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Subject: Important: Gabe pdf attached, May 11th City Council Meeting, Public Comments for Agenda Items # 8 and #9

From: Anita <anitavacation@att.net>

Date: Mon, May 10, 2021 12:37 pm

Trinidad City Clerk <cityclerk@trinidad.ca.gov>, Richard Clompus <rclompus@trinidad.ca.gov>, Dave Grover <dgrover@trinidad.ca.gov>, Tom Davies <tdavies@trinidad.ca.gov>, Jack West <jwest@trinidad.ca.gov>, Eli Naffah <citymanager@trinidad.ca.gov>, Steve Ladwig <sladwig@trinidad.ca.gov>

Ryan DeSmet <rdesmet@trinidad.ca.gov>, Dwight Miller <trinidad.miller@gmail.com>, Russ Gans <rgans@mitchelllawfirm.com>, Anita <anitavacation@att.net>, "nwthomp@gmail.com" <nwthomp@gmail.com>

Attach: May 11th Public Comment.pdf

TO: Trinidad City Council

FR: Anita Thompson

RE: May 11, 2021 City Council Meeting, Public Comments for Agenda Items # 8 and #9

DATE: May 10, 2021

Dear City Council,

Below are my written/public comments for agenda items #8 and #9 for tomorrow's City Council Meeting which will be held on May 11, 2021.

Item 8: "Discussion/Decision to appoint Two (2) Councilmembers to the Water Advisory Committee."

On April 13, 2021, I wrote the following written/public comment for Agenda Item # 6, please include as public comments for May 11, 2021 City Council meeting: **"Discussion/Decision regarding revised, draft Resolution 2021-02; establishing the Water Advisory Committee."** "I request that in addition to Dave Grover, Richard Clompus be added to serve on the Water Advisory Committee as the second City Council member of this committee. Because of Dave Grover's background, I'm glad that he will be a member of the Water Advisory Committee. Richard Clompus has done an outstanding job of researching and communicating Trinidad's water issues, he understands the negative impact of our ongoing drought status and the climate crisis. Richard Clompus is data-driven and he realizes how urgent it is to find an alternative water source for the Luffenholtz Creek.

At last month's meeting when the formation of the Water Advisory Committee was discussed, I agreed with the City Manager's comments 'to keep the meeting productive, stay on track and have questions answered quickly.' Again this year, like last year, we are facing another drought. Ongoing droughts are likely to be Humboldt County's new norm due to climate change. Finding an alternative water source for Luffenholtz Creek is the main priority for the Water Advisory Committee. It was irresponsible for the City Council to vote against the feasibility study with no realistic plan for an alternative water source and also a complete disregard for the scientific data which was presented to the council."

At the March 9, 2021 City Council Meeting this item and the formation of the Water Advisory Committee

was discussed at length. At the March 9th meeting following the City Council and public discussions for this agenda item, a decision was made and voted on unanimously by the City Council members to include one person to serve on the Water Advisory Committee from Trinidad Public Works. However at the April 13, 2021 City Council meeting, I was shocked and upset that the April 13th City Council decision was not upheld but instead discussed again and changed to no longer include a member from Public Works to serve on this committee and instead to add another city water customer. I do not understand how decisions can be formally made and then changed because someone complains afterwards at another City Council meeting, plus this decision change was the wrong decision!

I am deeply concerned that by not having a person from Trinidad Public Works serve on this important committee we are wasting even more valuable time. During the March 9th City Council discussion, the Council decided not to have our city engineer serve as a member of the Water Advisory Committee (this was originally proposed so time would not be wasted with ideas that were unrealistic). The City Council decided not to include their city engineer due to costs, however why would City Council change the formation of the committee not to include someone with expertise from Public Works?

The City Council missed a huge opportunity by not having Ryan DeSmet, our Public Works/Water Treatment Operator, become an active member of the Water Advisory Committee. Ryan not only has the knowledge and expertise we desperately need on this committee, but he also genuinely cares about our community. Mr. DeSmet works long hours and has proven over and over again his dedication to the City of Trinidad and its residents.

I am frustrated that the City Council is moving too slowly with the formation of the Water Advisory Committee and due to reversing their decision, does not have an “expert” on this committee. Again, I assumed that after the March 9th meeting, when City Council reached a decision regarding the formation of the Water Advisory Committee, at the April 13, 2021 City Council meeting the exact members would be determined. I assumed by May the Water Advisory Committee would meet and start on plans to implement water conservation and find a viable water alternative source for our limited supply of water from Luffenholtz Creek.

I am worried that some members of the City Council do not understand the urgency and seriousness of our climate crisis and Humboldt County’s continued drought status. It is important that all members of the City Council base their decisions on research, data and public safety not on their feelings and emotions. “These are not accidental, strange dry periods,” said Gleick, the co-founder of the [Pacific Institute](#), a global thinktank that has become a leading voice on water issues in California and around the world. “They’re increasingly the norm.”

Item 9:”Discussion/Decision to Review Letters of Interest Received from Trinidad Water System Customers to Serve on the Water Advisory Committee and Consider Appointments.”

I request that Dwight Miller serve on the Water Advisory Committee. Dwight understands the serious impact of our climate crisis; he is aware of Humboldt County’s ongoing drought status and analyzes data and facts to make important decisions. Mr. Miller knows how to facilitate meetings, he collaborates effectively with others and for years has been an active and caring member of our community. Mr. Miller would be an asset to this committee; we need him as a member of the Water Advisory Committee so he can help solve our water issues in Trinidad.

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Re: Tom_Davies:_STR_Definition;_our_concern_of_Davies_expressed_"tired"ness_regarding_City_revenue_requirements_-_Fiscal_Responsibilities,_Requirements_and_Budget_should_be_Priority_#1_for_the_City_of_Trinidad

From: "Michael trinidadbaybnb.com" <trinidadbaybnb@icloud.com>

Date: Thu, May 06, 2021 3:28 pm


To: cityclerk@trinidad.ca.gov

Attach: 0a85ba50-5e39-41dd-9673-53e9db933b8f.jpg
469d454a-ed6d-4e9f-8553-3765b1665776.jpg

Gabe,
Thanks for your reply. Tom Davies' intent and ill-will are VERY clear to us. He and everyone else involved knows the STR Ordinance was written specifically to preclude our business as an STR.
It is a very important point, and we need it made, publicly.

I know the minutes and approval/posting process is tedious, but until city meetings are in person, and until they can accommodate those of us with health related masking issues, it's the only way we can keep up. So, thanks again for all the hard work involved with the meeting minutes.

Please forward, as previously sent, and include in minutes or appropriate agenda packet, as a public record. When the April minutes are approved and online, I'd be happy to get a link and review any updates/clarification and comment on them at that time.

