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STAFF REPORT: MATERIAL AMENDMENT

Application No.: 1-18-0630-A1

Applicant: Trinidad Civic Club and Trinidad Rancheria

Location: Within the City of Trinidad at the Trinidad Harbor, Humboldt County

Approved Project: Authorization for: (1) the previous relocation of the Trinidad Memorial Lighthouse under emergency permits to a temporary site at Trinidad Harbor, and (2) the removal of the Trinidad Memorial Lighthouse foundations and pavement from the former blufftop location off of Trinity and Edwards Streets

Proposed Amendment: Development of the current temporary site of the Trinidad Memorial Lighthouse into a permanent fixed location including elevating the lighthouse on a raised concrete foundation with a total height of 24.5 feet (plus spire), a concrete wall and steel railing, a pedestrian walkway with a concrete pedestal to house the fog bell, two observation benches, a historic anchor, lighting, and utility connections to the existing harbor bathroom building.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The Trinidad Civic Club ("TCC") and the Trinidad Rancheria, as co-applicants (collectively referred to as "Applicant"), seek an amendment to the original Coastal

Development Permit (CDP) 1-18-0630 to improve the current, temporary location of the Trinidad Memorial Lighthouse and Bell (“TML”) within Trinidad Harbor into a permanent, fixed location. The temporary placement of the memorial lighthouse in this location occurred during an emergency that required immediate relocation of the memorial lighthouse infrastructure to avoid adversely impacting cultural resources that could have occurred if a landslide dislodged the lighthouse onto the lands of the Tsurai Village situated downslope of the former Blufftop Site.

The primary issues raised by this amendment application include the project’s consistency with the Coastal Act’s archaeological and visual resource policies. Yurok Tribe representatives have expressed concerns, including through Government-to-Government consultation with Commission staff, that the permanent siting of the lighthouse within the harbor would result in significant visual and aesthetic impacts to Trinidad Head and Tribal Cultural Resources (TCRs), without evaluating alternative locations or providing reasoning as to why alternative locations were not chosen.

The City of Trinidad, including Trinidad Harbor, is within the Native American territory of the coastal Yurok people. Trinidad Head (Tsurewa) is a culturally significant place to all Yurok people, with profound spiritual significance to Yurok culture. Trinidad Head is a prominent feature within the city and serves as a backdrop to the harbor, rising over 350 feet above the harbor parking area that is situated in the foreground. There are three Native American groups with ancestral ties to the land. These include members of the Trinidad Rancheria, Yurok Tribe, and Tsurai Ancestral Society, the two latter of which have raised concerns about the lighthouse.

Regarding archaeological resources, in addition to submitting archaeological and cultural resource studies for the original project and proposed amendment, a cultural resources monitor from Trinidad Rancheria was present during excavation at the site in association with the relocation of the lighthouse and bell to this site in 2018 and observed no cultural resources, paleontological resources or human remains within the disturbance area. An Initial Impact Assessment prepared for the proposed amendment acknowledges the presence of TCRs within the project vicinity but indicates that the proposed project will not directly impact TCRs. The Applicant is proposing that a cultural monitor be present during all ground-disturbing activities as an additional precaution.

In its approval of CDP 1-18-0630, the Commission imposed [**Special Condition 5**](#) requiring measures to protect archaeological resources. Special Condition 5 has been amended to, among other things, require 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 can be arranged to be present to monitor all construction work. As conditioned by Special Condition 5B, monitors from all three groups shall be invited to be present but are not all required to be present.

Regarding visual resources, the applicants propose amending the permit to permanently site the lighthouse in its current location, elevated on a permanent earthen fill and concrete pad foundation (approximately 7.5 feet higher than the surrounding

parking area and at approximately 33 feet above sea level) and surrounded by a concrete wall where memorial plaques for individuals lost at sea will be mounted. The monument will also include sidewalks, a viewing platform, railing around the upper level, and two benches. The siting of the lighthouse in its current location at the edge of the parking area and at the base of a roadway, rather than developing a new monument site on an unimproved site, minimizes the alteration of natural landforms.

There are strong opinions in the community about the compatibility of the TML at this site. For example, some find the TML to be compatible and scenic in its own right, whereas others feel just as strongly that the TML detracts from the natural and cultural beauty and should not be sited in the harbor area.

The original permit authorized the temporary location of the lighthouse for a period of four years, to afford time for planning and permitting for a permanent lighthouse location. The applicants evaluated a total of 12 potential locations for the proposed lighthouse, including three other sites within the harbor, plus Trinidad Head, one near the Blufftop Site, State Park property, an inland park site known as Saunders Park, the city's cemetery, and four other privately-owned properties in the middle of the town. As discussed in Finding F (Visual Resources), other alternatives were eliminated for reasons that included constraints with moving costs and lack of suitability of the visual character of the surrounding area. Although the Applicants did not evaluate the "no project" alternative, in this case doing nothing would not reduce the visual effects of the project since the lighthouse would remain where it is now. Trinidad Rancheria has offered this location to the Civic Club for the permanent siting of the TML and, as the property owner, has demonstrated its full support for the project by joining as a co-applicant to this CDP. The proposed location helps the community resolve its need for a permanent location for the TML and provides a draw to visitors. Through its stewardship, Trinidad Rancheria is working to improve the harbor and its resources while maintaining it as a working and visitor-serving harbor.

Commission staff acknowledges and understands the concerns raised by the Yurok Tribe regarding the potential visual and aesthetic impacts of the project on nearby and important cultural sites. On balance, and after consideration of all of the evidence and potential alternative sites, Commission staff recommends that the project, as conditioned, protects scenic and visual resources as the TML would be sited and designed, as conditioned, to be visually compatible with the surrounding area within the meaning of Coastal Act section 30251, 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.

Staff believes that with the recommended conditions, the proposed lighthouse relocation project, as amended, is consistent with all applicable Chapter 3 policies of the Coastal Act.

The Motion to adopt the staff recommendation of approval with conditions is found on [page 5](#).

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1](#) – Location Maps

[Exhibit 2](#) – Site Plans and Elevations

[Exhibit 3](#) – Visual Renderings

[Exhibit 4](#) – Site Photos

[Exhibit 5](#) – Applicant’s Memo Regarding Visual Resources

[Exhibit 6](#) – Excerpts of Alternatives Analysis Provided by Applicant

[Exhibit 7](#) – Adopted Findings for 1-18-0630

[Exhibit 8](#) – Correspondence from Tribal Representatives through January 25, 2023

I. Motion and Resolution

Motion

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-18-0630, subject to the conditions set forth in the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Standard and Special Conditions

The Commission approved Coastal Development Permit (CDP) 1-18-0630 on February 8, 2019 with five standard conditions and eight special conditions (see [Exhibit 7](#) for the text of all original permit conditions).

The subject CDP amendment affects the permit conditions as follows:

- Standard Conditions 1 through 5 are reimposed without changes and remain in full force and effect.
- Special Conditions 4 and 5 are modified as shown below.
- Special Condition 8 is deleted
- Special Conditions 9 through 11 are added as new conditions shown below.

Deleted and new language of the conditions appear in ~~bold double strikethrough~~ and **bold double underlined** text, respectively.

4. **Water Quality Protection Measures and Best Management Practices.** Best Management Practices designed to protect the water quality of Trinidad Harbor shall be implemented during construction. The permittee shall adhere to the following water quality protection measures and best management practices (BMPs), including, but not limited to, the following:

....

Additional Measures the Permittee Shall Adhere to

...

- J. Concrete Paving and Grinding Operations: BMPs for concrete paving and grinding operations and storm drain inlet protection shall be employed to prevent concrete grindings, concrete slurry, and paving rinseate from entering drop inlets or sheet-flowing into coastal waters. No concrete will be poured below the high-water mark.**

5. **Area of Archaeological Significance**

- A. The applicant shall comply with all recommendations and mitigation measures **contained within documents submitted contained in the archaeological plan prepared** for the project **as amended, including but not limited to: (1) the archaeological plan prepared for CDP 1-18-0630** entitled "An Archaeological Resources Report for the Removal of Existing Concrete Footings at the Former Trinidad Memorial Lighthouse City of Trinidad, Humboldt County, California" dated July 2018 and prepared by William Rich, M.A., RPA and Jason R. Patton, PhD at William Rich and Associates, **(2) the Initial Impact Assessment for the Trinidad Memorial Lighthouse Project, prepared for Trinidad Rancheria and Trinidad Civic Club, dated July 2021 and prepared by Analytical Environmental Services (AES), and (3) the Environmental Assessment prepared for Trinidad Rancheria Stormwater Improvement and Interpretive Visitor Center Project, dated March 2017 and prepared by AES,** unless modified by this condition as follows:

- (i) All work shall be conducted under the observation of appropriate cultural monitors **(aka "Native American," "tribal," and "Archaeological" monitor, as used herein)** with expertise in cultural values of the Tsurai Village, including representatives from the Tsurai Ancestral Society, Trinidad Rancheria and the Yurok Tribe, **and as further specified in section B(i) below.**
- (ii) No demolition work or soil disturbance shall be completed without cultural monitor(s) present.
- ~~(iii) All work shall be conducted using hand tools to minimize inadvertent soil disturbances.~~

- ~~(iv) No heavy equipment shall access the work area. All concrete spoils shall be moved from the work area and disposed of at a suitable location or recycled, as appropriate.~~
- ~~(v) Any soil that is unearthed shall remain on the parcel.~~
- ~~(vi) There shall be no changes to accessing the Axel Lindgren Jr. Memorial Trail.~~

B. The applicant shall also comply with the following monitoring conditions **prior to and** during construction:

(i) NOT LESS THAN THREE (3) WEEKS PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall notify the Tsurai Ancestral Society, Trinidad Rancheria, and Yurok Tribe Tribal Historic Preservation Officers (THPOs) that project will be entering construction so that a tribal monitor can be arranged. Monitors from all three groups shall be invited to be present but are not all required to be there.

