, Cal Fish & Wildlife, NCUAQMD, US Forest Service: Six Rivers, Environmental Health, NWIC, County Counsel, Cal Fish & Wildlife, Karuk Tribe, RVQCB, NCUAQMD, District Attorney, AG Commissioner, CA Division of Water Rights, School District: Klamath Trinity Joint Unified SD, PW Land Use, CalFire, Yurok Tribe, Corps of Engineers, Sheriff, Building Inspections

Applicant Name Key Parcel Number 530-151-005-000

Application (APPS#) PLN-11544-CUP **Assigned Planner** Megan Acevedo

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than: 6/16/2023

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☒ Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

6.16.23

Michael GERRACE

DATE:

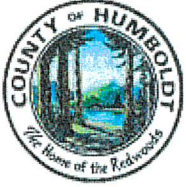
PRINT NAME:

To: Humboldt County Planning Clerk
ATTN: Megan Acevedo, Planner II
From: Michael Gerace, Yurok Tribe Director of Planning and Community Development
Re: PLN-11544-CUP (APN# 530-151-005)

The Yurok Tribe recommends denial of PLN-1154-CUP. Please find a list of justifications for this recommendation below.

- The boundaries of the Kewet Ceremonial District, a cultural resource recognized by both Humboldt County and the Yurok Tribe, extend hundreds of feet into parcel 530-151-005. While the proposed grow area is outside of the District, its proximity to the District would be detrimental to nearby Yurok cultural practices. Furthermore, the Yurok Tribes cultural use of the Bee Mountain area extend well beyond the boundaries of the Kewet District and considers the entire region to be sacred.
- The Yurok Tribe has determined that the biological assessment associated with this project requires more scrutiny.
- The proposed project would impose a heavy environmental burden. The Bluff Creek Watershed has already been negatively impacted by a history of illegal cannabis cultivation and, as is the case with the Yurok Reservation in general, it remains stressed by ongoing drought. The State of California's drought emergency declaration stands within the Klamath River Watershed.
- The project would source water from a water storage pond that was erroneously permitted by Humboldt County. In the Tribe's opinion, this pond is noncompliant, a threat to the local ecosystem, and unallowable.
- The grow area was also cleared without a Timber Harvest Plan and associated, required, permits.
- The history of non-compliance on this parcel disqualifies the applicant from being a trusted, permittable member of the Weitchpec area community.
- The Tribe is also aware of the criminal history surrounding this site. There is no reason to believe such activities would not persist should this application be approved.

Thank you for your consideration.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

re-refer

6/1/2023

Project Referred To The Following Agencies:

Yurok Tribe, Karuk Tribe, Cal Fish & Wildlife, NCUAQMD, US Forest Service: Six Rivers, Environmental Health, NWIC, County Counsel, Cal Fish & Wildlife, Karuk Tribe, RWQCB, NCUAQMD, District Attorney, AG Commissioner, CA Division of Water Rights, School District: Klamath Trinity Joint Unified SD, PW Land Use, CalFire, Yurok Tribe, Corps of Engineers, Sheriff, Building Inspections

Applicant Name Key Parcel Number 530-151-005-000

Application (APPS#) PLN-11544-CUP **Assigned Planner** Megan Acevedo

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

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☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than: 6/16/2023

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☒ Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

6.16.23

MICHAEL GERACE

DATE:

PRINT NAME:



COUNTY OF HUMBOLDT
Planning and Building Department – Current Planning
3015 H Street, Eureka, CA 95501 ~ PHONE (707) 445-7541
PROJECT TRANSMITTAL

APPLICANT KEY PARCEL 530-151-005-000 DATE 6/1/2023 CONTACT Megan Acevedo APPS# PLN-11544-CUP

PROJECT INFORMATION

SUBJECT Bee Kind Farms, LLC - CUP for up to 43,560 sf of existing outdoor cannabis cultivation

PROJECT TYPE Conditional Use Permit (CCLUO1), Special Permit (CCLUO1)

PROJECT DESCRIPTION An application for a Conditional Use Permit for 29,500 square feet of existing outdoor cannabis cultivation and up to 14,060 of existing cultivation being relocated from a parcel immediately south.. Water for irrigation is sourced from a rainwater catchment pond. Processing, including drying and trimming, occurs in an existing on-site facility. Electricity is sourced from generator power.

