

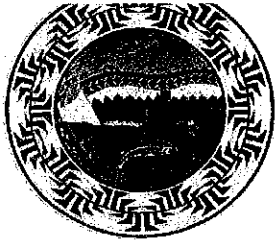
W12c

APPEAL NO. A-1-TRN-25-0020

(CITY OF TRINIDAD)

SEPTEMBER 10, 2025

CORRESPONDENCE



YUROK TRIBE



July 10, 2025

California Coastal Commission
North Coast District
1385 8th Street #130
Arcata, CA 95521

Re: Letter in Support of July 3, 2025, Appeal No. A-1-TRN-25-0020, filed by the Tsurai Ancestral Society regarding the Alex Lindgren Memorial Trail (APN: 042-091-005);

Dear California Coastal Commission,

The Yurok Tribe writes in support of the Tsurai Ancestral Society's ("TSA") appeal of the City of Trinidad ("Trinidad") Planning Commission's approval of a coastal development permit pursuant to California Public Resources Code §§30603 and 30625. Trinidad has taken unilateral action to re-open part of a recreational trail, the Alex Lindgren Memorial Trail ("ALMT"), which traverses previously identified Native American cultural and historical artifacts and Tsurai Village, a Yurok village on Yurok ancestral land.

Trinidad's newly approved development permit relies on work performed for the Yurok Tribe almost thirty years ago in 1997, work which would no longer be relevant to the present day conditions of Tsurai Village. Erosion and potential bluff failure resulting from earthflows on Edwards Street above Tsurai Village, remain unaddressed and unmitigated by Trinidad, the current owner of the parcel. The Yurok Tribe objects to work it funded being used in this manner.

In addition, Trinidad failed to conduct tribal consultation with the Yurok Tribe on its new, unilateral coastal development plan / permit for the AMLT and Tsurai Village. Consequently, Trinidad has not complied with its own Policy 69 regarding protection of archaeological and culture resources within Tsurai Village for the sake of recreation and tourism.

Federal law also recognizes and protects tribal cultural resources, including historical and archaeological sites, sacred objects, and human remains through the National Preservation Act ("NHPA") and the Native American Graves Protection and Repatriation Act ("NAGPRA"). Trinidad is in violation of these and other federal laws by not consulting the Yurok Tribe and taking unilateral action regarding the re-opening of the lower AMLT and public access to Tsurai Village.

Further, the State of California protects tribal cultural resources through the California Environmental Quality Act ("CEQA") and the Public Resources Code, which recognize the



cultural significance of these resources to Native American Tribes and establish procedures for their identification, and requires consultation with tribes during development projects.

Trinidad ignored these federal and state tribal consultation requirements in addition to its own Policy 69 when approving its own May 21, 2025, coastal development permit.

The Yurok Tribe requests the California Coastal Commission grant TSA's appeal of Trinidad's newly approved coastal development permit, nullify said permit, and allow the parties to return to the collaborative work of the Tsurai Management Team and its plan to address the geological issues of the AMLT, re-open the AMLT trail, all while protecting cultural and historical resources and human remains.

Thank you for your consideration on this matter.

Wok-hlew'

Sincerely,

A handwritten signature in black ink, appearing to read "Rose Sylvia", with a long horizontal flourish extending to the right.

Rose Sylvia
Vice-Chairperson

J. Bryce Kenny
Attorney at Law
P.O. Box 361
Trinidad, California 95570
Telephone: (707) 601-1581
Email: jbrycekenny@gmail.com

September 1, 2025

California Coastal Commission
Meeting of September 10, 2025
Item No. A-1-TRN-25-0020 W12-c

Dear Coastal Commissioners,

I am currently serving my third term on the Trinidad City Council. The first two were from 1986 to 1994. I have extensive personal knowledge about the issues raised in this appeal and the history of trails in and around Trinidad.

