



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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November 5, 2024

Planning Commission Clerk
County of Humboldt County
Planning and Building Department
3015 H Street, Eureka, CA 95501

Dear Sir or Madam:

In response to Application APP(S) # PLN-12088-SP APN: 108-026-006-000

After careful review the Bureau of Land Management (BLM) has the following comments:

1. In 2024, the BLM issued a right-of-way (ROW) to Mr. Krieder, the owner of 108-026-006-000, which provides legal ingress/egress to their residence and inholding in the King Range National Conservation Area. The ROW stipulations prohibit transportation of controlled substances over the roadway as follows: “This right-of-way or temporary use permit may be terminated if the BLM determines that the permit holder is manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled substance on the public lands described herein in violation of the Controlled Substances Act of 1970, 21 U.S.C. §801 *et seq.*”

The BLM recommends that the applicant provide documentation to the County prior to issuing a permit as to how they will transport their controlled substance product off of private property without using the BLM public roadway. If the applicant is found transporting a controlled substance across the BLM-issued ROW on public lands, there would be risk of losing legal access to their property, as well as potential criminal prosecution.

2. The proposed cannabis cultivation site is surrounded by BLM lands within the Congressionally designated King Range National Conservation Area. The parcel is located within the North Fork Bear Creek watershed and contains designated critical habitat for federally threatened coho salmon, Chinook salmon, and steelhead. In addition, the BLM determined that North Fork Bear Creek is suitable for inclusion into the national Wild and Scenic Rivers System due the quality of its spawning and rearing habitat for salmon and steelhead. For these reasons, BLM lands in the North Fork Bear Creek watershed are managed to conserve and protect these species and their habitats. The Mattole River and its tributaries is listed as sediment impaired under the Clean Water Act. The proximity of these areas has the potential to deliver nutrients and other

pollutants to the adjacent watercourse and affect these BLM managed values. We request that any permitting be conditioned to avoid these impacts.

3. The Northern Spotted Owl (NSO) continues to suffer population loss across its range due, in part, to habitat loss and human encroachment. The California Natural Diversity Database (CNDDDB) contains a circa 1990's record of a spotted owl territory adjacent to the property on BLM land within NSO critical habitat. The BLM is concerned about the proximity of this cannabis operation to NSO critical habitat. We request that any permitting be conditioned to avoid impacts.
4. The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600-foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. Most of the property and operations fall within 600 feet from BLM lands and BLM is concerned about the potential impacts to wildlife habitat. The BLM requests the County uphold Ordinance No. 2559. Please see items above for additional rationale.

Sincerely,

Dan Wooden
Acting Field Manager