PROJECT LOCATION

PRESENT PLAN DESIGNATIONS

PRESENT ZONING

KEY PARCEL NUMBER 530-151-005-000

ADDITIONAL PARCEL #S

APPLICANT INFORMATION

Name
Address 1 Tysen Wyman
Address 2 PO Box 614
City Loleta **State** CA **Zip** 95551
Phone (707)672-3708 **E-Mail**
tysen_w@yahoo.com

OWNER INFORMATION

Name Bee Kind Farms Llc Co
Address 1
Address 2 Po Box 614
City Loleta **State** CA **Zip** 95551
Phone **E-Mail**

AGENT INFORMATION

Name
Address 1
Address 2
City **State** **Zip**
Phone **E-Mail**

ADDITIONAL PROJECT INFORMATION

ADDITIONAL OWNERS

DECISION MAKER Planning Commission

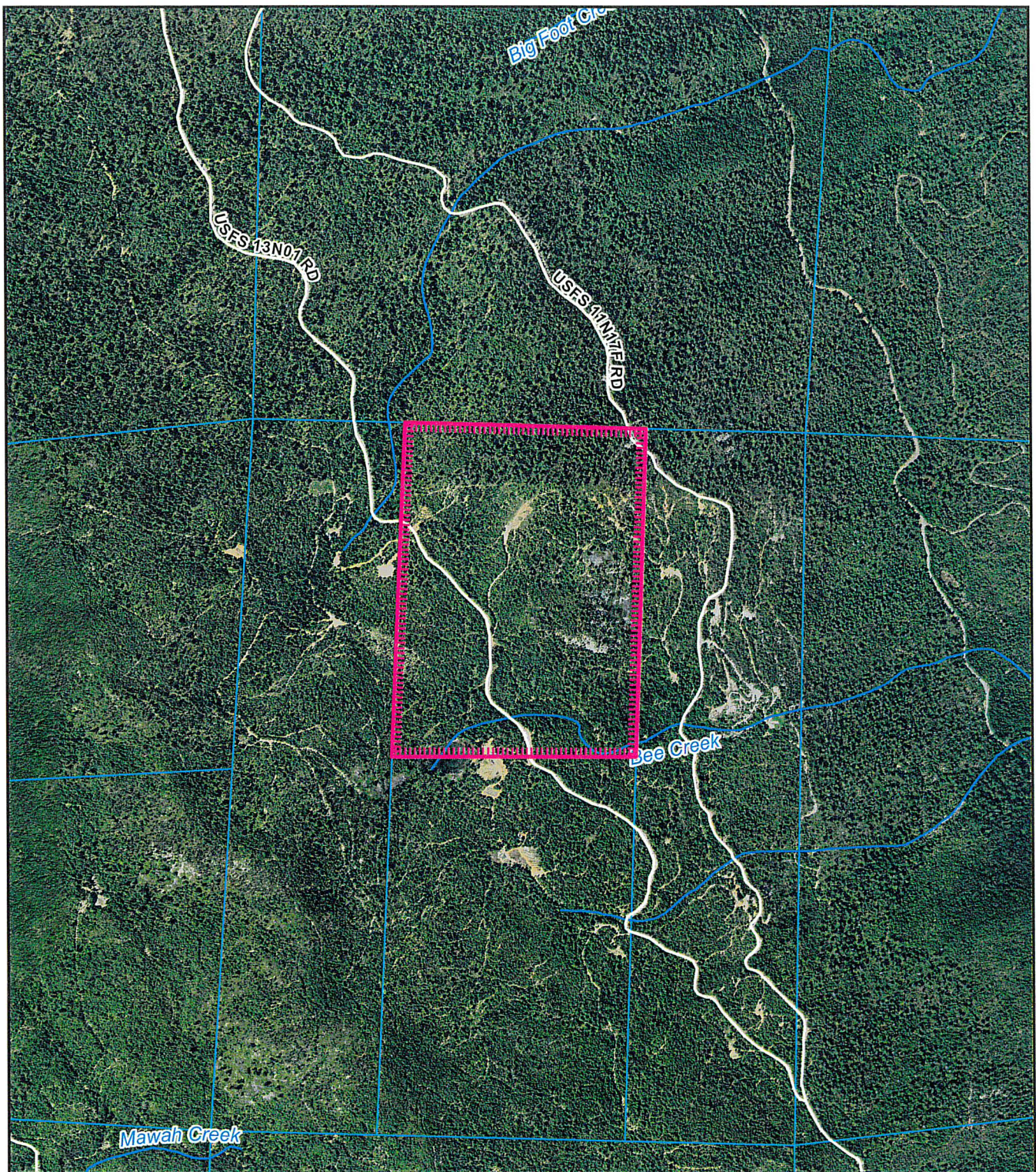
ENVIRONMENTAL REVIEW REQUIRED? No

MAJOR ISSUES None

STATE APPEAL STATUS Project is NOT appealable to the California Coastal Commission

