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F10a

MEMORANDUM

Date: February 9, 2023

To: Commissioners and Interested Persons

From: Shana Gray, Deputy Director
Tamara Gedik, Supervising Analyst
Doyle Coyne, Coastal Planner

Subject: Addendum to Commission Meeting for Friday, February 10, 2023
Item F10a, CDP Amendment Application No. 1-18-0630-A1
(Trinidad Rancheria and Trinidad Civic Club)

This addendum presents: (1) a summary of, and hyperlink to the Commission's website containing correspondence received on this item following publication of the January 26, 2023 staff report; and (2) responses to comments received from the Applicant and from representatives of the Yurok Tribe. The responses will be added to the staff report as Section M "Response to Comments" just prior to the CEQA finding (thus making the CEQA finding Section N), starting on page 38 of the staff report.

The addendum does not alter the conclusions of the staff report. Staff continues to recommend that the Commission, upon completion of the public hearing, approve the coastal development permit amendment with the special conditions and findings included in the staff recommendation of January 26, 2023.

I. Written Comments Received

Following publication of the staff report, the Commission has received several comment letters supporting the Commission staff recommendation for approval of the proposed project. The Commission also received one letter dated February 2, 2023 and another dated February 3, 2023 from representatives of the Trinidad Civic Club and the Trinidad Rancheria, respectively, as co-applicants (collectively referred to as "Applicant") requesting elimination of Special Condition 11 ("Liability for Costs and Attorney's Fees"). On February 3, 2023 the Commission received a letter from Yurok Tribe representatives opposing the staff recommendation for various reasons discussed in Section III below.

The comments have been added in chronological order to the correspondence folder containing all correspondence received as of the date of publication of this addendum,

which can be accessed online at:

<https://documents.coastal.ca.gov/reports/2023/2/F10a/F10a-2-2023-corresp.pdf>.

II. Responses to the Applicant's Comments

The applicants object to Special Condition 11 (“Liability for Costs and Attorney’s Fees”). In its letter dated February 2, 2023 (page 13 of correspondence folder), co-applicant Trinidad Civic Club (“TCC”) states it is unable to accept the condition because as a small non-profit, it has no budget for potential legal fees, further noting that the costs for completing the project have already exceeded the Civic Club’s anticipated costs. On February 3, 2023, the Commission received a letter (page 32 of correspondence folder) from co-applicant Cher-Ae Heights Indian Community of the Trinidad Rancheria (“Trinidad Rancheria”) expressing that as a small, disadvantaged Tribe on the Northern California coast, assuming legal liability is a burdensome requirement and would be difficult for Trinidad Rancheria to perform.

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Therefore, for projects with a known risk of litigation, the Commission has regularly required applicants to reimburse the Commission for attorneys’ fees the Commission incurs in connection with the defense of any action brought by a party other than the applicant challenging approval or issuance of the permit. Due to the strong disagreements among the tribal groups with an interest in the Harbor and surrounding area, litigation is possible if the Commission approves the project¹.

Trinidad Civic Club indicates in their letter that “the Club’s extensive research found that a significant number of CDP applications from 2014 onward were recommended for approval without special liability language in their permits. These included permits for residential dwellings, non-profit organizations, business entities and governmental agencies.” However, the imposition of such a condition for a residential dwelling would be unexpected because the Commission’s administrative regulations provide that the Commission shall not require an applicant for a permit for a single family residence to reimburse it for litigation costs or fees that the Commission may incur in a judicial challenge to Commission approval of the CDP.

Therefore, because known opposition and associated risk of litigation exists, Commission staff continues to recommend Special Condition 11 requiring reimbursement of costs and attorneys’ fees the Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee challenging the approval or issuance of this permit amendment.

¹ In its September 1, 2022 letter to the Commission’s Executive Director requesting Government-to-Government consultation, the Trinidad Rancheria cites several examples of prior and pending disputes, including some involving litigation, over the shared ancestral territory of Trinidad Harbor and surrounding lands.

III. Responses to Yurok Tribe's Comment Letter

On February 3, 2023, the Commission received a comment letter from Chairman Joseph L. James of the Yurok Tribe (page 27 of correspondence folder) in response to the January 26, 2023 staff report. The Yurok Tribe's letter raises several concerns with the staff recommendation, presented in four categories of assertions summarized as follows and addressed below: (1) inadequacy of addressing cultural resource concerns, (2) deficiencies of application transmittals; (3) viability of alternative sites; and (4) conformity with coastal resource provisions of the Coastal Act.

