

# Trinidad Head Study Committee Final Report

Presented to the Trinidad City Council  
October 9, 2013

## **Acknowledgements**

The Committee would like to express our appreciation to the City Council for its willingness to allow community members the opportunity to work on this worthwhile project. We would particularly like to thank Council member Dwight Miller for his considerable effort in helping to develop the Trinidad Head Vegetation Management Guidelines.

The Committee would like to thank City Clerk Gabe Adams for securing our meeting room, providing documents from City files, printing and posting our meeting agendas, and printing our numerous drafts of this report.

We would also like to express our appreciation to local residents Rocky Whitlow and Greg Bundros. They attended most of our meetings and offered many helpful comments and suggestions. Greg was also very helpful in his reviews and contributions to our final report.

## Executive Summary

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The Trinidad Head Study Committee (Committee) was created by the Trinidad City Council to study and report on issues relating to property ownership and regulatory authority over Trinidad Head, identifying public concerns about the management of Trinidad Head, and the feasibility of organizing a trail stewards program.

Excluding the beaches, pier, and parking areas at its base, Trinidad Head is about 63 acres in size. Of the total area, the City of Trinidad owns approximately 46 acres (zoned Open Space). The City acquired its parcel by land transfer from the U.S. Bureau of Land Management in 1983. The U.S. Coast Guard currently owns about 14 acres but has indicated it will relinquish some 12.5 acres sometime in the future. The Trinidad Rancheria (which acquired its land from the previous private landowner) owns nearly 3 acres.

All of the land comprising Trinidad Head is governed by various agencies and regulations, with ultimate regulatory authority resting with the California Coastal Commission. Land owned by the City of Trinidad and the Trinidad Rancheria is governed by Trinidad's Local Coastal Plan and municipal codes. Because Trinidad Head is located in the Coastal Zone, coastal development permits issued by the City can be appealed to the Trinidad City Council and/or to the California Coastal Commission. Under either the federal Clean Water Act or the Rivers and Harbors Act, the U.S. Army Corps of Engineers may have a permitting role with developments proposed in the water along the periphery of Trinidad Head. Under agreements signed by the City in 1983, the U.S. Bureau of Land Management can issue opinions regarding activities that take place on Trinidad Head, and conducts periodic compliance inspections to determine if the City is managing the land as stipulated in the Transfer Agreement. The transferred land can revert to the U.S. Bureau of Land Management if it determines the City is not complying with the Transfer Agreement.

The Committee believes the development of a trail stewards program for Trinidad Head is feasible and would complement the Trinidad Head Vegetation Management Guidelines developed recently by the Committee, City officials and City staff. The program could provide educational opportunities that increase the public's appreciation for and care of this unique cultural and natural resource. The program could also help the City with its efforts in controlling non-native invasive plants, picking-up trash, minimal trimming of vegetation along trails and monitoring trail safety.

The Committee identified public concerns regarding Trinidad Head relating to trail and vegetation management, commercial development and other infrastructure, signage and unauthorized vehicle use. Further concerns were raised about the lack of City policies that address those issues. Therefore, the Committee encourages the City to review the concerns identified in this report and develop policies that will address those concerns. The Committee recommends a management plan be prepared that integrates the public's concerns including protection of cultural resources into a single document.

Trinidad Head is a spectacular coastal feature and a special place for locals and visitors. It is a State Historical Landmark and a sacred place to the local Yurok people. Proactive planning would ensure the appropriate use and long-term protection of this unique and beautiful coastal resource.

## Introduction

The Trinidad Head Study Committee (Committee) was created as a result of action by the Trinidad City Council at its meeting on August 10, 2011. The Committee presented this report to the City Council on October 9, 2013. A binder on file at City Hall entitled "Trinidad Head Study Committee" contains supporting documents for this report, including land management agreements, agency correspondence and pertinent City ordinances. Attachments referenced in the report are found at the front of that binder and are also available electronically in the City's documents library.

