



YUROK TRIBE

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



January 14, 2014

Ryan Sundberg
Chairperson
Humboldt County Board of Supervisors
825 5th Street
Eureka, CA 95501

Aiy-ye-kwee' Mr. Sundberg:

The Yurok Tribe would like to respectfully submit comments regarding the Humboldt County General Plan Update (GPU) to create a "tribal land designation". As a federally recognized tribe of the United States, the Yurok Tribe and the counties which lie within the Tribe's Ancestral Territory, including Humboldt County, must maintain a collaborative relationship in order to foster appropriate land use, cultural resource protection, and a productive collaborative relationship between agencies.

"The Ancestral Lands of the Yurok Tribe extend unbroken along the Pacific Ocean coast (including usual and customary off-shore fishing areas) from Damnation Creek, its northern boundary, to the southern boundary of the Little River drainage basin. Our Ancestral Lands include all submerged lands, and the beds, banks, and waters of all the tributaries within the territory just described" (Yurok Constitution).

The Yurok Tribe is highly concerned with the impact of a Tribal Land Designation in the Humboldt County GPU. Although we welcome the creation of a Tribal Land Designation, the Yurok Tribe recommends that the definitions and terminology be more thorough before it is approved for the GPU. As is, the proposed Tribal Land Designation terminology is unclear and could have unforeseen and unintended consequences. The Tribal Land Designation language should assert that the Yurok Tribe is the regulatory authority over property within the Yurok Reservation.

The Yurok Tribe is also concerned with the County's lack of accurate land records for Tribal lands in relation to ownership. Property ownership discrepancies between county records related to tribal trust, individual trust (allotments), tribal fee and tribal member fee are inaccurate, incomplete, and often missing. As such, the inaccuracies in the ownership may inadvertently result in inaccurate permitting and land use designations within the "Tribal land designation".

The Yurok Tribe encourages the acknowledgement of an adopted Tribal land use plan; yet the GPU states that these documents are to be used only as "policy guidance" for permitting and land use. The Yurok Tribe recommends that this be changed so that the County will administer permits *in accordance with* a tribe's approved land use plan. The current language creates an unclear jurisdiction where fee owned Reservation lands are different in the GPU and the Tribe's land use plan.

Letter to Humb Cty Bd of Supervisors 2014 0114.doc

Due to the differing concerns for each of the tribes located in Humboldt County, the Yurok Tribe would like to recommend one on one consultation to address the Tribal Land Designation's language definitions, jurisdictional issues, and implementation on tribal land as it relates to each tribe in Humboldt County prior to the approval of the GPU.

And finally, the Yurok Tribe recommends the following specific language changes:

- Chapter 4 – Land Use. The Open Space and Public Lands Designations - Tribal Lands (TL) on page 53 should be revised as follows:

Tribal Lands (TL) The purpose of the Tribal Lands designation is to identify all lands within the boundaries of Reservations and Rancherias of Federally-recognized Native American Tribes, ~~and to all~~ land outside Reservations and Rancherias that is held in trust for a Tribe or its Members by the federal government, and all lands outside Reservations and Rancherias that is held in fee by a Tribe. The County shall ~~use~~ apply the Tribal government's adopted land use plan ~~as policy~~ for land use and permit approvals relating to non-~~Tribal-Indian~~ fee land that is planned Tribal Lands. Proposed subdivisions of land planned Tribal Lands shall be originated with contact with the appropriate Tribal government and shall be processed in accordance with the Tribal government's adopted subdivision regulations, where applicable.

Where there is no adopted Tribal land use plan, the allowable use types for non-~~Tribal-Indian~~ fee land designated Tribal Lands shall be determined in consultation with the Tribe. Generally and only if the relevant Tribal government is not in opposition, one of the land should be compatible with neighboring Tribal Lands and designated according to the following:

- 1) For properties zoned TPZ, the allowable use types and maximum allowable residential density shall be the same as those specified for land planned Timber. In addition, all policies relating to timber resources contained in Section 4.6, Forest Resources, shall apply.
 - 2) For properties within or adjacent to urbanized areas of community planning areas the allowable use types shall be the same as those specified for land planned land Residential Estates, and the maximum residential density for shall be one (1) to five (5) acres per dwelling unit.
 - 3) For properties not zoned TPZ and not within or adjacent to urbanized areas of community planning areas, the allowable use types shall be the same as those specified for land planned Rural Residential, and the maximum residential density for shall be 40 to 160 acres per dwelling unit. In addition, all policies relating to Rural Lands contained in Section 4.4, Rural Lands, shall apply.
- Appendix B. Glossary and Definitions. This appendix should be revised to define Tribal government, Tribal land use plan, Reservation, and Rancheria.
 - Appendix D. Reference List. This appendix should be revised to include Yurok Tribal websites, such as transportation and environmental, and the maps should identify the Yurok Reservation boundary.

The Tribe welcomes the opportunity to provide these comments and requests that they be integrated into the GPU prior to approval of the Tribal Land Designation. If you have any further questions or comments, please direct them to Nicole Sager, Yurok Tribe Planning Department, at 707-482-1366 or email nwright@yuroktribe.nsn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "T. O'Rourke", with a stylized flourish at the end.

Thomas O'Rourke, Chairperson

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BOARD OF SUPERVISOR

JAN 17 2014