~~(i)(ii)~~ The Archaeological monitor(s) required under section A(i) above shall be qualified by the California Office of Historic Preservation (OHP) standards, and appointed consistent with the standards of the Native American Heritage Commission (NAHC), ~~or~~ and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, and shall monitor all project demolition, grading, excavation work, site preparation or landscaping activities associated with the approved development;

~~(ii)(ii)~~ The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

C. If an area of cultural deposits is discovered during the course of the project,

(i) All construction and subsurface activity that have the potential to uncover or otherwise disturb cultural deposits in the area of the discovery or may foreclose mitigation options (not less than 20-foot-wide buffer around the discovery) shall cease immediately and shall not recommence except as provided in subsection D hereof;

(ii) The project archaeologist shall establish a reasonable protective barrier (marked by flagging tape) around the cultural site, within which ground-disturbing activities are temporarily suspended. The project archaeologist shall also take steps to protect the discovered item(s) in a respectful and dignified manner;

(iii) The project archaeologist shall immediately report the discovery to the Yurok Tribal Heritage Preservation Officer (THPO), Trinidad Rancheria THPO and the Tsurai Ancestral Society. **However, in the case that human remains are discovered, t**The permittee must

follow all applicable state and federal laws, **including required notifications of the discovery in the event that human remains are discovered** (i.e. County Coroner);

- (iv) The project archaeologist shall prepare and submit a Significance Testing Plan, for review and approval of the Executive Director, identifying measures to be undertaken to determine the significance of the find. The Plan shall be prepared in consultation with the Native American monitors, and/or the MLD when State Law mandates the identification of a MLD. The Executive Director shall determine the adequacy of the Plan and if it is found to be de minimis, it can be implemented without further Commission action. The Significance Testing Plan results, along with the project archaeologist's recommendation as to whether the discovery should be considered significant, and the comments of the Native American monitors and/or MLD when State Law mandates the identification of a MLD, shall be submitted to the Executive Director for a determination of the significance of the discovery. If the Executive Director determines that the discovery is significant, development shall not recommence and the permittee shall submit to the Executive Director a Supplementary Archaeological Plan in accordance with subsection D, below.

- D. A permittee seeking to recommence construction following discovery of cultural deposits determined to be significant pursuant to the process established in the Significance Testing Plan in subsection C(iv) shall submit a Supplementary Archaeological Plan for the review and written approval of the Executive Director, prepared by the project archaeologist in consultation with the Native American monitor(s) of the Tsurai Ancestral Society, Trinidad Rancheria and the Yurok Tribe, and/or the Native American most likely descendent (MLD) when State Law mandates identification of a MLD. The Supplementary Archaeological Plan shall identify proposed investigation and mitigation measures, which can range from in-situ preservation to recovery and/or relocation/reburial. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the approved Supplementary Archaeological Plan, as well as, to the extent applicable, the original approved archaeological plan.

- (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.

- (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission to authorize a new archaeological approach.
- (iii) A report verifying compliance with this condition shall be submitted to the Executive Director for review and written approval, upon completion of the mitigation measures detailed in the approved archaeological monitoring plan and/or Supplementary Archaeological Plan required to protect significant archaeological finds.

...

8. ~~[DELETED] Length of Development Authorization for Retention of Memorial Lighthouse. This permit authorizes retention of the Trinidad Memorial Lighthouse and Memorial Bell within its approved location in Trinidad Harbor only until August 29, 2022. Prior to the expiration of the authorization period, the permittee or its successors shall submit to the Commission an application for a coastal development permit amendment to either (a) relocate the Trinidad Memorial Lighthouse and Bell to an alternative location, or (b) extend the length of time the facility is authorized to remain at its current site and modify its design or configuration as needed to ensure consistency with the Coastal Act. If a complete application is filed before the end of the authorization period, the authorization period shall be automatically extended until the time the Commission acts on the application. Any amendment application shall conform to the Commission's permit filing regulations at the time and shall at a minimum include the following:~~

- ~~A. An evaluation of alternative locations for the Trinidad Memorial Lighthouse and Memorial Bell. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative for addressing consistency with the Coastal Act. The analysis shall include a feasibility analysis of the alternatives that evaluates and considers all potential constraints, including geotechnical and engineering constraints, property ownership, project costs, and potential funding options; and~~
- ~~B. Proposed mitigation for unavoidable coastal resource impacts associated with each of the alternatives including retention of the Trinidad Memorial Lighthouse and Memorial Bell beyond the initial authorization period.~~

9. Conformance with Final Approved Plans. The development approved by CDP 1-18-0630-A1 shall substantially conform to the approved final

construction plans prepared by Trinity Valley Consulting Engineers dated April 2022 and received in the Commission's office on June 2, 2022 and including: Sheets T01, and C00 through C04.3 (13 sheets total). Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

- 10. Lighting Limitations. All exterior lighting, including any lights installed as part of the development approved under CDP 1-18-0630-A1, or in the future, shall be low-wattage, shielded, and downcast such that no light will shine beyond the project site or into adjacent sensitive habitats.**
- 11. Liability for Costs and Attorney's Fees. By acceptance of CDP amendment 1-18-0630-A1, the Permittee agrees to reimburse the California Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.**

III. FINDINGS AND DECLARATIONS

A. Project Description, Background, and Environmental Setting

Project Description

The Trinidad Civic Club ("TCC") and the Trinidad Rancheria, as co-applicants (collectively referred to as "Applicant"), seek an amendment to the original Coastal Development Permit (CDP) 1-18-0630 to improve the current, temporary location of the Trinidad Memorial Lighthouse and Bell within Trinidad Harbor into a permanent, fixed location. The proposed project includes constructing a raised concrete foundation that will support and elevate the lighthouse to a height of 24.5 feet (plus a 1.5-foot-tall spire). Associated development includes: (1) constructing a concrete wall with an ultimate height of 8.5 feet¹ above the proposed sidewalk to surround the foundation and support memorial plaques, (2) installing an approximately 4.2-foot-tall steel railing around the

¹ Although plan sheet C03.3 of the final plans (page 10 of [Exhibit 2](#)) depicts a section of the retaining wall at 8.5 feet, as viewed when approaching the monument from the northeast, the overall height of the concrete wall surrounding the lighthouse would range from approximately 6 feet to 7 feet above existing grade. Due to variations in site topography, the wall gradually tapers to a lesser height as it approaches the base of the hillslope against which the monument would be situated (refer to visual renderings in [Exhibit 3](#)).

elevated platform, (3) constructing a 3-foot by 3-foot-wide concrete pedestal to support the fog bell, (4) installing pedestrian sidewalks and an accessible ramp around the site perimeter, (5) installing two observation benches and a historic anchor, (6) installing utility connections between the existing harbor bathroom building and the lighthouse, and (7) adding lighting features to the lighthouse (as further detailed in Finding F (“Visual Resources”)). The project consists of 76 cubic yards of material to be removed from the site and 145 cubic yards of fill to be imported, resulting in 2,340 square feet of disturbed project area. The final footprint of the total developed area will be approximately 1,450 square feet, including sidewalks.

Background

The Trinidad Memorial Lighthouse (TML) is a replica lighthouse first constructed in 1948 on a blufftop property owned by the Civic Club (located along Edwards Street at the end of Trinity Street in the City of Trinidad). The lighthouse, which is a replica of the original 1871 lighthouse that is still operational on Trinidad Head, includes the fog bell and Fresnel lens donated by the Coast Guard from the original lighthouse after it upgraded to an electric beacon. Since the early 1970’s, the Civic Club’s blufftop property has served as a memorial site with marble plaques installed on retaining walls and inscribed with names of deceased loved ones, including for those lost or buried at sea. Every year on the last Sunday in May, the Civic Club hosts a memorial service at its property.

The relocation of the TML was conducted in January 2018 under emergency permits issued by the City of Trinidad² and the Coastal Commission³, after an encroaching landslide reached the edge of the lighthouse memorial slab, posing a threat to the existing structures and threatening damage to nearby sensitive cultural resources. Initially, the TCC had proposed, and the City had approved, an emergency permit to relocate the Trinidad Memorial Lighthouse approximately 15 feet east of the memorial lighthouse structure at its location along Edwards Street. Work commenced with the construction of a new concrete foundation pad in that location. However, as described further in **Finding B** (“Permit History & Related Permits”) below, work at the site was terminated and the memorial lighthouse and bell were instead relocated to the Trinidad Harbor.

On February 8, 2019, the Coastal Commission granted authorization of CDP 1-18-0630 to then-applicant, Trinidad Civic Club to relocate the Trinidad Memorial Lighthouse (including the memorial bell) from a site owned by the Civic Club to a temporary location within Trinidad Harbor on property owned by Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria). As part of the Commission’s approval of the follow-up to the emergency permit, CDP 1-18-0630 (**Exhibit 7**) included [Special Condition 8](#) which limited the temporary authorization for siting the lighthouse at its current location to four years (commensurate with the term of discretionary approvals

² City of Trinidad Emergency Permit No. 2017-06E issued December 11, 2017 with addendum issued December 21 for the Blufftop Site

³ Coastal Commission Emergency Permit No. G-D-18-0001 issued January 8, 2018 for the Harbor Site

authorized by the City) and required in part that the permittee submit a follow-up CDP application for any proposal to permanently place the lighthouse within the coastal zone.

Environmental Setting

The City of Trinidad is a small seaside town (population approximately 350) that draws many visitors to enjoy numerous coastal recreational and visitor-serving amenities. The City features access to sweeping views of Trinidad Bay (a semi-enclosed inlet of the Pacific Ocean), 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 developed town mostly occupies the coastal terrace that is located up a steep road (Edwards Street) above the harbor area (See [Exhibits 1 and 2](#)). The City of Trinidad is developed primarily with an assortment of residential, retail commercial, and civic uses. Along the waterfront to the east and west of the harbor are beach areas primarily in public open space use.