Sent from Mike Morgan, Owner
Trinidad Bay Bed & Breakfast Hotel 
iPadPro iCloud Account

On May 6, 2021, at 3:03 PM, cityclerk@trinidad.ca.gov wrote:

Hi Mike,

Not sure if Eli has replied to you yet, but I can clarify the first question/concern of the two you list below.

Tom Davies statement during the meeting was little confusing for me. He corrected it for the record at the April 13 meeting when the March 09 minutes were discussed. He clarified that there isn't a definition for a "Bed and Breakfast" in the STR ordinance. The final approved minutes have been amended to reflect that change.

Sorry for the confusion.

I wanted to share this with you before forwarding your email to the Council, in case you wanted to re-write those comments.

Gabe

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

Subject: Tom_Davies:_STR_Definition;_our_concern_of_Davies_expressed_"tired"ness_regarding_City_revenue_requirements_-_Fiscal_Responsibilities,_Requirements_and_Budget_should_be_Priority_#1_for_the_City_of_Trinidad

ue_requirements_-_Fiscal_Responsibilities,_Req
 uirements_and_Budget_should_be_Priority_#1_for_the_City_of_Trinidad
 From: "Michael trinidadbaybnb@icloud.com" <trinidadbaybnb@icloud.com>
 Date: Thu, May 06, 2021 10:03 am
 To: Trinidad City Manager <citymanager@trinidad.ca.gov>
 Cc: City of Trinidad <cityclerk@trinidad.ca.gov>, Russ Gans
 <rgans@mitchelllawfirm.com>, "Innkeeper Trinidadbaybnb@iCloud"
 <trinidadbaybnb@icloud.com>

For next week's **public** meeting and please copy our city council — especially Tom Davies for his info and definition of a "Short Term Rental" (STR).

Thank you, Mike Morgan.

Questions, Concerns, Attachments:

1. Davies says he doesn't have a definition of an STR?

The definition is in the City of Trinidad, California

STR Ordinance 2016-03. Is he lying or just ignorant of it?

Per ORDINANCE 2016-03 City of Trinidad Short Term Rental (STR) Ordinance, 17.56.190 (6.26).D Definitions, 12. Short Term Rental (STR), "Short Term Rental" (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than

(1) a permitted bed and breakfast.

2. Davies expressed "tired"ness regarding City revenue requirements — Fiscal Responsibilities, Requirements and Budget should be Priority #1 for the City of Trinidad, and we are concerned.

12. Short Term Rental (STR)

"Short Term Rental" (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

13. STR Watch List

"STR Watch List" means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

14. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

15. Visitor.

"Visitor" means someone staying temporarily at a STR, such as guests of occupants, who is not an 'occupant' and not staying at the STR overnight.

17.56.190 (b.2b).C Application Requirements**1. Initial Application.**

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of an STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicants for a Homeshare or Resident STR License shall include documentation that the property is their Primary Residence.
- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.
- d. Each application for an STR License shall be accompanied with proof of general liability insurance in the amount of one million dollars combined single limit. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.
- e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, Local Contact Person and 24-Hour Contact Phone Number, will also be posted on the City's website.
- f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to

City of Trinidad Ordinance 2016-03 – Short Term Rental Ordinance

5

licenses within the City until the STR Ordinance has been thoroughly reviewed, revised, and adopted by the City. He points out that the STR Ordinance is long overdue for a review. He has concerns that the waitlist procedure is not clear in the ordinance, and that there are many more sections that are not clear. He states additionally that the City is still working on housing in the General Plan, a parking study and a few other things that will affect the STR Ordinance. Until the City sorts out the above issues as well as others such as how much residential housing is being usurped by STRs, he would like to address a STR moratorium in the City and feels it would not be responsible to continue with business as usual.

Council comments included:

Davies: The STR Ordinance is well overdue for a review, and there could be major changes. The complaint process is not clear, the lottery and waitlist processes are unclear, we have serious Visitor Services land use issues, and we don't have a definition of an STR. There are too many outstanding issues that need to be addressed, which is why I'm suggesting a moratorium.

Clompus: I have some serious issues with housing affordability in Trinidad. I would like the City to clarify and clean up several ordinances, and have a moratorium in place until the issues are cleaned up.

Grover: I'm leaning towards the moratorium as well, but would like to hear what West has to say. Also concerned with income loss.

West: Are we going to be legally ok suddenly voting on a moratorium tonight?

Naffah explained that he will have to confirm with the City Attorney, and also concerned with reducing the City's revenue sources. The Harbor, Cell Towers, and various other sources of revenue will eventually be gone. I'm in favor of remaining within the STR cap as intended, and also concerned with applicants that have been waiting patiently since the ordinance was originally adopted. There may be a legal issue here.

Davies: 15% of housing is a large number. Other municipalities are trying to reign this in or severely limiting STR's. It's a stretch to think that the City is legally obligated to let someone think they can have an STR at any time. If we have to throw \$1,000 to the Attorney to confirm this, I guess we have to do it. The City did good by not allowing cannabis dispensaries. I'm tired of having to hear about the revenue needs of the City. If we have to cut positions or expenses, I'm prepared to look at that.

Clompus: There should be no increases until affordable housing is addressed. The income loss will be minimal.

Public comment included:

Sherri Provolt – Yurok Tribal Councilmember

I'm proud to own rental property in town that houses long-term tenants. I purposely rented to locals.

Motion (Davies/Clompus) to apply a moratorium on filling available STR Licenses until the STR Ordinance and General Plan have been thoroughly reviewed, revised, and adopted by the City and Coastal Commission.

Passed 4-0. Ladwig recused.

FUTURE AGENDA ITEMS

- 2009 Traffic Study recommendations.
- Sidewalk on North Side of Edwards.

ADJOURNMENT: 9:45pm.

Submitted by:

Gabriel Adams
Trinidad City Clerk

Approved by:

Steve Ladwig
Mayor

Richard Harris, Esq.
1370 Masonic Ave.
San Francisco, CA. 94117
415-290-5718
rharrisjr1@gmail.com
License No. 76704

May 10, 2021
By e-mail

Mayor Steve Ladwig
Trinidad City Council
City Hall
409 Trinity St.
P.O. Box 409
Trinidad, CA. 95570

Re: City Council Meeting, Tuesday, May 11, 2021
Discussion/Action Agenda, Item No. 1
Revised Draft Trinidad Government-to-Government Consultation Policy

Dear Mayor Ladwig and Members of the City Council,

This is to follow-up on my letters to you on the subject of Government-to-Government consultation policy, dated December 9, 2020¹ and October 11, 2020,² incorporated herein by this reference. Prior letters dated June 19, August 14, and August 11, 2020 were submitted on the same subject by Attorney Bryce Kenny for the Humboldt Alliance for Responsible Planning.³

¹ Letter, RHarris to Trinidad Mayor and City Council, re G-2-G, Dec. 9, 2020
<https://drive.google.com/file/d/1jeVeMSoWBzS5RPEeJ2GcDGWM0LEgOZHR/view?usp=sharing>