PRELIMINARY CEQA FINDINGS

CEQA EXEMPTION SECTION

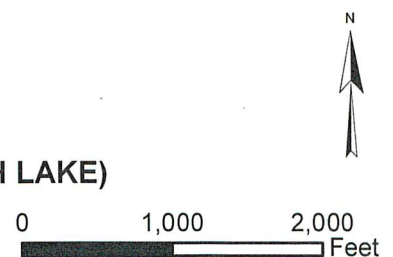


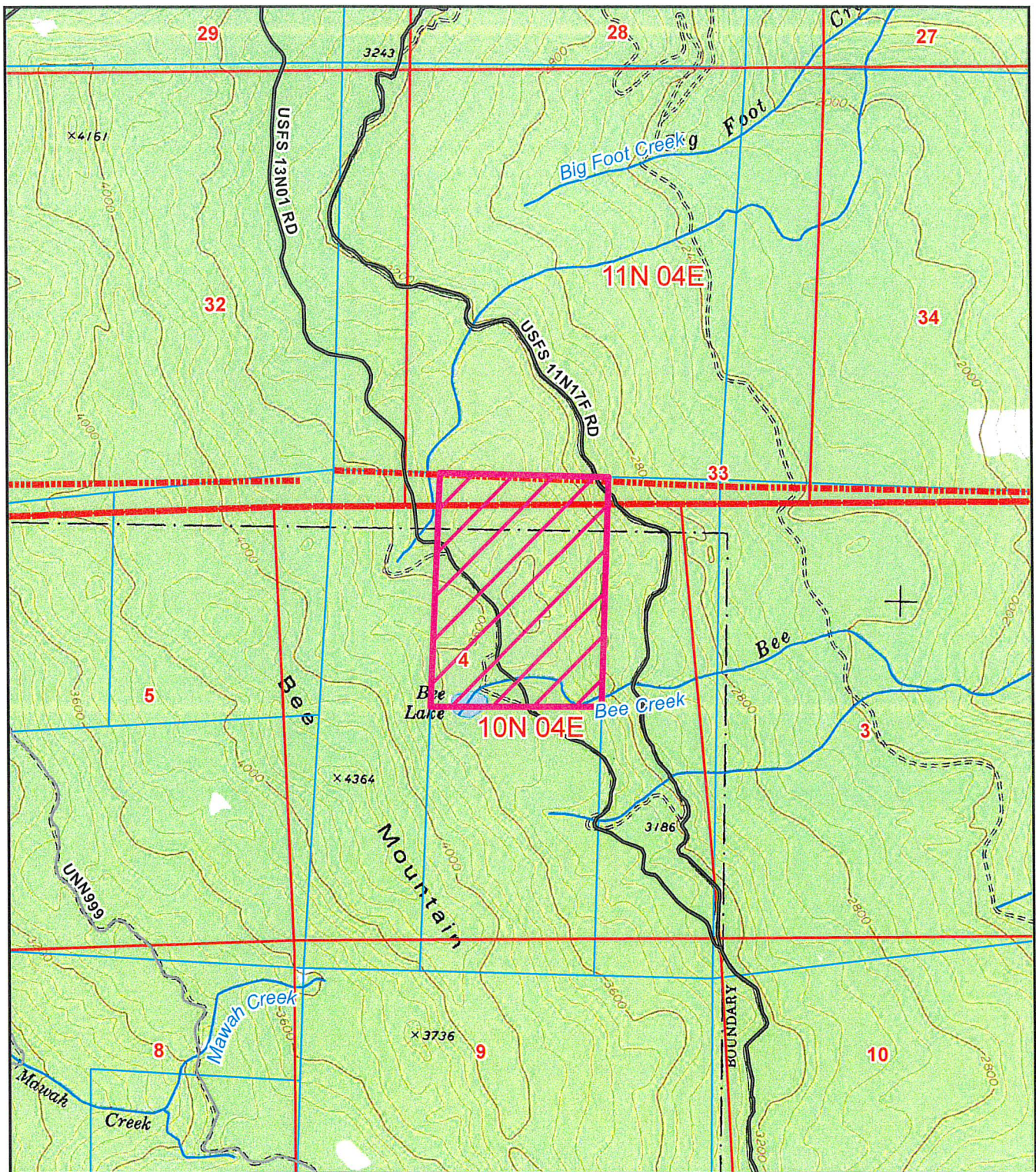
Project Area = 

AERIAL MAP
PROPOSED NCR VII, LLC
WEITCHPEC AREA
CUP-16-285
APN: 530-151-005

T11N R04E S33; T10N R04E S4 HB&M (FISH LAKE)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