THE COMMISSION LACKS JURISDICTION

First, it must be noted that the Commission lacks jurisdiction to proceed, because no *legitimate* appeal was filed by any party, as found by our city clerk in his letter of June 16, 2025, page 26 of the Exhibits to the staff report. Though a specific invitation to the planning commission meeting was not legally required, the letter also shows that the Tsurai Ancestral Society (TAS) was given specific individual notice that a public hearing would take place on the issue of temporary repairs to the Axel Lindgren Memorial Trail (ALMT) at the May 21 meeting.

For an appeal to be properly taken, the record must demonstrate that the appealing party raised their issues either orally at the public hearing, or by way of written comments submitted for the hearing. The record clearly shows that that was not done. Staff's attempts to argue that because it is generally known that the TAS, a California nonprofit corporation, is always against anything that it does not itself propose, that satisfies the appeal requirements. It does not and would set a bad precedent which would have to be extended to other parties who neglect to participate in public hearings, but then want to appeal from the results.

What the TAS is trying to do is analogous to a party speaking to Commission staff on the phone prior to a meeting, not attending the actual meeting and then trying to challenge the decision made by the Commission in court. That would never fly, and it should not fly here either.

Nor do the attachments to the appeal, which concern only the Tsurai Management Team (TMT), an advisory standing committee appointed by the City Council in or around 2005, satisfy the requirement to either attend the public hearing or submit written comments. Correspondence directed to the TMT cannot constitute an appeal from a planning commission decision.

The TAS has failed to exhaust its issues at the first level, and provided no reasoned explanation for not having done so. This is one of the most common defenses invoked against parties who challenge Commission decisions in court. For the Commission staff to invoke a double standard when the TAS is involved raises troubling issues of unlawful favoritism.

NO PERMIT IS NEEDED FOR ROUTINE MAINTENANCE

As a further reason that the purported appeal does not raise a substantial issue, the City's codes do not require a CDP to maintain structures such as the temporary cable steps that we are trying to replace. Sec. 17.72.070 D. provides that "*The following types of projects are not development within the meaning of this section or California Public Resources Code Section 30106 and do not require a coastal development permit:.... 3. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance and which do not aggregate over \$2,000 in valuation in any 12-month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.*"

A project must be measured against the City's approved codes as they exist at the time, not under a hypothetical new code that has not been adopted by the City and approved by the Commission. Both Policy 69 and Sec. 17.72.070 D. date back to when the Commission first approved Trinidad's Local Coastal Plan (LCP). Staff cannot pick and choose those parts of the LCP that they still favor and ignore the parts they do not like.

THE COMMISSION SHOULD RESPECT THE CITY'S INTERPRETATION OF ITS OWN RULES

Even if the Commission could properly assume jurisdiction because the site is between the shoreline and the first public road, it should not do so, because the City's analysis of and application of its own rules and regulations is reasonable and entitled to respect.

The purpose of Policy 69, that requires four entities to approve any ground disturbing activities proposed within the Tsurai Study Area (TSA), as applied here, was to apprise all four entities of the plan to make the previously undeveloped ALMT a safe, usable public trail for access to the shoreline of Old Home Beach. Indeed, it was to become the "primary" of the three trails available to get there.¹ The new trail was also to take pressure off of the Wagner Street Trail which had triggered prolonged litigation by a neighbor. The consent of all four entities was obtained in 1997 when the original ALMT was constructed by Axel Lindgren, Jr., and workers from the Yurok Tribe. There has been no change in conditions that would warrant going through the Policy 69 process again. Also, the record shows at page 8 of Exhibits that the project is categorically exempt from CEQA and any tribal consultation that would otherwise be triggered by that.