Comments regarding cultural resource concerns: The comment letter states that cultural resource concerns raised by the Yurok Tribe have not been adequately addressed in the January 26, 2022 staff report regarding (a) visual and aesthetic impacts to nearby Tribal Cultural Resources ("TCRs") and (b) lack of appropriate mitigation measures for TCRs.

(a). Visual and Aesthetic Impacts to TCRS

According to the February 3, 2022 letter, the Yurok Tribe challenges the validity of prior studies documenting Yurok Tribal Cultural Resources ("TCRs") in the area and disagrees with the January 26, 2023 staff report determination that the project will not impact TCRs. The comments also reiterate prior concerns regarding "significant aesthetic and visual impacts from construction of a wider and taller lighthouse" and note the location is "one tenth a mile away from a TCR (Chue-rey Village)." The Yurok Tribe's letter also asserts that studies conducted in the area only focused on archaeological resources and did not include a Cultural Resources Report addressing the visual and aesthetic impacts to TCRs, sacred sites, and sacred landscapes.

Response: In its findings for conditional approval of the original project to temporarily move TML, the Commission's adopted findings acknowledged Yurok cultural resources in the area in part as follows (page 19 of the Adopted Findings included as [Exhibit 7](#) of the January 26, 2023 staff report):

Both the Tsurai Management Plan and the archaeological report prepared for the proposed project (WRA 2018; [Appendix B](#)) indicate that both the Tsurai village and Trinidad Head are recognized as sacred sites as well as areas of archaeological and cultural significance. According to the Tsurai Management Plan, "Tsurai Village, Trinidad Head, the sea stacks, and other landscape features within the Trinidad viewshed are components of the Yurok cultural landscape embedded with deep cultural, historical, and spiritual significance to Yurok people." The archaeological report prepared for the proposed project additionally describes steatite ("soapstone") quarries, surf-fish drying rocks, and places for gathering bulbs and herbs as other Yurok cultural places (Lindgren III 2007 in WRA 2018).

The January 26, 2023 staff report additionally acknowledges several studies (including both archaeological and cultural resource studies) undertaken in the project area (see Finding E on Page 18). Among the prior studies conducted, the

1-18-0630-A1 Addendum
(Trinidad Civic Club and Trinidad Rancheria)

August 2011 report prepared by Donald Verwayen at the Cal Poly Humboldt Cultural Resources Facility and entitled “A Cultural Resources Investigation of the Trinidad Pier Reconstruction Project²” included both intensive archaeological field surveys and cultural resources investigations for several properties within the harbor, including the subject site (which was previously used as a staging area for the pier reconstruction project). The 2011 Verwayen report describes the assessments conducted in the Area of Potential Effect (APE), stating in part: “The APE is an area measuring 40m in all directions from the present pier, and the 200 x 400 m staging area in the parking lot on the easterly portion of the property. Assessment of effects in connection with Traditional Cultural Properties (TCPs) is not limited to the APE, but includes viewshed, hearing range, and sensory range generally.”

The Yurok Tribe’s February 3, 2023 letter states that studies cited in the staff report were completed without input from the Yurok Tribe and are based on “largely inaccurate information,” but does not identify specific inaccuracies.

Response: The 2011 Verwayen report cited in the staff report documents consultation with the Yurok Tribe and the Tsurai Ancestral Society that occurred in 2011 in association with the Trinidad Pier reconstruction project³. Outreach efforts associated with the August 2018 report prepared by William Rich and Associates (WRA) in association with the City of Trinidad’s Phase 2 Stormwater Improvement Project included conversation with a representative of the Tsurai Ancestral Society and site visits with several representatives of the Yurok Tribe⁴ and Trinidad Rancheria⁵. The August 2018 WRA report summarizes conversations that occurred, including a recommendation that survey efforts should not include excavations, rather tribal knowledge is sufficient for identification efforts.

The findings from the 2011 Verwayen report conclude by stating:

² Verwayen, Donald. August 2011. A Cultural Resources Investigation of the Trinidad Pier Reconstruction Project, Humboldt County, California; Assessor's Parcel Numbers: 042-071-014 (pier) & 042-071-001, -008, -009 (staging area). On file at the Northwest Information Center (S-044593).

³ The 2011 Verwayen report references as Appendix C a Record of Native American Correspondence, including record from former Yurok THPO Robert McConnell that there had been adequate consultation.

