

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET, SUITE 130
ARCATA, CA 95521
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W11a

A-1-TRN-20-0069

(City of Trinidad)

September 6, 2023

CORRESPONDENCE

August 22, 2023

To: California Coastal Commission

Re: Appeal No. A-1-TRN-20-0069 (City of Trinidad, Trinidad)

From: Tom Davies and Kathleen Lake, Trinidad residents

California Coastal Commissioners,

Please accept these comments:

As Trinidad residents who walk the Van Wyke trail daily, we are requesting that today you find this Appeal No. A-1-TRN-20-0069 (City of Trinidad, Trinidad) for the temporary closure of the Van Wycke Trail to be **substantial**. Please allow a hearing by the Coastal Commission to fully understand the impacts to the Coastal Act, the Trinidad Local Coastal Plan/Local Use Plan, and the precedent set by this trail closure. As stated in the Appeal, this trail closure constitutes a substantial issue in regards to public access to the California Coastline.

The Van Wycke Trail (in conjunction with the Galindo Street Trail) constitutes a long standing Coastal Trail route to the Trinidad beaches and harbor. The Van Wycke trail alone is a highly desirable access trail to the beaches and a respite for us to walk off of the busy main road of Edwards, when traveling between the town center and Trinidad Harbor and beaches. The Van Wycke Trail is passable and is currently used on a daily basis. Neither, the City of Trinidad, nor the CCC, in the staff report appear to have done their due diligence in determining how this trail, (or many other trails in Trinidad) should be closed, even temporarily. Solely relying on the PARSAC report, and not investigating further into why one trail was closed, the VWT, and not the Axel Lindgren Memorial Trail or other “slumping trails” demonstrates a problem. There are no clear policies or procedures governing how the City of Trinidad determines if coastal access trails should cease to be open to the public. When compared to the condition of other trails in Trinidad, and in the general Trinidad area, this VWT closure appears to be arbitrary, based on random choice rather than any reason or system.

The public continues to use the VWT trail daily and it is not unsafe, or more “unsafe than the majority of coastal trails in the area” and entirely passable. There are no reports of injury. The proposed duration of the temporary trail closure has expired. The trail is currently out of compliance with the LCP/LUP, without a real resolution. Rerouting the VWT to Edwards St. is

clearly not an access route that could serve the public in an equivalent time, place, and manner. A traffic safety study has not been completed on Edwards Street. Given the alternative to walk on Edwards people would choose to drive to the harbor, increasing vehicular traffic, even if sidewalks were able to be installed. The 165 feet of the VWT trail eliminates the most treacherous portion of Edwards street for pedestrians. The most dangerous portion of Edwards St. (the proposed reroute) for pedestrians begins after crossing Van Wycke, proceeding to the harbor. Vehicles from residential homes (and several vacation rentals on Edwards) frequently block the shoulder (or potential sidewalk) by parking out into the street, pulling into, and backing out of their driveways, creating safety hazards across the pathway that pedestrians and bicycles are traveling. This problem would not be mitigated with new sidewalks.

The following language from the Trinidad Draft LCP, was found on the City of Trinidad website and clearly surmises that Edwards Street would not be an equivalent option for the Van Wycke trail :

Please see below portions of the Trinidad Draft Circulation Element.

***Trinidad General Plan: Draft Circulation, Energy and Public Services Element
February 2021***

*The traffic-carrying function of Trinidad streets is well established. **One main route provides access between the freeway interchange and the boat harbor: Main to Trinity to Edwards Streets. Avenue, the northern ADT was 9,100, indicating that almost half the northbound cars get off the freeway in Trinidad.***

Streamline Planning Consultants recorded traffic counts in 2009 for major city streets in Trinidad (in ADT):

Edwards St: ~1,290

Main St: ~3,170

Trinity St: ~2,500

3. Truck Traffic

*Currently, Trinidad does not have defined truck routes, although through-truck traffic naturally uses Main Street. **There are a few truck traffic problems, mainly centered on Edwards Street.** But residents also complain when trucks utilize local streets such as Ocean and View. Truck noise, hours, size, speed, and lack of traffic calming*

*structures are the major complaints. **It can be presumed that much of the truck traffic crossing through town is serving businesses such in the Harbor area, and along Trinity and Main Streets, particularly for the shopping center.** Excluding traffic counts, traffic destination studies have not been performed.*

4. Intersections

*...There have also been issues noted with the intersection of Main, Stagecoach and Trinity, **and Trinity and Edwards Streets, mainly due to speeding vehicles.***

Intersections will be impacted if and when large-scale development, or large subdivisions, or even incremental increased development come to fruition. Impact studies should be seriously taken into consideration and modifications made to intersections to protect public safety as necessary.

*Several intersections were also analyzed in the Trinidad Walkability Study. Overall, because of its small size, most areas of Trinidad are accessible on foot. However, there are still some existing limitations. ...Installing benches on trails for respite may increase trail use as a viable alternative for avoiding exposure to dangerous intersections. Several policies focus on increased vehicular safety, traffic calming and slower speeds, and **improved pedestrian and bicycle access***

Has PARSAC weighed in on this idea of moving the trail up onto the busiest street in town? Robust alternative analysis has not been provided to show that the trail cannot remain open. The reasoning used to close the trail is unjustified, considering that the trail continues to be used on a daily basis by residents and tourists alike. The upslope path that has been created, parallel to the slumping trail, is widely used by all ages and abilities. The trail allows walkability from the town shopping center to the beach. The trail provides a means to separate pedestrians from vehicular traffic in alignment with the LCP.

The Coastal Commission staff report lacks a survey for the trail/residential property lines, or a City traffic safety study to move the access to Edwards, a narrow road heavily used by semi-trucks accessing the Trinidad pier, motorhomes accessing the beach, vehicles towing boats to and from the harbor and other traffic to and from the pier, harbor, restaurant and beach. This is clearly not an equivalent alternative.

The extent and scope of the development as approved by the City appears arbitrary and without adequate data. Rerouting the VWT onto Edwards, with traffic and vehicles entering and exiting

across the pedestrian and bicycle path, would have significant adverse effects to coastal public access. The precedent set by the City's current decision for any future trail closures or interpretations of its LCP are significant. The Draft Circulation Element LCP clearly identifies that there are many problems with traffic on Edwards Street, even for vehicles. The decision of Trinidad City Staff to reroute the Van Wycke Trail onto Edwards appear to be opinions and without substantial surveys of property lines for the trail, or traffic studies for the proposed rerouting. Up to this point, the trail closure appears to be based on a myriad of opinions, but the actual facts of enacting a closure remain questionable. This appeal raises not only local issues regarding precedent but also those of regional and statewide significance. When Coastal Access Trails are allowed to be closed based on a clear lack of information, process and procedure and in violation of LCP's, the public clearly is robbed of their right to coastal access.

Please find that this appeal does raise substantial issues of the project's conformity with the LCP and/or public access policies of Chapter 3 of the Coastal Act. Allow this appeal to be heard in full. The issues raised in this case are "substantial" in all areas. The City of Trinidad has not determined the degree of factual and legal support for their local government's decision; as there is no study for alternatives to closure that are equivalent and the trail continues to be passable.

Sincerely,

Tom Davies
Kathleen Lake

California Coastal Commission- North Coast District

1385 8th Street, Suite 130

Arcata, CA 95521

Re Appeal No. A-1-TRN-20-0069

August 22, 2023

I am writing in support of Kimberly Tays' appeal of the decision of the City of Trinidad ("City") to authorize past and continued temporary closure of the Van Wycke Trail for up to six months due to unsafe conditions.

My wife and I are long time (47 year) residents of Trinidad. We support the right of the public to enjoy coastal views and safely access the sea via the Van Wycke Trail, which the City has done little or nothing to maintain over the last 10 years. The alternative access, utilizing Edwards Street between upper Van Wycke and Galindo Streets, does not provide coastal views which are entirely blocked by a wall of houses on Edwards. The alternative access via Edwards Street is also a busy year round roadway carrying both private and commercial vehicles and has no sidewalk or safety barrier to protect pedestrians or bicyclists. Posted traffic speeds on Edwards Street are frequently ignored posing a danger to pedestrians and cyclists. The citizens of Trinidad need the reopening of the Van Wycke Trail, not the continued "temporary closure" which now appears to be permanent.

The City only authorized the "temporary" closure of the trail for a period of six months, yet here we are 3 years later and nothing has been done to reopen this public resource. It is my opinion that the City does not want to reopen the trail due to concerns expressed by both the Yurok Tribe and the non governmental Tsurai Ancestral Society that "significant cultural resources" are under the trail and would be disturbed during any repair operations. Yet in November of 2020 the City contracted with Wahlund Construction to do an "emergency" repair and overground rerouting of water lines and the stormwater drain lines under and near the Van Wycke Trail and no cultural resources were found or identified. On the afternoon of November 16, 2020 I was personally onsite and watched and filmed a significant part of this work. The contractor utilized a mini excavator to dig out the underground water connections at the top and bottom of the trail to depths approaching 4 feet, as well as shallower trenching where the new overground pipes were installed. I spoke with both the job foreman and the onsite cultural monitor and asked if anything had been uncovered and the cultural monitor told me that nothing had been found and that the excavated soil appeared to be "mostly fill" from previous construction activities. The assertion that significant tribal cultural resources would be disturbed by repair and reopening of the trail were not borne out during this utility repair. That does not mean they are not somewhere in the vicinity, but none were identified at that time.

I swear under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.



Richard Bruce

780 Underwood Drive- PO Box 1190

Trinidad, CA 95570

From: [Elaine Weinreb](#)
To: NorthCoast@Coastal
Subject: Reference Agenda Item W 11a
Date: Saturday, August 26, 2023 4:46:22 PM

Dear Coastal Commissioners:

I am in full agreement with the following letter from a local resident:

"The Van Wycke Trail is important to the community, because it is the only trail in that part of town where you can walk to the beaches, harbor and Trinidad Head and not have to contend with motorized vehicles. Over the years, a short section of the trail has experienced some erosion and slumping, but all coastal bluffs are subject to that type of activity. If you walk the Van Wycke Trail, you will see that it is not too difficult to simply circumvent the uneven part and continue walking on the trail.

"Both the City and California Coastal Commission staff are suggesting it is safer for hikers to use Edward Street than the Van Wycke Trail and that Edwards is a near-equivalent experience. But who wants to walk next to a busy, dangerous street and worry about being hit by a speeding and/or distracted driver? Who wants to trade a peaceful trail with stunning coastal views for a street lined with houses and dominated by monster vehicles with noisy mufflers and smelly exhaust?

"Most of us realize when we hike on California's coastal trails that we need to be mindful of the rugged terrain; that these natural places present certain risks. We do not want to sacrifice coastal access every time a profit-driven insurance company deems a trail too dangerous, which is what happened in Trinidad with the Van Wycke Trail. Instead of posting signs warning people of the hazards of the trail, the City's insurance company (PARSAC) asked that the trail be closed and the City eagerly obliged. What sort of precedent will this set for the entire coast of California if insurance companies can convince coastal communities to close trails in order to avoid any injury claims by just claiming they are too dangerous?"

Please vote to keep access to the beach open. It is unsafe to have to share a sidewalk-less road full of narrow curves with big trucks.

Elaine Weinreb
Trinidad CA area resident

Sent with [Proton Mail](#) secure email.

From: [Kathleen Lake](#)
To: NorthCoast@Coastal
Subject: To: California Coastal Commission,
Date: Sunday, August 27, 2023 10:39:39 AM

To: California Coastal Commission,
Re: Trinidad Van Wycke Trail Appeal W11a

CCC Staff:

Please delete the draft email letter that I mistakenly sent this morning. Please accept my comments below. I apologize for any inconvenience.

California Coastal Commission,

Please accept my public written comments below in support of Kim Tays Appeal.

I am writing at this time to request that as Commissioners you deny the proposal to extend the closure of the Van Wycke Trail at your September 6, 2023 meeting. If a 6-month extension is approved, the VWT trail has been closed for over 4 years without any plans by the City for repairs or reopening. The VWT is the way we have walked to the harbor and beach, always. Carrying our fishing poles, surfboards, and walking with friends and family, this trail is a major part of Trinidad. The trail poses no problem to walk in it's current condition. It appears that permanent closure is the ultimate goal. Allow for a full hearing.

Thank you,

Ben Hawkins
McKinleyville CA

J. Bryce Kenny
P.O. Box 361
Trinidad, CA 95570
Telephone: (707) 677-2504
Email: jbrycekenny@gmail.com

August 25, 2023

California Coastal Commission
1385 8th Street, Ste. 130
Arcata, CA 95521

W11a

Letter Brief in Support of Appeal of Decision A-1-TRN-1-0069
Hearing Date: September 6, 2023

I. INTRODUCTION

At the outset, it is important to note that the five factors listed at 14 California Code of Regulations (CCR) Sec. 13115 is not an exhaustive list of the factors that the Commission may and should consider when deciding whether the subject appeal raises a substantial issue. The language “including but not limited to” qualifies the listed factors. Thus, whatever considerations are relevant and logically make the underlying decision supportable or unsupportable can be considered. The listed factors are:

- (c) When determining whether the appeal raises a substantial issue, the Commission may consider factors, including but not limited to:
 - (1) the degree of factual and legal support for the local government's decision
 - (2) the extent and scope of the development as approved or denied by the local government;
 - (3) the significance of the coastal resources affected by the decision;
 - (4) the precedential value of the local government's decision for future interpretations of its local coastal program; and

(5) whether the appeal raises only local issues as opposed to those of regional or statewide significance.

II. ANALYSIS

Factor One: the degree of factual and legal support for the local government's decision

A. The City's Decision Does Not Have Strong Factual or Legal Support Because it Purports to be Based Upon an Arbitrary Recommendation From Its Insurance Carrier, Which Carrier is Only Concerned With Limiting Its Liability, Not With Protecting Coastal Resources

Page 11 of the Staff Report notes that the Appellant has called the city's insurance carrier's recommendation to close the Van Wyck Trail (VWT) "arbitrary." That was a correct observation. That is shown by the fact that the bottom portion of the Axel Lindgren Memorial Trail (ALMT) was much more dangerous than the VWT at the time of the insurance inspection. (See page 20 of appeal Exhibits and Exhibit A hereto.) The views looking both down toward the beach and up from the beach show a very steep rocky landscape and the remains of the original cable steps that washed out over the years since their initial installation. For at least five years, one has had to crouch down and grab hold of either rock or the remains of the cable steps to negotiate it. It is too steep to walk down staying upright without risking serious injury.

Either the City Manager did not take the insurance representative to the bottom of the ALMT—and he has stated publicly that he did—or the closure of the one trail but not the other was completely arbitrary.

The bottom of the Parker Creek Trail was at the time also in equally bad condition as the VWT, and it did not get closed after the insurance inspection. (Exhibit B hereto.)

In fact, it is apparent from the photos of trails in the adjacent Trinidad Beach State Park, just north of the City limits, that steep washed out and eroded trails are common in the Trinidad area. (Exhibit C hereto.) Either the California State Parks are being managed in a reckless and indifferent manner, or, it is quite appropriately being left to the trail user user to decide whether he or she is comfortable using a particular trail. Warning signs are more of a courtesy, as the Commission Staff

Report notes that the city enjoys civil immunity under Government Code Sec. 831.4, and that Section provides:

A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, including animal and all types of vehicular riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.

(b) Any trail used for the above purposes.

(c) Any paved trail, walkway, path, or sidewalk on an easement of way which has been granted to a public entity, which easement provides access to any unimproved property, so long as such public entity shall reasonably attempt to provide adequate warnings of the existence of any condition of the paved trail, walkway, path, or sidewalk which constitutes a hazard to health or safety. Warnings required by this subdivision shall only be required where pathways are paved, and such requirement shall not be construed to be a standard of care for any unpaved pathways or roads.

Thus, under Section 831.4 sub. (b), the City has complete immunity for the condition of any trail used for, among other things, “recreational or scenic areas.” The law only requires warning signs for hazards to health or safety on a “paved trail, walkway or sidewalk that provides access to any unimproved property.”

The City decision to close the VWT but not the equally dangerous AlMT was arbitrary and capricious.

It was based on legal advice by the City Manager and the City Planner, neither of whom are attorneys, that once the insurer told the City to close the VWT, if it did not do so and someone was hurt on the trail, the insurer would not cover the claim. (Exhibit 5 to Appeal, page 10) The interpretation of insurance contracts for claims coverage is a complex matter that should not be bandied about by non-attorneys,

and in this case, based on the terms of the Liability Memorandum of Coverage For PARSAC, was almost certainly wrong.