The project site is located at Trinidad Harbor on Trinidad Bay, in the City of Trinidad, between the landforms of Trinidad Head and Little (Trinidad) Head. The City of Trinidad owns a small portion of the parking area between Trinidad Head and the beach situated west of the harbor, along with most of Trinidad Head, and federal ownership exists over part of Trinidad Head, which is part of the federally-designated California Coastal National Monument managed for natural resource protections and public access. The project site is within the privately owned harbor complex, which includes among other features: the approximately 540-foot-long Trinidad Pier, Seascape Restaurant, a bait shop, two former residences used as vacation rentals, a gift and tackle shop, boat launch facilities, storage sheds, public restrooms, and a public parking lot. The proposed improvements are situated between the base of a driveway leading uphill to a short-term (vacation) rental unit and the edge of the graded flat that serves as the harbor parking lot ([Exhibit 2](#)). In addition to recreational boating and other visitor-serving opportunities, Trinidad Harbor supports a small but significant commercial fishing community. Commercial fishing gear, such as buoys and crab pots (among others), are staged within the harbor throughout various fishing seasons. The site of the proposed lighthouse development is zoned Commercial (C), which allows for social halls, fraternal and social organizations and clubs as a principally-permitted use⁴.

The Trinidad Rancheria purchased the harbor properties and improvements (page 1 of [Exhibit 2](#)) in 2000, and is in the process of working with the Bureau of Indian Affairs (BIA) to transfer the approximately ten acres of its harbor ownership into federal trust status (including the subject site), as described further in **Finding C** (“Jurisdiction and Standard of Review”) below. The Environmental Assessment prepared for the fee to trust transfer states in part: “The Tribe has made a significant investment to revitalize

⁴ Other principally-permitted uses within the Commercial zoning district include professional and business offices, social and fraternal uses, retail and light commercial. Conditionally permitted uses in the C zoning district include motels, auto/boat/RV service, repair and sales, warehousing, lumber yards, seafood processing and commercial recreational facilities.

the local economy and preserve the Tribe's cultural heritage, and has developed a model that advances economic development and stewardship... The Trinidad Rancheria currently operates the pier, and upland improvements including a boat launch ramp and the Seascope Restaurant." Efforts are currently underway to improve management of stormwater runoff within the harbor parking area (see "Permit History" in **Finding B** below), and the Rancheria has plans to develop a visitor center in the harbor in the future. The Commission's findings of concurrence on Consistency Determination CD-0006-18 (Appendix A) for the fee to trust transfer indicated that "The visitor center would be open to the public and would provide "educational opportunities for tribal citizens and non-tribal members of the public, focusing on regional resources including Tribal cultural resources" according to the BIA consistency determination."

Along the waterfront to the east and west of the project site are beach areas primarily in open space uses. These include Old Home Beach - and the associated site of the Yurok village of *t'surai* - located approximately 1/8 mile to the east; and both Trinidad Beach and Trinidad State Beach, located approximately 1/4 mile to the northwest of the project site.

B. Permit History & Related Permits Relevant to Proposed Development

Prior Approvals to Temporarily Relocate Trinidad Memorial Lighthouse

Authorizations for relocating the memorial lighthouse include emergency approvals issued in 2017 and 2018, and a follow-up CDP issued in 2019 for the temporary siting of the lighthouse for up to four years while a long-term plan was developed. In November 2017, Trinidad Civic Club requested emergency authorization to relocate the TML from its blufftop location off of Trinity and Edwards Streets after evidence of landslide movement near the lighthouse foundation revealed new surficial cracks following early season rains. Because the Civic Club does not own any other property, and after consultation with a licensed geologist, the Civic Club proposed to relocate the lighthouse approximately 15 feet east of the original lighthouse site, on a portion of the property that appeared more geologically stable due to underlying bedrock. The City issued an emergency permit in December 2017,⁵ and a new concrete pad was constructed. Once work commenced associated with preparing the new site for construction of the concrete slab, significant protests at the site were initiated by various Native American and other community members concerned about unexpected disturbances of the soil. The Yurok People conveyed that the soil at the Edwards Street site is viewed as culturally significant. After various discussions with interested parties to resolve the dispute, the Trinidad Rancheria offered to allow the TML to be relocated on a temporary basis within Trinidad Harbor. Because Trinidad Harbor is within an area of deferred certification and not currently in trust status (see additional discussion in **Finding C** below) the Coastal Commission issued Emergency Permit No. G-D-18-0001 on January 8, 2018 to allow the temporary placement of the TML within the harbor.

⁵ City of Trinidad Emergency Permit No. 2017-06E issued December 11, 2017 with addendum issued December 21 for the Blufftop Site

On February 9, 2019, the Commission granted conditional approval of CDP 1-18-0630 authorizing both the previous relocation of the Trinidad Memorial Lighthouse under emergency permits to a temporary site (up to four years) at the Trinidad Harbor, and the removal of the TML foundations and pavement from the former blufftop location. The subsequent removal of the foundations and pavement occurred in August 2019, with outreach and coordination efforts occurring between Trinidad Civic Club, Trinidad Rancheria, Yurok Tribe, and Tsurai Ancestral Society in advance of work, and with cultural monitors present during on-site activities.

Prior Appeal of Local CDP Involving the Blufftop

In 2012, several years prior to relocation of the TML, the Trinidad Civic Club separately applied to the City of Trinidad for approval of a CDP No. 2012-04 requesting after-the-fact (ATF) authorization to remove fencing, conduct landscaping (removal of sod and invasive blackberries), and terrace an existing slope to provide access to the Axel Lindgren Memorial Trail through the Memorial Lighthouse Civic Club property (APN 042-091-04) at the Edwards Street site. The ATF development subsequently approved by local CDP No. 2012-04 is situated on the downslope side of the former Trinidad Memorial Lighthouse foundation. The local CDP was subsequently appealed to the Commission in Appeal No. A-1-TRN-12-031. The landscaping, fencing, and terracing activities that are the subject of Appeal No. A-1-TRN-12-031 are not functionally related to any of the lighthouse removal and relocation activities proposed under CDP 1-18-0630 as proposed to be amended. Approval of this coastal development permit as conditioned does not constitute an endorsement or a predetermined recommendation about any outcome that may be considered as part of any future action associated with Appeal No. A-1-TRN-12-031.

Trinidad Harbor Improvements

Since purchasing the Harbor properties in 2000, the Trinidad Rancheria has applied for and received several coastal development permits aimed at improving water quality, public access, recreational, and visitor-serving opportunities in the Trinidad Harbor. In 2001, the Commission conditionally approved both the conversion of a non-priority residential house to a priority visitor-serving commercial recreational facility (vacation rental) and repairs to an outdated septic system situated upslope of the harbor.⁶ In 2009 the Commission approved replacement of the restaurant septic system and construction of a public restroom⁷, and in 2010, the Commission authorized reconstruction of Trinidad Pier and associated stormwater improvements⁸, both of which contributed to Trinidad Rancheria's ongoing stewardship towards continued water quality improvement projects for the harbor area. In 2013, the Commission waived permit requirements for repair and maintenance work to a trail and associated rock slope protection (RSP)

⁶ CDP 1-01-039 (Trinidad Rancheria), approved December 14, 2001

⁷ CDP 1-08-049 (Trinidad Rancheria), approved August 13, 2009.

⁸ CDP 1-07-046 (Trinidad Rancheria), approved January 15, 2010, authorized (1) demolition and reconstruction of the Trinidad Pier; (2) construction of an associated stormwater drainage treatment system; and (3) installation of a replacement seawater intake pump to serve Humboldt State University's Marine Lab.

leading from a viewing platform near the pier and restaurant to the beach⁹. On November 18, 2022, the Commission authorized upgrades to Trinidad Harbor parking lot and Launcher Beach boat ramp to manage stormwater runoff, reduce discharge to Trinidad Bay and Trinidad Head Area of Special Biological Significance (ASBS), and repair an eroded portion of RSP at Trinidad Harbor.

The City of Trinidad has also obtained CDPs for water quality improvements in the Trinidad Harbor area. In 2019, City of Trinidad's Planning Commission approved a local CDP for stormwater improvements occurring both within and outside the harbor area and within the City's delegated coastal development permit jurisdiction¹⁰. In a related action, the Commission waived permit requirements for decommissioning the portion of the stormwater outfall located within the Commission's jurisdiction¹¹.

C. Jurisdiction and Standard of Review

The original project affected two properties within the incorporated boundaries of the City of Trinidad, in Humboldt County: (1) on a blufftop parcel at the end of Trinity Street (APN 042-091-04) owned by the Trinidad Civic Club ("The Blufftop Site"), and (2) within an upland area of Trinidad Harbor (APN 042-071-08) ("The Harbor Site"). The proposed project will only affect the Harbor Site. The City of Trinidad has a certified LCP, but the Harbor Site is within the "Trinidad Harbor and Upland Support Area," an Area of Deferred Certification (ADC) over which the Commission retains coastal development permit jurisdiction. Therefore, the Chapter 3 policies of the Coastal Act serve as the standard of review for the subject proposal.

As indicated in Finding A above, the Trinidad Rancheria purchased the harbor properties and improvements in 2000. In 2017, the Trinidad Rancheria petitioned the Bureau of Indian Affairs (BIA) to place nine parcels and three non-parceled areas totaling approximately ten acres into federal trust status, including the harbor parcels where the subject project is proposed to occur. The BIA subsequently submitted its consistency determination for the placement of the properties into federal trust status, and on March 7, 2019 the Commission concurred with the BIA's consistency determination¹². The Notice of Decision, signed November 1, 2021 by BIA Pacific Regional Director Amy Dutschke, indicates the Regional Director's intent to approve the transfer of certain specified property, including the property affected by the proposed project, into trust status "for the benefit and welfare of the Cher-Ae Heights Indian Community of the Trinidad Rancheria." Representatives of Trinidad Rancheria have indicated that a notice of appeal of the BIA's decision was filed with the Interior Board of Indian Appeals (IBIA) seeking review of the decision of the Pacific Regional Director to

⁹ De minimis waiver 1-13-014-W (Trinidad Rancheria) effective May 9, 2013

¹⁰ Local CDP 2019-12 (Coastal Commission post-certification No. 1-TRN-19-2538), approved on December 18, 2019, authorized Phase 2 of the Trinidad Area of Special Biological Significance (ASBS) Stormwater Improvement Project, including decommissioning the existing stormwater outfall and replacing it with a system of localized stormwater treatment chambers and infiltration basins.