The Committee was tasked with the responsibilities of studying and reporting on the following issues (see Attachment 1 in binder):

1. Compiling the existing documents, treaties and agreements that regulate activities on Trinidad Head;
2. Determining who owns property on Trinidad Head and the property ownership boundaries;
3. Determining who has regulatory authority over Trinidad Head;
4. Determining the feasibility of organizing a Trinidad Head Trail Stewards Program; and
5. Identifying the "Top 10" public concerns about Trinidad Head.

The Trinidad City Council appointed the following persons who represented a broad spectrum of interests:

Stan Binnie (Friends of Trinidad Head)  
Shirley Laos (Trinidad Rancheria) replaced by Fred Lamberson III  
Allie Lindgren (Local Resident)  
Sarah Lindgren-Akana or Axel Lindgren III (Tsurai Ancestral Society)  
Ben Morehead (Trinidad Coastal Land Trust)  
Mareva Russo (Friends of Trinidad Head)  
Victoria Sackville (Local Resident)  
Virginia Waters (California Native Plant Society)

The Committee used various methods to assemble information and complete its tasks. Public records were reviewed at the Humboldt County Recorder's office and Trinidad City Clerk's office. Discussions with the U.S. Bureau of Land Management (BLM) occurred in Committee meetings and e-mail messages. Information was also gathered from the California Coastal Commission (CCC) and U. S. Coast Guard (USCG) via phone discussions and email messages. Public input regarding Trinidad Head was obtained in publicly noticed Committee meetings, during a special "Public Input" meeting, and by invitations to submit concerns via e-mail, regular mail, or correspondence delivered directly to City Hall.

The Committee met regularly, at least monthly, since its first meeting on September 28, 2011. At the first meeting, Stan Binnie was elected as Chair, Ben Morehead Vice-Chair and Mareva Russo Secretary. Members were also asked to state why they were interested in serving on the Committee. The primary interest of many members was vegetation management along the trail and roads.

Members were also presented with a map of Trinidad Head and the surrounding area and asked to indicate on the map what they thought was Trinidad Head. Some indicated Trinidad Head began where the chain currently stretches across the access road (essentially, excluding the Rancheria's property). Others believed Trinidad Head began on the high ground south of the parking lots.

Two walking tours of the City-owned portion of Trinidad Head took place during early Committee meetings, and a third meeting included a tour of the portion of Trinidad Head still owned by the USCG. These tours helped to familiarize Committee members with various issues regarding Trinidad Head, including trails, roads, signage, native plants, wildlife habitat, invasive non-native plants, viewing points, the commercial cell facilities, the National Oceanic and Atmospheric Administration (NOAA) and Scripps Institution of Oceanography (Scripps) research facilities, the USCG communication facility on the top of the Head, and the site of the operating lighthouse and former Coast Guard housing facilities. Issues discussed during the tours are summarized in Appendix A.

### **Documents Regulating Activities on Trinidad Head**

In 1982, the City of Trinidad (City) submitted an application (Attachment 2) to the U.S. Bureau of Land Management (BLM) to transfer some 46 acres of BLM property to the City. In the application, there is a section that indicates the purpose of the transfer. The choices were "Public Recreation or Other Public Purposes." The City chose "Public Recreation" (Attachment 2a). The application also listed eight management concepts under the title of "Project Management" (Attachment 2b).

In March of 1983, the BLM requested a consistency determination from the California Coastal Commission regarding the land transfer (Attachment 3). On April 22, 1983, the BLM issued a Certificate detailing the conditions of the land transfer (Attachment 4). This Certificate included a section entitled "Recreation and Public Purposes Act Patent Reservation, Conditions, and Limitations." One of the statements indicates that title shall revert [to the BLM] upon a finding that "The lands have been devoted to a use other than that for which the lands were conveyed." The BLM conducts periodic compliance inspections to verify that the land is being used in accordance with the original purpose of use.

Additional documents regulate activities on Trinidad Head. A Consistency Determination document from the CCC, dated May 1, 1983 (Attachment 5), indicated their approval of the land transfer from the BLM to the City for public recreation. Finally, the land patent grant from the BLM to the City dated May 3, 1983 (Attachment 6), formally transfers the property to the City "for recreational purposes only."