Staff argues that the toe of the ALMT has significantly eroded since 1996, and that is true. But there is nothing unusual about that. The Commission is quite familiar with that phenomenon all up and down the coastline. In the study area, it happens every typical winter all along Old Home Beach where it meets the upland bluff area. Indeed, the city crews historically would rebuild the bottom of the ALMT most years after the winter storms had passed, as a matter of routine maintenance. The winter of 2025 was particularly bad, with king tides combining with large storm generated south and southwest swells resulting in the very bottom portion of the trail becoming more like a straight cliff and too steep for cable steps. But by March, the bottom portion slumped down and the trail bed became closer to a 45-

¹ The other two are the Wagner Street Trail and the Parker Creek Trail, both of which are open, but the former requires walking through what appears to be someone's yard, and the latter is so far off the beaten track that visitors either can't find it or don't want to go that far out of their way to get to the beach. The ALMT is by far the most popular trail for visitors during the high summer season. Many visitors have asked me why it is closed and when it will open.

degree angle. This was confirmed by the city engineer during a site visit in April 2025 that included myself and two of the public works crew. The mud was beginning to dry out, and was in good condition for the addition of new cable steps for the last 15 feet to the beach. That is confirmed in photo 1 taken on June 27, 2025, attached to page 5 of the exhibits to the staff report. You can see that the former steep cliff had changed to an angle similar to what it had been when the trail was first constructed. By June the so called “blue goo” which is present there hardens to an almost rock like surface, and stays that way until it is again saturated with rain in the winter. The city’s plan, if it had been allowed to replace the cable steps, was to have the public works crew monitor the winter weather forecasts, and temporarily pull the new steps up prior to the arrival of major south or southwest storms, especially if accompanied by high tides. That is one of the benefits of cable steps versus “crib steps” that are attached into the ground. This would effectively protect the cable steps and substantially increase their useful life. Interruption of public access would also be minimal, because few people go to the beach in the winter, and they are almost exclusively locals who know that the bottom of the ALMT is problematic during large storms and that it generally is not safe to be on the beach during storms because of the heavy logs bouncing around in the surf in an unpredictable manner. After the storm has passed, the cable steps can be easily rolled out again. If because of erosion, the bluff face again becomes too steep for cable steps, an emergency closure can be implemented. But in the meantime, the Coastal Act policy of maximum access to the shoreline is preserved.

If there were a reasonable probability of tribal cultural resource artifacts being placed at risk by the trail alignment chosen by Axel Lindgren, Jr. and the Yurok Tribe in 1996, it never would have been built there in the first place. No one has identified to the City a specific tribal cultural resource that is present in the vicinity of the bottom of the ALMT, even though the City has in place mechanisms to keep such information confidential and not available to the public. The continued and temporary use of the existing alignment of the bottom of the ALMT places no unreasonable risk to tribal cultural resources while the city explores other options for changes in trail alignment, or perhaps more importantly, transfer of ownership of the 12.5 acre study area to one of the two local tribes who both express keen interest in owning it.

The staff report is wrong to characterize the city's obligations under the ordinances that implement Policy 69 of the General Plan as "consultations." Consultations required under state law do not require any specific action after they take place, only that the parties use good faith and that points made appear in the record and be fairly considered by the decision maker. If consent under Policy 69 is required each time maintenance of a previously approved project may result in some minor soil disturbance, then all four entities effectively hold veto power over any project's continued existence. In the City's considered view, that is an unreasonable and unhealthy interpretation of Policy 69 that expands it beyond its original intent. Only one application of Policy 69 should be required for each CEQA exempt CDP issued in the study area. Of course, any project not exempt from CEQA must include tribal consultation per the guidelines; but let us remember that the TAS is not a tribe, but merely a nonprofit corporation.

The staff report argues at page 3 that:

The public access policies of the Coastal Act direct that maximum access shall be provided consistent with public safety needs and the need to protect fragile coastal resources and natural resource areas from overuse, and these policies were not adequately factored into the City's decision. The City's findings also lack any analysis of whether the approved development is the least damaging, feasible alternative. Therefore, the degree of factual and legal support for the City's decision that the approved trail repair project is the least damaging feasible alternative is low.