¹¹ De minimis waiver • 1-20-0649 (City of Trinidad) effective March 12, 2021

¹² Federal Consistency Determination CD-0006-18 (Bureau of Indian Affairs)

accept the Tribe's property in trust, and that appeal has been docketed with the IBIA. Review of the subject CDP amendment application is occurring independent of the fee-to-trust process and is not dependent on an affirmative decision for the Tribe's fee-to-trust application.

D. Other Agency Approvals

City of Trinidad

As described above, Trinidad Harbor, where the lighthouse has been temporarily relocated, is within an area of deferred certification, not covered by the City of Trinidad's certified LCP. Consequently, the project area is within the Commission's coastal development permit jurisdiction. The project separately required the City's issuance of a grading permit, use permit, and design review approval. On June 28, 2021, the City of Trinidad's Planning Commission issued Design Review, Use Permit, and Grading Permit No. 2021-05 for the project, finding that the proposed permanent foundation and associated improvements for the Trinidad Memorial Lighthouse is consistent as conditioned with the grading, design review and view protection standards of its local Zoning Ordinance. As part of its conditional approval, the Planning Commission attached Local Condition No. 3 requiring that a certified cultural monitor from either the Trinidad Rancheria, Yurok Tribe and/or Tsurai Ancestral Society be onsite during demolition and any soil disturbing activities, and that all three groups shall be invited to be present. As discussed further in Finding E ("Archaeological Resources"), [Special Condition 5](#) of CDP 1-18-0630 similarly requires the presence of cultural monitors onsite during all work and remains in full force and effect.

The Planning Commission also attached Local Condition No. 4 requiring in part that the City Engineer must review and approve all grading, fill, disposal, and erosion control plans prior to commencement of work. On May 5, 2022, the applicant transmitted additional documents required by Local Condition No. 4 to the City Engineer for review and approval, and in an email dated May 16, 2022 the City Engineer approved the transmittals in satisfaction of Local Condition No. 4 of the City's permit. The City's approval also includes Local Condition No. 5 requiring in part that the Civic Club will coordinate with the Rancheria to develop a traffic control plan prior to the commencement of construction, and Local Condition No. 6 requiring that the height of the structure be reduced by six (6) inches in order to meet the 25-foot height limitation in the Commercial Zone (not including the spire). To address Local Condition No. 6, the applicant submitted revised plans dated September 2021 that reduced the concrete platform by one foot, thereby lowering the maximum height of the development to 24.5 feet and in conjunction, reducing the size of the upper platform. The applicant has included a copy of a memo from City staff dated October 7, 2021 indicating the revised project design complies with Local Condition No. 6 of the City's permit. Additionally, although the City's approval included Local Condition No. 2 specifying the duration of approval was limited to a two-year period starting at the effective date and expiring thereafter, the City staff later clarified in a memo dated March 16, 2022 that its approval authorized the permanent location of the TML to the harbor area, and that the applicant

would need to request a permit extension only if a building permit is not applied for in advance of permit expiration. The Planning Commission's actions were not appealed to the City Council.

E. Protection of Archeological Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Prehistoric and Historic Archaeological Resources in the Project Area

The City of Trinidad is within the Native American territory of the coastal Yurok, with the Tsurai Village being one of the largest Yurok villages and the southernmost village within Yurok Territory. The village is also listed in the California Register of Historic Places. The harbor parking lot is situated just downslope and west of both the former Yurok settlement of Tsurai and the Tsurai Study Area as designated in Trinidad's certified LCP. The Tsurai Management Plan¹³ (2007; [Appendix A](#)) describes the Tsurai village as follows:

Tsurai is a unique Yurok village because the people here speak the most linguistically divergent Yurok dialect. Moreover, Tsurai, meaning "mountain," because of its association with Tsurewa, is the only Yurok village that is in a protected bay as it sits tucked between the windy bluff above and the beach below (Waterman 1920:270-271).

There are three Native American groups with ancestral ties to the land. These include members of the Cher-Ae Heights Indian Community of the Trinidad Rancheria ("Trinidad Rancheria"), Yurok Tribe, and Tsurai Ancestral Society, the two latter of which have raised concerns about the lighthouse. Trinidad Rancheria, which owns the project location, and the Yurok Tribe are both federally recognized tribes with Yurok ancestry and rights and responsibilities for ensuring the protection and preservation of cultural resources. Yurok ancestral lands extend along the Lower Klamath River near the Oregon border, and along the California coast from Little River (south of Trinidad) north to Damnation Creek (south of Crescent City)¹⁴. The Yurok Tribe indicates in its

¹³ The Tsurai Management Plan was prepared for the Tsurai Management Team (consisting of representatives from the California Coastal Conservancy, City of Trinidad, Tsurai Ancestral Society, and Yurok Tribe) for the purpose of documenting and resolving ongoing issues that have the potential to impact public access, as well as the cultural and natural resources within the 12.5-acre Tsurai Study Area. While the Tsurai Management Plan has not been sanctioned by any regulatory agency of the State of California and the management plan has not been certified as part of Trinidad's LCP, the document provides insight on stakeholders, cultural resources, public access, and other resources issues affecting both the Tsurai Study Area and surrounding landscape.

¹⁴ <http://trinidad.ca.gov/document-library/tsurai-management-plan>

April 19, 2022 letter that these ancestral territory lands comprise 7.5 percent of the California Coastline.¹⁵

As described on Trinidad Rancheria's website¹⁶, their Tribe has ancestral ties comprised of Yurok, Tolowa, and Wiyot descendants, and the existing Rancheria is situated within the aboriginal territory of the Yurok people. According to the Federal Register, the tribal affiliation also includes Miwok (Eidsness 2001 in WRA 2018; [Appendix A](#)). The archaeological report prepared for the original project (WRA 2018; [Appendix A](#)), additionally states that Trinidad Rancheria's own research indicates its membership is "primarily Yurok, with some original assignees also descendants of Tolowa/Tutuni and Wiyot peoples (Sundberg 2018)." Although the Tsurai Ancestral Society (TAS) is not a federally recognized tribe, TAS is an integral part of the project area's cultural heritage¹⁷. The Tsurai Management Plan emphasizes TAS' ties to the Tsurai Village as a non-profit comprised of some of the descendants of the village of Tsurai. The Society says it "has assumed a long term custodial role for the protection and preservation of the cultural resources associated with Tsurai." The Society says it takes an active role in protecting the site, taking care of the cemetery grounds and continuing ceremonial activities associated with the village.

The harbor became the first port to be developed by Europeans on the north coast after Spanish fur traders first landed there in 1775. Trinidad became a main supply port during the gold rush in the 1850's, and later was further developed to support the logging industry and even a whaling station from 1920-1927. The original pier was constructed in 1945 to serve commercial and recreational users and was reconstructed in 2013.

Several archaeological surveys and cultural resources investigations have been conducted for the project area. An archeological study of the harbor area was conducted by Donald Verwayen at the Cal Poly Humboldt Cultural Resources Facility in 2011, which consisted of a field survey and literature search. An additional cultural resource study was conducted by Analytical Environmental Services (AES) in 2015 in association with the Trinidad Pier reconstruction project. This study included field verification of the earlier Verwayen study and a Native American Contact Program. Both studies identified cultural resources in the project area.

Other recently conducted surveys within the harbor area include a cultural resources field survey conducted by AES also in 2015; and 2018 surveys by William Rich and Associates in association with the City of Trinidad Stormwater Improvement Project Phase 2 ([Appendix A](#)) In a June 2021 Initial Impact Assessment prepared for the proposed amendment ([Appendix A](#)), the consultant AES found that while there are a number of significant historic and prehistoric cultural resources, paleontological

¹⁵ Additional information on the Yurok Tribe is accessible on their website at <https://www.yuroktribe.org/our-history>

¹⁶ Trinidad Rancheria's website is accessible online at <https://trinidad-rancheria.org/about/>

¹⁷ Additional information on Tsurai Ancestral Society is accessible on their website at <https://www.tsuravillage.org/>

resources and human remains near the project site, “none of these resources is located within the very limited area of disturbance associated with the Proposed Project.”¹⁸:

A Trinidad Rancheria Cultural Monitor was present during memorial lighthouse relocation activities that occurred in 2018 and inspected both the Blufftop Site and the Harbor Site during the operation. According to the THPO of the Trinidad Rancheria no cultural resources were found in the project area during that time¹⁹.

Tribal Correspondence

On February 23, 2022, Commission staff outreached to Yurok Tribe representatives regarding the status of the proposed lighthouse relocation project following receipt of the CDP amendment application in the Commission’s North Coast District office on January 14, 2022 and after receiving an initial project inquiry from a Yurok Tribe representative on February 3, 2022. On March 3, 2022, Yurok Tribe representatives sent Commission staff a copy of a letter dated February 25, 2022 and transmitted to the Trinidad City Council ([Exhibit 8](#)), serving as a formal notice of opposition to the City’s prior action in 2021 approving the Design Review, Use Permit, and Grading Permit for the Trinidad Memorial Lighthouse project. The letter also stated that the Yurok Tribe would be opposing the coastal development permit application with the Coastal Commission.

On April 19, 2022 Commission staff received a formal request for government-to-government consultation from Yurok Tribal Chairman Joseph L. James ([Exhibit 8](#)). The April 29, 2022 letter identified concerns that included the project’s Tribal Cultural Resource impacts, the Applicants’ failure to evaluate alternate locations, visual impacts to Trinidad Head, Tribal Access issues during construction and special events at the Lighthouse, and the proposed project’s consistency with the Coastal Act. On June 7, 2022 a consultation was held between Commission staff (including the Commission staff’s Deputy Director of Tribal Affairs) and Yurok Tribal representatives. Several months later, on September 1, 2022, Trinidad Rancheria Tribal Chairman Garth Sundberg sent a letter ([Exhibit 8](#)) to Executive Director Ainsworth requesting government-to-government consultation. The letter included objections to requests from Commission staff for information associated with permit amendment application filing requirements, and concerns regarding equal recognition of the Trinidad Rancheria’s affiliation with its ancestral territory. 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, as discussed further in

¹⁸ Page 3-13, June 2021 Initial Impact Assessment prepared by AES.