² Letter, RHarris to Trinidad Mayor and City Council, re G-2-G, Oct. 11, 2020
<https://drive.google.com/file/d/1aax92VbNQ-ij2QRh49i5cuzaOFwAvpae/view?usp=sharing>

³ See Letters:

- Letter, J. Bryce Kenny, Esq. to Trinidad Mayor Steve Ladwig and City Council, June 19, 2020:
<https://drive.google.com/file/d/1gBwXukzzzx8cE5f3BDguTHkzZUOFq2ri/view?usp=sharing>
- Letter, J. Bryce Kenny to Trinidad Mayor Steve Ladwig and City Council, July 14, 2020:
<https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/Public%20Comments%2007-14-2020%20cc.pdf>
- Letter, J. Bryce Kenny to Trinidad Mayor Steve Ladwig and City Council, Aug. 11, 2020
https://drive.google.com/file/d/1LqJTp3LErrcNI-OPjE_Yt1IRiWkB5-ZV/view?usp=sharing

Thanks to Council and to the City Attorney for your efforts to develop a Government-to-Government consultation policy. I respectfully submit minor edits to three paragraphs of the Draft Policy, for the purpose of clarifying uncertainties. Attached hereto as Exhibit 1 is a copy of the Draft Policy in Council's packet, with my suggested edits **in boldface and yellow-highlighted**. And I hereby request that a motion be made to modify the Draft Government-to-Government Consultation Policy to include these modifications. Subject to these clarifications, I support the policy.

- 1) Exhibit 1, pg. 2, at Section III, first paragraph. Insert highlighted language, in order to clarify that public notice and information is to be disseminated to the public as well as to the Tribes.
- 2) Exhibit 1, page 3, at Section III.B. Insert the word "Advisory" after the word Ad Hoc at two places. "Advisory" is a word that appears in the text of the Brown Act; "ad hoc" does not appear in the Brown Act. And add the phrase "posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2" to specify the notice requirement.
- 3) Exhibit 1, page 4, first sentence of Section V. Add the phrase "including but not limited to appropriate Tribes" to eliminate confusion in terminology.

Thank you for your service and your attention to this matter.

Respectfully submitted,

Richard Harris

Richard Harris

EXHIBIT

1. Copy of Draft City of Trinidad Tribal Consultation Policy (5.11.21), with Harris-proposed edits in bold, highlighted:

https://drive.google.com/file/d/1TbbExk_0N5X_tx6KuVJTTI9wQtI9nYRr/view?usp=sharing

cc: Eli Naffah, Trinidad city Manager
City Attorney Russell S. Gans, Esq.
City Clerk Gabriel Adams
Supervisor Steve Madrone, Humboldt County Board of Supervisors
Joseph L. James, Chairperson, Yurok Tribal Council
Sherri Provolt, Yurok Tribal Council
Jacque Hostler-Carmesin, CEO, Trinidad Rancheria
Sarah Lindgren-Akana, Tsurai Ancestral Society
Kelly Lindgren
Jennifer Kalt, Humboldt Baykeeper
J. Bryce Kenny, Esq.
Humboldt Alliance for Responsible Planning Executive Committee

City of Trinidad Tribal Consultation Policy

(Government to Government Consultations)

I. Introduction

The purpose of this policy is to ensure effective government-to-government consultation between the City of Trinidad, a California incorporated city and local government (“City”), and Indian tribes regarding the development of policies, programs, projects, plans, property decisions, and activities (collectively, “Activities”) that may affect California Native American Tribes, their tribal lands and resources and community interests. The goal is to promote a mutually respectful discussion and consideration of the views of tribes in order to resolve the concerns of as many parties as possible, while at the same time recognizing the City’s commitment to transparent government and obligations to comply with the Ralph M. Brown Act (California Government Code Section 54950 et seq. (the “Brown Act”)).

The City recognizes that it is located within the aboriginal homeland of the Yurok people, and that significant tribal cultural resources are located within the City, and the City shall engage in consultation with all California Native American Tribes that are traditionally and culturally affiliated with the Tribal Cultural Resource that may be affected by proposed or anticipated actions or Activities of the City in accordance with applicable law.

II. Definitions

For purposes of this policy, the following definitions shall apply:

Activities: Means any action taken or to be taken by the City in connection with any project that is not excluded or exempt from the requirements of the California Environmental Quality Act (CEQA) or is connected with a proposed amendment to the City’s General Plan or to the adoption of an amendment to a management plan that affects Tribal Cultural Resources, as defined below.

California Native American Tribe: Refers to a federally recognized Native American Tribe located within California, as listed in the Federal Register. Only in situations involving Tribal Cultural Resources will a non-federally recognized California Native American Tribe that is on the list maintained by the NAHC be included in this definition. The NAHC will provide a list of non-federally recognized California Native American Tribes for each instance.

Consultation: Shall have the meaning defined in Section III of this policy, below.

Federally Recognized Tribe: A tribal entity that is recognized as having a government-to-government relationship with the United States; these entities are listed on the Federal Register and the current list is posted on the California Governor’s Office of the Tribal Advisor’s website, as the same may be amended from time to time (<https://tribalaffairs.ca.gov/tribal-information/>).

Tribal Cultural Resources: Shall have/has the same meaning as set forth in Public Resources Code Sec. 21074. Only in situations involving cultural resources will a nonfederally recognized California Native American Tribe that is on the list maintained by the

NAHC be included in this Policy. The NAHC will provide a list of non-federally recognized California Native American Tribes for each instance where this Policy is applicable.

Tribal Sovereignty: Federally-recognized tribes are recognized in federal and state law as distinct, independent political communities exercising the powers of self-government with jurisdiction over the lands, natural and cultural resources, and activities of their tribal members, and under certain circumstances non-members, within their respective Tribal Lands. Some of these powers are inherent, and some have been delegated by the United States. Existing limitations on tribal sovereignty are defined through acts of Congress, treaties and federal court decisions.

Tribe: Refers to a California Native American Tribe or a Federally Recognized Tribe.

III. Process to Facilitate Government to Government Consultations

The City will seek to identify Tribes that may be affected by City sponsored Activities, proposed or anticipated by the City, and to consult with the potentially affected Tribes at a time early in the process that allows a reasonable opportunity for Tribes to comment and participate. The City will develop a contact list for all Federally Recognized Tribes and known California Native American Tribes with interests on/within the City's jurisdiction. Where the City anticipates that an action or City sponsored Activities may affect Tribes, the City will disseminate [to the public and to potentially affected Tribes such] public documents, notices, and sufficient information relevant to its Activities to [enable the public and such potentially] affected Tribes to understand the scope and potential impact of the action or Activity and to make informed decisions. Notices shall be designed to include sufficient detail of the topic to be discussed to allow [the public and such] tribal leaders an opportunity to fully engage in the process. The City will identify the appropriate staff members and decision-makers, associated with the Activities in question, who shall ensure meaningful and respectful consideration of [the public's and] tribal concerns.