In City of Dana Point v. Cal. Coastal Comm'n (2013) 217 Cal.App.4th 170, 199, it is stated:

We conclude that when a local government undertakes development that is directed at a true nuisance, and those abatement measures are narrowly targeted at abating the nuisance [citation] the declaration of the nuisance and the abatement measures must be undertaken in good faith, and **not as a pretext for avoiding local coastal program obligations.** [Emphasis provided.]

The situation here is analogous. The VWT has been declared too dangerous for public use—in effect, a nuisance that must be abated by closing the trail. But the remedy of closure is not narrowly drawn—indeed, the allegedly temporary closure has gone on for over four years. It is obvious that with a little hand tool terracing work and the addition of a few “crib steps” as are used on all area trails, the VWT could be quickly put back into service, although it will need annual, but low-cost maintenance.

B. A Four-Year And Three Month Trail Closure Cannot Reasonably be Called Temporary

The Commission Staff Report relies heavily on the alleged “temporary” nature of the closure, but in context, that can be seen as an abuse of discretion by the City. For example, the VWT was closed in July of 2019, after a June visit from a representative of the city’s insurance carrier, and the planning commission did not hold a hearing on the permit to close it until August 25, 2020, over a year later. And this despite the city’s very experienced planner and its City Manager being involved in every step of the way. If the Commission had not intervened and demanded that a permit be issued, no permit would ever have been obtained. The Staff Report does not dispute the date that the Appellant gives for the initial closure as July 2019.

Then there is the fact that after more than four years of trail closure signs and fences in place, with virtually nothing having been done to get it opened again, the City now seeks permission in its staff report for six months of legally obtained closure. By its own terms, the city permit being appealed expired long ago.

Upholding the City's decision will retroactively lengthen the original six-month permit by six-fold.

Under these circumstances, the city should not be allowed to obtain the Commission's blessing of its trail closure by simply calling it "temporary." That is supported by a court decision published just last February in Comm. To Relocate Marilyn v. City of Palm Springs (2023) 88 Cal.App.5th 607, 624-625. There, Palm Springs relied upon a section of the Vehicle Code that allows for the temporary closure of streets to close a street to vehicles for three years. Relying upon dictionary definitions of the words "temporary" and "temporarily," the court rejected the city's position that "...temporary means that something lasts for a limited time—regardless of how long that time might be." That is the same definition of temporary that the City of Trinidad puts forward here, and it must be rejected for the same reason. The Commission must follow the courts and reject an application of the word temporary to justify the absurd result of road or trail closure without limitation. It is noteworthy that Section 8308 of the Streets and Highways Code defines street to include "trail," as follows:

"Street" and "highway" include all or part of, or any right in, a state highway or other public highway, road, street, avenue, alley, lane, driveway, place, court, **trail**, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway.

C. Tribal Interests Have Been Against Trinidad Trails Since at Least The Year 2000

Exhibit D hereto, the minutes from the City Council meeting of January 2020, shows that in arguing against the proposed VWT overhaul dubbed the Van Wycke Bicycle, Pedestrian, and Connectivity Project, the TAS representative stated that the City had agreed in 2000 to close the Galindo Street Trail. Exhibit 4 to the Staff Report is the tribal resolution calling for the closure of both the VWT and the Galindo Street Trail. In the view of the tribal interests, both trails are bad and both must go. If the Commission grants a de novo hearing on this appeal, additional evidence will be obtained and presented that shows that constant pressure from tribal interests had built up, and by the time the City's insurance carrier issued its directive to close the VWT in June of 2019, it was a welcome excuse and gave the City cover to cave in to the long-time tribal demands.

The record also shows that tribal demands were the reason that even though the closure was supposed to be “temporary,” the VWT remains closed even now.

That is shown by a series of emails between former Councilmember Tom Davies and City Manager Eli Naffah between March 23, 2021, and April 9, 2021 attached hereto as Exhibit E. On April 8, 2021, the City Manager admits that “The reason we wanted to talk to them [the Yurok and Tsurai] was in an effort to see if we could find consensus on how the trail could be improved/fixed in order to reopen. We were hoping we can find a solution in the existing right of way or upslope that would work **without their objection to the existence of the trail**. They are not the reason for the closure, but could be a stumbling block to fixing and reopening the trail.” (Emphasis provided.)

“Could be a stumbling block” is an understatement. They are the only plausible reason that now, over two years since the email exchange, exactly nothing has been done to reopen the trail. Davies’s final reply proved to be totally accurate: “The current situation is a de facto permanent closure of the trail.”

These and other things raise a “substantial issue” as to whether the city is acting in good faith in this matter, or using public safety as a pretext to avoid its LCP obligations within the meaning of City of Dana Point v. Cal. Coastal Comm’n, cited above.

D. Why The Yurok Tribal Resolution is Included in the Staff Report is Now Apparent

At first blush, since the proffered reason for trail closure was public safety, one could reasonably wonder why the tribal resolution was included in the Commission Staff Report.

The inclusion as Exhibit 4 to the Staff Report of a Resolution from the Yurok Tribe indicating that it wants permanent closure of both the VWT *and* the Galindo Street Trail--another important link in the city’s circulation element—is a tacit admission by Commission Staff that it is the reason the VWT remains closed. The City doesn’t want to be seen as uncooperative with the desires of Native Americans. While this is somewhat understandable, it is not legally supportable.

Nothing within the enforceable policies of the Coastal Act, which consists of Chapter 3 of the Public Resources Code, or the City’s certified local coastal plan (LCP), allows a Native American Indian tribe to veto the use of a public trail

located outside its reservation boundaries. The Commission's written policy on Tribal Consultation is not part of the Chapter 3 policies against which development within 300 feet of the shoreline is measured. The staff report correctly notes that this appeal concerns such a project. The Commission's Tribal Consultation Policy has no place in the deciding of this appeal, but even if it did, consultation with a person or entity does not mean that their demands must be adhered to.

If the real reason for closure was safety, why include the Resolution in the Commission Staff Report? The Report is not forthcoming on that question.

The continued unjustified closure of the VWT is part and parcel of the decision to initially close it.

The letter from Richard Bruce of August 22, 2023, to the Coastal Commission shows that no cultural resources were discovered when the water pipes adjacent to the VWT were unearthed and placed above ground in November of 2020. The photos in Exhibit F hereto show that significant ground disturbances accompanied the moving of the water pipes adjacent to the VWT above ground. Putting the trail back in condition would likely be less intrusive than the water pipe relocation.

It would be a travesty to allow the tribal interests to veto the continued use of a public right of way trail by invoking undescribed cultural resources." If, as it appears, the tribal interests contend that the entire City of Trinidad is a cultural resource, then the same would go for the rest of the State of California. Is every city or county public works project that is exempt from CEQA, as this project is, to be subjected to tribal veto based on the presence of undescribed alleged cultural resources? Is this rule just for the coastal zone, and if so, on what basis?

The injustice of the European invasion of the Americas cannot be disputed, but two wrongs do not make a right. The appeal raises substantial issues as to whether the City is using good faith to avoid its obligations under the Coastal Act to maximize public access and recreational use of coastal resources.

E. No Trail Users Were Included in the Stakeholder Meetings That Were Held About the Trail

That permanent closure is the City's real goal is also supported by the fact that prior to a permit being sought, the City was holding "stakeholder" meetings with everyone except the people who frequently used the VWT. The February 17, 2020, minutes from one of those meetings are attached as Exhibit G. Other than city staff and an elected county official, the attendees were all residents who own property

upslope from the trail or represent a tribal group. Of the upslope owners, only one of them was happy about the trail. Since the ones opposed to it obviously would not be trail users, the question comes up that if the trail was closed strictly for safety reasons, why are the opinions of those who contend that it presents an affront to their property rights being solicited? What does that have to do with safety?

The Tsurai Ancestral Society (TAS) was granted a seat at the table, but no trail users were invited to the meeting. The TAS has no right to consult about the VWT. Its only rights are under Policy 69 of the General Plan, and that requires its agreement for any “development” in the Tsurai Study Area. That is the 12.5 acres sold to the City by the State of California for one dollar and which is burdened with an easement in gross held by the Coastal Conservancy constraining development and requiring public access. It lies well to the east of the VWT. (Exhibit H hereto.) The Coastal Conservancy and the City have been trying for sixteen years to *give* the 12.5 acres to the Yurok Tribe, but they will not take it. The whole thing is currently mired in litigation initiated by the City for a declaratory judgment as to what its rights and responsibilities are under a document called the Tsurai Management Plan. It seems likely that the tribal interest groups’ hard ball approach to trail closure in Trinidad is seen by them as a way to gain advantage in negotiations of the terms under which the Yurok Tribe would accept ownership of the 12.5 acres. The court settlement that requires the parties to try to achieve that land transfer includes a condition that the tribe waive its sovereign immunity so that, if necessary, the Coastal Conservancy can enforce its easement in gross. Tribes do not like to waive their immunity from suit.

That the TAS was given favored status at the table of the so called VWT “stakeholders” meetings suggests that safety reasons are not what is really driving the issue of closure of the VWT.

F. The City Recently Temporarily Closed Two Other Trails on The Basis of Secret Meetings by Tribal Groups and Commission Staff

The minutes attached as Exhibit I from the Trinidad Planning Commission meeting of April 19, 2023, show that based on a request from the TAS, the City issued an emergency permit to close all trails to Old Home Beach, again, ostensibly for public safety reasons. It was contended that the 2022/2023 winter storms and high tides had rendered both trails to the beach unsafe. There was no public safety emergency. As the photos in Exhibit A hereto shows, the bottom of the ALMT had

been in terrible condition for many years. The winter storms did not change that. And the picture of the bottom of the Parker Creek Trail prior to its recent repairs as shown in Exhibit I hereto belies the contention that it posed an unreasonable danger to the public. One could always walk down it in an upright position, as opposed to the ALMT, which required both hands and feet. The bottom of Parker Creek Trail simply required a little careful footwork from users; no different than any of the other coastal access trails in the Trinidad area.¹

The recommendation to close the trails to Old Home Beach came from the Tsurai Management Team, a standing committee under the Brown Act open meeting laws, which the City has previously determined to be required to comply with the rules about notice and public opportunity to attend and be heard. Yet those meetings are held in secret and include Commission staff and Coastal Conservancy staff. Absent a purported safety emergency, no immediate permit could have been issued and been gradually built upon to now include indefinite closure of the ALMT.

As it relates to the instant appeal, this shows a pattern of the City doing the bidding of tribal interests under the pretext of public safety, sadly with the complicity of Commission staff.

G. A Former Councilmember Who Voted For Trail Closure Had a Special Interest in Closing The VWT

Page 2 of the Exhibits to the appeal includes several paragraphs where the City Planner discussed the potential conflict of interest of two Councilmembers who voted in favor of closing the VWT. One, Dave Grover, rented a room in a house directly upslope from the trail and his landlady, Erin Rowe, now deceased, was an outspoken critic of the trail. The Planner noted that the City's Ethics Code required Councilmembers to avoid the appearance of a conflict of interest, even if an actual conflict was not present. As shown in Exhibit K hereto, Grover sent an email to the City Manager on March 26, 2020, offering to make the trail completely impassable to the public if he was personally paid to do the work. He alleged that the trail was now "very dangerous for ANY kind of pedestrian use." At a minimum, he should have disqualified himself from the November 20, 2020, vote for having a bias in

¹ In contrast to the VWT, the Parker Creek Trail was given a quick temporary repair, and placed back in service last May. The Axel Lindgren Jr. Memorial Trail is closed for remodeling for an indefinite time.

favor of trail closure shown by having previously requested the right to personally ensure no one could walk down the trail.

As shown in Exhibit L hereto, in the minutes from the Council meeting of November 10, 2020, he takes exception to people questioning his motives for wanting the trail closed, disclaims any *financial* conflict of interest, even though the person who sets his monthly rent and can decide to evict him made it clear she was against the presence of the VWT near her house. If a de novo hearing is granted, evidence of this can be obtained and presented to the Commission.

Grover's special relationship with the VWT provides another brick in the wall of pretext evidence in that at the very least he had his own special reasons for wanting the trail closed. If he shared those informally with any of his colleagues on the Council, there is an increased likelihood that the proffered safety reasons were indeed a pretext. It could also explain why the insurance inspector singled out the VWT for closure and not the other trails in equally bad or worse condition.

For the reasons stated above, the City's decision does not have strong legal and factual support under Factor One. A substantial issue exists as to whether the public safety rationale was a mere pretext.

Factor Two: the extent and scope of the development as approved or denied by the local government

The extent and scope of the proposed development is very significant. The Commission Staff Report tries to minimize it by saying only 165 feet of the VWT will be closed. It would make no difference if only ten feet of the trail were closed. The salient fact is that a major trail in Trinidad which is part of both the coastal access and recreation policies of the Coastal Act is being closed to the public. It borders on the absurd to suggest that walkers can go down to the closed section, walk back up the way they came, walk down Edwards dodging the cars, turn left on Galindo and again on Van Wycke and get to the west end of the closure. Some recreation experience that is.

And while it is labeled as a mere temporary closure, the holding in Comm. To Relocate Marilyn v. City of Palm Springs, cited above, renders that position untenable. The trail has already been "temporarily" in closed status for over four years. It appears that because of pressure from tribal groups, permanent closure is the real goal.

Factor Three: the significance of the coastal resources affected by the decision

The City Planner's Staff Report for the City Council hearing of August 19, 2020, provides in relevant part:

The Van Wyck Trail is an important and heavily used part of the City's trail system laid out in the 1978 General Plan and is shown on the Circulation Map (Plate 4). Policy 64 of the General Plan requires that the trail system be marked and maintained for use by the public.

If, as the Commission Staff Report contends, Edwards Street is just as good a way to get to the beach as the VWT, the General Plan would not have taken pains to create a "trail system to be marked and maintained for use by the public." Trails are part of the character and identity of Trinidad.

Thus, it is apparent that the VWT is an important coastal resource under factor No. 3, "the significance of the resource affected by the decision." That factor should weigh heavily in favor of holding a de novo hearing.

The Commission Staff assertion that Edwards Street is an acceptable alternative to the VWT is not tenable. The VWT literally goes "along the coast" within the meaning of Public Resources Code Sec's 30001.5 and 30212 and is directly above a scenic cove with nothing but trees and vegetation between it and the shoreline. Edwards Street, on the other hand, is part of the main artery through town and down to the harbor. It gets extremely busy with traffic in the summer season; so much so that a few years ago, the Council had to install two new stop signs at its intersection with Trinity Street to protect pedestrian safety. The Exhibits to the appeal show the views from it compared to from the VWT. In short, it offers the same time, but neither the same place nor the manner of the experience that the VWT offers.

The experience that the VWT makes possible is a very significant coastal resource at issue in this appeal. The Commission Staff Report mistakenly characterizes the fragile bluff as the coastal resource that needs to be protected. There is no evidence in the record that foot traffic on the VWT is causing or exacerbating the slumping below the trail. And for the reasons discussed above, merely labeling the VWT closure as "temporary," does not make the appeal issues insignificant.

Factor Four: the precedential value of the local government's decision for future interpretations of its local coastal program

The City's decision has a high potential for precedential value that goes against everything the Coastal Act stands for. Indeed, it has already emboldened City and Commission Staff to cook up another phony public safety emergency to get immediate closure of all trails to Old Home Beach, (Exhibit I hereto) and the ALMT is still closed. And, as part of the settlement of the original trail litigation in Trinidad from back in the 1990's it is supposed to be the "main" trail to the beach. If the trend continues, the City will be able to declare any coastal trail a public safety threat and close it down. The Galindo Street Trail will be next. Why? Because the tribal interests want it closed. For the current Council, that is enough. They are ignoring their duties under the Coastal Act.

Factor Five: whether the appeal raises only local issues as opposed to those of regional or statewide significance

Buried at the Conclusion of the Commission Staff Report at page 18, it is admitted that the appeal raises issues of regional and statewide significance. But it posits that the high degree of factual and legal support under Factor One makes further analysis unnecessary. Staff's Factor One analysis relies heavily on the idea that the trail closure is merely "temporary." The City is trying to game the system by calling the closure temporary when it has already gone on for over four years. The Court of Appeal in Comm. To Relocate Marilyn v. City of Palm Springs (2023) 88 Cal.App.5th 607, 624-625, rejected the city's position that "...temporary means that something lasts for a limited time—regardless of how long that time might be." If the Commission accepts serial "temporary" trail closures of unlimited duration in Trinidad, it will have to extend the same treatment to all cities and counties in California. Can any city whose insurance carrier requests closure of a coastal access trail thereby evade being overruled by the Coastal Commission? Careful consideration of that question must be given in deciding whether this appeal deserves a de novo hearing.