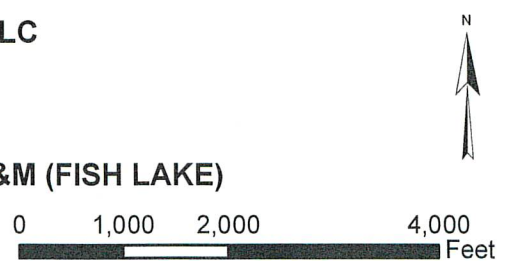


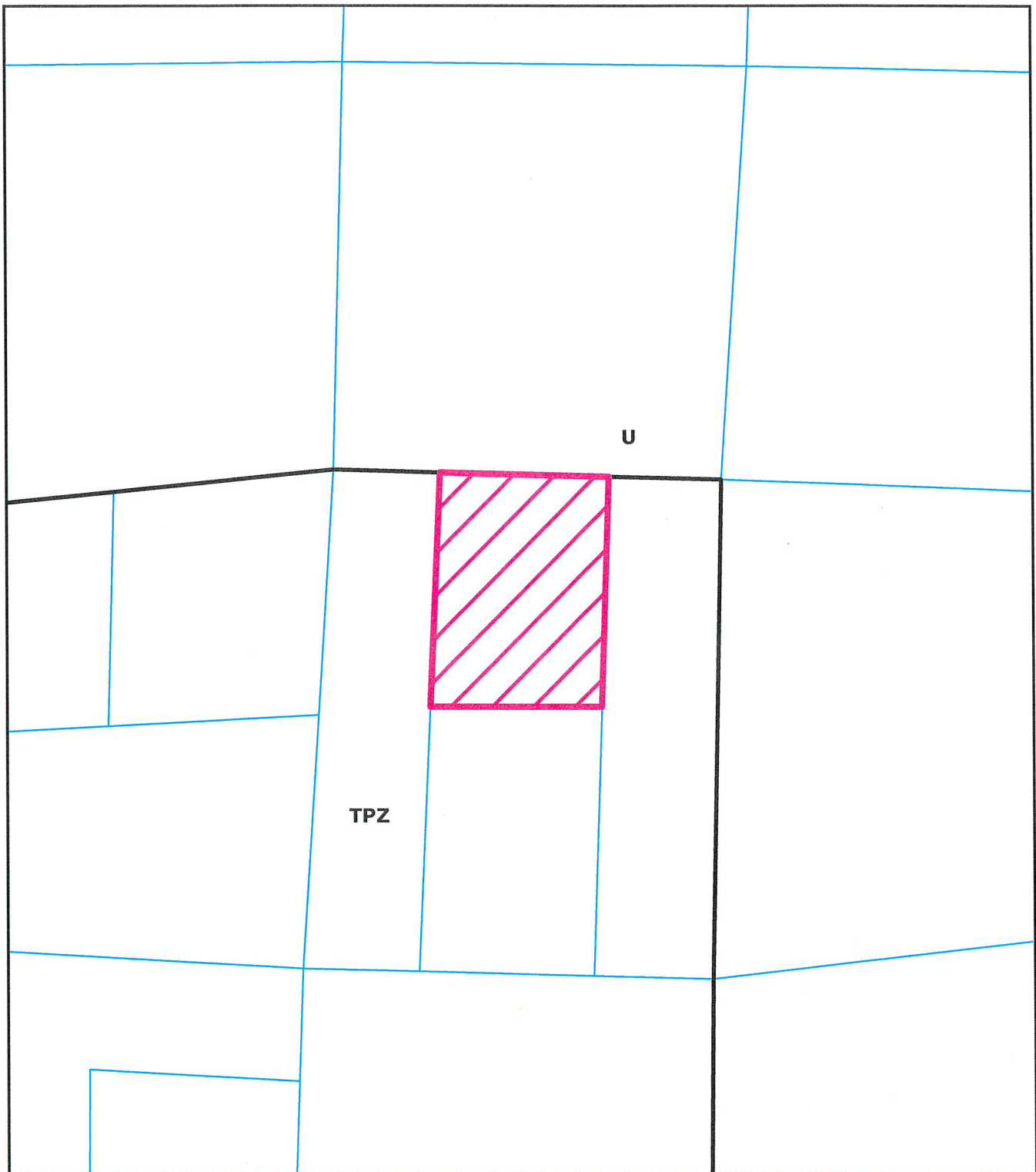
Project Area = 

TOPO MAP
PROPOSED NCR VII, LLC
WEITCHPEC AREA
CUP-16-285
APN: 530-151-005

T11N R04E S33; T10N R04E S4 HB&M (FISH LAKE)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



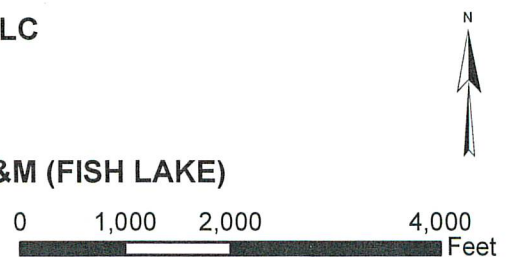


Project Area = 

**ZONING MAP
PROPOSED NCR VII, LLC
WEITCHPEC AREA
CUP-16-285
APN: 530-151-005**

T11N R04E S33; T10N R04E S4 HB&M (FISH LAKE)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





YUROK TRIBE

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



July 10, 2018

Re: Commercial Cannabis Cultivation Permit

Application APN: 530-151-005-000

Owner: Nick Vigil

PO Box 5133

Arcata CA 95518

11544
CUP16-285

Aiy-ye-kwee' Mr. Vigil

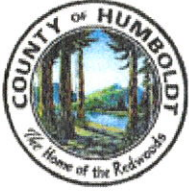
The Yurok Tribe is responsible for protecting lands that hold cultural and environmental significance within the Yurok Ancestral Territory. The commercial cultivation application submitted under Humboldt County's Commercial Cannabis Cultivation Land Use Ordinance requires review of the impacts on Yurok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

Frankie Myers,
Tribal Heritage Preservation Officer
Yurok Tribe

Cc: John Ford, Director Planning and Building Department, Humboldt County
NCR VII, LLC, Applicant, PO Box 5133, Arcata, CA 95519



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

1/17/2018

PROJECT REFERRAL TO: Yurok Tribe