The City will seek to conduct meetings, outreach, and workshops at times and locations that facilitate tribal participation and meaningful and respectful consultation. The City will request information from Tribes when conducting research or studies that pertain to or could affect Tribal Lands or Tribal Cultural Resources. Pursuant to California Government Code Section 65352.4 and applicable law, the City will engage in "government to government" consultation where required by California law, and specifically as required by California Government Code Sections 65351, 65352.3 and 65562.5. California Government Code Section 65352.4 defines consultation as, "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance." Effective consultation is recognized as an ongoing process, not a single event. The consultation process should focus on identifying issues of concern to tribes pertinent to the cultural place(s) at issue, including cultural values, religious beliefs, traditional practices, and laws protecting Tribal Cultural Resources through mitigation measures and alternatives that avoid significant effects to the Tribal Cultural Resources. The goal of the consultation process on other matters will define the full range of acceptable ways in which a local government can seek to accommodate tribal concerns and

establish partnerships that advance the shared interests of the Tribe and the City.

A. City Manager/City Planner as Tribal Liaison for Confidential Matters

The City receives, from time to time, requests to consult from Tribes to discuss various matters, some of which are policy oriented and some of which pertain to site specific concerns regarding sensitive Tribal Cultural Resources and tribal access to public property for ceremonial purposes. In accord with California Public Resources Code Section 21080.3.1, prior to the release of any negative declaration, mitigated negative declaration, or environmental impact report for a project within the City or for which the City serves as lead agency under the CEQA, the City shall follow the procedures and protocols established by Public Resources Code Sections 21080.3.1 and 21080.3.2 to facilitate effective government to government consultation with affected Tribes and mitigate against potential disturbance of culturally significant resources. The City Manager and City Planner shall act in the capacity as a tribal liaison during the course of any such consultation and shall ensure these discussions remain confidential to the extent required by applicable law. Any documents acquired from Tribes or created by City staff as part of this process shall be exempt from disclosure under the Public Records Act to the extent protected from disclosure by California law.

B. City Council or Committee Appointment for Review of Non-Confidential Subject Matter

Where a Tribe requests to meet with the City Council to address issues of public concern, the Tribe will be advised of the Council's obligation to comply with the Brown Act. Where a Tribe requests to meet with the Council to discuss issues of general public concern, not subject to the confidentiality provisions regarding sensitive Tribal Cultural Resources and tribal access to public property for ceremonial purposes (which inquiries shall be directed to the City Manager and City Planner as noted in Section III.A., above), the City Council, in its discretion, will either: (i) place the public concern item on a regular meeting agenda of the full Council; or (ii) place on its agenda the formation of an Ad Hoc [Advisory] Committee or Standing Committee of the Council to facilitate the requested consultation. If an Ad Hoc [Advisory] Committee or Standing Committee is formed to facilitate the consultation, the meeting or meetings of the Committee shall be scheduled by a publicly noticed agenda [posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2] and conducted in an open forum in compliance with the Brown Act.

IV. California Environmental Quality Act ("CEQA") Consultation Protocol

In accord with California Public Resources Code Section 21080.3.1, prior to the release of any negative declaration, mitigated negative declaration, or environmental impact report for a project within the City and/or for which the City serves as lead agency under the CEQA, the City shall follow the procedures and protocols established by Sections 21080.3.1 and 21080.3.2 to facilitate effective government to government consultation with affected Tribes and mitigate against potential disturbance of culturally significant resources. The City Manager and City Planner shall oversee administration of this policy and shall facilitate government to government consultation in compliance with CEQA and Section III.A., above.

V. Amendment of General Plan Consultation Protocol

Each time the City considers a proposal to adopt or amend the general plan or specific plan, the City

will contact the appropriate California Native American Tribes, **including but not limited to appropriate Tribes** identified by the NAHC. If requested by the Tribes, the City will consult for the purpose of preserving or mitigating impacts to cultural places in accordance with Government Code Section 65352.3. The City will consider the following when determining whether a general plan or specific plan adoption or amendment is subject to notice and consultation requirements: (i) in the case of an applicant-initiated plan proposal, if the City accepts a complete application (as defined in Government Code § 65943) the proposal is subject to Government Code Section 65352.3; and (ii) in the case of a general plan or specific plan amendment initiated by the local government, any proposal introduced for study in a public forum is subject to Government Code Section 65352.3. The City will take certain actions to initiate, or propose, a general plan or general plan amendment. These actions must be taken in a duly noticed public meeting, and may include, but are not limited to, any of the following: appropriation of funds, adoption of a work program, engaging the services of a consultant, or directing the planning staff to begin research on the activity.

Under Government Code Section 65352.3, only if a Tribe is identified by the NAHC, and that Tribe requests consultation after being contacted by a local government, must a local government consult with the Tribe on the plan proposal. The City will seek to consult with Tribes as early as possible and may, if appropriate, begin consultation even before a formal proposal is submitted by an applicant or initiated by the local government.

VI. **Disclaimers**

This policy is intended solely for the guidance of employees of the City, Council Members, Committees and Commissions. It is not intended, and should not be construed, to define the legal relationship between the City and any Tribe. This policy is not intended to replace or supplant obligations mandated by federal or California law. The policy provides general guidance for improving City consultation, communication and collaboration with Tribes to the extent that a conflict does not exist with applicable law or regulations. This policy is not intended as a regulation, or to create, expand, limit, waive, or interpret any legal rights or obligations of the City.

Subject: Drought is here
From: Ted Pease <ted.pease@gmail.com>
Date: Tue, May 11, 2021 11:04 am
To: Steve Ladwig <smladwig@gmail.com>, Jack West <jwest@trinidad.ca.gov>, Tom Davies <tdavies@trinidad.ca.gov>, Richard Clompus <rclompus@mac.com>, dgrover <dgrover@trinidad.ca.gov>, Eli Naffah <citymanager@trinidad.ca.gov>
Cc: Steve Madrone <steve@madrone.me>
Attach: LofvingMackerel9460.100.jpg

I wish the city of Trinidad would be "much" more proactive about investigating the commonsense measures that Steve Madrone and others have been urging for years — e.g., storage. Mayor Ladwig, to his great credit, said during the pipeline discussion that he believes Trinidad can and should "live within its means," but there has been no movement to appoint new committees to "study" the water issue (and if drought needs much study) and continue Trinidad's years of dithering. Some will see my statement as support for earnest plea for the city to do *something* with the opportunities and resources it has. Now.