⁴ The August 2018 WRA report documents that “on June 13, 2018, Mr. Rich and WRA Research Associate, Melinda Salisbury were accompanied by Yurok THPO, Frankie Myers, Ms. Rosie Clayburn and Yurok Council Member Toby Vanlandingham, as well as, City Manager Dan Berman and Trever Parker, SHN/City Planning Office and Ethan Red Eagle, SHN Tribal Liaison.”

⁵ The August 2018 WRA report documents that “During the afternoon of April 5, 2018, Mr. Rich met and walked the proposed project area with Trinidad Rancheria’s Tribal Historic Preservation Officer (THPO) Rachel Sundberg.”

1-18-0630-A1 Addendum
(Trinidad Civic Club and Trinidad Rancheria)

The overall finding of this investigation is that what appears to be significant is actually the significance of the harbor due to its protective landscape, pre-contact fishery and marine-mammal hunting, California Gold Rush beach landing and town, and historic fishery and whaling. It is not the pier itself that is significant. The pier is an ephemeral appendage that will always need to be reconstructed from time to time.

The August 2018 report prepared by WRA also documents the results of surveys that included the project area and states in part the following:

The purpose of the ethnographic and historical research completed during this investigation was designed to identify the locations of known cultural resources in the proposed project area. This was an important part of the investigation because a majority of the project area contains disturbed, paved over, or built on surfaces. The historical section of this report provides an historic context, following the sequence of cultural settlement in Trinidad. This research indicates that the proposed project is situated in Yurok territory with Trinidad Rancheria, Tsurai Ancestral Society, and the Yurok Tribe having cultural affiliation and interest in the project location. The Town of Trinidad is listed as a California Historic Landmark #216 and is one of the oldest towns on California's north coast.

Although specific TCRs and TCPs are not documented in the Commission staff report for reasons of confidentiality, the Commission staff report does acknowledge that the 2011 Verwayen report, 2015 AES report, 2018 WRA report, and 2021 AES Initial Study report, among others cited within these individual reports, all document the presence of TCRs and TCPs in the project area but not directly impacted by the proposed project. Finding E of the staff report specifies on Page 21 several TCRs present in the project area that were identified in the Yurok Tribe's February 25, 2022 letter addressed to Trinidad City Council and copied to Commission staff ([Exhibit 8](#))⁶. The August 2018 WRA report states in part the following:

The search of records revealed five previously conducted cultural resources studies within the project area assessing archaeological resources on and near Trinidad Head (Roberts 1976, King-Smith 1982) and for the Phase 1 stormwater project (Roscoe and Associates 2013), reconstruction of the Trinidad Pier (Verwayen 2011) and a fee to trust land transfer for the Trinidad Rancheria (Verwayen and Rohde 2011). An

⁶ As indicated on Page 21 in the staff report, the Yurok Tribe's February 25, 2022 letter specifies the presence of tribal cultural resources that are eligible for listing under the California Register of Historic Places and the National Register of Historic Places, "such as Trinidad Head, the Tsurai Village, and even some burial sites⁶." The letter further identifies "historical resources within the area of the TML project, including Trinidad Head which is a registered California Historical Resource.⁶"

additional fifteen studies have been carried out within ½ mile of the project area (Table 2).

The Yurok Tribe's February 3, 2023 letter expresses concerns that "the memorial lighthouse will also feature lights, benches, and sidewalks that were not previously apart [*sic*] of the landscape."

Response: As described in Finding F ("Visual Resources") on Page 23 of the January 26, 2023 staff report, the proposed location of the Trinidad Memorial Lighthouse improvements is in an area situated between the base of a driveway leading uphill to a residence and the edge of the harbor parking lot ([Exhibit 4](#)). The placement of the lighthouse and memorial bell in this location within the harbor authorized under the original permit does not obstruct views to and along the ocean. The relocation site previously consisted of a mound of sand covered by non-native invasive iceplant (*Carpobrotus edulis*) underlain by asphalt. Sidewalks would be constructed in the same area where asphalt pavement exists now. The lighting proposed by the applicant includes two downcast, shielded, low-wattage lights (one added over the door of the replica lighthouse, and one backlit sign over the memorial bell to remain on overnight). The parking lot contains four existing light poles that currently cast light downward into the parking area, and four downcast, shielded lights attached to the existing public restroom building. The two benches would be placed within the footprint of the new lighthouse foundation and would be subordinate to the vehicle parking and staging areas used by commercial fishermen to stage crab pots and other gear. Thus, when viewed from above, either from the City of Trinidad or from Trinidad Head, the lighthouse and its associated development will appear in character with its immediate surroundings within this working harbor.