**Note:** In a letter to the City from the BLM dated July 3, 2006 (Attachment 7), the following statement was made regarding the commercial cell facility:

*Between 1985 and 1991, changes were made that increased the size of the tower and a concrete building was added to the site. These changes were not monitored by BLM's compliance examinations because field personnel believed that the tower was part of the U.S. Coast Guard's communication site at the top of the Head.*

The construction of a commercial facility on land the BLM transferred to the City for recreational purposes could have been a violation of the property Transfer Agreement. Also see a memo dated August 3, 2011 from BLM's Realty Specialist to the Arcata Field Manager regarding the most recent compliance inspection (Attachment 8).

In November 2011, our Committee assisted the City in developing Vegetation Management Guidelines for Trinidad Head. This action was taken as a result of an unpermitted road project that occurred on Trinidad Head in January 2011. The CCC issued a letter to the City indicating that the project constituted "major vegetation removal" and that a Coastal Development Permit (CDP) should have been issued to authorize this work (Attachment 9). The subsequent Vegetation Management Guidelines, approved by Trinidad Planning Commission in February 2012, are now in effect and regulate vegetation maintenance along the hiking trail and roadsides on Trinidad Head (Attachment 10). For a more detailed timeline of events that led to the development of the Trinidad Head Vegetation Management Guidelines, see Appendix B.

### **Early History of Trinidad Head**

Long before settlement by Europeans, the area around Trinidad Head was inhabited by the native Yurok people. The following paragraphs were submitted for inclusion in this report by the Tsurai Ancestral Society:

*The Tsurai Village is the southernmost village located along the coastline within the Yurok Tribe's territory. The following quotes provide a glimpse into the significant role the Trinidad Head plays in the Yurok/Tsurai culture. The Tsurai Ancestral Society was formed by the direct lineal descendants of the Tsurai Village. The members of the Tsurai Ancestral Society continue to utilize Tsurewa (Trinidad Head) as a major part of their culture and religion.*

*Tsurewa was covered with grass and was more productive and accessible when free of brush. Useful herbs, berries and roots were permitted to grow after an annual burn. With the entire area accessible, it made a perfect vantage point from which to study the migration of ducks and whales and to monitor the sea lion supply. The leaders were free to travel to established places to pray, meditate or communicate with the creator. Spears were stored on the steep wall above the waterline between the bay and the point. Then in 1775 on June 9th, the Spanish intrusion occurred, which lasted for ten days. Enough time to allow the Spaniards to study the people, the forest, and erect a cross on the*

*beach and atop of Tsurewa, which is now known as Trinidad Head. (Axel Lindgren II, direct lineal descendant of the Tsurai Village.)*

*Yurok oral history identifies Tsurai and its surrounding landscape, particularly Trinidad Head as areas of profound spiritual significance to Yurok culture. Yurok creation stories recorded by A.L. Kroeber recount the story of Tsurewa Man and his role in the creation of the Yurok world. The Yurok Tribe considers Tsurai Village and Trinidad Head to be sacred sites as well as areas of archeological and cultural significance.[..] Tsurai Village, Trinidad Head, the sea stacks, and other landscape features within the Trinidad view shed are components of the Yurok cultural landscape embedded with deep cultural, historical and spiritual significance to Yurok people. (Tsurai Management Plan, pg. 34)*

The Trinidad Rancheria also submitted a statement regarding the significance of Trinidad Head to its members (Attachment 11).

### **Property Ownership On and Adjacent to Trinidad Head**

The Spanish explorers arrived here on Trinity Sunday in 1775 (thus the name Trinidad) and claimed the area for Spain. When the area now known as California became part of the United States, the land became the property of the U.S. government under an agency known as the General Land Office.