STAFF REPORT DEFICIENCIES

The Commission Staff Report Does Not Give a Complete Analysis of The Importance of the VWT to The City's General Plan Circulation Element

The Commission Staff Report gives short shrift to the issue of recreational use of trails as distinct from coastal access per se. It discusses coastal access extensively,

but does not at all discuss how the VWT is part of the city's circulation plan and the network of trails that allows trail users to take the Parker Creek Trail to Old Home Beach, walk west on the beach to the bottom of the ALMT, walk up it to Edwards Street, head west down it and turn left on Van Wyck Street to the VWT, take it down to Galindo Street, go left and down the trail to the harbor property. From there, one can then go out onto the pier by way of a deeded easement for foot traffic, or up and around Trinidad Head, or up Edwards to the marine lab and pick up the state park trails and end up back by Trinidad Elementary School. Some people just like walking around Trinidad on trails instead of asphalt or cement. It is a reminder of the natural splendor one is in the midst of in Trinidad.

Pub. Resources Code Sec. 30223, part of the Chapter 3 policies that address recreation, provide that "Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." A properly maintained VWT has high recreational value, and is entirely feasible. The Commission Staff Report notes that Policy 5 of the Trinidad Land Use Policy requires that existing trails that are creating erosion and slope failures should either be improved, or closed. First, as documented in the geologic studies obtained by the City and referenced in the Appendix to the Commission Staff Report, the VWT is not "creating" erosion or slope failure. The slope is failing because the toe of it is slowly being eaten away by seasonal storms and tides, and has been since the late 1960's, at which time Van Wycke Street slid out and the slide became a trail. The VWT is in an area of slumping that is going to be slowly sliding toward the beach regardless of whether there is a trail there or not. But people who want to can safely walk over such areas. Given that the VWT has been in closed status for over four years, it is obvious which of these binary choices the City is working toward: closure. The proffered reason of temporary closure for public safety is a pretext.

The City's Alleged Lack of Maintenance of Its Trails is a Proper Issue For Appeal Consideration

The Staff Report at page 17 asserts that the Appellant's discussion of the City's lack of maintenance of the VWT and other City trails is not valid. It says that "Neither the Coastal Act nor the City's certified LCP mandate repair and maintenance of trail structures. Therefore, this contention is not a valid ground for appeal and does not raise a substantial issue of LCP conformance." Staff conflates grounds for appeal with arguments in support of the appeal. If it is true that the City has a policy of inadequate maintenance of its trails, that bears on whether it is

complying with “maximum access to and along the coast” as required by the Coastal Act. It also bears on whether the City is acting in good faith in closing and keeping closed the VWT, or whether it is instead, for example, merely following the demands of the tribal interests, who want all the trails closed. Keep in mind that the five factors listed under 14 CCR Sec. 13115 for use in considering whether an appeal raises substantial issues are “included” for your consideration, but you are “not limited to,” them.

III. CONCLUSION

The appeal obviously raises substantial issues that deserve a full and fair hearing before the Commission.

The decision to close the VWT but not any of the other City trails that were in just as bad condition was arbitrary and without rationale support. The issues raised by the City insurer could be quickly addressed and the trail could remain open to all persons, locals and visitors alike. That is what was recently done on the Parker Creek Trail to Old Home Beach.

Tribal interests have been trying to close Trinidad trails since at least the year 2000.

The City has badly abused the concept of a “temporary closure” in a way that the courts are not likely to uphold.

The City’s desire to appease the demands of tribal groups does not trump its duties under its LCP and the Coastal Act.

For all of these reasons, the Commission should find that the appeal raises substantial issues and set a de novo hearing in due course.

Respectfully Submitted,

_____/s/_____
J. Bryce Kenny
Attorney at Law

EXHIBIT A



EXHIBIT B



EXHIBIT C



Trail to North end of State Beach
March 2023





Trail to North end of State Beach
March 2023



EXHIBIT D

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, JANUARY 14, 2020

I. CALL TO ORDER

Mayor Ladwig called the open meeting to order at 6:00pm. Council members in attendance: Miller, West, Ladwig, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner Trevor Parker, City Engineer Steve Allen, City Attorney Andy Stunich.

II. CLOSED SESSION REPORT – *The Council adjourned to closed session at the end of the meeting.*

1. *Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957.*

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE AGENDA

Motion (West/Miller) to move approve the agenda as amended. Passed unanimously.

V. APPROVAL OF MINUTES

11-12-19 cc, 11-19-19 scc, 11-26-19 cc2, 12-10-19 cc

Motion (West/Grover) to approve the minutes as submitted. Passed unanimously.

VI. COUNCILMEMBER REPORTS/COMMITTEE ASSIGNMENTS

Davies: Trails Committee met with Grant Administrator Becky Price-Hall to discuss grant opportunities.

Miller: RCEA discussed reducing their carbon footprint, power purchase agreement, Humboldt BOS denial of Terra Gen wind energy project, King Salmon power plant requirements. Complimented the City Manager and Grant Administrator for pursuing a PG&E grant to install a backup battery system in conjunction with the solar panel install at the Town Hall.

West: Nothing to report.

Grover: Attended the RCEA meeting with Miller.

VII. STAFF REPORTS

City Manager Naffah highlighted items listed in the written staff activity report. Considering a mid-year budget review in February, provided an update on the cell facility on Trinidad Head, and wrote letters of support for projects that the Trinidad Coastal Land Trust and the Trinidad Rancheria at their request.

VIII. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Harpani Burns – Arcata resident

Honor your agreements with Tsurai. Close the Galindo and Van Wycke Trails and give the land back to Tsurai.

Axel Lindgren III – Tsurai Ancestral Society

Provided a brief background and history of the Tsurai people and their ancestral land. The Tsurai Ancestral Society is willing to work with the City and help share and preserve the culture and history of the Native people.

Joe Morrison – Arcata resident

Honor your agreements with Tsurai. It's shameful how they are being treated.

Margaret Stofsky – NAACP Member

I'm here to support the tribes, and ask that you examine your relationship with the Civic Club. Read a quote from the recent LA Times article. Honor your agreements with Tsurai.

Kathleen Lauder – NAACP Member

Quoted a City resolution from 2018 condemning bullying and racism in all its forms. Return the village to the Ancestral Society.

Steve Madrone – Trinidad Area Resident

I stand with the Tsurai and am willing to volunteer my time to facilitate a meeting and discuss the issues. The Galindo trail should be abandoned.

Sarah Lindgren-Akana – Tsurai Ancestral Society

Ask your City Attorney why the City is in a lawsuit with the Tsurai? If the Council supports us, why are you fighting the land transfer?

Sheri Provolt – Yurok Tribal Representative

I was born and raised in Trinidad, and am currently the Yurok Tribal District Representative for the area between Cranell and Klamath. I encourage the City to work with the Yurok Tribe. We look forward re-opening the Tsurai Management Team and welcome the land transfer discussions. Please honor the places of the people that came before us.

Mayor Steve Ladwig: We appreciate the invitation to re-open the discussions, but it is important to note that the City reached out to the tribal representatives on several occasions and did not receive a response. I believe that a commitment is a commitment and we look forward working with the Tribal representatives on these important issues.

IX. CONSENT AGENDA

1. Staff Activity Report – December 2019
2. Financial Statements November 2019
3. Law Enforcement Report December 2019

Motion (West/Miller) to approve the consent agenda as written. Passed unanimously.

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Presentation of Resolution 2020-01; Acknowledging the Public Service of HCSO Deputy Luke Mathieson.
Mayor Ladwig read the Resolution aloud. The Council thanked Deputy Mathieson for his hard work and dedication to the safety of Trinidad.

Deputy Mathieson thanked Trinidad for the opportunity and noted his appreciation for the City's support.

There was no public comment.

Motion (Grover/West) to approve Resolution 2020-01. Passed unanimously.

2. Discussion/Presentation from the North Coast Preparatory Academy Climate Action Club on Projects to Make a More Environmentally Friendly Area and Community.

Local students and exchange students from Austria and Spain explained that they have been peacefully demonstrating regularly in downtown Arcata to support efforts that address the climate crisis. Each student shared information with the Council on the purpose of their activism. Some of the topics included; Sea level rise, Ocean Contamination Rates, Microplastics, Toxic Trash, Power Outages, Effects of Temperature Changes, Solutions, Education, Action, Zero Waste. They expressed that action needs to be taken immediately to reverse the affects that humans are having on the planet, and incorporate sustainable practices into their everyday lives.

Council comments included:

Miller: Recommended the students think of simple ways we can make a difference on a daily basis.

West: Thanked the students for their passionate presentation, and encouraged them to continue on their mission to inspire others and raise awareness about this very important issue.

The audience applauded their efforts. *Presentation item only.*

3. Discussion/Decision Regarding Van Wycke Bicycle, Pedestrian, and Connectivity Project

City Engineer Steve Allen explained that the he Van Wycke Bicycle and Pedestrian Connectivity Project was approved by the California Transportation Commission (CTC) and programmed in the Active Transportation Program (ATP) for \$714,000. He presented an overview of the project dating back to requests from the City to

find a solution that would both preserve the subsiding trail and the subsurface utilities that are at risk in the area beneath it. Some of the background information included a need assessment, required studies and findings, and technical recommendations. The project was dramatically reduced from its first concept based on public input. Caltrans accepted the modifications. The construction of a retaining wall ended up being the preferred solution to meet the City's needs, and a few critical steps must now be complete before the final design can be put out for a formal bid. However, the project is in a culturally sensitive area and the Tsurai Ancestral Society and Yurok Tribe have raised objection to the retaining wall component. Before the final design is complete, the City needs to determine whether or not to proceed with the current design.

The deadline for project design (plans and specifications) and right of way clearance is April 15, 2020. Possible project options include:

1. Construct project as planned - Re-build pedestrian trail using retaining wall within City right of way and bicycle route on Edwards. This project concept is shown in Figure 2.
2. Secure new right of way easement from uphill landowners and construct planned project with retaining wall uphill of the current City right of way. Similar to Figure 2 concept, but with trail and utility alignment shifted slightly uphill to the north.
3. Construct alternate bicycle and pedestrian connectivity "trail" project: Construct bicycle and pedestrian routes on Edwards Street. The 6" water main and phone/cable utilities could be re-routed to Edwards as well. To prevent bluff inundation and erosion from stormwater runoff, a separate public works project would be needed at the failing section of Van Wycke right of way to support the existing gravity flow stormwater pipe that is being impacted by bluff instability. An alternative project would likely require Caltrans approval which may not fit within the current grant timeline.
4. No project option – abandon the pedestrian trail on Van Wycke. The Active Transportation Program grant would be terminated, and a separate public works project would be needed to provide physical support for water, stormwater and phone/cable utilities currently being impacted by bluff instability. The City would also need to address abandonment of the trail with the Coastal Commission.

Council questions:

Miller: What do we need to provide to meet the grant deadline? **Steve Allen** explained that in order to complete the design, a Geotechnical investigation must be performed.

West: How much has the City spent to-date on this project. **Allen** estimated approximately \$25,000.

City Planner Trevor Parker explained that the project was reviewed on a conceptual basis in 2019 and the CEQA process was fulfilled. However, the Planning Commission understood that the final project design would have to come back for a Coastal Development Permit to address all the Coastal Commission's concerns. Those concerns were outlined in a meeting with the Commission in December; 1) geologic issues, public access, permitting, and alternate access should the trail be closed.

Public comment included:

Axel Lindgren III – Tsurai Ancestral Society

No matter how much work done to retain that slide, there's no guarantee it will last.

Unknown Speaker 1

Drop the project. Listen to the people tonight.

Unknown Speaker 2

Honor your agreements with the Tsurai.

Meg Stofsky – NAACP Member

The Tribes have not agreed to this project. Don't try to bully them into saying yes.

Sarah Lindgren-Akana – Tsurai Ancestral Society

This project has been a moving target. In 2000 the Coastal Conservancy, Coastal Commission, City of Trinidad, and the local Tribes agreed to close the Galindo Trail as part of the Walkway Project. Connectivity through town already exists. There should be no discussion until an acknowledgement has been made that the agreement has been violated. This grant was obtained in bad faith. The City Attorney told you that the Management Plan is meaningless. The Management Team has not met because the City refuses to meet.

City Attorney Stunich noted for the record that he never – not once – said that the Management Plan or the Management Team is meaningless.

City Planner Trevor Parker explained that she was City staff in 2001-2002 when the Walkway Project was being designed, and has not found an agreement or acknowledgement of any kind suggesting the City desired to close the Galindo Trail. **Stunich** further explained that Government Law precludes anyone but the full Council to create binding agreements without a formal vote.

Steve Madrone – Trinidad Area Resident, County Supervisor 5th District
I'm in support of honoring the Tsurai by returning the 12.5 acres to the Yurok Tribe and abandoning the Galindo Trail. I will volunteer my time and service to coordinate the meetings. We need to be more sensitive. A soldier pile retaining wall will not stop the erosion at the toe of the slope.

Unknown Speaker 3

You do not have the Tsurai's consent. No means no. End of discussion.

Tanna Lindgren – Tsurai Ancestral Society

Caltrans should appreciate your willingness to honor Native American cultures by not continuing the project out of respect to the wishes of the Tribes.

Written Correspondence Included:

Yurok Tribe – opposed the project.

Karen Glinden – Trinidad area resident

Opposed the project.

Janice Gloe – Eureka resident

Opposed the project.

Council comments included:

Grover: Cultural sensitivities are very important, but I do not recall this Council ever having a steamroller-effect on any issues of great importance like this.

Davies: Voices are not being heard. We received a packet of comments a day before the meeting. The voices being heard are from the people that are being awarded by the grants. Everyone else's voices aren't being heard as loudly as others. My recollection of the connectivity meetings were that more people had issues or concerns than supported the project. The cumulative impacts of all projects need to be considered. I respect the power of law, but the law isn't always correct. People shouldn't be punished for not voting along the party lines or popular opinion. I would like to make a motion.

Miller: I came to town in 2005. This is a very different Council than the one that served in the early 2000's. In 2005 the Management Plan was the main topic of conversation. I support the Tsurai and their historical rights, and take issue with being accused of not supporting them. In 2007 I was a Councilmember and voted to adopt the Management Plan. I recall a break in the Management Team land transfer discussion due to a rift between the Tsurai and Yurok Tribe – NOT by fault of the City. I support tabling this discussion to ensure that there is safe pedestrian connectivity to the harbor before abandoning it altogether. I support the Tsurai's position, but will have to vote no if the Council entertains a motion to abandon the trail.

West: I do not feel we should table the discussion. It's time to stop this project and start up the Management Team discussions right away. It's time to talk options. I hate to throw away money, but I support the No Project option number 4.

City Manager Naffah: I appreciate that Axel and Sarah are here tonight. Trinidad does have a connectivity problem that must be addressed. Trails are a very important resource to the community and we need to be considerate of public safety.

Motion (Davies) to approve staff report "No Project Option #4" and let nature take its course and abandon the Van Wycke Trail, but direct staff to continue investigating solutions to protect the stormwater drain. Motion failed due to lack of second.

Ladwig: There is no popular or “party line” vote here. The discourse is what matters. I propose this alternate motion:

Motion (Ladwig/West) to abandon the Van Wycke Trail, direct staff to explore solutions to protect the stormwater infrastructure & adjacent utilities, and engage in stakeholder meetings to discuss connectivity as it relates to moving people through town and exploring options that the grant will support. Motion passed 4-1. Miller - No.

4. Discussion/Presentation Regarding Watershed, Water Supply, and Storage System.

City Engineer Steve Allen explained that this presentation is the culmination of the series of analysis/reports that GHD has performed this past year that will help the City understand its water system and provide some tools needed to address questions about capacity and demand for water from in and outside the City.

Allen pointed out these main points:

1. **Water Rights:** Are there sufficient water rights? YES. There are enough water rights to meet current and future demands of the City.
2. **Capacity:** Is there sufficient capacity? YES, but supplying water beyond the current capacity would require modification to the Treatment Plant.
3. **Storage:** Is there sufficient storage? YES. Current storage has a limited reserve capacity, and the existing reserve is dependent upon fire-fighting reserve volume policy.
4. **Sufficient Source Water:** YES. Luffenholtz Creek historically has provided enough raw water to provide both water to the customers, as well as to meet the needs of downstream rights and bypass flows as required for fish, wildlife, etc. as per the City's existing water rights.

Storage and Conveyance Capacity Tools: As part of this process, GHD has developed a model of the City's water system using CAD modeling software that will enable the City to evaluate current and future connection requests and their potential effects on the system. A fire-flow strategy should be addressed with the current policy. Storage is currently sufficient, but there is minimal reserve in the event of a significant drought emergency.