(b). Mitigation Measures for TCRS

The Yurok Tribe's February 3, 2023 letter raises concerns that appropriate mitigation measures for tribal cultural resources should be implemented as required by [California Environmental Quality Act section 21048.3](#). The Yurok Tribe's letter suggests that including one monitor from either the Yurok Tribe, the Trinidad Rancheria, or Tsurai Ancestral Society is not enough to constitute mitigation of a significant impact and that its cultural monitors should be present for the project.

Response: Pages 21-22 of Finding E ("Protection of Archaeological Resources") describe the siting of the lighthouse outside of tribal cultural resources and pages 24-26 of Finding F ("Visual Resources") describe the siting of the lighthouse clustered within the developed harbor area. By avoiding direct impacts to Tribal Cultural Resources, including avoiding development on Trinidad Head or other nearby TCRs, the proposed development avoids significant impacts to TCRs and TCPs.

Additionally, although the staff recommendation does not require other Native American groups to commit their cultural monitor resources and be present

1-18-0630-A1 Addendum
(Trinidad Civic Club and Trinidad Rancheria)

during project activities, Finding E on Page 22 of the staff report does explain modifications to the previously-imposed Special Condition 5, including requiring the applicant to notify the Tsurai Ancestral Society, Trinidad Rancheria, and Yurok Tribe Tribal Historic Preservation Officers (THPOs) not less than three weeks prior to commencement of construction so that a tribal monitor from each group can be arranged to be present to monitor all construction work, if so desired. As conditioned by Special Condition 5B, monitors from all three groups shall be invited to be present but are not all required to be there. Thus, the modifications to Special Condition 5 proposed in the staff report would allow the Yurok Tribe's cultural monitors to be present if desired by the Yurok Tribe. Although the evidence indicates that excavation activities allowed by this permit amendment would not uncover any tribal cultural resources (as discussed at Finding F, including Pages 18-19 and 21-22 of the staff report), the permit is conditioned to include measures that address inadvertent discovery of cultural resources.

The Yurok Tribe additionally indicates in their letter that consultation with the relevant tribal government should be conducted to identify necessary mitigation measures.

Response: Page 19 of Finding E of the staff report documents Commission staff's communication with representatives of the Yurok Tribe, including early outreach and sharing of application materials on February 23, 2022, and Government-to-Government consultation between Commission staff (including the Commission staff's Deputy Director of Tribal Affairs) and Yurok Tribal representatives on June 7, 2022.

Comments regarding application transmittals: The February 3, 2023 comment letter raises concerns that recent application materials provided by the Applicant incorrectly state the title of the Yurok Tribe's Tribal Historic Preservation Officer (THPO), Rosie Clayburn, and mischaracterize the Yurok Tribe's expressed concerns regarding cultural resource impacts associated with the siting of the lighthouse within the harbor.

Response: It is acknowledged that page 17 of Exhibit 6 ("Excerpts of Alternatives Analysis Provided by Applicant") does not include the THPO title of Ms. Clayburn's role with the Yurok Tribe. However, other materials provided by the Applicant do correctly recognize Ms. Clayburn's role as Yurok Tribe's THPO, including page 2 of Exhibit 5 ("Applicant's Memo Regarding Visual Resources"). Regarding the Yurok Tribe's expressed concerns over cultural resource impacts associated with the proposed project, the staff report acknowledges the concerns raised by the Yurok Tribe, including on pages 19 and 21 of Finding E, and Pages 24-26 of Finding F, and as discussed further above.

The Yurok Tribe's letter additionally states that "it is unclear whether the Applicants provided all the information that was requested by the Coastal Commission on July 1, 2022."

Response: The staff report describes on Page 19 under Finding E that on November 4, 2022 Director Ainsworth, the agency's Deputy Director for Tribal Affairs, and other Commission staff held a government-to-government consultation with representatives of the Trinidad Rancheria. Commission staff subsequently met with co-applicants Trinidad Rancheria and Trinidad Civic Club on December 12, 2022 to clarify application filing requirements. The Applicants submitted additional information requested by Commission staff on January 6, 2023 during the permit application review process, including additional information on alternatives evaluated and additional visual resource analysis. Page 1 of the January 26, 2023 staff report specifies the date the application was filed complete is January 6, 2023.