To the extent that staff is attempting to argue--even though the appellant did not raise the issue²—that the temporary maintenance of the ALMT is not "consistent with the public access policies of the Coastal Act" within the meaning of Public Resources Code Sec. 30603, that argument is misplaced. Staff has not claimed or demonstrated how the continued use of the ALMT will result in damage from "overuse" by the public. The staff report concedes that "[t]he ALMT has been closed since February 2023, after a significant erosion event eliminated a portion

² The staff report at page 10 states: "The appeal raises one main contention: the development approved by the City is not consistent with the City's LUP Policy 69, which requires approval by the Tsurai Ancestral Society for any ground disturbance within the Tsurai Study Area, and which did not occur for the development authorized by this permit amendment."

of the trail at the toe of the bluff.” It has never been contended that any of the problems with the bottom of the ALMT that the City is trying to remedy were the result of “overuse” by the public. Therefore, the public access policies of the Coastal Act do not support the existence of a substantial issue in this case. In fact, they support the opposite—that the ALMT should be reopened as soon as possible.

The contention that the City failed to consider whether reopening is the least damaging feasible alternative is also misplaced. A fair reading of the City’s findings shows that it was striving to use the least amount of work and soil disturbance possible, with only hand tools and rock already on the beach. Further, and importantly, because the project is exempt from CEQA, there is no requirement to analyze the least damaging alternative.

Those of us who live in Trinidad are here every day and know firsthand the vagaries of the different trails in and around the city, and how best to keep them functioning and safe. Surely there must be at least three Commissioners present who care enough about public access to the shoreline to request testimony and debate on this item rather than have it rubber stamped pursuant staff’s biased recommendation.

Part of the authority held by the City Council is to weigh the appropriateness of spending taxpayer money for a given project. The Commission cannot usurp that discretion by using the appeal process to force the City into choosing the TAS’s preferred alternative. The latest estimate to reroute the bottom of the ALMT to the so called “traditional alignment” that the TAS wants approaches 2 million dollars. All the trail was ever supposed to be was a simple foot path to the shoreline. All the City Council is trying to do is get it open to the public again, and it has a good and inexpensive plan to do so. But Commission staff is obviously determined to throw clouds of red tape in its path, without concern for how much money will be wasted given the many other pressing needs facing the state government in general and the Commission in particular. A truly remarkable position, given the massive deficit—12 billion and counting—that the state is experiencing, with no help to be expected from the feds any time soon.

Legal and factual support for the City’s position is strong. The extent and scope of the development is simply to do routine maintenance of this important coastal resource trail. The precedential value of the City’s interpretation of Policy 69 for projects exempt from CEQA will allow maintenance of all three trails that lead to

Old Home Beach free from arbitrary veto by any of the four entities implicated by Policy 69. Policy 69 is a purely local issue as it is unique to the Trinidad LCP.

The Commission should reject staff's recommendation, and find that the appeal does not raise a substantial issue because the appellant did not exhaust its remedies at the first level, because the City Council's interpretation of Policy 69 is reasonable, because no realistic possibility of harming tribal cultural resources is presented by the city's plans, because public access to the shoreline is the most important aspect of the Coastal Act, and the primary access to Old Home Beach has been closed since February of 2023. If the Commission finds a substantial issue here, we might as well just close the trail permanently right now and get it over with. The big loser then will be the public, not the locals. So ironic.

Thank you for your time and attention.

Very truly yours,

/s/

J. Bryce Kenny
Trinidad City Council Member

From: NorthCoast@Coastal
To: [nancy.Okada](mailto:nancy.Okada@coastal.ca.gov); NorthCoast@Coastal; ExecutiveStaff@Coastal
Cc: Jacobson.Rebecca@Coastal; Gedik.Tamara@Coastal
Subject: RE: Public Comment on September 2025 Agenda Item Wednesday 12c - Appeal No. A-1-TRN-25-0020 (City of Trinidad Axel Lindgren Memorial Trail Repairs).
Date: Friday, September 5, 2025 4:05:09 PM
Attachments: [image001.png](#)

Received. Thank you

From: nancy Okada <nxxokada@gmail.com>
Sent: Friday, September 5, 2025 4:03 PM
To: NorthCoast@Coastal <NorthCoast@coastal.ca.gov>; ExecutiveStaff@Coastal <ExecutiveStaff@coastal.ca.gov>
Subject: Public Comment on September 2025 Agenda Item Wednesday 12c - Appeal No. A-1-TRN-25-0020 (City of Trinidad Axel Lindgren Memorial Trail Repairs).