In an effort to determine early ownership of Trinidad Head, an e-mail was sent by Chairman Binnie on November 10, 2012, to Realty Specialist Clara E. Sander of the BLM Arcata Field Office regarding this issue. Her reply is as follows (Attachment 12):

*Trinidad Head was originally General Land Office (GLO) land. In 1946, the Grazing Service was merged with the General Land Office to form the Bureau of Land Management. (Trinidad Head was always a part of the original public domain that was 'owned' by the GLO.)*

*On June 8, 1866 and September 10, 1902 the government issued an Executive Order (EO) that withdrew approximately 42.79 acres of public land (Trinidad Head) for Lighthouse purposes for the US Coast Guard (USCG). In this context, 'withdrew' means that the land was no longer available for mining claims or homestead act claims.*

*On April 14, 1983, a Public Land Order (PLO 6374) was issued which partially revoked (undid) the two prior EO's but kept the remaining 8.04 acres (when resurveyed in 1982 became 14.05 acres) for USCG use and the remaining 34.75 acres available for the issuance of the Recreational and Public Purposes Act (R&PP) to the City of Trinidad. On April 24, 1983, the City of Trinidad was issued a land patent under the R&PP Act.*

The ownership map (Figure 1) located at the end of this report shows the Assessor’s Parcel Number (APN), size in acres, and name of ownership for parcels on and adjacent to Trinidad Head. Below is a chart showing the acreage owned by each entity:

<b>Name of Entity</b>	<b>Acres Owned</b>	<b>Parcel</b>
City of Trinidad	46.9	3
U.S. Coast Guard	13.6	1 and 2
Trinidad Rancheria	4.8	4 and 6

Parcel No. 1 is currently owned by the USCG. However, according to a letter dated March 23, 2007, from the USCG to the BLM (Attachment 13), they intend to relinquish custody and control of approximately 13 acres of land (Parcel No. 1) on Trinidad Head. This is the area where the old USCG housing facility was located and is the location of the currently operating lighthouse. According to Lynda Roush (the Arcata BLM Field Manager who attended one of our Committee meetings), it seems likely this property will be transferred to the BLM and they would work towards a co-management agreement among local entities, likely including the City, the Trinidad Rancheria, the Tsurai Ancestral Society, the Yurok Tribe, and possibly others. The USCG intends to retain parcel No. 2 and access to the lighthouse. Parcel No. 3 is owned by the City. Parcels Nos. 4 and 6 are owned by the Trinidad Rancheria. According to the Rancheria’s representative to the Committee, there seems to be no recorded easement to allow passage along the road over Parcel No. 6 for access to the top of Trinidad Head. It is unclear what legal ramifications could result from this situation.

There is some confusion concerning the ownership of Parcel No. 5 which contains beach parking, trailhead access and the trail sign. County property records identify this parcel (No. 4207109) as U.S. Government property, but no specific agency is identified. County personnel indicated it is likely USCG property. However, in an e-mail message from Constance Callahan of the U.S. Coast Guard Civil Engineering Unit, she stated the USCG quitclaimed this parcel to the City in 1985 (Attachment 14). She provided additional information (Attachments 15, 16, and 17). Correspondence with Clara Sander, Realty Specialist, Arcata BLM, indicates it is not owned by that agency (Attachment 18). Therefore, this parcel is likely owned by the City. Verification of ownership should be established through a title search.

### **Regulatory Authority on Trinidad Head**

A number of agencies have regulatory authority on Trinidad Head, including the City, the California Coastal Commission (CCC) and the Bureau of Land Management (BLM). The U.S. Army Corps of Engineers (USACE) and the California State Water Resources Control Board (CSWRCB) have authority over the in-water periphery of Trinidad Head.

Chairman Binnie presented a report to this Committee based on information received in response to an e-mail sent to the CCC (Attachment 19).

#### **Entities with Regulatory Authority:**

City of Trinidad: Shortly after receiving approximately 46 acres of land on Trinidad Head from the BLM in 1983, the City zoned this area as Open Space. All rules and regulations pertaining to Open Space zones apply to this area. As a result of the City's Local Coastal Plan (LCP), it has the authority to approve or deny Coastal Development Permits (CDPs) for City-owned property on Trinidad Head on a case-by-case basis.