The Yurok Tribe expressed a desire to locate detailed descriptions and maps of each potential location for the lighthouse.

Response: Excerpts of the application materials, including a map and summary description of alternative sites considered, is included as Exhibit 6 to the staff report.

The Yurok Tribe also states in their February 6, 2023 letter "The Applicants also made no effort to communicate with the Yurok Tribe to provide accurate information about the cultural resources in these areas."

Response: The application materials received at the Commission's North Coast District office on January 14, 2022 include documentation in a file labeled "4 CDP.MLH.BOutreach1.14.21" with copies of email invitations sent from Trinidad Civic Club to Yurok Tribe representatives on October 11, 2021, October 24, 2021, October 26, 2021, and November 3, 2021 to meetings to discuss the proposed lighthouse design plans. One response from a Yurok Tribe representative was emailed on October 26, 2021 indicating regrets due to another meeting conflict. Page 19 of Finding F describes Commission staff's coordination with the Yurok Tribe, as discussed further above.

Comments regarding the viability of alternative sites: The Yurok Tribe's February 3, 2023 comment letter reiterates their desire to relocate the lighthouse to Saunders Park or another alternative location with less negative impacts, stating in part "Saunders Park meets all seven criteria identified during the charrette and its location would not impact tribal cultural resources or the coastal viewshed protected by the Coastal Act." The comment letter additionally questions some of the reasoning used to dismiss the Saunders Park site, noting in part that the Applicants have indicated minimal ground disturbance would be needed at the harbor site while in contrast indicating that ground disturbance would disrupt underground heating and septic lines at the Saunders Park site, where the Yurok Tribe states the heating system is located 100 to 400 feet underground.

Response: The staff report indicates on Page 28 of Finding F ("Visual Resources") that the seven criteria used by the Applicant to evaluate potential

sites for relocating the lighthouse included: location, space, public access/parking, longevity, security, access to utilities, and financial cost. Pages 28 and 29 of the staff report describe the reasons why the Applicant dismissed the Saunders Park site from further consideration, including inadequate location away from ocean views, limited space, concerns over adequacy of parking and limited access to bathrooms, security concerns, and the financial cost to relocate the lighthouse to this location. The Applicants have not specified the depth of underground infrastructure that might limit siting the lighthouse at the Saunders Park. Nonetheless, the staff report acknowledges on Page 29 that although the Saunders Park property is largely developed and constrained by subsurface infrastructure (geothermal and septic utilities), space could likely be allocated for a memorial feature at this location. However, the site does not afford ocean views and a maritime memorial at this location would not be as compatible with the character of this inland setting, where it would be surrounded by a highway, shopping center, and gas station.

Regarding ground disturbance at the current site as compared to alternative sites, the January 26, 2023 staff report states on Page 22 in Finding E that a 15 by 15 square-foot area (225 sq. ft.) was previously disturbed as part of the original project. As further described on Pages 28-30 of the staff report, the proposed project would occur in the same location as the existing lighthouse and would rely on staging equipment and construction materials within an existing paved parking area, resulting in less ground disturbance than would otherwise occur if the proposed project were developed on other undeveloped sites. If the lighthouse were to be relocated to a developed site, the effects of demolition and/or grading to support the new infrastructure would also need to be evaluated.

Comments regarding the project's consistency with the Coastal Act: The Yurok Tribe's February 3, 2023 comment letter states that the area of proposed development is a highly scenic area, and raises concerns that the project proposal does not address issues such as a public transit plan, parking management, and increased use of coastal roads and trailheads that could result from development of the proposed project, stating in part that "These may lead to violations of sections 30252 and 30253 of the Coastal Act."

Response: The staff report addresses how the project as conditioned minimizes risk to life and property from hazards, consistent with section 30253 of the Coastal Act, on Pages 33-34 under Finding H ("Coastal Hazards). With regard to the adequacy of parking amenities to serve new development, Coastal Act section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing

adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. [emphasis added]

The proposed development would entail improving the site where the replica memorial lighthouse exists now to create a permanent monument site. The lighthouse has been temporarily sited within the harbor since January 2018 with no reported adverse effects on public parking or the public's ability to access the coast. Furthermore, in November 2022 the Commission approved Trinidad Rancheria's proposal to develop stormwater management improvements within the harbor parking lot (CDP 1-21-0770). Once completed, the number of parking spaces within the harbor will increase by four, thereby providing additional parking facilities that could further support visitations to the lighthouse or to other public access and recreation uses within the harbor.