Watershed Analysis: This analysis included water rights, bypass flows and monitoring equipment. There is limited historical creek-flow data to rely on, and variables such as climate change could have a serious impact in the future. There have been 4-known instances when the watershed yield has curtailed flow conditions.

Next Steps

1. Develop a fire-flow policy
2. Develop reserve storage capacity
3. Develop a capital improvement plan for upgrading/replacing aging distribution lines and plant equipment.
4. Develop a drought contingency plan
5. Develop a rate structure that continues to encourage conservation
6. Develop a policy for analysis and fees for new service for both in-city and outside-city requests.
7. Develop alternative supply sources
8. Address limitations in Luffenholtz Creek gravels, infiltration gallery, and wet-well.

Public comment included:

Patti Fleschner – Trinidad

Would replacing old water lines address the system water loss?

Richard Johnson – Trinidad area resident

Our biggest challenge is creating priorities. Have we considered any seismic upgrades?

City Planner Trevor Parker: SHN completed a water demand assessment recently. We kept the current excess capacity in mind when analyzing build-out, and also looked at possible annexation areas. The Planning Commission should develop a draft policy that sets criteria for expansion and provide it to the Council for consideration.

Steve Madrone – Trinidad area resident, County Supervisor 5th District

EXHIBIT E

jbrycekenny@gmail.com

From: Kathleen Lake <klakeslp@gmail.com>
Sent: Monday, August 21, 2023 1:34 PM
To: Kimberly Tays; Bryce Kenny
Subject: Fwd: Status of Van Wycke Appeal

Just a bit more information coming from Eli. If not helpful please delete

Kathleen

Begin forwarded message:

From: tdavies@trinidad.ca.gov
Date: April 9, 2021 at 6:38:37 PM PDT
To: jbrycekenny@gmail.com, Richard Bruce <rmbruce67@gmail.com>, klakeslp@gmail.com
Subject: FWD: RE: Status of Van Wycke Appeal

Below is an email exchange between myself and Eli. Most recent is at the top of the list.

----- Original Message -----
Subject: RE: Status of Van Wycke Appeal
From: "tdavies@trinidad.ca.gov" <tdavies@trinidad.ca.gov>
Date: 4/9/21 8:12 am
To: "Trinidad City Manager" <citymanager@trinidad.ca.gov>

Eli-

Thank you for your reply. I still do not agree with the process as it is going forward. I believe the City can make decisions regarding the trail and deal with the issues you have identified during the process. As it stands right now I do not see a process. I see obstruction in maintaining public access to the coastal resources and the trails within the City of Trinidad. I believe the City should withdraw the Van Wycke Trail Closure CDP and begin the process of reopening the Trail. The current situation is a defacto permanent closure of the trail.

Tom

----- Original Message -----
Subject: RE: Status of Van Wycke Appeal
From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
Date: 4/8/21 3:26 pm
To: "tdavies@trinidad.ca.gov" <tdavies@trinidad.ca.gov>

Tom:

I agree with you that "the issue of the appeal to close the Van Wycke Trail needs to be taken up on its own merit." Trever and I thought that the Coastal Commission was going to address that separate from our efforts to talk with the Yurok and Tsurai. The reason we wanted to talk to them was in an effort to find some consensus on how the trail can be improved/fixed in order to reopen. We were hoping we can find a solution in the existing right-of-way or upslope that would work without their objection to the existence of the trail. They are not the reason for the closure, but could be a stumbling block to fixing and reopening the trail.

You asked me to "please provide all information to me [you] regarding the status of what has occurred regarding the trail since the December appeal hearing". That's why I did not have the CDP and Appeal included in the timeline. The reason I provided the timeline was in response to your statement "Based on the information I now have, it appears that the closure may have not only been precipitated by safety concerns, but also by tribal groups and perhaps property owners as well. If this is the case, the public appears to have been lied to and negotiations for trail closure appear to have possibly occurred outside of any public process." I wanted the timeline to show what led to the closure of the trail: 1. the December 10, 2018, Risk Management Assessment Report, and 2. the June 24, 2019, visit by PARSAC General Manager Kin Ong. Those were the result of safety concerns.

When you said "it appears that the closure may have not only been precipitated by safety concerns, but also by tribal groups and perhaps property owners as well", the timeline was intended to show otherwise. The property owners' statement on closure did not occur until Winter of 2020, and the tribal group statement on closure did not occur until Fall of 2020. You are correct, "the discussion with tribal groups as to whether the trail should be closed is not linked to the reason the trail was closed in the first place: ie. safety." They are linked to reopening the trail and trying to find a way forward. The intentions of staff are to find a way or ways to reopen the trail. The reason for the meeting with the Coastal Commission staff was in response to their request as to an update on the status of the trail. I hope this provides a better response to your questions.

Thanks,

Eli

Eli Naffah

City Manager

City of Trinidad

(707) 677-3876

P. O. Box 390

Trinidad, CA 95570

From: tdavies@trinidad.ca.gov [mailto:tdavies@trinidad.ca.gov]

Sent: Thursday, April 08, 2021 2:33 PM

To: Trinidad City Manager

Subject: RE: Status of Van Wycke Appeal

Eli-

The timeline you have compiled leaves out the City's "After the Fact" CDP and ultimate closure of the trail and also leaves out the appeal to close the trail heard by the Council. These two events are the most significant events in the closure of the trail. Why were they left out? This does not make any sense.

Your reply does not address how City Staff intends to move forward on this issue. In my opinion, further communication with the Coastal Commission is warranted. Again, it seems as though the safety issue has been usurped by the interests of tribal groups and their wishes to close the trail. The discussion with tribal groups as to whether the trail should be closed is not linked to the reason the trail was closed in the first place: ie. safety.

The issue of the appeal to close the Van Wycke Trail needs to be taken up on its own merit.

-Tom

----- Original Message -----

Subject: RE: Status of Van Wycke Appeal

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>

Date: 4/7/21 9:45 pm

To: "tdavies@trinidad.ca.gov" <tdavies@trinidad.ca.gov>

Tom:

See attached timeline.

Thanks,

Eli

Eli Naffah

City Manager

City of Trinidad

(707) 677-3876

P. O. Box 390

Trinidad, CA 95570

From: tdavies@trinidad.ca.gov [mailto:tdavies@trinidad.ca.gov]

Sent: Monday, April 05, 2021 7:56 PM

To: Trinidad City Manager

Subject: RE: Status of Van Wycke Appeal

Eli-

I learned today that City Staff spoke with the Coastal Commission in January regarding the Van Wycke Trail closure. During this meeting it was apparently agreed, that following said meeting the City was going to meet with various tribal entities regarding restoring access to the trail. I have to admit I am very concerned and a bit confused. I find it alarming that you did not mention the January meeting with the CCC in your response to me below. If Trevor was the City Staff that met with the CCC in January, then you as her supervisor, should have knowledge of the meeting and its outcomes. Your communications with me have stated none of the above information, despite my requests for information from you.

The original closure was based upon safety concerns. The basis for the closure was clearly stated as deterioration of the trail, safety matters, and PARSAC concerns. The safety issue was the only information provided at the after the fact CDP public meetings, including the appeal hearing. Based on the information I now have, it appears that the closure may have not only been precipitated by safety concerns, but also by tribal groups and perhaps property owners as well. If this is the case, the public appears to have been

lied to and negotiations for trail closure appear to have possibly occurred outside of any public process.

Please provide all information to me regarding the status of what has occurred regarding the trail since the December appeal hearing. All meetings, conversations, those in attendance with dates and times. I am requesting a full update as to the status of the appeal and the progress and intentions of the Staff up to this point. I would like a this information by Thursday, April 8.

-Tom

----- Original Message -----

Subject: RE: Status of Van Wycke Appeal
From: "tdavies@trinidad.ca.gov" <tdavies@trinidad.ca.gov>
Date: 3/31/21 3:21 pm
To: "Trinidad City Manager" <citymanager@trinidad.ca.gov>

Thank you. I look forward to the update. Also, I wanted to be sure that the TAS representative to the Trails Committee is to be on the upcoming agenda.

Tom

----- Original Message -----

Subject: RE: Status of Van Wycke Appeal
From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
Date: 3/30/21 5:18 pm
To: "tdavies@trinidad.ca.gov" <tdavies@trinidad.ca.gov>

Tom:

I had asked Trever and she was following up with Tamara of the Coastal Commission. Although Tamara's voice mail said she would be back last week, her new voice mail says she is out until next week. Trever left a message with Bob Merrill so we hope to get a response. I will let you know as soon as we find out.

Thanks,

Eli

Eli Naffah

City Manager

City of Trinidad

(707) 677-3876

P. O. Box 390

Trinidad, CA 95570

From: tdavies@trinidad.ca.gov

[mailto:tdavies@trinidad.ca.gov]

Sent: Tuesday, March 23, 2021 8:40 PM

To: Eli Naffah

Subject: Status of Van Wycke Appeal

Eli-

Please update me on the status of the VWT closure appeal. I believe we are approaching one year of closure for that trail.

Thanks,

Tom

EXHIBIT F



EXHIBIT G

Bryce Kenny

From: tdavies@trinidad.ca.gov
Sent: Wednesday, April 15, 2020 2:38 PM
To: jbrycekenny@gmail.com
Subject: Van Wycke Trail notes

Van Wycke Connectivity Project Draft Meeting Notes

Monday February 17, 2020, 2:00 – 4:00 pm

In the Trinidad Town Hall Civic Club Room, 409 Trinity St. Trinidad CA

Steve Ladwig, Mayor; Jack West, City Council member

Steve Madrone, 5th District Supervisor

Tsurai Ancestral Society representatives via phone Sarah Lindgren-Akana, Kelly Lindgren

Property owners Eric Fishman; via phone Rachel Duclos and Marc Gottschalk; (at 3:30) Erin Rowe and Jesse

Project Engineer Steve Allen, GHD; City Planner Trever Parker, SHN

City Staff: Eli Naffah, Becky Price-Hall

Agenda

- Goals for Today – Steve Ladwig, Mayor
 - Introductions – All
 - Hear from landowners adjacent to City property near slumping Van Wycke trail
 - Hear from Tsurai Ancestral Society on considerations for any activity on southern slope (between Edwards Street and the high tide line of the Bay)
 - Have enough information to bring these topics to a future City Council meeting to ensure accuracy of perspectives
- Van Wycke Trail alternatives – Eli Naffah, City Manager/Steve Allen, City Engineer
- Upper Edwards Sidewalks – Eli Naffah, City Manager/Steve Allen, City Engineer

Meeting Notes recorded by Becky Price Hall on a wall chart.

- Welcome
- Reviewed Agenda. Steve Ladwig explained that this is a discussion, not an official council meeting with a quorum so no agreements will be made. Stakeholder views will be heard next steps will be agreed upon. TAS noted they had not received the agenda or other meeting materials as requested. Eric Fishman emailed a photo of the Agenda to the meeting email list.
 - City Council eliminated the soldier pile/retaining wall option at the January Meeting.
 - Staff researched 2003 action referred to at the January Council meeting
 - Summary of Trinidad's Council Action at Regular Meeting of April 9, 2003
 - Steve Ladwig emailed this document to the meeting email list.
 - The Council Action eliminated certain segments of the Walkway Project.
 - Kelly – the action had more to it than is recorded. Signage was installed to direct pedestrians away from the Galindo Trail to the Edwards Street boardwalk. This sign was later removed and has not been replaced.
 - Question - how to remove the trail
 - Steve Madrone – The 2003 action set the stage to remove the trail.
- Alternatives – Eli Naffah. Project to address slumping section of Van Wycke Trail. \$700,000 in Caltrans funding to repair trail
 - City met with Caltrans regarding how to proceed if the project scope changes; reviewed 2 options mentioned at January Council meeting
 - "Option 2" – retreat trail uphill and rebuild there

- "Option 3" – Move trail to Edwards Street.
- Eli trying to find ways for Caltrans Project to be continued
- Kelly Lindgren – Requests all the materials the participants are reviewing
- Eli said his Feb 4 email described the two options. The map is the same Van Wycke figure 1 Revised Project Concept that has been circulated in the past. This map shows all the areas in discussion.
- Steve Allen – outlined the goals for the options still under discussion
 - No retaining wall
 - Minimize soil disturbance
 - Eliminating the trail is an option
 - Utilities below the trail are an issue that must be addressed
 - Caltrans funding requires Caltrans approval for all changes from the approved scope.
 - Trail Retreat Option
 - Caltrans will consider for approval retreat uphill with no grading, wall, etc...
 - Requires work with landowners to secure right of way (ROW)
 - Caltrans would consider addressing utilities with this option
 - Project included signage to redirect bicycle traffic
 - Trail on Edwards Option
 - Accessibility portion on Edwards
 - City would have to pay for addressing the utilities
 - Bicycles and pedestrians would be on Edwards
 - Concerns – addressing utilities, narrowed lanes, 20 fewer parking spaces, may not be allowable
- Discussion
 - Marc Gottschalk asked what utilities are in the area? Steve Allen – cable, water main (currently shut off due to slumping), gravity storm drain. Trevor Parker noted that the shut off main affects fire hydrant pressure and that it's best practice to have redundant loops of water lines.
 - Group discussed how many parking spaces would be lost (maybe 10?) and Steve Allen said that an accurate figure should be determined.
 - Eric Fishman said he used the trail for years and it is a beautiful trail off the main road. He is open to the trail retreating uphill. He acknowledges the privacy and TAS viewpoints.
 - Marc Gottschalk and Rachel Duclos– The trail has been lower in grade and farther away from their house than the retreat uphill option. Property owners lose privacy.
 - Steve Ladwig noted that the trail was very slumped already when Marc & Rachel arrived.
 - Marc and Rachel thought the trail was being abandoned and the trail project was not disclosed by the realtors or previous owners. They found out from a neighbor.
 - Eric – There is erosion below his garden and he would like that addressed. [Trail Retreat Option] He asked if it would help to address the privacy concerns by including a hedge or lowering the grade somewhat.
 - Steve Allen – the privacy concerns couldn't be addressed without impacting the view. He requested Kelly's input.
 - Kelly Lindgren – Stability seem to have been packaged with the Caltrans Trail project. Would there be other funding possibilities for stability?
 - Steve Allen – City could investigate stabilization funding including stabilizing the toe of the bluff if that was agreeable.
 - Steve Ladwig requested TAS reactions regarding the options and addressing the utilities.
 - Kelly Lindgren said it is confusing which project is which and wondered why Caltrans was going to fix the utilities when there is also the ASBS Stormwater Project which is addressing the stormwater.
 - Steve Allen – Stabilizing the utilities including storm drain was always part of the Caltrans project since repairing the trail would provide the means to address the utilities.
 - Sarah Lindgren-Akana asked when the storm drain was fixed. Steve Madrone answered that in 2011 Madrone Enterprises was hired to repair the trail which included replacing 40 feet of open trench and 9"

pipe with 12' pipe put into the trench to convey water from the then-Fulkerson house to the lower paved segment of Van Wycke.