**Excerpts from City of Trinidad Municipal Code (Attachment 20)**

17.16.020 Principal permitted uses. Principal permitted uses in the Open Space zone are:

- A. Public and private open space, wildlife habitat;
- B. Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;
- C. Pedestrian travel within public access easements consistent with the trail system identified in the general plan;
- D. Removal of vegetation posing an imminent hazard to structures or people if approved by the City engineer;
- E. Picnicking on public lands designated for such use. (Ord. 166 §4.02(A) 1979) (p.264)

17.16.030 Uses permitted with a use permit. Uses permitted in the Open Space zone with a use permit are:

- A. Pedestrian trails, vista points, including improvements to existing facilities;
- B. Shoreline related recreation uses, including improvements to existing facilities;
- C. Removal of vegetation including timber;
- D. Structures and improvements, such as seawalls and revetments, related to the protection or maintenance of scenic and cultural resources, beaches, coastal bluffs and buildings threatened by natural processes;
- E. Structures accessory to uses and buildings existing within the open space zone at the time the ordinance codified in this title is adopted;
- F. Wildlife habitat management and scientific research activities and related temporary structures. (Ord. 166 §4.02 (B), 1979) (p.264)

California Coastal Commission: Trinidad Head is located in the Coastal Zone, so all rules and regulations pertaining to activities that take place in the Coastal Zone would apply. CDPs issued by the City for Trinidad Head should adhere to the Coastal Act and are subject to appeal to the Trinidad City Council and/or CCC.

U.S. Bureau of Land Management: As of this date, the BLM does not own any land on Trinidad Head. However, based on the certificate detailing the conditions of the land transfer to the City when it acquired the property in 1983 (Attachment 4), the BLM still has the right to ask that the City-owned property be returned to the agency if it determines the City has violated the conditions of the agreement. The BLM does periodic compliance inspections (every five years) to determine if the City is abiding by the agreement. The BLM also still has the ability to issue opinions regarding activities that take place on Trinidad Head.

U.S. Army Corps of Engineers: Under either the federal Clean Water Act or the Rivers and Harbors Act, the USACE may have a permitting role in developments within the in-water periphery of Trinidad Head.

California State Water Resources Control Board: Has regulatory authority over the Area of Special Biological Significance (ASBS) in the waters surrounding Trinidad Head.

**Entities Located on or Adjacent to Trinidad Head without Regulatory Authority:**

U.S. Coast Guard: The USCG owns property on Trinidad Head, but has no regulatory authority over land use.

National Oceanic and Atmospheric Administration (NOAA): NOAA has a research facility on Trinidad Head located primarily on USCG property, although it appears a small portion of their facility is encroaching onto City property. NOAA has no regulatory authority over Trinidad Head.

Scripps Institution of Oceanography (Scripps): This organization has a research facility located on USCG property at the top of the Head; it has no regulatory authority over Trinidad Head. There is an agreement between the USCG and Scripps (see copy in binder) regarding locating Scripps air monitoring equipment on USCG property on Trinidad Head. However, it appears that this agreement may have expired in the year 2005.

Trinidad Rancheria: Adjacent parcel 6 contains the access road and the vacation rental unit. Parcel 4 contains mostly parking lot area. Both of these parcels are private property, located within the Trinidad city limits and are governed by Trinidad's Municipal Code.

Commercial Cellular Communications Facility: Verizon is currently the primary lessee for the existing commercial cellular communication facility, built in 1997. Verizon subleases space to Sprint and AT&T to co-locate their telecommunications equipment on the site. This commercial cellular communication facility is located on City property which is zoned Open Space. As part of the lease agreement, which expires in 2017, the City is required to maintain access to the site. For additional information, see Lease Agreement (Attachment 21), chart of cell site activity (Attachment 22) and diagram of cumulative impacts (Attachment 23).

### **Feasibility of Organizing a Trinidad Head Trail Stewards Program**

Members of our Committee agree that sufficient public interest exists to support a trail stewards program for Trinidad Head. A trail stewards program could complement the City's efforts on Trinidad Head by controlling non-native invasive plants, picking up trash, occasional light trimming of vegetation that is encroaching onto the trail, monitoring trail conditions, and reporting problems to City staff.

Trail stewards' activities could also include development of docent-led environmental education programs on Trinidad Head. Trail steward programs operate throughout Humboldt County. Education, safety training, and liability waivers could be modeled after one of the existing County programs. The City of Arcata recently approved development of a trail stewards program which could be used as a guide. Should the City institute a trail stewards program, community members have already approached this Committee and are willing to help with its organization and implementation. Any activities of the trail stewards involving soil disturbance would be overseen by a cultural monitor.