¹⁹ Letter dated July 27, 2018 from Rachel Sundberg, Tribal Programs Director/THPO to Patti Fleschner, Trinidad Civic Club ([Exhibit 8](#)).

Finding F (“Visual Resources”) below. Chairman Sundberg repeated the tribe’s position on the matter writing:

“We must reiterate the Trinidad Rancheria is a federally recognized tribe and has sovereign right to self-determination and economic development to operate the Harbor Properties as a working waterfront. The Trinidad Memorial Lighthouse Project is a memorial dedicated to honor those lost at sea and will be part of the working waterfront properties.”

On January 10, 2023, Commission staff circulated project information to Yurok Tribe representatives, representatives of the Tsurai Ancestral Society, and to all contacts included on the Native American Heritage Commission Tribal Consultation List provided in association with the subject project.

Potential Impacts of the Amended Development on Tribal Cultural Resources

CDP 1-18-0630 authorized the temporary placement of the Trinidad Memorial Lighthouse approximately 270 feet north of Trinidad Head and in between the harbor parking areas, as seen in [Exhibit 4](#). The location in the harbor where the TML was moved is within view of Trinidad Head and within the general Trinidad viewshed. The temporary placement of the memorial lighthouse in this location occurred during an emergency that required immediate relocation of the memorial lighthouse infrastructure to avoid adversely impacting cultural resources that could have occurred if a landslide dislodged the lighthouse onto the lands of the Tsurai Village situated downslope of the Blufftop Site. The applicants propose amending the permit to permanently site the lighthouse in its current location, elevated on a permanent earthen fill and concrete pad foundation (approximately 7.5 feet higher than the surrounding parking area and at approximately 33 feet above sea level).

The Commission’s Tribal Consultation Guidance, adopted in 2018, explains that “Tribal Cultural Resources” include:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (B) Included in a local register of historical resources as defined in Public Resources Code section 5020.1(k).²⁰

²⁰ Tribal Cultural Resources also include a “resource determined by the CEQA lead agency or the Commission, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code section 5024.1(c). In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.” See also Native

In many cases, tribal cultural resources will qualify as archeological, paleontological, visual, biological, or other resources protected by Chapter 3 policies of the Coastal Act. In a letter dated February 25, 2022 addressed to Trinidad City Council and copied to Commission staff ([Exhibit 8](#)), the Yurok Tribe expressed concerns that the permanent construction of the TML significantly impacts tribal cultural resources present in the project area, “via potential ground disturbance and visual and aesthetic change.” The 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 sites²¹.” The letter further identifies “historical resources within the area of the TML project, including Trinidad Head which is a registered California Historical Resource.²²” Trinidad Head is part of a culturally significant place, as indicated in prior archaeological survey reports and underscored in recent correspondence received from the Yurok Tribe. The August 2018 archaeological survey report prepared by William Rich Associates for the City’s stormwater improvement project (**Appendix A**) states in part “the Trinidad Rancheria, Tsurai Ancestral Society and the Yurok Tribe have indicated that ceremonial places and ethnographic landscapes, such as the village of Tsurai and surrounding areas; particularly, Trinidad Head are areas of profound spiritual significance to Yurok culture.”

More recently, Tribal Chairman Garth Sundberg of the Trinidad Rancheria acknowledged in a Jan. 6, 2023 letter ([Exhibit 8](#)), that: “the Trinidad Harbor Properties include significant cultural resources for the Trinidad Rancheria and the Yurok people” and that the tribe has “constantly been working to improve and protect these natural and cultural resources.” Chairman Sundberg, however, added that the tribe had shared materials with the Commission clearly showing that the placement of the lighthouse “does not impact Trinidad Head, the Tsurai Village or potential burial sites.” As indicated above, the June 2021 Initial Impact Assessment (IIA) prepared by AES for the proposed amendment acknowledges the presence of Tribal Cultural Resources (TCRs) within the project vicinity. Page 3-32 of the June 2021 IIA additionally states that while there are Cultural Resources near the project site, “the visual environment of the TCRs would not change as a result of the Proposed Project. Therefore, no impact would occur.”

Concerns raised regarding visual and aesthetic impacts of the proposed amendment are discussed further in **Finding F** (“Visual Resources”) below.

Measures to Ensure Protection of Archaeological Resources

Coastal Act section 30244 requires that reasonable mitigation measures be employed where development could adversely impact archaeological or paleontological resources. Although no archaeological resources were found during surveys within the original project footprint in the harbor, the July 2018 “Archaeological Resources Report” prepared by WRA for the original project recommended conducting all project-related

American Heritage Commission, *Understanding Cultural Resources*, available at <https://nahc.ca.gov/resources/understanding-cultural-resources/>.

²¹ TML Initial Impact Assessment 3-32, 3-33

²² Trinidad Head, <https://ohp.parks.ca.gov/listedresources/detail/146>

work “under the observation of appropriate cultural monitors with expertise in cultural values of the Tsurai Village, including representatives from the Tsurai Ancestral Society, Trinidad Rancheria, and the Yurok Tribe.” In their January 6, 2023 transmittal, the Applicants resubmitted a copy of the July 2018 WRA report, along with copies of the July 2021 Initial Impact Assessment. The June 2021 IIA indicates in section 3.5 (page 3-12) that ground disturbance associated with relocation of the TML and bell was limited to a 15 by 15 square-foot area of disturbance during relocation work conducted in 2018 and concludes that “the footprint required for final relocation of the TML and Bell has already been excavated while monitored by the [*Trinidad Rancheria*]; no cultural resources, paleontological resources, human remains, or soils with the potential for cultural resources were observed. However, as mentioned in section 2.4, a cultural monitor will be onsite during ground-disturbing activities as an additional precaution.” As indicated above and as specified in the project description provided in section 2.4 of the July 2021 IIA, “Based on request [*sic*] by surrounding Tribes, a cultural monitor will be onsite during ground-disturbing activities.”

As part of its approval of the original permit, the Commission imposed [Special Condition 5A](#) requiring the applicant to comply with all recommendations and mitigation measures contained in the archaeological report prepared by WRA. [Special Condition 5B](#) of CDP 1-18-0630 further requires the presence of archaeological monitors qualified by the California Office of Historic Preservation Standards. As described above, the Applicant proposes a cultural monitor will be onsite during ground-disturbing activities associated with the proposed amendment. Because Special Condition 5 included provisions affecting both the Harbor Site and the Blufftop Site (which is not affected by the subject amended development), Special Condition 5 has been amended to incorporate the recommendations and mitigation measures provided in the supplemental documents and eliminate requirements specific to the Blufftop Site (such as prohibitions against the use of heavy equipment and retaining any unearthened soil onsite). Additionally, Special Condition 5B has been modified to require 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 can be arranged to be present to monitor all construction work. 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.

Although a 15 by 15 square-foot area (225 sq. ft.) was previously disturbed as part of the original project, the proposed amendment will result in a total ground disturbance of 2,430 square feet²³ at the site of the lighthouse improvements. To ensure protection of any prehistoric cultural resources that may be discovered during any ground disturbance activity, the Commission imposed [Special Condition 5C](#) to the original CDP. This condition incorporates recommendations for tribal notification and protocol provided by the Yurok Tribe that are included in the July 2018 WRA archaeological report, and further requires that if an area of prehistoric cultural deposits is discovered during the course of the project, all activity must cease and the discovery shall be immediately reported to the Yurok Tribal Historic Preservation Officer (THPO), Trinidad

²³ Page 2-2 of March 2022 Initial Impact Assessment Addendum, prepared by AES.

Rancheria THPO, and Tsurai Ancestral Society. [Special Condition 5C](#) also establishes procedures under which a qualified cultural resource specialist must analyze the significance of the find. To recommence activity following discovery of any cultural deposits determined to be significant, the Commission imposed [Special Condition 5D](#) requiring the applicant to submit a supplementary archaeological plan to identify proposed investigation and mitigation measures for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required. Special Condition 5 remains in full force and effect, as amended.

Therefore, the Commission finds that, as conditioned, the proposed amended project is consistent with Coastal Act Section 30244, as the authorized development includes reasonable mitigation measures to ensure that the construction and permanent placement of the Trinidad Memorial Lighthouse in the Trinidad Harbor will not result in significant adverse impacts to archaeological resources.

F. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The scenic and visual qualities of coastal areas is an important coastal resource protected by the Coastal Act. Section 30251 requires that new development is sited and designed to protect views to and along the ocean, minimize alteration of natural landforms, and be visually compatible with the character of surrounding areas. The proposed location of the Trinidad Memorial Lighthouse improvements (The Harbor Site), are 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. Prior to placement of the memorial lighthouse and bell, approximately 20 to 30 cubic yards of iceplant and sand were excavated using heavy equipment to create a level pad approximately 15 feet long by 15 feet wide. Material was excavated only to the minimum needed to accommodate the lighthouse and memorial bell structures. Excavated material was disposed of by the Trinidad Rancheria in an upland location on

Rancheria trust land. As constructed, the temporary placement of the lighthouse and bell at this location minimized the alteration of landforms consistent with section 30251.

The proposed lighthouse with supporting infrastructure will have a maximum height of 24.5 feet above existing grade (plus 1.5-foot-tall spire). The lighthouse will sit approximately 7 feet above the existing grade on a concrete foundation surrounded by an approximately 8.5-foot-tall concrete retaining wall topped by a 4.2-foot-tall steel railing ([Exhibits 2-3](#)). The concrete retaining wall will create a patio area approximately 20 feet wide and 20 feet long topped with concrete pavers. As viewed from the parking lot, the lighthouse will appear approximately 7 feet above its current height. The proposal also includes extending utilities from the existing harbor bathroom building to the lighthouse and adding lighting features to the lighthouse. A low-wattage, downward-cast light will be added over the door of the TML. Additionally, a backlit sign will be added above the memorial bell and will remain on overnight. To prevent the installation of lighting that would create unnecessary glare and detract from the visual compatibility of the development with its surroundings, the Commission attaches [Special Condition 10](#). The special condition requires that all exterior lights shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed to shine beyond the boundaries of the project site or into adjacent sensitive habitats.