- Sarah Lindgren-Akana - What is the condition the storm drain? Steve Allen - The cable could be moved, the [pressure] water line is off and could be moved. The gravity storm drain pipe is currently intact but threatened by the slumping and is the biggest concern and toughest to solve.
- Sarah Lindgren-Akana – wasn't the stormdrain supposed to connect to the ASBS Project? Steve Allen – Yes correct. Kelly Lindgren – why wasn't this included in the ASBS Project? Becky Price-Hall clarified that the storm water conveyed to lower Van Wycke will be treated by the ASBS project but that stabilizing the utilities on the slumping section of the trail was planned as part of the Caltrans trail repair project.
- Jack West – What is needed to stabilize the storm water pipe? Steve Allen – it could be stabilized either with support from above by a utility bridge or supported from below below.
- Steve Ladwig – Could the stormwater be moved upslope, maybe 10 feet north? Steve Allen – Maybe it could but there would be additional ground disturbance.
- Steve Madrone – Send the stormwater downhill into an infiltration pit at the beach. Steve Allen said the State would possibly be considered a point discharge which would be highly regulated.
- Steve Ladwig suggested the discussion move along and that it didn't look like there is a simple solution.
- Steve Madrone – there are key questions about the trail. He liked Eric's comment about importance of view, privacy, security.
 - Asked if there is any compromise for property owners with privacy, security and view.
 - If something is workable with the property owners, would Tsurai find it acceptable to retreat uphill with minimal soil disturbance?
 - Thinks sliding will continue to occur. Toe work can occur to protect cultural resources and trail.
- Marc Gottschalk – if trail is not stabilized, will there be another trail repair project be needed in the future. We need to hear from the Tsurai.
- Kelly Lindgren – We have discussed this [Van Wycke Trail] before, so would like to talk more about the Edwards option. Hears Van Wycke has erosion problems. The Van Wycke connectivity project goes back to 2003. This project is combining two things – the trail and utilities.
- Sarah Lindgren – We have nailed down that the bluff is unstable, neighbors are concerned. Putting in trail could further destabilize the area. Will it keep moving uphill? Has seen that in the study area as well. Sympathizes with property owners. Should stabilize from the bottom. ASBS project should have included the storm drain on Van Wycke. The trail project at the top of the study area still impacts cultural resources. Why do we need such big projects? Was there a bike/pedestrian traffic study?
- Steve Ladwig – The project recognizes the difficulty of getting from the upper part of town to the harbor area. The 2003 agreement needs to be acted on and the current project is not consistent.
- Eric Fishman – Found the trail the first time he came here. It is a beautiful and special trail. He loves it. Wants to keep the trail but protect the cultural resources and property owner concerns. He bought his property because of the trail and doesn't know what to do if the trail closes.
- Eli Naffah – Talked to Caltrans. Wanted to talk to the Tsurai so held this meeting. The Coastal Commission and Coastal Conservancy have issues with closing trails.
- Kelly Lindgren – the 2003 agreement has the Coastal Conservancy as part of it. Trever Parker said that the 2003 council action was holding off on the [removed] segments pending the Tsurai Management Plan completion.
- Some of the discussion was not recorded here due to the inability of the notetaker to follow what was being said.
- Steve Madrone – the 2003 summary of council action acknowledges segments were retracted [from the project] so there is validation of the TAS concerns. He thinks the City could get a Coastal Development Permit to remove the Galindo Trail. Questions are 1) will property owners be open to uphill retreat of trail; and 2) Would TAS be able to consider an uphill retreat of the trail? Address utilities by putting an uphill leash on the storm drain pipe.
- Steve Ladwig – Please review the 2003 document. What is TAS thought about work on Edwards?
- Kelly Lindgren – reviewing document points with Steve Ladwig. # 10 should include mention of the sign to direct traffic to boardwalk but doesn't appear there.

- Erin Rowe and son Jesse arrived and joined the meeting. Wants the trees gone at Neal/Teal's and to restore her view.
- Eric Fishman – Open to working with the team.
- Kelly Lindgren – would rather have the Connectivity Project be on Edwards. The 2003 action is what she supports and to work with what we have now. Read and digest 2003 agreement.
- Trevor Parker – bicycles not addressed.
- Steve Ladwig - Summary of Next Steps: Goal to bring to Council and Planning Commission. Invited each participant to contribute.
 - Rachel Duclos – Vision – most of the project on Edwards & fix the storm drain. Hand built pedestrian trail on Van Wycke.
 - Marc Gottschalk – Tsurai perspective needed. Edwards – need to discuss improvements to make it better, slow traffic, improve it.
 - Sarah Lindgren Akana – Would need to discuss with the TAS board and make a recommendation. Wants a follow up meeting before any council action. Should digest and come up with a path forward.
 - Marc Gottschalk agreed with that.
 - Rachel Duclos - agreed with that. What needs to happen is trees need to go – it's a violation of the ordinance.
 - Steve Ladwig – the viewscape is related but not part of it. It does have to do with if people want to play ball.
 - Erin Rowe – agrees with Rachel and wants to see bluff stabilized.
 - Eric Fishman – agrees with Marc to respect the Tsurai perspective. If all work together, something might happen. Bikes on Edwards.
 - Steve Madrone – Liked that people identified what would help them feel comfortable. If things get done, trees are dealt with, things can move forward more cooperatively. He helped build the Galindo trail and now wants to support removal of the Galindo trail. Wants to meet with the property owners and is hearing agreement at the lower part of the area.
 - Trevor Parker – Conversation has been started about closing the Galindo Trail – it will require a Local Coastal Program amendment. She has a boat in Trinidad and has experienced that parking is a problem on Edwards.
 - Eric Fishman – Build trust buy acting on agreements (2003). A fence is not needed. Manage trees in the proper way.
 - Erin Rowe – concerned that the trees are further destabilizing.
 - Steve Madrone – Agrees that toe work is needed.
- Steve Ladwig – Closing points
 - A next meeting will be scheduled. Information will be provided ahead of time: agenda, agreement and notes from today.
 - There will be a meeting with landowners; a meeting with TAS.
 - Issues: Galindo Trail removal; viewshed; Be smart about stormwater Pipe and bluff toe work.

Eli
 Eli Naffah
 City Manager
 City of Trinidad
 (707) 677-3876
 P. O. Box 390
 Trinidad, CA 95570

From: tdavies@trinidad.ca.gov [mailto:tdavies@trinidad.ca.gov]
Sent: Wednesday, March 11, 2020 1:47 PM
To: Eli Naffah
Cc: Steve Ladwig
Subject: Van Wycke Meeting

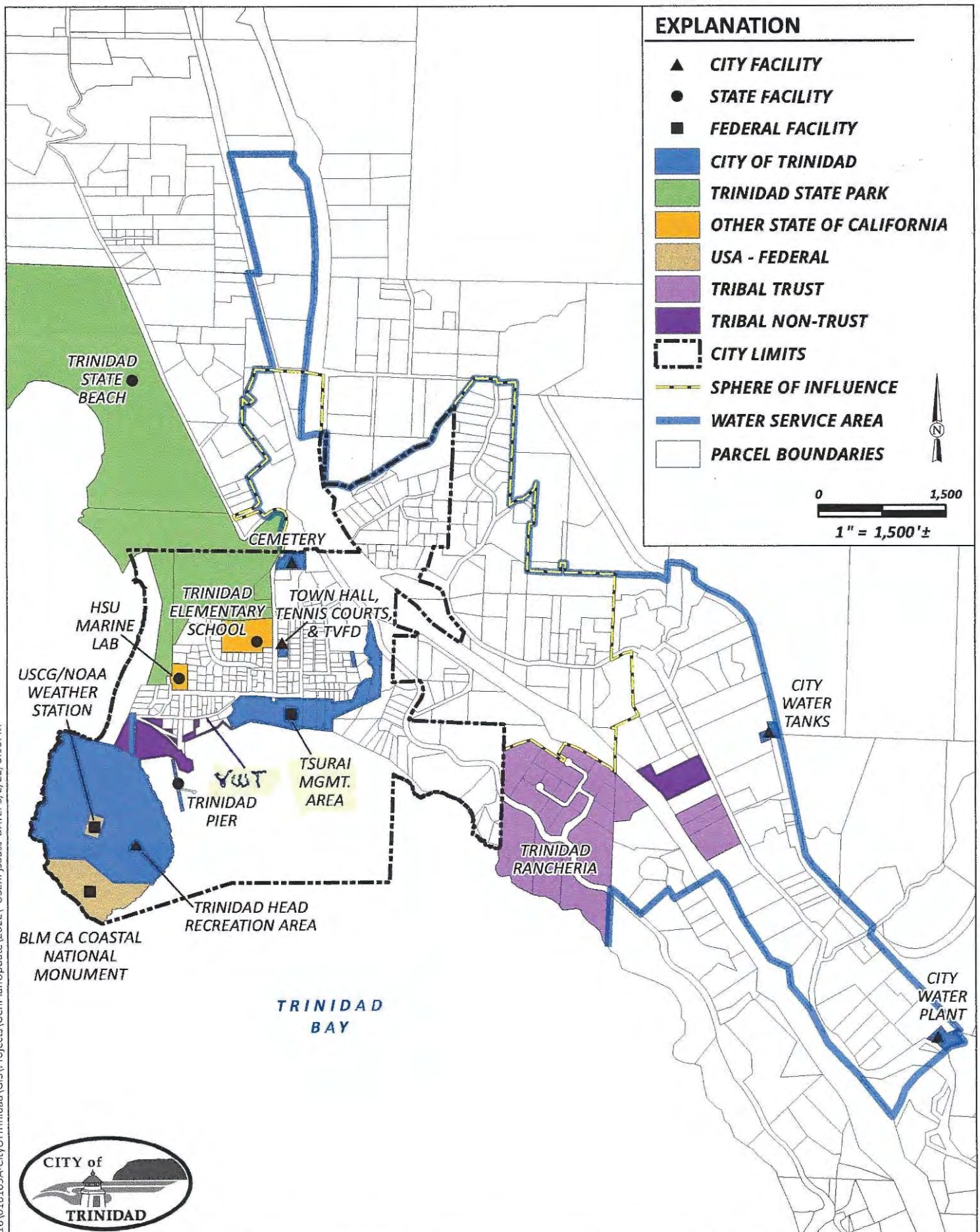
Eli-

I'm following up regarding the notes and those in attendance at the Van Wycke Connectivity/Property owner meeting conducted a few weeks ago. Please forward discussion notes, and those in attendance.

Thank you,
Tom

EXHIBIT H

\\Arcata\Projects\2016\016105A-CityOfTrinidad\GIS\Projects\GenPlanUpdate\2022\ USER: jsousa DATE: 5/2/22, 3:13PM



City of Trinidad
General Plan
Trinidad, California

Government Land Ownership
Trinidad General Plan (DRAFT)
SHN 016105.006

May 2022

GP2022_Fig3_GovtLand

Figure 3

EXHIBIT I

MINUTES OF THE MEETING OF THE TRINIDAD PLANNING COMMISSION
WEDNESDAY, APRIL 19, 2023 VIA HYBRID

I. CALL TO ORDER/ROLL CALL (6:00 pm)

Commissioners Present: Cole, Hopkins, Johnson, Slay

Commissioners Absent: Hakenen

City Planner Staff: Parker

City Staff: Souza

II. APPROVAL OF MINUTES - March 15, 2023

Motion (Hopkins/Cole) to approve the minutes. Johnson abstained, having been absent from the meeting. Passed unanimously (3-0).

III. APPROVAL OF AGENDA

Motion (Hopkins/Cole) to approve the agenda. Passed unanimously (4-0).

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

Public Hearing/ Discussion/ Decision/ Actions

1. Trinidad 2023-02: Grading Permit and Coastal Development Permit to replace water mains on Edwards and Van Wycke Streets; the project will also replace an existing 150,000-gallon redwood water storage tank with a 300,000-gallon steel water tank. Located within the Edwards Street right-of-way from Hector to Galindo, and the upper Van Wycke Street right-of-way from Edwards to 723 Van Wycke. A portion of the project will also occur within the City's water storage tank properties east of Westhaven Drive. APNs: City ROW; 515-141-059, -088, -089.

City Planner Parker explained that this action will be for the coastal development permit (CDP) for the same project that the Planning Commission approved a CEQA Mitigated Negative Declaration for at the last meeting. Parker provided an overview of the project, noting that some portions of the project are inside City limits and some portions are in County jurisdiction. All the mitigation measures from the CEQA document have been included as conditions of approval of

Commissioner Comments and Questions

Hopkins would like to see the redwood reused in town or provided to the tribal community. Johnson suggested making that a condition of approval. Parker suggested adding the disposition of the redwood as recommendations rather than a condition, since the details are unknown.

Parker shared Commissioner Hakenen's comments. He requested a condition of approval that temporary storage locations have screening that does not consist of bare chain link fencing to lessen visual impacts. He also asked that paving and restriping be coordinated with other City street projects so as to avoid redundancy. There was further discussion regarding adding conditions and/or recommendations.

Motion (Cole / Slay) Based on the information submitted in the application, included in the staff report, and public testimony, I move to adopt the information and findings in the staff report and approve the Coastal Development Permit and Grading Permit for the Trinidad Tank and Pipeline Replacement Project as conditioned in the staff report with the addition of the following recommendations: (1) the contractor be required to specify details regarding the reuse and disposal of the redwood tank and trees as part of the bid; (2) the mitigation for replanting redwood trees removed for the project should occur as close to the site as possible; and (3) to minimize chain link fencing but maximize screening of staging area(s). Motion passed unanimously (4-0).

2. Trinidad 2023-02: Coastal Development Permit for emergency, temporary closure of the Parker Creek and Axel Lindgren Memorial Trails due to unsafe conditions and to protect sensitive environments. Located at the Parker Creek Trail below the intersection with Old Wagon Road Trail, and the Axel Lindgren Memorial Trail; APNs: 042-091-004 & -005, 042-102-039, 042-111-008, 042-131-005, -007, & -008.

City Planner Parker explained that the City was informed in February about erosion along the base of the bluff that occurred this past winter, including along the Tsurai Study Area. At an emergency meeting, the Tsurai Management Team (TMT) recommended closure of the Parker Creek and Axel Lindgren Memorial Trails to protect public safety and sensitive areas. Parker issued an emergency CDP for the temporary closures, and the City is now following up with the formal approval. She explained that the TMT is meeting regularly to discuss short-term and longer term mitigations and repairs so that public access can be restored.

Commissioner Comments and Questions

Cole voiced his concerns about keeping the trails closed and prohibiting public access, noting that erosion is a regular occurrence. Parker explained that opening the trail could create potential for further erosion and damage to the base of the bluff and sensitive cultural areas. She informed

the Commission of some of the short-term solutions discussed at the recent Tsurai Management Team meeting.

Hopkins pointed out that the City's liability is limited on public trails. He also asked what has been done since the closure in February. Parker explained that there have been meetings with the Coastal Commission staff, Coastal Conservancy staff, representative of the Yurok Tribe, the Tsurai Ancestral Society, and several City staff. Johnson asked who is accountable for remedying the closures. Parker said that the Tsurai Ancestral Society and the City are taking the lead in the meetings, but it is the City's jurisdiction. Cole voiced his concern about the lack of progress since February.

Commissioner Slay pointed out that there are many damaged trails along the coast that have not been closed. He is concerned that blocking the trails may cause people to go around the barriers and cause further damage to sensitive environments.

Public Comments

Tim Needham (Trinidad resident, member of the Trails Committee) stated that the Parker Creek Trail should be opened as it is no worse than it has been for the past several years. He emphasized the importance of Old Home Beach for families, due to it being sheltered from most wave action. He encouraged implementation of recommendations of the Tsurai Management Plan.

Don Allen (Greater Trinidad Area resident) informed the Commission about a feasibility analysis for the ALMT he and Steve Madrone performed in 1994 and suggested that it be revisited to look at options for the trail. He requested that only one trail be closed at a time.

Kathleen Lake (Trinidad resident) asked for clarification on the need for the trail closures. She stated that the recent storms created comparable damage on other trails along the coast that have not been closed. She stated that the staff report did not provide adequate evidence of the need for the closures.

Anita Thompson (Trinidad resident) asked that the Parker Creek Trail to be opened immediately. She noted that work on the trails hadn't yet begun and that there are no alternate access routes to Old Home Beach. She does not agree that the Parker Creek Trail is unsafe. She also requested that TMT meetings be open to the public.

Bryce Kenny (Trinidad resident) provided current photos of the trails and noted that the City is free from liability. He also suggested a more open process for the TMT meetings. Kenny suggested adding a condition that the Parker Creek Trail be closed only while repair work is

being performed. He shared his concern regarding the precedent of the Van Wycke Trail temporary closure that has gone on in excess of four years.

Sherri Provolt (Greater Trinidad Area resident, Yurok Tribal Councilmember) stated that she understands the community's concerns and emphasized that the TMT is working hard to get the trails opened as soon as possible.

Johnson asked for clarification that the emergency CDP was issued on February 10th and was valid for thirty days. Parker clarified that within thirty days a complete application must be submitted. He followed up by asking what would happen if the Commission did not approve the emergency permit. Parker explained that it would likely be appealed and added that the primary reason for the closure is to protect cultural resources. She also explained some of the complexities of working in this area.

Sarah Lindgren-Akana (member of the Tsurai Ancestral Society) provided a summary of TMT meetings on this topic. She explained that the City is a member of the TMT and a signatory to the Tsurai Management Plan. The TMT has been meeting regularly to address the erosion. She informed the Commission that the Tsurai Ancestral Society recently received a grant to redesign the Axel Lindgren Memorial Trail. The TMT is just asking for enough time to reopen the trails in a safe and responsible manner. She also informed the Commission that there are legal protections against discussing cultural resources in an open meeting. Lindgren-Akana added that the TMT is trying to also control foot traffic and damage to a sacred site. There is a recommendation for temporary fencing around the unstable bluff area and to block the ALMT while still allowing public access to the beach via the Parker Creek Trail.