## Identifying the "Top 10" Public Concerns About Trinidad Head

The Committee utilized a number of methods to obtain input regarding this issue. The Committee acquired the top concerns from its members, held a publicly noticed meeting to receive additional input, and offered the opportunity for concerns to be mailed, e-mailed, or written and dropped off at the City Clerk's office.

The initial discussions regarding Trinidad Head concerns began on our walking tours of the Head (Appendix A). At the Committee's meeting on October 1, 2012, members' concerns were tabulated to provide baseline information for discussion at the public input meeting which was held on October 23, 2012. Many of the concerns mentioned by the public mirrored those of the Committee, but some additional concerns were expressed in person and in writing (Attachment 24). Concerns generated at both meetings are consolidated in Appendix B.

The following "Top 10" list is a combination of the Committee's concerns and the public's concerns about Trinidad Head (for additional details, refer to Appendix A in this report):

1. **Vegetation Management:** Maintain trails and roadsides in as natural a way as possible while providing for public access, safety and enjoyment. The hiking trail and roadsides should be maintained as outlined in the Trinidad Head Vegetation Management Guidelines developed by this Committee in cooperation with the City Council and City Staff and approved by the Trinidad Planning Commission. Mention was made that extensive vegetation removal and/or ground disturbance would likely require a CDP and environmental studies and/or surveys. Concerns were raised about the possibility of erosion of the bluff and degrading the natural look of the Head if vegetation is cut too severely. Non-native, invasive plants should be eradicated. The Committee supports development of a trail stewards program.
2. **Vista Areas and View Points:** Based on the varied opinions of Committee members, there is a need to establish the number, location, and size of these areas to be maintained on the Head. Some members expressed a desire to reduce existing vegetation along the trail and roadway to improve ocean views and obtain more viewpoints while others members expressed a desire to let vegetation grow naturally. Some expressed the opinion that if any additional viewing locations were to be developed, an existing less desirable location

be allowed to re-grow, thereby keeping the same number of view points. Some expressed the opinion that there are currently too many sites.

3. **Vehicular Traffic on Head:** Committee and community members strongly believe there needs to be better control of vehicular traffic on Trinidad Head. Vehicles interfere with the safety of hikers and close calls have been reported. The City needs to put a lock on the chain gate, and authorized users should put the chain and lock back in place after passing through to prevent unauthorized vehicle use of the road. Currently, there is an “Authorized Vehicles Only” sign on the chain gate. The City should place an “Authorized Vehicles Only” sign on the gate post, as well, so this message is visible even when the chain is not in place. In addition, Google Maps shows the road on Trinidad Head as a public thoroughfare, which may encourage more unauthorized vehicles on the road. The Google Map should show no public road beyond Bay Street. The City needs to contact Google Maps to correct this error.
4. **Abide by Agreement:** City needs to abide with the Patent Transfer Agreement that it signed with the BLM in 1983 that the land be used for “recreational purposes only.”
5. **Commercial Cellular Communications Facility:** Many Committee and community members feel this facility should not be located on Trinidad Head, as it detracts from the intended purposes of the land transfer (i.e., public recreation and scenic enjoyment). Maintenance vehicles driving up and down the road endanger hikers who must share the road with vehicles. Some new equipment has been installed on the facility without permits and ownership has changed without the City’s written consent, as required under the lease agreement. The Committee supports non-renewal of the lease in 2017. The City should notify the lessee that it does not intend to renew the lease and work with the cell phone companies involved to find a new location for the facility that will provide continued service to the community.
6. **Policy for Group Activities:** There is currently no policy for group activities on Trinidad Head even though private events occur (i.e., weddings and special gatherings) on Trinidad Head on a regular basis. The Committee encourages the City to develop such policies.
7. **Signage and Information:** Signs need to be consolidated, informative, and as unobtrusive as possible. Need more on-premise and off-premise educational information about Trinidad Head (brochures, self-guided and docent-led tours).
8. **Man-Made Structures:** Remove unnecessary or unused man-made structures (e.g., fences, power poles, piping, cell towers, etc.), as opportunities allow, to improve natural aesthetics of the Head and enhance the public's hiking experience and views of the ocean and California Coastal National Monument (CCNM) offshore rocks.
9. **Enforcement of Ordinances:** There is currently a lack of enforcement of existing ordinances on Trinidad Head (i.e., dogs off leash, no bicycles on trail, no expansion of non-conforming cell facility (see Attachment 25)).