Please send proof of receipt. Thank you.



September 5, 2025

To: California Coastal Commission
From: Sierra Club California
Re: [September 2025, W12c, Appeal No. A-1-TRN-25-0020 \(City of Trinidad Axel Lindgren Memorial Trail Repairs\)](#).

Position: Sierra Club CA supports the Appeal by the TsuraiAncestral Society and agrees with Coastal Commission staff that a finding of Substantial Issue is warranted.

Re: Coastal Access

The City of Trinidad does not need to reopen this trail as public access to this coastal site, which still exists through other routes. The City considers this project to be a temporary fix until a more permanent solution is found. However, the trail has been subjected to significant erosion, and repairing it would have substantial impacts on fragile coastal resources. The City did not explore alternatives that could be less damaging to biological and tribal cultural resources. For one, anchoring a hand rope to willow and alder trees should never be allowed, as this would negatively impact the trees and endanger public safety.

Re: Tribal Cultural Resources/Tribal Consultation

The 1990 trail was built under the direction of the Tsurai Ancestral Society and the Yurok Tribe and primarily follows the original tribal trail. This is a highly significant tribal cultural site.

The City of Trinidad did not undertake tribal consultation with impacted Tribes or obtain approval of the project by the TAS, as required by Land Use Plan Policy 69 of the certified Trinidad Local Coastal Program (LCP). Tribal Consultation is also required by the Coastal Act, CA AB 52, CEQA, and Section 106 of the National Historic Preservation Act.

We agree with Staff that granting this CDP would set a negative precedent, allowing other applicants to propose repairs and other projects without conducting a thorough analysis of the short and long term consequences to coastal resources and public safety. Doing so, over the objection of tribal entities where tribal cultural resources are impacted, would be both immoral and illegal.

Thank you for considering our request.

Nancy Okada,
Coastal Subcommittee
Sierra Club California



September 8, 2025

To: California Coastal Commission

Re: Appeal Substantial Issue Determination A-1-TRN-25-0020
Item 12.c, Wednesday, September 10, 2025

Dear Commissioners,

The City of Trinidad urges you to find that the appeal raises no substantial issues. The project is essentially repair and maintenance of the Axel Lindgren Memorial Trail (ALMT), which is the designated primary trail to Old Home Beach. The ALMT was created through a settlement agreement designating it as the primary trail to Old Home Beach. The Coastal Commission was a signatory of that settlement agreement. Erosion at the toe of the bluff is a periodic reality, and the cable steps have previously been rebuilt. In consulting with experienced trail contractors, it would be a standard installation common to many other trails in the local area; no excessive soil disturbance would be needed.

The City approved the project because it is the alternative that requires the least amount of work and disturbance necessary to reopen the trail in the short-term. A partial opening of the trail to the first landing was not deemed by the City to be adequate public access, because it would open such a small proportion of the trail. Also, having the trail closed means that it is unsupervised and, despite the City's best efforts to block the trail, there is continual evidence that people are bypassing the closure, which may contribute to impacts to fragile resources.

Contrary to assertions in your staff report, the City has been conducting continuous tribal consultation through the Tsurai Management Team (TMT), including a dozen TMT meetings, and various emails and other correspondence since the main erosion event occurred in the winter of 2022/2023. That consultation is how the phased reopening plan was developed, recognizing the TAS's desire to reroute the bottom of the trail. Tribal consultation does not necessarily require all parties to be in agreement. The City understands the position of the TAS and intends to continue to work with the TMT and other stakeholders to move forward with rerouting the base of the trail in a responsible and respectful manner. The City is concerned about the precedent being set that Policy 69 approvals would be required every time the City needs to repair a step or trim vegetation along the trail.