Drily,
Ted Pease
Trinidad water customer

North Coast leaders call for ‘all hands on deck effort’ to combat drought

Humboldt County added to list of counties in drought conditions

Rep. Mike Thompson (D-St. Helena) underscored the importance of working with local communities to mitigate drought.

"If it doesn't rain, we don't have water, but that doesn't mean there aren't steps that we can take to help mitigate it," Thompson said.

Grant Davis, Sonoma County Water Agency general manager, said securing federal funding will be essential in mitigating another year of drought, as well as local collabora

"I believe we should follow the (Natural Resources Conservation Service) Department of Agriculture in a presidential declaration would be of assistance right now," Davis sa
looking at innovative projects that are going to recharge groundwater and aquifer storage and recharge projects, a presidential declaration would be something that would b

"We certainly don't know what this fall is going to bring," Davis added.

Drought relief information can be found at drought.gov.

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Tsurai Ancestral Society

P.O. Box 62

Trinidad, Ca. 95570

05/09/2021

Trinidad City Council

409 Trinity Street

Trinidad, CA 95570

Cc: City Attorney Russ Gans;

City Manager Naffah; City Planner Tevor Parker

RE: Item: 1 Discussion/Decision regarding revised Government-to-Government Consultation Policy with Native American Tribes: Public Comment

Dear City Council,

The Tsurai Ancestral Society was formed and organized by the lineal descendants of Tsurai for the purposes of protecting, and maintaining the identity and culture of the Tsurai people. We work to preserve, protect and maintain the burial grounds that contain our families, Tsurewa (Trinidad Head), Little Head, Luffenholtz beach, and other historical, pre-historical and archaeological resources pertinent to the ancestral lands of the Tsurai Village. We also strive to preserve public access while maintaining cultural and environmental resources for future generations to enjoy. Our families have been here since time immemorial.

Being over 65,000 acres in size, Tsurai is the largest southernmost village within the Yurok territory. This unique Yurok village speaks the most linguistically divergent Yurok dialect within the Tribe. Tsurai, meaning mountain because of its association with Tsurewa, is the only Yurok village that is in a protected bay as stated in the Tsurai Management Plan on page 20.

By federal settlement agreement, the only Tribe within California to have legal claim and/or rights to cultural resources, ancestral lands, or fishing in the traditionally Yurok areas of the Klamath River is the Yurok Tribe. This includes decisions over how to protect and manage cultural resources within traditional Yurok ancestral lands.

Because of the above, the Tsurai Ancestral Society, on behalf of its members, the lineal descendants of the original inhabitants of the Tsurai Village, strongly disagrees with any

language included in the proposed Government to Government Consultation policy that [would infer, expressly declare, or otherwise gives] any California Rancheria with Yurok descendants, any legal rights, or claims to Yurok cultural resources or Yurok ancestral lands.

The Tsurai Ancestral Society respectfully requests this item be pulled until the follow questions and concerns can be properly addressed:

- How will this policy overlap, effect, and impact prior existing policies such as Policy 69? In Policy 69, the Tsurai lineal descendants are to be consulted with and approval sought from, in regard to management of cultural resources; projects and overall management of the Tsurai Study Area.
- In September 2016, the City Council reps and the City Manager Dan Berman met with the Trinidad Rancheria in a series of Government-to-Government Consultations regarding the Tsurai Study Area (see attached). At that time, the City had recently passed a resolution stating the City was committed to transferring the Tsurai Study Area to the Tsurai Ancestral Society and Yurok Tribe. This was in an effort to settle the lawsuit over the illegal cutting by Pennisi's in 2010 and also honor the Frame settlement agreement the City entered into with the Tsurai Ancestral Society in 2005. The result of those private consultation meetings was a position paper brought forth by the City regarding ownership and management of the Tsurai Study Area. This new position, and written declaration was never brought to a public council meeting or voted on in open session. Due to this position paper, and the discussions being held in the private government to government meetings between the City of Trinidad and Trinidad Rancheria, settlement efforts with the Tsurai Ancestral Society stalled and land transfer was not achieved. What was brought before the public in meetings was the intent to give the Tsurai Study Area back to the Tsurai Ancestral Society and Yurok Tribe. Public comment was received, and support was given from the residents in town. However, the public was never made aware of the change of position nor public comment made possible to see if anyone supported this new direction. The position paper had a direct impact on the prior 2005 settlement agreement to transfer the Tsurai Study Area back to the Tsurai and Yurok Tribe. It also prevented the settlement of the 2010 lawsuit, dragging the case on for a few more years. The position paper was then cited in the Trinidad Rancheria's countersuit to the City of Trinidad. What safeguards will the City put in place to protect against agreements being made in government-to-government meetings without the public's knowledge?
- What evidence did the Trinidad Rancheria supply the City of Trinidad to prove their legal right to the Tsurai Study Area, and prove their members are lineal descendants of the Tsurai Village?
- Is the City Planner using this government-to-government policy to influence how Tsurai cultural resources will be protected in the General Plan update?
- How is the City Planner including Policy 69 and honoring the years of established relationship with the lineal descendants of Tsurai, through the Tsurai Ancestral Society, as well as the 2005 settlement agreement the City entered into with the Tsurai

Ancestral Society to develop and use the Tsurai Management Plan in the General Plan update as well as project development?

- Does the City of Trinidad have the legal authority to override the 1988 Hoopa/Yurok Settlement Act buyout agreement needed to reinstate the rights to cultural resources and ancestral lands all Trinidad Rancheria Yurok descendants agreed per the federal settlement to sell? In this federal settlement, Yurok people had a choice to give up their rights to their ancestral lands and cultural resources, as well as fishing rights on the Klamath River in exchange for a “buyout” of \$15, 000. This federal settlement established the Yurok Tribe as being the only federally recognized Tribe to have rights over the Yurok ancestral lands, cultural resources, and fishing rights to the traditionally Yurok areas of the Klamath River. This settlement act explicitly named the Trinidad Rancheria, Big Lagoon Rancheria, and Resighini Rancheria.

For the past few years, the City of Trinidad has increasingly moved toward a position of working exclusively with Tribes when it comes to decisions about cultural resources or management of the Tsurai Village. Through these actions, the City is effectively working with non-Tsurai village descendants that sold their rights to Yurok ancestral lands and cultural resources as well as talking past City’s own policy 69 and disregarding legal settlements they have entered into that expressly outline the Tsurai Ancestral Society represents the first inhabitants of the land you now call Trinidad.

While this draft Government to Government Policy is specific to Tribal governments, the Tsurai Ancestral Society encourages the City of Trinidad to also take into consideration the long-standing history, relationship, and legal rights that the Tsurai Ancestral Society members maintain over the Tsurai Village. The legal and cultural rights of the people of the Tsurai Village to their homes, their history, and their culture were never sold, ceded or given away.