10. **Policies and Planning:** City needs to take action on the concerns it can fix easily and develop policies and ordinances that will address the remaining concerns expressed in this report. Ideally, an updated management plan for Trinidad Head should be prepared that integrates the public's concerns, City ordinances, Vegetation Management Guidelines and land-use planning recommendations into a single document.

## Conclusion

The Committee hopes our study of documents, policies and concerns regarding Trinidad Head can help the City determine what steps to take next.

It is our opinion most of the concerns identified in this report can be resolved through development of new policies and enforcement of existing ordinances. However, concerns would be best addressed by preparing an updated management plan for Trinidad Head. There is a rudimentary eight-point Project Management section in the application from the City to the BLM (Attachment 2b). On page 3 of the Coastal Commission's land transfer Consistency Determination of 1983 (Attachment 5), it is noted that "the Commission should only review BLM's consistency determination as it concerns the proposed transfer of federal property to ... the City of Trinidad..." and, "[t]he City's development plan [the eight project management concepts] is more fittingly reviewed ... in the coastal permit process." An updated management plan should consider the broader area in a cooperative effort that includes all stakeholder concerns. It would integrate all of the above concerns, determine a direction for the future of recreational use on Trinidad Head, help prevent future unauthorized uses and activities, and ensure the appropriate use and long-term protection of this magnificent coastal landmark and its cultural and natural resources.

Trinidad Head is significant to the local Native American people. Its cultural resources must be protected and addressed in any future management plans. Trinidad Head is also ecologically unique in our area. It has suffered relatively little human impact since Native American times and, consequently, it supports a diverse community of coastal native plants (including some locally rare ones) and abundant animals. It has essentially become an ecological preserve, an island of refuge, and should be protected.

The Committee's desires can best be summarized by the following quote from the California Coastal Commission's staff summary in their Consistency Determination of May 1, 1983:

***The stated purpose of the City's acquisition is 'to make available to the people forever, for their inspiration and enjoyment, in a condition of unimpaired ecological integrity, the majestic headland known as Trinidad Head, together with all related scenic, historic, scientific, and recreational values and resources of the area.'***

The Committee respectfully requests the Trinidad City Council to consider the above quote as a guiding principle when formulating policies for Trinidad Head.

Figure 1. Ownership On and Adjacent to Trinidad Head



- In this table, "Number" corresponds to the numbers displayed on the individual parcels.

Number	APN	Acres	Owner	Number	APN	Acres	Owner
1	4212104	12.6	USA-USCG	4	4207101	2.0	Rancheria
2	4212103	1.0	USA-USCG	5	4207109	0.8	USA
3	4212105	45.9	City of Trinidad	6	4207108	2.8	Rancheria

- Parcel information from Humboldt County GIS.

0 250 500  
Feet

# Appendix A

## Issues Discussed During the Trinidad Head Tours

These tours were attended by members of the Committee and general public.