Neither the Tsurai Ancestral Society (TAS) nor the Yurok Tribe participated in the public hearings at the City level for this project. The TAS have expressed their objection to reopening the trail in its current alignment at closed (not public) TMT meetings, so City staff generally knew their position. However, when the project was proposed, they did not speak or submit comments for either a discussion at a City Council meeting on May 20, 2025 or the public hearing at the May 21, 2025 Planning Commission meeting as is required by Trinidad Municipal Code § 17.72.100.D. Other than a brief phone call to consultant staff, which expressed frustration but did not provide specific objections, they provided no input to decision-makers.

It is also significant to note that the project, as proposed by the City, is consistent with the Tsurai Management Plan (TMP), which recognizes that the bottom of the trail is subject to seasonal erosion and the need for periodic repairs. The TMP was developed cooperatively between the City, the Coastal Conservancy, the Yurok Tribe, and the TAS as a guide for management of the Tsurai Study Area. The recent erosion is not a new condition. The TMP recommends that the base of the trail be monitored for erosion with repair of the cable steps as needed. The TMP recognized that rerouting the base of the trail could require extensive armoring and engineering and therefore recommends rerouting the trail only if and when feasible.

The trail has already been closed for more than two years, including three summers. While the City supports rerouting the bottom of the trail and intends to pursue that alternative, it will likely not be a simple project, and having the trail open in the meantime is important for public coastal access. While there are secondary access trails to Old Home Beach, those accesses are harder to find and in residential areas with limited parking. The City's temporary closure of the trail has expired, so, with the appeal, the ALMT should be reopened, though it is unsafe in its current state. Voting to accept this appeal will be a de facto vote to keep the trail closed indefinitely.

Due to the complexities of the project area, the City is concerned that this project could remain in an unresolved state for several more years. A project started in 2012 to reroute the top of the trail through the Civic Club property (former location of the Trinidad Memorial Lighthouse) was also appealed by the TAS. Rerouting the top of the ALMT is one of the primary recommendations of the TMP. However, more than ten years later, that project remains partially completed and in limbo as an undetermined appeal before the Coastal Commission at the most prominent coastal viewpoint in Trinidad.

The City is in a difficult position when it comes to trails. You may recall considering an appeal of the City's closure of the Van Wycke Trail (VWT) that came before the Coastal Commission in September 2023. At that meeting, Commissioners made it very clear that the trail provides important public access and that the closure was an issue of statewide/regional concern; the Commission expected the City to find a way to reopen

the trail. However, the Yurok Tribe and TAS have requested the VWT to be permanently closed. The City worked for several years to try to find an alternative that would keep the trail open or provide alternative pedestrian access and also satisfy the tribal concerns. In the end, the City found a way to make some minor repairs that did not rise to the level of “development” but still satisfied the City’s insurance provider enough to allow the trail to be reopened. However, it will not be long until additional erosion and land movement will further compromise the VWT without a more substantial repair, and the City will again be in the same, difficult position.

It should also be noted that the TAS have requested that the City close the Galindo Street Trail as well, which is one of the most stable trails in the City, because it descends the bluff to the Trinidad Harbor parking lot and is not subject to wave action. The City was working with Coastal Commission staff and the TAS to develop a plan to improve alternative access, and provide an overlook near the top of the bluff and to close the rest of the trail below that until the erosion along Old Home Beach and the ALMT became a higher priority. However, some residents of Trinidad are getting understandably frustrated by trail closures. Based on comments from Commissioners regarding the VWT and pressure from the public to reopen the ALMT, the City chose the least invasive action that would allow the public to access the trail again despite objection from the TAS. The City’s decision on a CDP for either continued closure or repair would have been appealed.

I hope that the foregoing provides a little more perspective on the complex situation and difficult position the City is in with this and other trails in attempting to provide mandated public access. The City stands by its decision and urges you to find that the appeal raises no substantial issues. I will be available online to answer any questions you may have.

Sincerely,



Trever Parker, City Planner