Until the rights and obligations have been determined in the current lawsuit the City of Trinidad filed against the California Coastal Commission, California Coastal Conservancy, Trinidad Rancheria, Yurok Tribe and Tsurai Ancestral Society, the Tsurai recommends the City of Trinidad recognize the interests determined in the Frame Settlement be the interests that are recognized. There has been no judicial decision or agreement between the parties to change the recognized interests or relieve the City of its obligations as outlined.

Sincerely,

The Tsurai Ancestral Society

City of Trinidad Position on the Ownership and Management of the Tsurai Study Area

The City of Trinidad is committed to returning the Tsurai Study Area to the descendants of the Tsurai Village. Until that can be accomplished, the City is committed to working closely with those descendants on the protection and management of the Tsurai Study Area.

Background

The Tsurai Study Area (TSA) is a specific area of land defined in the City of Trinidad's General Plan by a map (Plate 1B in the General Plan – reproduced as Figure 1a and Figure 1b below). The TSA adjoins Trinidad Bay and includes the Tsurai Village, one of the most significant traditional Yurok coastal villages. This land also includes the graves of those buried within the village over many generations, along with irreplaceable cultural and archaeological resources. This land was forcibly taken from the Tsurai inhabitants and held in private ownership for most of the 20th Century. More recently the majority of the TSA was held by the California Coastal Conservancy, who transferred it to the City of Trinidad in 1989. The City's ownership in the area is shown in Figure 2. The Conservancy retains an easement over the City owned portions of the TSA to protect cultural resources as well as public access trails to Old Home Beach.

The descendants of Tsurai fall within two federally recognized Indian tribes: The Yurok Tribe, and the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria). The Tsurai Ancestral Society (TAS), an association comprised of lineal descendants of Tsurai, plays an important role in advocating for the protection of the Tsurai Study Area as well as Tsurai cultural resources more broadly. Most TAS members are also members of the Yurok Tribe.

The current framework for management of the site is the 2007 Tsurai Management Plan, which calls for an adaptive stakeholder based approach, and created the Tsurai Management Team to carry forward implementation of the Plan. The Tsurai Management Team includes the City, TAS, the Yurok Tribe, and the California Coastal Conservancy. The Tsurai Management Plan describes the TSA as comprising five (5) City-owned parcels, which differs from the City's General Plan definition.

The City's General Plan addresses the TSA in Policy 69, reproduced below, which sets out that the approval of the lineal descendants of Tsurai, the Trinidad Rancheria, and the State Historic Preservation Officer is needed for basically any project on the portion of the TAS that is zoned as Open Space. Figure 3 shows the zoning designations for the City, including which portions of the TSA are zoned Open Space and Special Environment respectively.

Role of the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria)

The Trinidad Rancheria includes descendants of Tsurai, and is identified in the Tsurai Management Plan as a stakeholder. The Trinidad Rancheria declined to participate in the development of the Management Plan citing limited resources available at that time. They are now interested and able to participate, and have requested a role on the Tsurai Management Team so that Rancheria members who are lineal descendants of Tsurai can have a voice in the management of the Tsurai Study Area.

In addition to the argument that Tsurai descendants within the Rancheria should be represented, the City's General Plan Policy 69 provides a practical argument for the Rancheria's inclusion in the Tsurai Management Team. Many of the projects identified in the Management Plan's recommendations cannot move forward without the approval of the Trinidad Rancheria. This City Policy applies to the property regardless of ownership status, so the Trinidad Rancheria's approval would still be necessary regardless of who owns the land. The Rancheria's inclusion on the Management Team would allow them to be engaged in developing and vetting projects from inception, rather than seeking their approval after the Management Team has agreed on the project.

City of Trinidad General Plan Policy 69:

69. Within the Tsurai Study Area, shown on Plate 1B, the State Historic Preservation Officer, in cooperation with the lineal descendants of Tsurai and the Northwest Indian Cemetery Protective Association, shall investigate and establish definitive boundaries around Tsurai. There shall be no disturbance, vegetative removal or construction, except for a protective fence around the burial ground, on lands designated as Open Space within the Tsurai Study Area without the approval of the lineal descendants of Tsurai, Trinidad Rancheria, City of Trinidad, and the State Historic Preservation Officer. Lands designated as Special Environment within the Study Area may be developed as provided in the Special Environment regulations provided the State Historic Preservation Officer is consulted and reasonable measures are required to mitigate any adverse impacts on this cultural resource.

Land Transfer

The City of Trinidad is committed to returning the ownership of the Tsurai Study Area to the descendants of the Tsurai Village.

The City has considered various proposals to transfer this land to the descendants of the Tsurai Village. The Tsurai Management Plan calls for the land to be transferred to the Yurok Tribe. Significant work towards accomplishing that transfer was halted at the request of the TAS in 2011. More recently the City has considered transferring the land to the Yurok Tribe and the TAS to be held jointly. However the City is concerned that both of these approaches do not include the Trinidad Rancheria in the decision making process or the final ownership, therefore they do not include all the descendants of the Tsurai Village.

Summary

The City of Trinidad believes that management and ownership of the Tsurai Study Area needs to involve representatives of all the descendants of the Tsurai Village. We would therefore like the Tsurai Management Team to reconsider the Trinidad Rancheria's request to be a part of the Management Team. We look forward to discussing this issue with the Tsurai Management Team members. The City remains committed to the goals of the TMP, summarized well in the closing of the TMP Executive Summary reproduced here:

The Management Team remains committed to the ongoing dialogue between stakeholders over the future management of the TSA. We propose an adaptive management approach for future management decisions, an approach that allows stakeholders to participate in the decision-making process, is responsive to input and innovation, allows for adjustments based on observed results of past decisions, always with the intended purpose of preserving, protecting, and enhancing the cultural, natural, and recreational resources within the TSA for the benefit of current and future generations in a manner that is respectful and cognizant of the past.

Note on TSA boundaries –

The TSA is described differently in the City's General Plan than in the Tsurai Management Plan. The General Plan refers to the map reproduced in Figure 1 below. The TMP describes the TSA as being comprised of five City-owned parcels totaling 12.5 acres, and uses Figure 2 below. This is something for the Tsurai Management Team to address, and is timely because the City is working on updating our General Plan, where we could revise the TSA description.

FIGURES

Figure 1a – Plate 1b from the City of Trinidad General Plan.

Policy 69 refers to this Figure, which defines the Tsurai Study Area for purposes of the City's General Plan and Policies.