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Yurok Tribe, Karuk Tribe, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, SWRCB - Division of Water Rights, Klamath-Trinity Joint Unified School District

Applicant Name NCR VII, LLC **Key Parcel Number** 530-151-005-000

Application (APPS#) 11544 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-285

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than 2/1/2018

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: Processing Through the Yurok Cannabis
Cultivation Review Committee

DATE: 2/15/18

PRINT NAME: Frankie Joe Myers

Johnson, Cliff

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Sent: Friday, January 12, 2024 2:09 PM
To: Johnson, Cliff; Yandell, Rodney
Cc: Manthorne, David@Wildlife
Subject: PLN-11544-CUP, APN: 530-151-005

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

Good Afternoon,

Please see the comments below regarding the above referenced project.

Project Number: PLN-11544-CUP
Project Name: Bee Kind Farms
APN(s): 530-151-005
Project Zoning: Timberland Production Zone (TPZ)
CDFW CEQA No.: CEQA-2018-0364

PLN-11544-CUP (APN: 530-151-005) Project Description

An application for a Conditional Use Permit for 43,560 square feet (SF) of existing outdoor cannabis cultivation, 29,500 square feet of existing onsite and up to 14,060 of existing cultivation being relocated from a parcel immediately south. Water for irrigation is sourced from a rainwater catchment pond. Processing, including drying and trimming, occurs in an existing on-site facility. Electricity is sourced from generator power.