Commissioner Slay recognized that there are ongoing, long-term issues, but suggested that repairing trails could be done quickly and asked what the City can do to expedite the process. Commissioner Hopkins also recognized that repairs and rerouting of the ALMT will take time; he would like to see the Parker Creek Trail reopened by Memorial weekend, but is willing to wait a month to hear the TMT recommendations.

Commissioner Cole expressed doubts about whether pedestrian traffic contributes to the instability of the bluff. He disagrees with the idea of placing riprap on the bluff as a long-term repair option. Cole was also concerned that any fencing on the beach would potentially be washed away during the next storm.

Commissioner Johnson recognized that any long-term solutions will take time and will require broad community input. He expressed appreciation for the efforts of the TMT and that Coastal Commission staff have been involved in these discussions. He is willing to approve the temporary closures in order to provide time for experts to recommend solutions.

Motion (Johnson/Hopkins) Based on application materials and information included in this Staff Report, and based on public testimony, I find that the project is consistent with the City's certified LCP and other applicable regulations, and I move to adopt the information in this staff report and approve the project as described in this staff report, and as conditioned therein. Motion failed to pass (2-2).

Public Comments

Bryce Kenny suggested an alternative motion that would allow a five-day closure of the Parker Creek Trail while work is being performed.

Kathleen Lake expressed her support for B. Kenny's idea.

Tim Needham also expressed support for B. Kenny's suggestion, noting that he is an attorney. He added that the City should not risk losing the public's right of access to easements from disuse.

Sarah Lindgren-Akana informed the Commission that the City's attorney has been present at the TMT meetings. She expressed a willingness to provide regular reports at meetings on behalf of the TMT. She appreciates people's patience while the TMT works through complex issues. Planner Parker suggested adding a condition that regular progress reports will be provided by staff at City Council and Planning Commission meetings for the duration of the trail closures.

Motion (Johnson/Hopkins) Based on application materials and information included in this Staff Report, and based on public testimony, I find that the project is consistent with the City's certified LCP and other applicable regulations, and I move to adopt the information in this staff report and approve the project as described in this staff report, and as conditioned therein with the added condition that monthly reports will be provided to the Planning Commission and the City Council for the duration of the trail closures. Motion passed (3-1).

3. Water Conservation – Permitting and Landscaping: Discussion/decision regarding (1) new landscaping requirements, including a water efficient landscaping consistent with state law; and (2) water use patterns and potential permitting and/or allocation of water use; this is a LEAP grant funded task implementing by Housing Element Policy HI-17.

Staff Report

City Planner Parker that this is another LEAP grant task designed to monitor and conserve water use to ensure there is enough water supply to serve residential development and implement portions of Housing Element implementation measure HI-17. She noted that the task was broadly written and includes several components. One is to review landscaping requirements and adopt or otherwise implement a water efficient landscaping ordinance. Information regarding the

EXHIBIT J



EXHIBIT K

Our Insurance Company suggested the signs and felt that we are covered with them. I will discuss with public works to see how they can address the trail. We may need to reach out to the Tsurai as well depending on the fix, especially if materials are involved.

Thanks for bringing it to my attention,
Eli
Eli Naffah
City Manager
City of Trinidad

From: dgrover@trinidad.ca.gov <dgrover@trinidad.ca.gov>
Sent: Thursday, March 26, 2020 1:30 PM
To: citymanager@trinidad.ca.gov
Cc: Trinidad Clerk <cityclerk@trinidad.ca.gov>
Subject: Closed Trail at 797 Edwards St

ATT: Eli Naffah
RE: Closed Section of Trail

Hello Eli!

As you are well aware, the section of trail at 797 Edwards St. has become very dangerous for ANY kind of pedestrian use. Though there are small signs at each end of this section that say, "closed", they are rarely heeded to. I've spoken with Mayor Ladwig and he agrees that I ask you to direct public works to address this as soon as possible. I can easily prescribe a fix which will ultimately prohibit use, and save Trinidad from a potential law suit. Due to the sense of urgency, which I can elaborate on to some extent, I am willing to fix it myself should the city "ok" me doing so via T & M (time and materials), but am under the assumption our public works employees are still active despite the CORVID-19? Thank you and I look forward to your response!

Sincerely,
Councilmember Grover
(707) 630-2602

EXHIBIT L

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, NOVEMBER 10, 2020 (WEBEX)

I. CALL TO ORDER

Mayor Ladwig called the Webex virtual meeting to order at 6:00pm. Council members in attendance: Ladwig, Clompus, West, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner, Trevor Parker, City Attorney Russ Gans, Grant Administrator Becky Price-Hall. Approximately 32 attendees were present online at the beginning of the meeting.

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION

1. Pursuant to Government Code, Section 54957: Continued City Manager Performance Evaluation

IV. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT – *Nothing to report.*

V. APPROVAL OF THE AGENDA

Motion (Grover/West) to approve the agenda as written. Passed unanimously.

VI. APPROVAL OF MINUTES

Motion (Grover/West) to approve the 09/08/2020 cc minutes as written. Passed unanimously.

Motion (West/Grover) to approve the 09/22/2020 G2G minutes as written. Passed unanimously.

VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

Grover: Working to include the Yurok Tribe in RCEA business. Thanked the City for overwhelming support in the November election.

Clompus: Written report submitted and included in the packet. Highlighted his roles on each committee assigned, including an update from the Drought Committee, the CCNM Gateway Committee, and requested a policy from the Council to enable the City to communicate with other governments.

Davies: Trails Committee met and prepared an annual report for presentation to the Council in January. Also discussed signage and budget.

Ladwig: Recognized residents Mary Kline and Dorothy Cox for volunteer effort in collecting litter through town.

West: Nothing to report.

VIII. STAFF REPORTS – *City Manager & Law Enforcement*

City Manager Eli Naffah noted the highlights listed in the packet report and provided an update on the cell facility removal on Trinidad Head.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Anita Thompson – Trinidad

Concerned with vehicles parked overnight on city streets, people sleeping in the post office lobby, and people loitering on school grounds. Last Thursday our neighbor's home was broken into. The Council noted the possibility of additional law enforcement coverage for the overnight hours. Would like to see these issues addressed.

Steve Madrone – Trinidad

Requested flow rates data for Luffenholtz Creek.

Written correspondence included:

Kathleen Lake – Trinidad

Submitted comments in writing regarding parking restrictions on Edwards Street, and the requirement for allowing public comments on closed session items.

X. CONSENT AGENDA

Davies: We need to keep the momentum moving forward on the Government to Government Policy and wrap it up as soon as possible.

*Motion (Clompus/Grover) to approve sending the cure and correct letter as drafted. **Passed unanimously.***

3. Discussion/Decision regarding Appeal of CDP 2020-01; Planning Commission Approval to Temporarily Close the Van Wycke Trail.

City Planner Trevor Parker explained that the application involves a proposal by City staff to issue a Coastal Development Permit (CDP) for after-the-fact and continued temporary closure of a portion of the Van Wycke Trail as was requested by the City's insurance company due to safety concerns. Detailed project background and information can be found in the staff report included in the packet. This proposal was considered by the Planning Commission at a duly noticed public hearing on July 15 and continued to August 19, 2020. At the August meeting, the Planning Commission approved the project by a 4-0 vote. Several people attended the meeting and/or wrote letters in opposition of the proposal. However, staff still recommended approval based on the PARSAC report and recommendations; if the trail is not closed, the City may not be covered should a claim be made. In addition, the closure is only temporary, and allows time for the City to explore repair options.

There are a couple of potential conflicts of interest that should be considered. Councilmembers Grover and Clompus both live within 300 ft. of the project. Under the Political Reform Act, there is a presumed financial conflict of interest if an official owns interest in real property within 500 ft. of a project (300 ft. in small jurisdictions under certain conditions). Councilmember Grover is a renter and Councilmember Clompus is an owner. Councilmember Clompus' property is just over 200 ft. from the western end of the trail closure. Because the financial conflict is presumed, an official can rebut that presumption if they determine their financial interest will not be affected one way or the other by the project. Otherwise, they have to recuse themselves from the decision. Councilmember Grover is a renter, and therefore may not have any financial interest in the project.

One of the concerns that has repeatedly been brought up by members of the public is that the trail closure is being done at the request of adjacent property owners/residents. Staff can assure the Council that is not the case, as documented by the PARSAC risk assessment and correspondence, but the issue should be considered in light of the City's ethics code.

In addition to the concerns regarding the motives for the proposal, members of the public also expressed concern that this temporary closure may turn into a permanent closure, which was not specifically addressed in the previous staff report. While the City may eventually determine that the only feasible option is to permanently close the trail, this approval for temporary closure will not make that decision any easier. For one, a permanent closure would require not just a CDP, but a Local Coastal Program (LCP) amendment prior to issuance of a CDP, because this trail is included in the existing LCP/general plan. An LCP amendment would need to be approved by the Planning Commission, City Council and Coastal Commission. Initial discussions with Coastal Commission staff indicate that such a proposal would need to be accompanied by a robust alternatives analysis showing that keeping the trail open is not feasible, and that alternative access will be provided. Only then could the City process a CDP for permanent closure.

In terms of procedure and action, the City Council can uphold or deny the appeal, or modify the Planning Commission's decision through additional conditions of approval or other means. It is staff's opinion that the required findings can be made and further recommends that a longer closure period be granted, because a solution to the slide and repair will likely not be agreed upon within six months, let alone constructed. **Staff recommends approval of the application with a modified condition extending the closure to one year after approval.**

If the Council wishes to approve the proposal, it is suggested that the motion be worded to deny the appeal and uphold the Planning Commission decision. On the other hand, a denial of the proposal and upholding the appeal should be based on not being able to make one or more of the required findings or an additional finding that the project is not consistent with one or more City LCP or Coastal Act policies. The Council may also elect to continue the item in order to request additional information.

Council questions included:

Clompus: What is the penalty for violating the trail closure? City Manager Naffah explained that by having a sign posted and the entrance blocked, violators use the trail at their own risk.

Davies: The appellant is concerned with the appeal response timeline. Regarding PARSAC, did they walk down the Axel Lindgren Memorial Trail, and if so did they feel having to use both hands and feet to get to the bottom was somehow safer than walking the Van Wycke Trail in its current condition? There is a State statute providing government entities with trail immunity. I would like to hear more about this.

Naffah explained that PARSAC recommended that the trail was unsafe and included it in their risk assessment report.

Ladwig: Asked Clompus and Grover whether they feel they have a conflict of interest in this discussion.

West: Concerned with Clompus's connection to the trail and whether a conflict exists.

City Attorney Russ Gans explained the conflict of interest policy. Councilmember **Clompus** did not believe a financial conflict existed, but agreed to recuse himself from the discussion out of caution.

Grover: I take issue with people assuming my motives for requesting the trail be closed. I witnessed several unsafe incidents with hikers on the trail. I do not have a financial conflict of interest, and will be part of this discussion and decision-making process.

Public comment included:

Kim Tays – Arcata

In the spirit of the cure and correct letter passed by the Council tonight, I recommend Grover and Clompus reconsider their refusal to recuse themselves. Reading from her appeal letter included in the packet, Tays compared Edward Street to highway 101, and argued the Van Wycke trail is not worse than any other trail in town. There is no barrier from oncoming traffic. Putting people on Edwards Street exposes the City in the same way as allowing them to walk the Van Wycke Trail. The trail was closed for a year without a permit. Closing the trail violates the Coastal Act. I would not object to the closure if a repair was planned. Meaningful traffic studies need to be done during the busy months and holidays. Prescriptive rights should be investigated and the trail should be permanently moved up-slope.

Dick Bruce – Trinidad

(Submitted written comments). I will go on record as in support of keeping the trail open. It is a very different experience than walking Edwards Street. The City has failed to maintain the trail and needs to do something about it. Steve Madrone suggested a repair scope that would cost less than \$10,000.

Bryce Kenny – Trinidad

The appeal should be granted. Edwards Street is a much different experience. The Coastal Act supports trails along the coast. The City has a long history of volunteerism. I agree with Dick Bruce that sufficient repairs can be done without triggering a CDP. We could fix it in 2 days with volunteers. You are elected to represent us.

Ted Pease – Trinidad Area

(Submitted written comments) I endorse the comments of both Kenny and Bruce. I spent 22 years walking this trail and will volunteer to help fix it.

Sarah Lindgren – Tsurai Ancestral Society (TAS)

The TAS recommends that the Council deny the appeal and support the trail closure, permanently. Volunteering has been very destructive to cultural resources, and trails are cultural resources within the village of Tsurai. We are respectful of the process and support access without compromising resources. There has to be action and respect to Tsurai culture. Words aren't as meaningful without action to follow them up.

Dwight Miller – Trinidad

(Submitted written comments). Thanked Sarah Lindgren for her comments. Strong supporter of Native American rights, but I support the appeal because the City down not have a repair plan in place. We want to be respectful of native rights, but a deeper discussion with the natives is necessary. I ask the Council to make a firm commitment to keep the trail open. If not, open it up and install signs warning users to use at their own risk.

Bryce Kenny – Trinidad

(Submitted written comments). In response to Ms. Lindgren's comments, it is clear that in her mind that the only way to respect Tsurai culture is to close the City down and turn it into what it used to be. For the last 8

years the City has been trying to give back the Village site, and has been met with obstructionism. They're trying to expand their jurisdiction to all parts of the City. If PARSAC recommended closing the trail for safety reasons, we should stick to that discussion topic.

Written correspondence included letters from the following individuals:

Yurok Tribe, in support of upholding the Planning Commission's decision, and to keep the trail closed.

Kathleen Lake, in support of the appeal submitted by Tays.

Tom Marquette, in support of the appeal submitted by Tays.

Council comments included:

West: I'm glad Ms. Lindgren spoke up. This has slowed the process a great deal and we want to do this properly. I don't believe we should close the trail, but we need to consider all options and continue the discussion. At this time and under these conditions, the trail can't be open.

Ladwig: We are being asked tonight to follow PARSAC's recommendations, vetted by the Planning Commission, and deny the appeal.

Davies: The process has been inconsistent. The trail was closed for a year without any option for public input. The CDP does not contain a repair plan. Modifying the appeal would create a moving target. Access along Edwards Street is not an equivalent experience. The air quality along Edwards is poor compared with Van Wycke. Regarding lawsuits, they are potentially everywhere. There are many places where sidewalks conflict with vehicles. A local restaurant allows parking in the pedestrian right of way. I want to hear more about State of California trail immunity laws, and support upholding the appeal as written by Ms. Tays.

*Motion (Davies) to uphold the appeal of CDP 2020-01 as submitted by Kimberly Tays. **Motion failed due to lack of second.***

Motion (Grover/Ladwig) to deny the appeal based on application materials information included in the Staff Report and other documentation, and based on public testimony. We find that the proposed action is consistent with the City's certified LCP and other applicable regulations, and move to uphold the Planning Commission action to approve the application as proposed. The condition limiting the approval to six months is modified to start with tonight's approval. **Motion passed by the following vote: 3 Yes (Ladwig, Grover, West) 1 No (Davies). 1 Recusal (Grover).**

4. Discussion/Decision regarding Proposition 68 Coastal Resilience Planning Grant.

City Grant Administrator Becky Price-Hall explained that On October 13, the City Council reviewed a proposal for the *Trinidad Community Coastal Resilience Planning Project* and directed staff to develop a full proposal for Prop 68 grant funding. As a reminder, the City was invited to submit a full application to the Ocean Protection Council for a Prop 68 Coastal Resilience Grant.

For many years, the City has been working to identify and address ongoing issues along Van Wycke and the bluff. The north section of Van Wycke "Street" below Edwards has utilities and a trail that have been impacted by slumping that has continued and worsened over a number of years. Saturation and instability of the bluffs and erosion at the beach on the south and west sides of Trinidad have led to a number of interrelated impacts to trails, utilities, natural and cultural resources, infrastructure and beach access. Stakeholders and the public have diverse and sometimes conflicting ideas about how to address the issues.

This Coastal Resilience Grant Program provides a great opportunity for the City of Trinidad to engage with stakeholders and the public in a planning process that doesn't start with solutions, but considers the situation in a community discussion of issues and concerns, then identifies appropriate solutions that have community support.

The proposed project is essentially the same as the proposal pre-application provided to Council at the October meeting, with the focus being to develop concept designs and implementation measures that address ongoing issues along Van Wycke and bluff. The primary difference is that a task will be added to continue the coastal hazards planning that was started under a grant from the Coastal Commission, which integrates well with other grants tasks and will be used to develop policies and implementation measures to be incorporated into the City's

Local Coastal Program update. Based on feedback from community members, the project will propose limited collection of data to fill information gaps identified during summary of the existing data and information. The Trinidad Bay Watershed Council has offered to host community meetings for coastal resilience planning, as well as to assist with information dissemination and outreach through their website and watershed newsletters.