This project raises important questions concerning whether the Memorial Lighthouse is proposed to be sited and designed in a manner that is visually compatible with the “character” of surrounding areas, as required by section 30251. As the Commission has found in prior actions, determinations regarding the character of a particular area are inherently subjective inquiries. The Commission recognizes that there can be differing perspectives as to the defining character of a particular area, as well as the possibility that an area’s character can be multi-faceted, accommodating multiple important characteristics or qualities.

Trinidad Harbor is a working harbor that is often filled with fishing equipment, boat trailers, and public parking in support of coastal recreational uses. Lighthouses are structures designed to promote vessel safety and are sometimes found in close proximity to harbors. Because of the replica lighthouse’s proposed location within the harbor parking lot, the lighthouse will not significantly impact views of the ocean, beaches, or Trinidad Head. The proposed location of the lighthouse is surrounded by 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 will appear in character with its immediate surroundings within this working harbor.

Yurok Tribe representatives have expressed concerns that the permanent siting of the lighthouse within the harbor would result in significant visual and aesthetic impacts to Trinidad Head and Tribal Cultural Resources (TCRs), without evaluating alternative

locations or providing reasoning as to why alternative locations were not chosen²⁴. The same concern was presented to City of Trinidad staff, City Council, and Planning Commissioners in a letter dated July 14, 2021. As indicated in **Finding E** above, Trinidad Head (Tsurewa) is a culturally significant place to all Yurok people, with profound spiritual significance to Yurok culture. Trinidad Head is a prominent feature within the city and serves as a backdrop to the harbor, rising over 350 feet above the harbor parking area that is situated in the foreground.

The applicant has submitted as part of its amendment application a copy of a memorandum dated June 25, 2021 prepared by AES during the City's discretionary review of the Design Review, Use Permit, and Grading Permit No. 2021-05. The memo ("Re: Comment Letter Regarding Visual TCRs and TML Relocation"; [Exhibit 5](#)) addresses concerns raised about Traditional Cultural Properties (TCPs)²⁵ and indicates responses are provided to a comment letter from the Yurok Tribe Tribal Historic Preservation Officer that was submitted to the Trinidad Planning Commission before its June 16, 2021 hearing. Among other responses, the memo states in part the following:

...3) Even without the TML and Bell, there is already copious modern development within the viewshed of the TCPs, including a rental unit, surface parking, a restaurant, a bait shop, the Trinidad Wharf, a charter and boat launch area, public restroom facilities, and housing. The City and TCC contend that relocation of the lighthouse would not significantly add to the degree of development in the immediate area or within the TCP viewshed.

4) The Proposed Project involves changing the location of the TML and Bell to a location visible from the TCPs, however the TML and Bell were visible from the TCPs before they were moved. The net result of the Proposed Project will be to relocate a part of the modern built environment to a location that already features numerous built resources and therefore will not materially affect the viewshed from the TCPs.

As discussed above, visual compatibility and character are topics that lend themselves to an array of different perspectives from the public. Such viewpoints are often deeply personal and rooted at the core of a person's background, interests, values, and beliefs. There are strong opinions in the community about the compatibility of the TML at this site. For example, some find the TML to be compatible and scenic in its own right, whereas others feel just as strongly that the TML detracts from the natural and cultural beauty and should not be sited in the harbor area.

While the proposed permanent location of the TML in the harbor is clustered and in character with the existing developed working harbor and minimizes landform alteration as discussed above, ultimately it is located within the viewshed of Trinidad Head, which is recognized as a culturally significant place to Yurok people. Tribal consultations with

²⁴ Letter dated April 19, 2022 from Yurok Tribe to Commission staff, re: Request for Yurok Tribe Government-to-Government Tribal Consultation- Coastal Development Permit (CDP) Amendment Application No. 1-18-0630-A1 ([Exhibit 7](#))

²⁵ The June 2021 Initial Impact Assessment

the three tribal entities has revealed differing perspectives among the descendants of the native peoples in this area as to the significance and appropriateness of locating the Memorial Lighthouse in the Harbor, due to its proximity to important cultural sites.

In this case, Trinidad Rancheria has offered this location to the Civic Club for the permanent siting of the TML and, as the property owner, has demonstrated its full support for the project by joining as a co-applicant to this CDP. The proposed location helps the community resolve its need for a permanent location for the TML and provides a draw to visitors that will help support the economic viability of the harbor. Through its stewardship, Trinidad Rancheria is working to improve the harbor and its resources while maintaining it as a working and visitor-serving harbor.

As indicated in Finding A above (Project Description), The Environmental Assessment prepared for the fee to trust transfer states in part: “The Tribe has made a significant investment to revitalize the local economy and preserve the Tribe’s cultural heritage, and has developed a model that advances economic development and stewardship... The Trinidad Rancheria currently operates the pier, and upland improvements including a boat launch ramp and the Seascape Restaurant.” In a letter dated January 6, 2023 sent to the Commission’s Executive Director, Trinidad Rancheria’s Chairman Garth Sundberg further states in part: “The Trinidad Memorial Lighthouse project is a memorial dedicated to honor those lost at sea and will be part of the working waterfront properties.”

As indicated in the application:

The design of the Memorial Lighthouse Monument is beautiful and worthy of those whose names are engraved and those whose names will be engraved for generations to come. When completed, it will restore the Memorial Lighthouse to its iconic beauty within the Trinidad community and give a home to the historic maritime artifacts it was built to preserve.

The applicants have indicated their strong support for this site and indicate that “a compromise was made and resources committed to the proposed site where the proposed monument is in an already disturbed location, a parking lot in a commercial zone, where there would be less soil disturbance than other sites and further away from Trinidad Head.” The siting of the lighthouse in its current location at the edge of the parking area and at the base of a roadway, rather than developing a new monument site on an unimproved site, minimizes the alteration of natural landforms.

As indicated above, the applicant proposes nominal lighting on the memorial lighthouse and bell. To ensure lighting is visually unobtrusive, the applicant proposes, and Special Condition 10 requires, that all exterior lights shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed to shine beyond the boundaries of the project site or into adjacent sensitive habitats.

Alternative Site Analysis

During government-to-government consultation between Yurok Tribe representatives and Commission staff, questions were raised regarding the feasibility of siting the memorial lighthouse and bell at an alternative site referred to as Saunders Park rather than its current location.

Limited options were available for relocating the lighthouse in the moment of its imminent threat in 2018. The original permit authorized the temporary location of the lighthouse for a period of four years, to afford time for planning and permitting for a permanent lighthouse location. In its findings for approval of the original permit, the Commission acknowledged its regulations requiring that an application shall include, among other things, an analysis of “any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment.”²⁶ Thus, Special Condition 8A of CDP 1-18-0630 required that any application to permanently place the lighthouse within the coastal zone would need to provide an evaluation of alternative locations for the memorial lighthouse and bell, including comprehensively addressing the impacts of alternatives on the environment and the feasibility of the alternatives.

In accordance with Special Condition 8A, the applicants performed an analysis of 12 sites within the City of Trinidad ([Exhibit 6](#)), including the following (numbers refer to site numbers depicted on map on page 1 of Exhibit 6):

1. Trinidad Cemetery
2. Trinidad State Park
3. Saunders Park
4. Trinity & Edwards Street Right-of-Way
5. Trinidad Head
6. Trinidad Harbor
7. Horse Pasture
8. Hector Street
9. Murphy’s Field
10. Alternate Harbor 2
11. Alternate Harbor 3
12. Alternate Harbor 4

In evaluating feasible alternative locations, the applicant considered among other factors, whether siting the lighthouse at various locations would be compatible with the character of the surrounding settings, whether feasible access existed, and whether geologic or other hazards were present. The analysis included nine sites originally suggested by community members, however three of the suggested sites (Sites 7, 8, and 9) were located on private property without landowner support. The Civic Club determined those three sites not to be viable and eliminated these sites from further consideration. On February 27, 2018, the applicants held a public meeting and

²⁶ Title 14, California Code of Regulations Section 13053.5

“Charette Event” to gather community input on the site selection for the permanent location of the lighthouse. At this event, the remaining six potential sites were considered using criteria including: location, space, public access/parking, longevity, security, access to utilities, and financial cost.

Participants at the Charette Event added comments to lists of pros and cons of the six sites and the applicants later tabulated the results. For various reasons (summarized in part below), the only site that was deemed viable by the applicants was the current location at the Trinidad Harbor. Subsequently the applicants hired Trinity Valley Consulting Engineers (TVCE) to identify and analyze soil conditions as part of the alternatives analysis for four sites within the Trinidad Rancheria’s harbor properties, including the current lighthouse location (pages 19-27 of [Exhibit 6](#)). A summary of the applicant’s analysis follows:

The **Trinidad Cemetery** was determined not to be viable due to its location away from the ocean, lack of space within the cemetery, and lack of public parking. **Trinidad State Park** was determined not to be viable due to a perceived length of the approval process by State Parks, concerns of possible vandalism and lack of security at the site, and potential costs associated with moving the lighthouse to this site. The State Park site is located at the northern end of the town and approximately 500 feet west of Highway 101, adjacent to State Park Road, which terminates in a roundabout on a bluff-top site with intermittent ocean views through a tree-lined landscape. Parking is available adjacent to State Park Road, and an open meadow situated between the parking and the forested backdrop to the north currently includes a public restroom and picnic benches. There is room at the site for a lighthouse structure, but the potential effects of ground-disturbing activities needed to support the lighthouse at this site are unknown, and it remains unclear whether State Parks is amenable to allowing the lighthouse structure on this site. Similar to the Saunders Park site discussed further below, moving the lighthouse to the State Parks site would involve logistical and cost constraints that the Applicant has indicated exceed their financial capacity for the proposed project.