CDFW COMMENTS:

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment. The following history and comments on the proposed project are intended to provide background and to assist the Lead Agency in making informed decisions on the proposed project PLN-11544-CUP. The following comments shall supersede prior comments submitted by CDFW regarding PLN-11544-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report. **Note, CDFW comments do not constitute recommendation for project approval.**

Comments:

- In September 2017, CDFW staff visited the application site and thoroughly walked the parcel noting all existing cannabis cultivation. Following this site visit, CDFW staff reviewed aerial imagery and noted significant unauthorized cultivation expansion and timber conversion after 2016 on Timberland Production Zone (TPZ) land. Cultivation present in 2015 was approximately 23,500 sq ft. In 2018 it was noted that approximately 80,500 sq ft (~1.9 acres) of additional unauthorized timber conversion occurred on Timber Production Zone (TPZ) for the purposed of cannabis cultivation expansion. CDFW requests that the conversion site is evaluated by a Registered Professional Forester and be restocked

at a 3:1 ratio to mitigate for the unauthorized ~1.9 acres of timber conversion that occurred sometime after 2016.

- In the summer of 2019, the applicant engaged in significant unpermitted grading and habitat conversion for the unauthorized construction of an approximately 700,000-gallon cannabis irrigation pond. This conversion occurred without applicable County and State permits and without the benefit of environmental review. Unmanaged rainwater catchment ponds can provide habitat for non-native and invasive species. CDFW requests that the applicant is required to submit a Restoration Plan to remove the rainwater catchment pond, restock the converted area at a 3:1 ratio to restore the pond site, to the extent feasible, to pre-existing conditions.
- On June 28, 2021, CDFW issued a Final Lake or Streambed Alteration Agreement (LSAA, EPIMS-HUM-20833-R1) to the applicant. The LSAA includes one encroachment for water diversion from a spring, limited to domestic use.
- The proposed project has the potential to significantly impact special status plant species including, but not limited to, the robust false lupine (*Thermopsis robusta*), and the white-flowered rein orchid (*Piperia candida*). Additionally, the proposed project site contains ultramafic “serpentine” soils. Serpentine soils are uncommon (1% in California) but support more than 13% of the state’s endemic plant species. Serpentine soils in this bioregion have been significantly impacted by historical and/or modern anthropogenic land use practices. The Biological Assessment completed for the proposed project by Leopardo Wildlife Associates, states that, “...potential impacts to sensitive botanical communities can reasonably be dismissed...” CDFW disagrees with the conclusions made in the Biological Assessment. Due to the presence of habitat, known species occurrences in the area and that no botanical surveys have been completed, the proposed project has the potential to significantly impact sensitive plant species.
- The proposed project has the potential to significantly impact special status animal species including, but not limited to, the Northern Spotted Owl (*Strix occidentalis caurina*; NSO), the Marbled Murrelet (*Brachyramphus marmoratus*), the Humboldt Marten (*Martes caurina humboldtensis*), and the California Condor (*Gymnogyps californianus*). Designated critical habitat for NSO, the Marbled Murrelet, and habitat for the Humboldt Marten is adjacent to the project sites. There are also at least two known NSO Activity Centers that occur within one mile of the cultivation sites (CDFW 2023). Additionally, the proposed site is located within the experimental range of the California Condor. The Biological Assessment completed by Leopardo Wildlife Associates, states that, “... no plant or animal community potentially impacted by proposed cannabis cultivation activities in manner that would be CEQA significant.” CDFW disagrees with the conclusions made in the Biological Assessment. Due to the project location, the presence of habitat and known occurrences of animal species in the area, the proposed project has the potential to significantly impact special status animal species.
- The proposed project would require the reduction of the 600 ft. setback from United States Forest Service (USFS) ownership. The proposed project is adjacent to designated critical habitat for the NSO and the Marbled Murrelet on USFS ownership. Reducing the 600 ft. setback has the potential to impact sensitive species such as the NSO, the Marbled Murrelet, and the Humboldt Marten.
- To prevent ongoing impacts to sensitive species and their habitats, including potential take of State and federally listed species, CDFW recommends that PLN-11544-CUP be brought to decision, that denial be recommended, and that remediation of these sites be required.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

Environmental Scientist

Habitat Conservation and Planning

Humboldt/Del Norte LSA Program

California Department of Fish and Wildlife

619 Second Street

Eureka, CA 95501