Staff has presented the proposed project and invited feedback at the California Coastal National Monument Trinidad Gateway Committee meeting and Trinidad Bay Watershed Council meeting. Letters inviting input and participation have been sent to the Trinidad Rancheria, Yurok Tribe, Tsurai Ancestral Society, Board of Supervisors, Coastal Commission, Coastal Conservancy, State Parks, Marine Lab, California Sea Grant, Trinidad Coastal Land Trust, Humboldt MPA Collaborative and Trinidad Bay Watershed Council.

Council questions included:

Davies: What are the specific projects being proposed? If the outcome is 'a plan' to combat sea-level rise, will this be favorable when applying for grants to implement possible solutions? **Price-Hall** explained that there is no specific project. The focus is to fund and facilitate community engagement, including technical expertise that will supplement the discussions and possible collaborative solutions. Regarding implementation, this will be a key part of future grant writing proposals.

Public comment included:

Jacque Hostler – Trinidad Rancheria CEO

As Harbor property owners, the Rancheria is involved in coastal resiliency. We need to be part of the process, and request that the Van Wycke Coastal Resiliency Project to be discussed with the Rancheria.

Sheri Provolt – Yurok Tribal Council Member

Thanked City Staff for reaching out to the Yurok Tribe and Tsurai Ancestral Society in advance.

*Motion (Grover/Clompus) to direct staff to submit a full proposal for the Coastal Resilience Planning Program, due on November 13, 2020. **Passed unanimously.***

5. Annual Unmet Transit Needs Hearing.

City Manager Naffah introduced Marcella May, Executive Director of HCAOG. May explained that each year HCAOG conducts a citizen participation process to assess unmet transit needs within Humboldt County. The public is invited during this hearing to express their opinion, solutions, complaints, or suggestions regarding Humboldt County's public transportation systems and/or general unmet transit needs.

No comments or feedback regarding unmet transit needs were shared by the public or Council.

FUTURE AGENDA ITEMS

- Ladwig: Single item agenda to complete the G2G Policy.
- Davies: G2G Packet should include all meetings and comments made to date, including suggestions to how other cities use consultation.

ADJOURNMENT: 9:15pm.

Submitted by:

_____ signed copy on file _____
Gabriel Adams
Trinidad City Clerk

Approved by:

_____ signed copy on file _____
Steve Ladwig
Mayor

EDWARD C. PEASE
446 Mill Creek Lane/PO Box 996
Trinidad, California 95570
707-677-5222; 707-502-5806

Aug. 27, 2023

TO: California Coastal Commission
FR: Ted Pease & Brenda Cooper
RE: Closure of the Trinidad Van Wycke Trail (Agenda Item W11a)

Dear Commissioners:

This is to endorse Kimerly Tays's protest (A-1-TRN-20-0069) of the ongoing closure by the City of Trinidad of the Van Wycke Trail connecting Edwards Street to Galindo Street and the Trinidad Harbor area.

We live at 446 Mill Creek Lane, and have been residents and property owners in the Trinidad area for more than 20 years. Since 1997, we have often walked the Van Wycke Trail and enjoyed its expansive views of the Harbor, Bay and Trinidad Head. It is the nicest harbor view in town.

This trail has long been an integral aspect of coastal access for residents and visitors to Trinidad, part of the former Van Wycke Street on the bluff above Launch Beach on the harbor. It is by far a preferable route for pedestrians to access the harbor coast and Trinidad Pier than to walk down Edwards Street, a very busy roadway without adequate or safe pedestrian room and certainly without the open views of the harbor and Trinidad Bay that Van Wycke provides.

The city must retain its right of way along the trail route anyway for a service conduit to connect residences on the lower end of Van Wycke Street, so it would not be a big step to permit continued pedestrian access along the historic route as well. This route would be far preferable for pedestrians accessing the harbor shore from both safety and aesthetic perspectives.

Some years ago, the city had proposed a detailed (though over-engineered) trail renewal solution for Van Wycke. We urge the Commission and the City of Trinidad to revisit that option in some form as a better solution than a viewless pedestrian sidewalk in traffic to the Van Wycke Trail question. Let us please work together for a solution to keep this important coastal resource available for future generations.

Thank you for your consideration.

From: [Stanley Binnie](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11a; K. Tays
Date: Wednesday, August 30, 2023 2:18:13 PM

Dear Coastal Commissioners:

My name is Stan Binnie. I lived in Trinidad for 12 years (from 2003 to 2014). During that time, I served on the City Council from 2006 to 2010 and was Mayor for the last two years. I recall numerous discussions at City Council meetings regarding the unsafe traffic conditions on Edwards Street, primarily speeding traffic. The problems persists to this day.

In the Coastal Commission staff report on the proposed 6-month closure of the Van Wycke Trail, it appears both the City of Trinidad and Coastal Commission staff are suggesting that it would be safer for hikers to walk down Edwards Street rather than hike on the Van Wycke Trail.

I am 81-years old and just recently hiked on the Van Wycke Trail. Although I had to be careful about my steps, it was not that difficult to traverse the trail. Personally, I would rather hike the Van Wycke Trail than become a pedestrian on Edwards Street. The trail is much safer and more pleasant to walk on and the coastal views that one gets from walking the trail are far superior to walking on the street.

It seems the City has not seriously pursued its options for repair and has, instead, just closed the trail for over 4 years. These options would include the installation of a few steps at either end of the slumped area, a short footbridge to span the 25 feet or so of slumped area, or moving this short section of damaged trail uphill onto what is now private property. This would involve purchasing easements from what appears to be two property owners.

The Van Wycke Trail is the backbone of Trinidad's trail system. It connects hikers to the harbor, pier, beaches and Trinidad Head. Closing the Van Wycke Trail would be a tremendous loss for local residents and visitors, alike.

I am requesting the Coastal Commission look into this closure carefully with a full *de novo* hearing, as it appears the extended 6-month closure will ultimately lead to a permanent closure.

Sincerely,
Stanley Binnie
Arcata, CA

From: [Benjamin Garlick](#)
To: NorthCoast@Coastal
Subject: Agenda item W11a, Van Wycke Trail
Date: Wednesday, August 30, 2023 10:17:42 AM

Please find a way to reopen the deeded access trail on Van Wycke street. My wife and I own property on Mill Creek Lane and that trail from our house down to the beach was our regular walking path that we have used for years. We were very disappointed when it was closed. Just post some signs to the effect 'Trail slugging, use at own risk' to make Trinidad/Lawyers placated. There are trails on Fransiscan Melange slumps all over Humboldt, it is just a natural part of our geology. There is 0 liability risk to Trinidad.

-Ben and Ritva Garlick

From: [Arlene Lurey](#)
To: NorthCoast@Coastal
Subject: Van Wyck Trail
Date: Wednesday, August 30, 2023 7:49:51 PM

Hello,

This email is regarding Agenda Item W11a.

My husband and I would like the Commissioners to deny the extended closure of the Van Wyck Trail and reopen this popular, scenic trail for public use.

We live at 584 Ocean Ave and would love to see the Van Wyck Trail revived for use by our community.

Respectfully,
Arlene and Craig Lurey

From: [Kati Breckenridge](#)
To: NorthCoast@Coastal
Subject: agenda item W11a
Date: Wednesday, August 30, 2023 6:14:49 PM

I'd like to add my name to those who are asking the Coastal Commission to vote to fix the Van Wycke Trail and open it again to the public. I live in Trinidad and often walk to the state beach....but via Edwards which is dicey for my dog Lucy and me. It seems so preferable to me to take the Van Wycke Trail and be off trafficy Edwards street. This is not even mentioning the glorious view along the trail as opposed to walking beside the houses along Edwards.

We live in a glorious place - that we all can agree upon. But there are relatively few trails to walk and enjoy it. The idea that we would let even one trail lapse seems really short sighted to me. I implore the CCC to carefully consider restoring and maintaining the Van Wycke Trail.

Kati Breckenridge, Trinidad City Council member

From: [Jacques Beaupre](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11a. Van Wycke Trail.
Date: Wednesday, August 30, 2023 5:43:11 PM

8/30/2023

Dear California Coastal Commission,

I am a resident here in the City of Trinidad, California. Been around here for a while.

I started surfing at year 7 and have 60+ years of beach and ocean access experience up and down the west coast of North America. Health issues stopped the surfing. Now I walk, alot!

I have used all sorts of trails, good condition to bad, to get to the beach. Sometimes storms take a toll on beach access trails, sometimes wear and tear. A lot of the time it is water erosion and poor drainage.

Sometimes though it is private landowners that do not want the public around their property. Property owners will sometimes use a poor trail being a safety issue as their chance to deny public access. Coastal access through a trail that has been in use for decades in this case.

Trails always need maintenance. Trails sometimes get wonky or disappear and we rebuild them. The Van Wycke trail is at the wonky stage, but still passable. The Van Wycke trail just needs maintenance. As all our California Coastal PUBLIC ACCESS trails need maintenance or rebuilding over time.

The CCC is all about protecting our coast and public access to the California Coastline. Let's keep the Van Wycke public trail open. This short trail at the end of Van Wycke Street is a great alternative to walking on very busy and dangerous Edwards Street to get down to Trinidad Bay and Trinidad Beach. I would rather walk a wonky Van Wycke trail than deal with drivers and their loud speeding cars and trucks on Edwards Street.

Plus Van Wycke Trail has a nice peaceful view.

Thanks for your time.

Jacques Beaupre
Trinidad, Ca.

From: [Karin glinden](#)
To: NorthCoast@Coastal
Subject: Agenda item W11a, Van Wycke trail in Trinidad
Date: Thursday, August 31, 2023 1:08:57 PM

Please deny this request to reopen the trail.

The trail trespasses though Yurok, 5000 people strong , burial grounds as well as being on Tsurai ancestral, sensitive grounds, a long going source of contention. This by itself is the main concern that needs to be honored. Please check in with Sarah Lindgren-Akana, head of the Tsurai Ancestral Society about this.

This trail is unnecessary for access to the ocean or bay beach as there are other safer, MORE SCENIC trails for each. The main view as you go down is the tawdry outbuildings for the restaurant and pier, where the much safer, sturdily curbed, slip proofed sidewalk down the half block to Edwards is truly breathtaking with the panorama of the State Beach, as well as the Trinidad Bay, with a more substantial view of Trinidad Head. The main concern of walking down Edwards is the roadway that leads to both these walkways. I've walked to the Trinidad State Beach, the pier, the Seascape Restaurant, and Trinidad Head for the 35 years I've lived here and have preferred the Edwards Street passage before and after the curbed walkway with a study rail was built and have always felt perfectly safe on the full roadway. The roadway is wider and highly visible to cars except at the last turn to the beach but there has never been , in my 35 years, enough traffic to worry about sharing the roadway, keeping an eye out for cars. That concern, the last turn , is easy to avoid by turning left on Galindo to Van Wycke make a right, walk 50 ft to the curbed sidewalk at Edwards. The best view of the Bay , with regards to the van Wycke trail is from a bench that sits atop the trail; once you start on the steps, the deteriorating , concerning part , you get the tawdry buildings view. See pictures.

Another amazing trail to the beach from Trinidad is from and through Trinidad State Park right off Main Street in town, where you trade walking through the commercial part of town to walking next to Mill Creek through the enchantment of a Redwood forest ending up at the beach, and instead of walking down cement sidewalks, you get to walk the beach to the Head, pier, etc.

Again, keeping the scenic accessibility for coastal access from on foot walking through town, the deference to indigenous sacred lands must be addressed.

Respectfully,
Karin Glinden

The first pic is the scenic view from the proposed revival of the van Wycke trail.

The second is a view from the bench just before the trail of the Bay..you don't need to do the trail of enjoy this view. The last picture is a superior view of the Bay from just a block up, for easily seen, enjoyed for two blocks from, and on the way to both can Wycke and Edwards Street passage ways discussed.

The 3 photos in between the first two and last is the view from the Edwards curbed walkway.













From: [Lille Sand](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11a
Date: Thursday, August 31, 2023 2:25:45 PM

Dear Commissioners,

I am a permanent resident of Trinidad. I live in lower Trinidad, at the corner of Van Wycke and Galindo and have so for the past 9 years. I regularly walk throughout my community--- for exercise, to go to the library, post office and market.

I am incredibly familiar with walking along Edwards Street and inform you that it is extremely unsafe for pedestrians! For this reason I am asking you to please deny the extended closure of the VanWycke Trail, and please move quickly to repair, reopen and establish regular maintenance for this walking path.

It was/would be/is the SAFEST way for pedestrians to move through town.

Walking along Edwards street between Galindo and Hector Street is narrow and dangerous. There is NO sidewalk. When vehicles are parked on the street, pedestrians literally have to walk ON THE ROAD in the traffic!

Furthermore, with vehicles parked on the road you can't see if traffic is oncoming so you must step blindly into the street. It happened to me just this morning as construction vehicles were parked on the road where several homes are doing upgrades.

Heavy Sanitation trucks, Food delivery trucks, Commercial Fishing and Crabbing Semi-Trucks, Propane Delivery Trucks, Concrete Trucks, RV's, Pickups pulling fishing boats and trailers regularly travel this road. I have been RIGHT next to them, breathing the exhaust with pebbles and rocks flying up in my face.

I have seen families of tourists trying to shepherd their children down the street with traffic whizzing by. It is very dangerous. It is SHAMEFUL that a beautiful tourist destination does not have a better option for people who are trying to be health conscious and environmentally conscious by walking through the village instead of driving.

The trail is the perfect solution for this problem. It has fresh air and no dangerous traffic. It can easily be shored up and put back in use.

We need it back, NOW, before someone is seriously injured or killed while walking on Edwards street with all the traffic.

Thank you for exercising Good Judgement and looking out for the welfare of people.

Sincerely,

Cresta Schiefer

From: [Sherry Vanderpool](#)
To: NorthCoast@Coastal
Subject: September meeting Agenda Item W11a
Date: Thursday, August 31, 2023 2:14:37 PM

Dear Commissioners,

We are writing as residents of and business owners in Trinidad. Our town is a wonderful town for residents and visitors, and we depend on the tourists to keep our businesses open. We are concerned that the closure of trails in our area will discourage visitors from coming here, as well as take away the pleasure of hiking the trails for residents.

The Van Wycke Trail has been closed for almost four years, as are other trails closed.

Please deny the extended closure of the Van Wycke Trail and reopen this popular, scenic trail for public use.

Sincerely,

Sherry and Chuck Vanderpool
707 Underwood Drive
Trinidad, CA 95570

From: [Karen Hicks](#)
To: NorthCoast@Coastal
Subject: Van Wycke trail
Date: Friday, September 1, 2023 4:44:06 AM

Dear Coastal Commission representative

I am writing this letter in support of the renovation of the Van Wycke Trail. I am a Trinidad resident, and a Van Wycke property owner. The beauty of the Trinidad coastline attracts locals as well as people from around the world. The Van Wycke Trail (formerly part of Van Wycke Street) offers a great view of the boat harbor and Bay. I have often enjoyed watching for whales and other wildlife while walking the trail. A properly maintained trail is a far better alternative to walking on Edward's Street. Many parts of Edward's street has no sidewalk and there is unsafe car traffic. Therefore, the Van Wycke trail would be a safer and more relaxing. I used to walk the trail often, I enjoyed an unobstructed ocean views.

It is my opinion that repairing and reopening this historic trail will benefit locals and visitors. Our beautiful California coastline should be accessible for all to enjoy. Trinidad beach trails are great assets to the community, let's open this trail again, thank you for your attention to this matter.

Thank you.
Karen Hicks

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: [dianne.f.rowland](mailto:dianne.f.rowland@coastal.ca)
To: [NorthCoast@Coastal](mailto:NorthCoast@Coastal.ca)
Subject: Agenda Item W11a
Date: Thursday, August 31, 2023 6:50:02 PM

Please save the VanWycke Trail and deny the extended closure and reopen this popular trail for public use. This trail parallels the ocean from above and is preferable to a long stretch of asphalt with cars zooming by. A creative, inexpensive fix is possible!

Thank you,
Dianne Rowland
Trinidad, Ca.

Sent from my iPad

From: [Susanna Reza](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11a (Van Wycke Trail)
Date: Thursday, August 31, 2023 5:49:23 PM

We are asking the California Coastal Commissioners to DENY the proposal to extend the closure of the Van Wycke Trail for another six months.

Instead, we are asking to have the trail repaired and maintained so that people are not forced to walk to the beach on a busy and dangerous paved street.