The applicant eliminated **Saunders Park** from further consideration because of its location away from the ocean, lack of space due to underlying geothermal piping and septic leach field constraints, and lack of parking. Although the park has ample parking the applicants felt that it may not be enough to accommodate the annual memorial service. Commission staff requested further analysis of this site because Yurok Tribe representatives named the park as the preferred alternative site. The Saunders Park site is a three-acre parcel located approximately 350 feet northwest of the Highway 101 offramp and immediately north of and adjacent to a gas station at the entrance to the City of Trinidad. The Saunders family donated the property in 2006 to the Trinidad Coastal Land Trust for the purpose of providing a community space for the library, museum, and outdoor recreation. The site now contains a library, cultural and natural history museum, a combination land trust office and art gallery, native plant garden, and bocce court on portions of the land that are leased to City of Trinidad and to Trinidad

Museum.²⁷ The site includes 17 parking spaces, including one electric vehicle charging station. Across the street, a Park and Ride public parking area provides an additional 12 temporary parking spaces and public bus transit services. Highway 101 is located immediately east of the property, and access to the ocean is located approximately 1/3 mile west of the site. Other views around the Saunders Park site include a tree-lined hillslope with residential development to the north, and the gas station, Main Street, and a shopping center with restaurants and a grocery store to the south.

On January 6, 2023, the applicants provided additional reasons why Saunders Park was not chosen (see excerpts on pages 12 through 18 of [Exhibit 6](#)) including, among others: (1) the lack of access to public bathroom facilities, (2) incompatible character (citing that placement of the lighthouse at the inland location rather than near the ocean was illogical, (3) lack of property owner support (referring to the legacy of the donors of the land and their intention that the land support a museum, library, and land trust), (4) logistical constraints with property easements, and (5) concerns over nefarious activities, safety, and security at the park property. 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. Additionally, the existing replica lighthouse was constructed in 1948 and weighs over 20 tons. Moving the lighthouse from the harbor to the inland site would be costly due to specialized equipment needed to move the structure, and would involve risk of damaging the replica structure. While it is feasible to construct a new replica lighthouse structure, the costs for engineering, designing, and siting a new structure at this site in a location that avoids subsurface infrastructure would incur additional costs that were beyond the Applicants' scope for this undertaking.

The Intersection of **Trinity and Edwards St.** was determined not to be viable because it would be subject to the same geological concerns as the original site. This site was also considered to be too close to the Tsurai ancestral village site. Traffic congestion, parking, and lack of space were also cited as concerns. **Trinidad Head** was determined not to be viable because Trinidad Head is a sacred site for the Yurok people. Concerns with access and cost were also cited.

The **Trinidad Harbor** site was the only site determined to be viable by the applicants. This location was preferred due to its location near the ocean and because of the Trinidad Rancheria's ownership of the site. Three additional sites were proposed by community members but determined not to be viable by the applicants due to their locations on private property not owned by the Trinidad Civic Club or the Trinidad Rancheria. The additional sites include the **Horse pasture** near Trinidad School, a vacant lot on **Hector Street**, and **Murphy's Field** on View Street. Additional sites that were identified and analyzed for soil characteristics by TVCE include **Alternate Harbor**

²⁷ Additional information about Saunders Park, along with site photos, can be accessed online at <https://www.trinidadcoastallandtrust.org/saunders-park.html>

Location 2 which was determined to be potentially viable by the applicants however, it was determined to be more costly to build, would require more soil disturbance, and would raise more visual resource concerns than the current site. **Alternate Harbor Location 3** was determined not to be viable due to erosion and instability at the site as well as cultural sensitivity as the site is closer to Trinidad Head. **Alternate Harbor Location 4** was also determined not to be viable due to its proximity to Trinidad Head.

Although the Applicants did not evaluate the “no project” alternative, in this case doing nothing would not reduce the visual effects of the project. As indicated in **Finding A** above, in 2019 the Commission authorized siting the lighthouse in its current location as a follow-up to the emergency permit that allowed the lighthouse to be placed within the harbor after landslide activity threatened its former blufftop location. CDP 1-18-0630 (**Exhibit 7**) included [Special Condition 8](#) which limited the temporary authorization for siting the lighthouse at its current location to four years (commensurate with the term of discretionary approvals authorized by the City) and required in part that the permittee submit a follow-up CDP application for any proposal to permanently place the lighthouse within the coastal zone. The Applicant timely submitted an amendment application, consistent with the requirements of **Special Condition 8**, to retain the lighthouse at its current location. Under the “no project” alternative, the lighthouse would remain where it is now, inconsistent with the requirements of **Special Condition 8** of the original permit and would continue to have the same visual effect on the surrounding area as it does now, and similar to the visual effect under the project as proposed by the Applicant.

In summary, the Commission acknowledges and understands the concerns raised by the Yurok Tribe regarding the potential visual and aesthetic impacts of the project on nearby and important cultural sites. On balance, and after consideration of all of the evidence and potential alternative sites, the Commission finds that the project, as conditioned, protects scenic and visual resources. In particular, the Commission finds that the TML is sited and designed, as conditioned, to be visually compatible with the surrounding area within the meaning of Coastal Act section 30251, 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.

Therefore, the Commission finds that the project as proposed is consistent with section 30251 of the Coastal Act.

G. Public Access and Recreation

Coastal Act sections 30210, 30211, 30212, and 30214 protect public access and recreation. In particular, section 30210 of the Coastal Act states, in applicable part:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent

with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states, in applicable part:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in applicable part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby

Section 30213 requires in part the following:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30214 of the Coastal Act states, in applicable part:

The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case...

In applying these sections, the Commission considers whether public access is necessary to avoid or offset a project's adverse impact on existing or potential access. As described above, the City of Trinidad features numerous public beaches and trails, trails along Trinidad Head, and recreational boating and other visitor-serving opportunities within Trinidad Harbor. Trinidad Harbor also provides both commercial and recreational boating access opportunities including boat launching and berthing for commercial vessels and recreational boats. The project will not adversely affect public access. The permanent infrastructure supporting the memorial lighthouse and bell at the proposed location within the Trinidad Harbor area does not displace any existing public access facilities, and does not interfere with the public's ability to access any of the recreational opportunities within and surrounding Trinidad Harbor. Although the driveway and parking lot adjoining either side of the Lighthouse site are used by public access users, there are no trails or other evidence of public access use of the proposed location of the lighthouse itself for public access. Furthermore, the installation of two observation benches, pedestrian sidewalks, and an access ramp associated with the lighthouse infrastructure will provide additional public access and recreation opportunities.

Construction and staging activities will result in temporary impacts on traffic and parking in portions of the harbor area. However, the potential impacts on public access will be limited in duration and the minimum needed to implement the proposed development. The portion of the paved parking area between the development site and the public restrooms will serve as the staging area and temporary location of the lighthouse during construction (page 4 of [Exhibit 2](#)), resulting in a reduction of seven (7) parking spaces during project construction. Construction is projected to last up to two months and the Rancheria aims to schedule construction during either the spring or fall to avoid peak traffic volumes during the summer tourist season. If contractor schedules or other constraints necessitate construction during the summer, the applicant indicates that alternate public access would be available nearby at the Trinidad School parking lot when school is on summer recess. The applicant has proposed to publish press releases prior to construction to alert the public of construction schedules within the harbor. The applicant has also proposed to post construction warning signs and to employ traffic control personnel during construction.

Commission staff have received comments expressing concern that special events held at the lighthouse could interfere with Tribal access ([Exhibit 8](#)). As described in **Finding A** above, currently the Trinidad Civic Club hosts an annual Memorial Day Ceremony at its blufftop property where the lighthouse was previously located. The Civic Club has expressed a desire to continue to host its memorial service at its blufftop property for at least several more years, but ultimately plans to add memorial plaques to the permanent lighthouse location and host its annual Memorial Day Ceremony at the harbor site in the future. Memorial events at the blufftop site have generally lasted for under one hour and drawn participation of approximately 50 attendees. In the past, the Civic Club has obtained encroachment permits from the City authorizing temporary traffic impacts and have provided press releases and volunteers to assist in directing traffic in town in association with the event. The applicants indicate they anticipate similar future annual events within the harbor would be of similar size and duration and would similarly provide advance public outreach and onsite traffic coordination to ensure public access is maintained during the annual event.

Representatives of the Trinidad Rancheria have stated that development of the permanent site for the Trinidad Memorial Lighthouse is a part of the economic development of the harbor properties. The Lighthouse is an iconic landmark which attracts visitors to the community in support of public recreational opportunities at the Trinidad Harbor.

Therefore, as (1) project construction that would affect public access use will be of relatively short duration, (2) public access will remain available in the project area throughout construction with only limited closures of specific areas for short periods of time, and (3) parking would be reduced and relocated for brief periods of time during construction and future annual events but not eliminated, the Commission finds the proposed development does not have any significant adverse effect on public access, and that the project as proposed is consistent with the requirements of Coastal Act sections 30210, 30211, 30212, and 30214.

H. Coastal Hazards

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 requires in part that new development minimize risk to life and property in areas of high geologic and flood hazards, assure structural integrity and stability, and neither create nor contribute significantly to erosion. The project entails development in areas subject to significant exposure to geologic and flood hazards including strong earthquake shaking, liquefaction, erosion, and tsunami inundation.

The project site is situated between the base of a driveway leading uphill to a vacation rental and the edge of the harbor parking lot ([Exhibit 4](#)), approximately 460 feet east and landward of the Pacific Ocean shoreline. The lighthouse will be situated approximately 7.5 feet higher than the surrounding parking area, on an elevated pad of earthen fill surrounded by a concrete retaining wall and situated at approximately 33 feet above sea level. Given this elevation, the memorial lighthouse location would likely not be subject to storm surges. If the region were to suffer a major seismic event, a local tsunami could hit the shorelines surrounding Trinidad within minutes with tsunami run-up on the Harbor Site. However, the placement of the lighthouse infrastructure within the harbor area minimizes risk to life and property because it is located amongst fishing equipment, boating trailers, bathroom facilities and other infrastructure that currently exist within the harbor area.