As described on Page 32 of Finding G ("Public Access and Recreation"), although the Applicant does not intend to host memorial events at this site for several years, the applicants anticipate that any future annual event hosted at the project site would be less than one hour in duration, limited in size similar to what exists at the offsite memorial events held currently (approximately 50 people), and would include public outreach and onsite traffic coordination provided by the Applicant.

Regarding the Yurok Tribe's assertion that the project would have permanent negative impacts on the highly scenic viewshed and the Yurok Tribe's access to cultural sites, "highly scenic areas" within the meaning under the Coastal Act are applicable only in areas so designated and mapped in certified local coastal programs (LCPs). The City of Trinidad's certified LCP does not formally designate any "highly scenic areas" although the project site lies within the view corridor of several public vantages, including the Trinidad pier and harbor areas, Trinidad State Beach, and along segments of the City's main thoroughfares, Edwards, Trinity, and Main Streets. Although this is not designated as a highly scenic area in the LCP, Page 24 of the staff report in Finding F ("Visual Resources") recognizes the significance of this landscape and addresses the visual effects of the proposed project as viewed from various vantage points. As found in the staff report, when viewed from above, either from the City of Trinidad or from Trinidad Head, the lighthouse and its associated development will appear in character with its immediate surroundings within this working harbor and therefore is protective of the landscape scale visual resources.

The Yurok Tribe letter raises the question of possible safety issues that could result from siting the lighthouse adjacent to a road that leads to a vacation home rental.

Response: The roadway leading to the vacation home rental receives periodic use by patrons and workers who maintain the home. The approved stormwater improvement project referenced above includes authorization to install a speed hump on the road leading to the vacation rental (refer to [Page 9 of Exhibit 3](#) of CDP 1-21-0770). The speed hump will not only function to direct stormwater flow towards the rain garden approved by CDP 1-21-0770 but will also serve to slow vehicle traffic at this location.

The Yurok Tribe letter goes on to state the following:

The current location of the lighthouse was always meant to be temporary. The Yurok Tribe would never have agreed to the current location, so close in proximity to TCRs, if it were meant to be a permanent fixture in the harbor. While there are already visual and aesthetic impacts from the current lighthouse, those impacts would significantly increase in making this a permanent and more elaborate site that draws a greater number of visitors. The Trinidad Rancheria has stated their intentions to advance the development of the harbor, and the development of a lighthouse memorial appears to be a progression towards that goal. It is reasonable for the Yurok Tribe to anticipate that this project may bring additional adverse effects that could jeopardize their cultural resources and landscapes.

Response: The January 26, 2023 staff report acknowledges the tensions that exist between different perspectives regarding the potential visual and aesthetic impacts of the project on nearby and important cultural sites. Page 30 under Finding F summarizes the considerations leading to the conclusion that the project as proposed is visually compatible with the character of its setting within the meaning of section 30251 of the Coastal Act, due to its relatively small development footprint, its clustered location within the developed harbor area, and further, that the location at the base of Trinidad Head, next to a road that rises behind it, ensures that the height of the TML does not materially intrude on the natural viewshed.

The Yurok Tribe indicates the lighthouse improvements could increase the draw of visitors to the area resulting in adverse effects that could jeopardize cultural resources and landscapes. As addressed in the staff report in Finding A (“Environmental Setting”) on page 12 and Finding G (“Public Access”) on Page 31, the City of Trinidad already draws many visitors to enjoy numerous coastal recreational and visitor-serving amenities, including its numerous public beaches and trails, notable landmarks such as the offshore rocks that are part of the California Coastal National Monument, hiking along Trinidad Head, and recreation opportunities within Trinidad Harbor. The staff report also acknowledges that the harbor currently supports other visitor-serving and recreational opportunities including a restaurant, a vacation home rental located upslope of the proposed lighthouse site, public restrooms, and a recreational boat launch facility. Additionally, in 2017 the federally-owned portion of Trinidad Head was designated as one of the newest units of the California Coastal

1-18-0630-A1 Addendum
(Trinidad Civic Club and Trinidad Rancheria)

National Monument. The lighthouse has been temporarily sited within the harbor since January 2018 with no reported adverse effects. Given the existing visitor-serving uses at the harbor as well as the memorial lighthouse's passive recreational function (except for the occasional memorial service), it is not anticipated that the memorial lighthouse itself will draw a significant number of seasonal visitors that would lead to capacity issues and subsequent adverse effects.