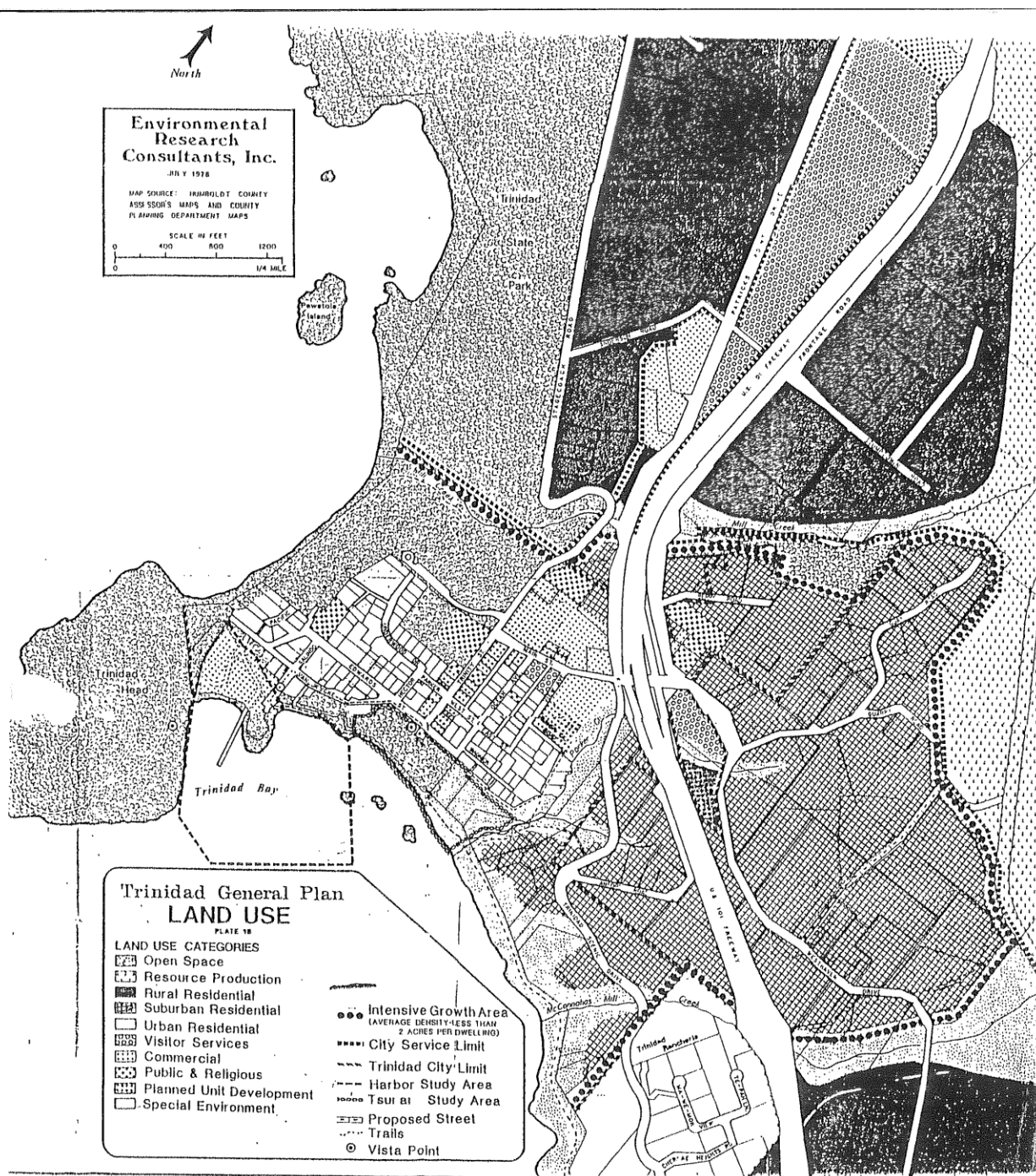
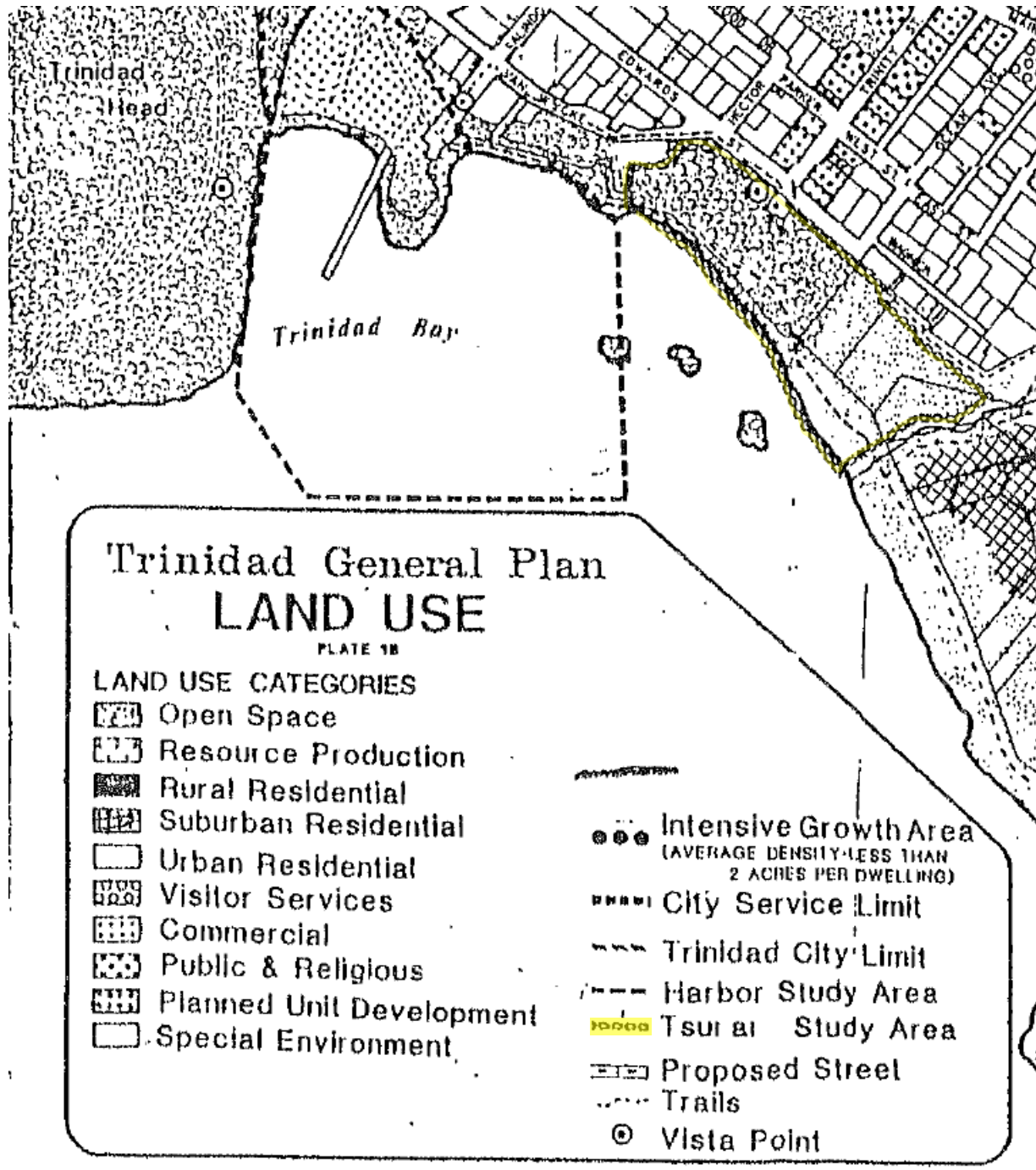


Figure 1b. Closeup of the Tsurai Study Area from the City General Plan Plate 1b.