The project as amended and as conditioned will not eliminate all risk to life and property from geologic and flood hazards. As part of its original approval of CDP 1-18-0630 ([Exhibit 7](#)), the Commission included [Special Condition 6](#), which requires the applicant to assume the risks of flooding and geologic hazards to the property and waive any claim of liability on the part of the Commission. Given that the Trinidad Rancheria and Trinidad Civic Club, as co-applicants, have chosen to implement the project despite tsunami inundation and geologic risks, the applicant must assume the risks. [Special Condition 6](#) notifies the applicant that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. [Special Condition 6](#) remains in full force and effect as part of the amended development. Additionally, the Commission imposes [Special Condition 11](#) requiring reimbursement of specified 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.²⁸

As discussed above, the project as conditioned will not eliminate all risk to life and property from geologic and flood hazards. However, all feasible mitigation measures necessary to minimize the flood and geologic risks have been incorporated into the project as conditioned. Therefore, the Commission finds that the proposed project, as conditioned, will minimize risk to life and property from hazards, consistent with section 30253 of the Coastal Act.

I. Protection of Coastal Waters

Section 30230 of the Coastal Act states the following:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states the following (emphasis added):

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

An approximately two-mile-long area surrounding Trinidad Head and including Trinidad Bay is designated as an Area of Special Biological Significance (ASBS) due to the presence of extensive kelp forests, and as such the State Water Board strictly prohibits discharges of waste. The Trinidad Head watershed is also identified by the Statewide Critical Coastal Areas Committee²⁹ as one of California's Critical Coastal Areas in recognition of its designation as an ASBS. Current and former water quality risks to the Trinidad Head ASBS include potential bacteria, nutrients, and sediment from urban runoff, septic systems, and fish cleaning stations, among others.

²⁸ Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See also 14 C.C.R. § 13055(g).

²⁹ The Statewide Critical Coastal Areas Committee consists of representatives from 15 state agencies, and also includes National Ocean Atmospheric Administration, the U.S. Environmental Protection Agency, and the Ocean Conservancy.

The proposed project involves ground disturbance in the project area. Removal of existing sand, native soil, ice plant, broken concrete, tires, and wood within a 2,340 square-foot area, and replacement with engineered backfill and concrete will all involve the movement of soil, concrete, and other fill to and from the site. The proposed ground-disturbing activities could increase the risk of sedimentation delivery to open coastal waters located downslope of the project site. Storm water runoff and construction-related debris from these project developments can adversely affect the biological productivity of coastal waters by degrading water quality.

The applicant proposes the use of erosion control measures such as covering disturbed soils with seed and straw after ground-disturbing activities, and additional BMPs for water quality protection including silt fences, temporary check dams, installation of straw wattles, and a dedicated concrete washout area prior to commencement of construction. The applicants have also included a spill prevention plan³⁰ which details the steps that will be taken during construction to prevent spills and the steps that will be taken to minimize harm to the environment in the event of a spill. The applicants have also included a debris disposal plan which proposes disposing of various debris at authorized locations³¹

To further minimize temporary construction impacts to the biological productivity and quality of nearby coastal waters, the Commission imposed [Special Condition 4](#) as part of its original approval of CDP 1-18-0630 (see [Exhibit 7](#)). **Special Condition 4** requires that in addition to the proposed BMPs, the permittee employ a suite of additional BMPs during the construction of the project, including, but not limited to: (a) performance of all ground disturbing activities during dry-weather periods only; (b) seeding of bare soils upon completion of construction activities and prior to the onset of rainfall; (c) use of only weed-free straw to cover bare ground areas; and (d) installation of fiber rolls and silt fencing as proposed prior to, and maintained throughout, the construction period. **Special Condition 4** remains in full force and effect as part of the amended CDP authorization.

The project also involves the use of concrete to construct the memorial lighthouse foundation, retaining walls, and sidewalks for the proposed development. The applicant proposes the use of a concrete washout station located between the proposed development site and the existing bathrooms and more than 400 feet away from coastal waters (page 11 of [Exhibit 2](#)). Additionally, the applicant proposes installing silt fences and check dams, among other BMPs, to prevent concrete grindings, concrete slurry, and paving rinseate from entering drop inlets or sheet-flowing into coastal waters.

³⁰ Application file for Coastal Development Permit Amendment No. 1-18-0630-A1

³¹ Proposed disposal locations have been separated by material type and include the following materials and locations outside the coastal zone: (1) ice plant and sand to Wes Green Landscape Supply in Arcata, (2) native soil will be recycled on the sovereign land of the Trinidad Rancheria at 1 Cher-Ae Lane in Trinidad, (3) asphalt will be disposed at GR Sundberg Construction Yard on Boyd Road in Arcata; and within the coastal zone: (4) old tires and construction material will be disposed of at the Humboldt Waste Management Authority on West Hawthorne Street in Eureka.

Special Condition 4J has been added to ensure BMPs during concrete operations are implemented as proposed to protect and maintain water quality.

As conditioned in the manner discussed above, the Commission finds that the proposed development will maintain marine resources and sustain the biological productivity and quality of coastal waters, consistent with sections 30230 and 30231 of the Coastal Act.

J. Protection of Commercial Fishing & Recreational Facilities

Section 30234 of the Coastal Act states, in applicable part:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

As described above, Trinidad Harbor is a working harbor that is often filled with fishing equipment, boat trailers, and public parking in support of coastal recreational uses. There are numerous coastal recreational and visitor-serving amenities within Trinidad Harbor, including the 540-foot-long Trinidad Pier, the Seascape Restaurant, a motorized boat launching hoist, and a gift and tackle shop. During peak fishing seasons such as the commercial harvesting season for Dungeness crab, crab pots and other fishing gear dominate the lower parking areas within the harbor. The location proposed to be developed for the project includes the current temporary site of the memorial lighthouse and bell and a surrounding area of ice plant-covered sand between a driveway to the vacation rental and the parking lot, within a portion of the harbor that has not been utilized for parking or staging of fishing equipment. The proposed project will not have permanent effects on parking or staging of fishing equipment in the harbor.

Therefore, the Commission finds that the project as proposed does not reduce existing commercial fishing and recreational boating harbor space and does not interfere with the needs of the commercial fishing industry, consistent with Coastal Act section 30234.

K. Environmentally Sensitive Habitat Areas

Section 30240(b) of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. Section 30240(b) of the Coastal Act states, in applicable part, the following:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent

impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Harbor Site does not contain any known environmentally sensitive habitat. However, the site is located less than one-quarter mile from Trinidad Beach and Trinidad State Beach as well as adjacent to a Trinidad head and the Trinidad Bay ASBS. Several rare species and habitats are known to occur within and around the project vicinity, such as Oregon coast Indian paintbrush (*Castilleja affinis* ssp. *littoralis*), Mendocino coast Indian paintbrush (*C. mendocinensis*), black crowberry (*Empetrum nigrum* ssp. *hermaphroditum*), and Wolf's evening-primrose (*Oenothera wolfii*). The Commission finds that ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into ESHA and displace native and/or rare vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife.

The applicant is not proposing any landscaping as part of the amended development except to reseed areas disturbed by construction for erosion control. Although the applicant had not proposed any landscaping as part of its original permit for the temporary relocation of the lighthouse within the harbor, the Commission found that the park and recreation area and sensitive habitats near the project site could be adversely affected if nonnative, invasive plant species were introduced in any landscaping of the subject site. If any such landscaping were to include introduced invasive exotic plant species, the weedy landscaping plants could colonize (e.g., via wind or wildlife dispersal) the nearby ESHA over time and displace native vegetation, thereby disrupting the functions and values of the ESHA. Special Condition 4B(ii) was therefore imposed under the Commission's approval of CDP 1-18-0630 to ensure that only native and/or non-invasive plant species are planted on the subject property. As conditioned, the proposed project will ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species. The ESHA-protection provisions of the original permit are not modified by the proposed amendment and remain in full force and effect to protect the adjoining ESHA from adverse impacts.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent ESHA, the project as conditioned will not significantly degrade adjacent ESHA or adjacent parks and recreation areas and will be compatible with the continuance of the habitat areas and park and recreation area. Therefore, the Commission finds that the project as conditioned is consistent with section 30240(b) of the Coastal Act.

L. Local Coastal Program Certification

Section 30604(a) of the Coastal Act states in part that prior to certification of a local coastal program (LCP), a CDP shall be issued only if the issuing agency finds that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal

Act, and the permitted development will not prejudice the ability of the local government to prepare a LCP that is in conformity with the provisions of Chapter 3.

As described above, the portion of the project area described as the Harbor Site above (along with additional lands between Trinidad Head and Edward Street), is located in an area that lacks a certified LCP (Area of Deferred Certification or ADC). This ADC was created on May 2, 1978, as part of an approximately 43-acre Special Study Area (including an adjacent 33-acre water area in Trinidad Bay) that was outside of City limits at the time Trinidad's Land Use Plan was certified by the Commission. The area was also not included as part of the certified LCP for Humboldt County.

As discussed in the findings above, the proposed development is consistent with Chapter 3 of the Coastal Act. If the pending fee-to-trust transfer is not completed by the Rancheria and the City continues to proceed with preparation of an LCP for this area, approval of the subject project will not prejudice the ability of the City of Trinidad to prepare an LCP for this area that is in conformity with the provisions of Chapter 3.

M. California Environmental Quality Act (CEQA)

The City of Trinidad is the lead agency for purposes of CEQA. As part of its Design Review and Grading Permit No. 2021-05, on June 28, 2021 the City found the proposed project to be categorically exempt from environmental review pursuant to sections 15301 and 15303 of the CEQA guidelines.

Section 13906 of the Commission's administrative regulations requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are any feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. No public comments regarding potential significant adverse environmental effects of the project were received by the Coastal Commission prior to preparation of the staff report. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

Appeal No. A-1-TRN-12-031 (Trinidad Civic Club)

Application file for Coastal Development Permit Amendment No. 1-18-0630-A1

City of Trinidad Design Review and Grading Permit No. 2021-05

Coastal Development Permit No. 1-18-0630

Environmental Assessment prepared for Trinidad Rancheria Stormwater Improvement and Interpretive Visitor Center Project, March 2017, Analytical Environmental Services

Federal Consistency Determination File No. CD-0006-18 (Bureau of Indian Affairs)

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