Respectfully Submitted,

Peter Lonnie (property owner in Westhaven) AND

Susanna Reza

From: [Ana K. Davis](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11a - Van Wycke Trail Comment
Date: Thursday, August 31, 2023 5:02:04 PM

Hello,

As a Trinidad resident and daily walker, I wanted to put in my comment in hopes that the commission will not extend the closure of Van Wycke Trail. As someone who happily used the trail prior to its closure, I can assure you that walking on Edwards is something I do not enjoy and do only out of necessity. Because there are no side walks on the stretch of Edwards between Hector and Gallindo, pedestrians are often forced into the street to get around parked cars. The harbor traffic brings large trucks that spew exhaust, and plenty of drivers speed down the road with little regard for safety. I realize that ADA compliance had an impact on why the grant wasn't sought, but it is important to note that the hills feeding the trail are themselves not a grade that someone in a wheelchair would be able to access. Although I deeply support the goal of the ADA, it cannot be applied to many trails for obvious reasons, and I hope that for those of us still lucky enough to be able to enjoy Trinidad by foot, that our ability to have a safer and healthier path to and from the beach is considered.

Thank you,
Ana Davis
558 Hector St
Trinidad CA

From: [Tim Needham](#)
To: NorthCoast@Coastal
Subject: Re Kimberly Tays Appeal No A-1-TRN 0069
Date: Friday, September 1, 2023 9:56:42 AM

Dear Commissioners

I am a 12 year resident of Trinidad. I would ask that you consider the issues raised in Ms. Tays appeal to be “substantial”. Sadly, the City has been “temporarily” closed or intends to close multiple trails without any plans for reopening. This issue needs a full airing.

Best Regards,

Tim Needham

From: [Barbara Snell](#)
To: NorthCoast@Coastal
Subject: Van wicked Trail, Trinidad CA
Date: Friday, September 01, 2023 3:28:13 PM

For the past 70 years I have used the "Van Wicke Trail" first driving , then walking this unique part of the old street/trail with its glorious view of our harbor until it became a challenge and a bit unsafe.

Many years I lived on Van Wycke Street by where the trail ended and was never bothered by the people who loved walking it.

Please renovate and reopen this beautiful portion of Van Wycke Trail for the benefit of locals and visitors that we once more can enjoy a special stretch of coast line that should be available.

An asset for Trinidad.

Edward's Street is not safe to walk on.

My children and grandchildren have used this trail for over 60 years

Sincerely

Barbara Snell

Trinidad California

Agenda Item 11. New Appeals Appeal No. A-1-TRN-20-0069

September 1, 2023

To: Members of the California Coastal Commission
From: Dwight Miller, PhD ... 10-year former Trinidad City Councilor and Mayor (2016-2017)

A Request to AMEND your choices for Trinidad's Van Wycke Trail

This trail, with brief history noted below, has been recommended by your staff for permanent closure (the effect of denying an appeal against the City of Trinidad's closure decision).

The arguments for closure are thin and vague. You can choose to support closure (by denying Kim Tays' appeal) now, or to support Kim Tays' appeal of closure (and leave the trail's status in limbo),

OR

you can propose that your Commission, via your Coastal Conservancy administrative arm, take greater responsibility for a coastal resource that serves many tourists outside of the small town of Trinidad (population 311). Trinidad's dedicated but very-amateur City Council, supported by few staff, has poorly managed the Van Wycke Trail (VWT), relevant to provisions of the 1976 Coastal Act.

My proposed amendment to provide you with strong information about the VWT dispute:

Local Coastal Conservancy staff shall call a meeting within the next 2 months of major stakeholders of the VWT dispute, such as City of Trinidad and local Tribes. Those stakeholders shall, by your direction:

1. Collate the history and arguments for and against the VWT.
2. Obtain cost estimates for a modest trail improvement (less than the large soldier wall proposed by the 2014 Caltrans grant) ... possibly a simple twin I-beam bridge.
3. Determine the costs and visual trade-offs of a safe/protected Edwards Street pedestrian walkway.
4. Rank the alternatives (2) and (3) above.
5. Suggest possible grant-funding for the ranked projects.
5. Aim for a June 2024 report to the Coastal Commission

Brief history and context of the Van Wycke Trail:

- The VWT is relatively short, but it has an inspiring coastal and harbor view, without parallel from other paths in the city. It passes on the coastal side of houses that were built for their ocean view.

- The VWT is one of only two walking routes from the city “center” to Trinidad Harbor and Trinidad State Beach.

The only alternative route is on Edwards Street... not even a sidewalk. Pedestrians face traffic on a narrow and unsafe side of the busiest street in town. Cars and trucks often exceed the speed limit. There is little to no view of the coast ... the view is blocked by houses built for their unobstructed views.

As noted in a May 2019 report from the City Planning Commission:

“...in closing a public access, the Coastal Act generally requires equal and equivalent access to replace it. The existing striping on the south side of Edwards likely would not meet that requirement, because it does not separate pedestrians from vehicular traffic.”

- In about 2014 a 5-0 vote of the Trinidad City Council approved a Caltrans grant to significantly upgrade the trail. Over the next few years plans were developed and permits acquired.

- In January 2020 the City Council, with 3 new members not on the 2014 Council (and without institutional memory of the intense work to save the trail), voted to stop the Caltrans grant work on the VWT, and to close the trail.

Their opposition was primarily because of a very emotional presentation by the local Tsurai Ancestral Society that their cultural resources would be impacted.

- The 2020 City Council trail-closing decision included a promise to find and develop a safe alternative pedestrian route. At first, the City Council proposed using city right-of-way on the south side of Edwards St, but they faced intense opposition and threats of lawsuits by wealthy landowners whose properties had extended (illegally) into the city right-of-way. The City Council “folded”.

- No additional work to find a safe alternative walking route to the beach has been done. The City Council has “punted” on its Coastal Act responsibility:

“...in closing a public access, the Coastal Act generally requires equal and equivalent access to replace it. The existing striping on the south side of Edwards likely would not meet that requirement, because it does not separate pedestrians from vehicular traffic.”

From: [Jeff Bairey](#)
To: NorthCoast@Coastal
Subject: Re: Agenda Item W11a - Proposed Closure of Van Wycke Trail, Trinidad, CA
Date: Friday, September 01, 2023 4:27:09 PM

Correction

925 876-9077 c

On Fri, Sep 1, 2023 at 4:18 PM Jeff Bairey <jeffbairey@gmail.com> wrote:

Dear Members of the California Coastal Commission,

I live in Trinidad, CA, and my home is on Edwards Street, approximately 100' from Van Wycke Trail. You can see the trail from my backyard, deck and living room. Van Wycke Trail was already closed when I moved here, and I initially wondered when the trail would be repaired and reopened. The coastal bluff trail is beautiful and offers stunning views of the ocean, bay, kayak and boat launch beach, the Trinidad Head, and the pier. I have since learned that the City of Trinidad closed the Van Wycke Trail because a very small section of it slumped some years ago, and there were concerns about the safety of people walking on the trail. (I note parenthetically that I've walked the trail many times, and it is very easy to safely walk around the eroded section. Almost every day I see people walking the trail despite the 'trail closed' sign, and going around the eroded section without any problem.)

I strongly believe that the trail closure should not be extended by the Coastal Commission. Rather, the Coastal Commission should terminate the trail closure, and Van Wycke Trail should be promptly repaired and reopened. The Coastal Commission will start this process by not extending the current trail closure. If the Coastal Commission extends the current closure, the status quo will continue and, I fear, a permanent closure of the trail will be the eventual result, intended or not. The trail has now been closed for almost four years, and it is hard to dialogue with the city, the county and state entities about planning and funding a repair for a trail long-closed and perhaps forgotten.

I have two observations that should be taken into consideration in your decision. One addresses public safety and the other addresses public access to an important coastal trail.

The current situation for pedestrians with the trail closed is not very safe. If the trail was open (and repaired), people walking to the state beach, the pier, the Head Trail, or the Seascapes restaurant could safely walk down the trail. With the trail closed, everybody has to walk down Edwards Street, but Edwards is a narrow, two lane street without a sidewalk, pedestrian or bicycle lane, and, unfortunately, cars and trucks often drive too fast despite being so close to pedestrians. Living on Edwards, I see, every day, dozens of people and children walking down Edwards to the beach/pier/restaurant/etc., with cars speeding close by. If the Van Wycke Trail was reopened and repaired, pedestrians could walk to all these beautiful places without having to walk on the side of the street.

Separate from this important safety issue, it is vital to keep all present coastal trails open to the public. It is a shame that the residents of Trinidad and the visitors who come here to enjoy the beauty of California's north coast can't walk on the Van Wycke Trail. The last four years have been lost, but we can change the future. Today's hikers and the hikers in our

children's and their children's generations depend on us doing our jobs to ensure that the scenic north coast trails remain open and accessible to all. Van Wyke Trail has already been closed since 2019, and extending the closure any additional months or years is not consistent with the Coastal Commission's mission to keep coastal trails open and accessible to all.

I urge you to not extend the closure of the Van Wyke Trail any further.

Thank you for your consideration.

Please contact me if you have any questions or need additional information.

I also urge you to come here for a site visit to see, with your own eyes in real time, the conditions of Van Wycke Trail, and, with the trail being closed, the pedestrian access via Edwards Street. It would not take much to repair and reopen the trail, and it starts with the Coastal Commission not extending the closure.

Jeff Bairey
829 Edwards Street
Trinidad, CA 95570
925 8876-9077 c
jeffbairey@gmail.com

From: [Melodie Meyer](#)
To: [NorthCoast@Coastal](#)
Cc: [Gedik, Tamara@Coastal](#)
Subject: Public Comment on September 2023 Agenda Item Wednesday 11a - Appeal No. A-1-TRN-20-0069 (City of Trinidad, Trinidad)
Date: Friday, September 01, 2023 4:36:30 PM
Attachments: [YT Comments re A-1-TRN-20-0069.pdf](#)

Aiy-ye-kwee,

Please see the attached for the Yurok Tribe's comment regarding Appeal A-1-TRN-20-0069 (Van Wycke Trail). Please reach out if you have any questions.

Wok-hlew,

Melodie Meyer

Melodie Meyer | Associate General Counsel | she/her/hers

YUROK TRIBE OFFICE OF THE TRIBAL ATTORNEY

PO Box 1027

KLAMATH, CA 95548

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YUROK TRIBE

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September 1, 2023

California Coastal Commission
North District Office
1385 Eighth Street, Suite 130
Arcata, CA 95521
Tel: (707)826-8050
Fax: (707)826-8960

RE: Substantial Issue Determination A-1-TRN-20-0069

Aiy ye kwee' Coastal Commissioners:

This letter serves as the Yurok Tribe's written public comment regarding Kimberly A. Tays' appeal of the approved Coastal Development Permit authorizing temporary closure of a portion of the Van Wycke trail. The Yurok Tribe supports Coastal Commission's staff recommendation to find that no substantial issue was raised by the appeal and further supports the City of Trinidad's decision to close a portion of the Van Wycke trail.

The project area is within the Yurok Tribe's Ancestral Territory¹ and compromises the Yurok traditional ancestral Village of Tsurai. The Tribe is thus not a stakeholder, but rather a rights holder and governing body with regards to this issue. As stated in Yurok Tribal Resolution 20-110, the Tribe supports the Van Wycke trail closure to protect important and sensitive cultural resources. Further, the Yurok Tribe considers public safety and coastal erosion to be important issues which require utilization of its government-to-government relationship with the City. The Tribe will continue to engage on this issue in the hopes of finding a project solution that balances public access to the sea with safety, coastal resource protection, and cultural resource protection. The Tribe strongly believes that despite current closure of the Van Wycke trail, current public access to the sea in Trinidad is adequate especially considering the Coastal Commission's responsibilities to protect and maintain the coastal zone environment, to protect natural resources, and to maintain public safety along the coast. There are many high-quality access points nearby including the harbor and public beaches such as Trinidad State Beach less than half a mile away.

On February 28, 2018 the Yurok Tribal Council, the Yurok Tribe Historic Preservation Officer, Trinidad Rancheria, the Trinidad Rancheria Historic Preservation Officer, representatives from the Bureau of Indian Affairs, and the City of Trinidad did a site visit and assessment of the Galindo and Van Wycke trails for cultural resources concerns. After this meeting, the participants made an official determination that due to the threat to cultural resources, the trails should be permanently

¹ The Yurok Tribe's Ancestral Territory is defined within Article I, Section I of the Yurok Tribe's [Constitution](#).

closed. This determination must be upheld by the City in accordance with Coastal Commission Act Sections 30002 and 30244.²

The Tribe agrees with the Coastal Commission staff's overall conclusion on pages 17 and 18 of the staff report but highlights the finding on pages 10 and 11 that the approved development is consistent with the City's Local Coastal Program. Policy 5 of the City's Land Use Plan provides the following guidance: "existing trails which are creating [unstable slopes] should either be improved *or closed*" (emphasis added). Considering the factors of nearby sea access, the need to protect Yurok Tribal cultural resources, and the need to protect natural resources, this is a situation where the subject trail must be closed. The Tribe strongly supports the City's development of a long-term option for alternative access and permanent trail closure.

Thank you for your consideration of this comment.

Wok-hlew',

A handwritten signature in black ink, appearing to read "Joseph L. James". The signature is fluid and cursive, with the first name "Joseph" being more legible than the last name "James".

Joseph L. James
Yurok Tribe Chairman

² The California Coastal Commission is tasked with implementing the California Coastal Act for the "orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone." Pub. Resources Code, § 30002. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. Pub. Resources Code, § 30244

From: [Jon Forsyth](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11A
Date: Friday, September 01, 2023 4:19:15 PM

Dear California Coastal Commission,

I strongly urge you to NOT close the Van Wycke Trail for public access.

My mother lived in Trinidad from 1978 through 1988 and during that time I visited her several dozen times a year. I have always appreciated being able to walk on the trail to and from the beach as it provides fabulous coastal views, and is away from traffic.

I have lived in Arcata (15 miles away) for the last 32 years And my wife and I regularly visit Trinidad and walk on this trail. In the last several years, there has been a very large increase in traffic on Edwards Street, especially during holiday weekends. Many RVs and other large vehicles drive on the street. As you know Edwards Street has no to minimal sidewalks, and during these busy times it is very unsafe for pedestrians to use this street to get down to the beach. This means that Edwards is not a suitable alternative to the Van Wycke trail. To force pedestrians to walk along this road will increase the likelihood of pedestrian/vehicle mishaps.

The only benefits from closure will be to the half dozen owners of the multi-million dollar mansions that this trail has been in front of for 150 years, and the city of Trinidad's insurance carrier. Even if "closed", people will still use this long-used public right of way.

A much simpler and more elegant solution would be to have the coastal Conservancy grant the money necessary to restore the trail.

To stay true to the original intent of the purpose of the California Coastal Act, you MUST NOT ALLOW THE PROPOSED CLOSURE of this trail.

Thank you for your Consideration.

Jon D. Forsyth, PE
1298 Spring St
Arcata, CA 95521
(707)845-7362

From: [reilley Mullin](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11A
Date: Friday, September 01, 2023 4:49:14 PM

To California Coastal Commission-
Re: Agenda W11a

I've enjoyed living in Trinidad for the past 14 years, and, along with my dog, am an avid hiker. Please deny the extended closure of the Van Wycke scenic trail and reopen it as soon as possible for the public to enjoy! Aside from the breathtaking views of Trinidad harbor and the coastline below, this trail provides a safe alternative to walking to and from the beach via Edwards Street, which has a sharp and dangerous blind turn at the bottom, with cars driving especially fast. It's dangerous and difficult to navigate on foot, and the Van Wycke trail has been a big part of Trinidad history. Please do whatever it takes to restore it!

Thank you for your consideration,

Reilley Mullin
520 Pacific St. #853
Trinidad, CA 95570

From: [Pete Alcorn](#)
To: NorthCoast@Coastal
Subject: Agenda Item W11a
Date: Saturday, September 02, 2023 10:59:52 AM

Dear Coastal Commission,

As a local Trinidad homeowner, living on Edwards, I wanted to voice my support for the position voiced by Kim Tays. Of course, I would also be delighted to see a sidewalk put on Edwards, and we love to see the locals and tourists walking by. But the path on Van Wycke is gorgeous, and certainly a better experience for the pedestrians. In fact, my partner and I sometimes still use the path, in spite of the currently posted signs. And I'm sure others do as well.

It sounds like the proposed solutions are overblown. It would seem like repair of the path could be accomplished with something as simple as a load of sand bags. But I'm talking out of my depth here. It would just be nice for tourists and locals alike to have easy access to the scenic route down to the harbor.

Thanks for your consideration, and apologies for the late entry of opinion.

Best,

Pete Alcorn
806 Edwards St