Color added by hand to highlight the TSA boundary. This figure defines the TSA for the purposes of the City's implementation of Policy 69.

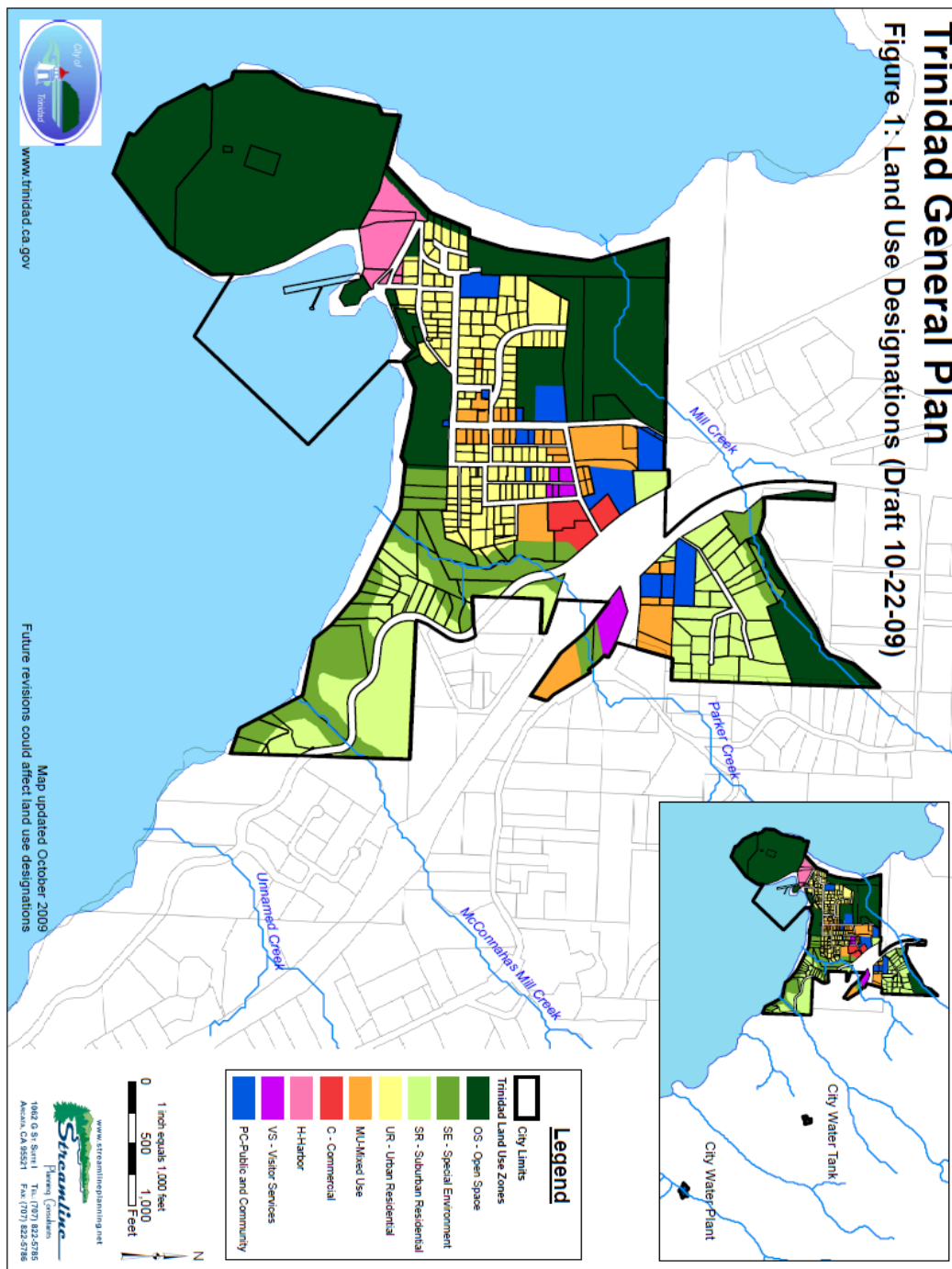


This map is presented as the TSA in the Tsurai Management Plan. The City's discussions of land transfer have generally referred to the five City owned parcels described in the TMP.



Figure 3. City of Trinidad Land Use Designations

The western portion of the TSA is zoned Open Space, in dark green, and requires approval from multiple parties for activity per Policy 69. The eastern portion of the TSA is one shade lighter green and is zoned Special Environment. In Policy 69 the SE zoning requires consultation but not explicit approval for projects. The TSA boundaries are not shown on this map.



[Print](#) | [Close Window](#)**Subject: Recommendation for Paula Levine****From: Karin glinden <kaglinden@gmail.com>****Date: Tue, May 11, 2021 4:01 pm****To: Trinidad City Clerk <cityclerk@trinidad.ca.gov>, Paula Levine <puzzpaula@gmail.com>**

I have been a neighbor of Paula's for 20 years. I have found her to be a consciousness person in all matters, as a neighborhood, community, and global activist. She is dedicated, thorough, able to hear and understand multiple and divergent opinions, taking all into consideration with her well informed, thought out research before making any decisions. I have the utmost admiration for her thought, word, and deed. I highly recommend her for any position requiring diligent research, intelligent communication, collaboration, and decorum.

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City Clerk of Trinidad, California
Trinidad City Council Members

May 11, 2021

Donald Bremm
Moonstone Crossing
1000 Moonstone Cross Rd
Trinidad, CA 95570

Dear Members,

This letter is in response to a request for the establishment of a working group to explore the feasibility for bringing Humboldt Bay Water District water north via a pipeline to Trinidad and surrounding area. Twice before I have written letters regarding this project of which I am not in favor. At this point, my inclinations have not changed. However, if this feasibility study is to proceed I would hope that it proceed in a balanced, and unbiased manner. I know that City Council members Richard Clompus and David Grover are strong proponents of the project. If both of these gentlemen are assigned as the two city council representatives, I fear the bias will be toward project acceptance. Therefore, I would like to strongly encourage Tom Davies to be one of the two City Council representatives. He represents an opposing view to Members Clompus and Grover which might hope to bring a more balanced approach to exploring any and all options included in the feasibility study. Tom Davies is a long standing resident of the City of Trinidad and has a history of even-handedness and honesty.

Sincerely,

Donald Bremm