1. **Replace Large Sign at Trailhead:** Sign is deteriorating and needs to be replaced; sign could be smaller and still provide visitor information, map, leash law, etc.; color and shape could be changed. On whose property is the sign located and what permission or permits would be needed to install a new sign? Should sign include California Coastal National Monument information?
2. **Reduce Number of Signs:** There are currently signs posted for Speed Limit, Leash Law, and No Skateboarding. It might be possible to combine information onto a single sign to be located near dog waste receptacle. Can speed limit sign be removed since the road is not a public thoroughfare?
3. **Stop Unauthorized Vehicle Use:** Vehicle access would be better controlled with a lock on the existing chain that crosses/closes the road. Vehicle traffic endangers hikers and detracts from the natural hiking experience; need an "Authorized Vehicles Only" sign on post so that this message is visible when chain is not up; City should ask NOAA, Scripps, Coast Guard, cell phone companies to put chain back up after passing through gate to keep unauthorized vehicles off the Head. Google Maps (Attachment 26) indicates Lighthouse Rd. is a public thoroughfare; this could encourage unauthorized use of the road. [Note: The City should contact Google Maps and ask that this correction be made.]
4. **Control Invasive Plants:** Pampas grass, Cotoneaster, English ivy, Scotch broom and Himalaya blackberries need to be controlled to stop spread of these non-native, highly invasive plants to other areas of Trinidad Head. At the Cross area (where large events are sometimes held), a heavy infestation of Cotoneaster shrubs exists, likely due to clear-cutting of the area several years ago. Pruning large Cotoneaster bushes to the ground would have the additional benefit of improving ocean views.
5. **Develop Policy for Events:** City needs policy for permitting events on the Head. Allowing vehicle access for events could interfere with hiking experience and threaten public safety.
6. **Cut Vegetation Overhanging Roads by Hand:** Need clearance to allow safe passage of trucks and emergency vehicles; however, vegetation should be cut by hand ("hedgehog" machine should not be used as it seriously damages woody vegetation and is unsightly).
7. **Maintain Hiking Trail Appropriately:** No need for trail to be cut to a width more than 5 feet; poison oak needs to be cut back to prevent contact with hikers; mowing should be done in fall rather than spring to allow native wildflowers to bloom and produce seeds; overhead

vegetative "tunnels" on the hiking trail should be preserved and minimally trimmed to allow safe passage of hikers.

8. **Improve Area Adjacent to Entrance of Coast Guard Property:** Non-native English ivy and Himalaya blackberries need to be removed from site; picnic table was donated. Does City need a policy for accepting/allowing donated items to be placed on the Head? (Note: Razor wire on top of USCG gate and fence is unsightly and uninviting. If Coast Guard relinquishes this property, gate and fence should be removed.)
9. **Maintenance and/or Enhancement of Vista Areas and View Points:** Based on the varied opinions of Committee members, there is a need to define the number, location, and size of vista areas and view points to be maintained on Trinidad Head. Some members expressed desire to cut more vegetation along trail and roadway to improve views; other members opposed such vegetation cutting, preferring to let vegetation grow naturally; mention was made that extensive vegetation removal would likely require a Coastal Development Permit and environmental studies and/or surveys; concerns were raised about erosion and natural look of the Head if vegetation is cut too severely. Cultural resources need to be protected; any activities involving soil disturbance should be overseen by a cultural monitor.
10. **Review Policies Regarding Memorial Benches:** Some plaques advertise businesses that no longer exist; should they be reassigned? Should there be a "renewal" fee, in addition to the initial fee, to help City cover the costs for plaque replacements and upkeep of benches? A number of plaques are missing; several plaques have been defaced and need to be replaced. Some members felt there were sufficient benches along trails/roads; others felt there were too many; two benches on east side of road have railings in front of them which block harbor/ocean views. Could these railings be removed since dense vegetation provides a physical barrier to the bluff?
11. **Develop Policy for Infrastructure on Trinidad Head:** There is a need for the City, in cooperation with other stakeholders, to explore whether existing infrastructure should be retained, miniaturized, expanded, or removed. For example, a cellular communication facility is located on City property zoned Open Space, which violates our Local Coastal Plan. Facilities owned and managed by NOAA and Scripps are located on USCG property at the top of the Head, and the City has no control over future expansion and use. The footprint of development on and around the Head could be reduced by removing equipment, materials, or facilities which are no longer needed. The public's hiking experience and views of the ocean and California Coastal National Monument (CCNM) offshore rocks would be enhanced if the cell facility was removed and the top of the Head was free of manmade structures. Utility poles and overhead lines detract from the natural appearance of the Head and can be seen from nearby beaches, the harbor, and boats in the bay.
12. **Future of Coast Guard Property:** It is the Committee's recommendation that any future ownership transfer of the approximately 13 acres of land (regardless to which entity) by the USCG be managed in cooperation with the City for public recreational uses, scenic enjoyment, and native plant restoration.

## Appendix B

### Timeline for Development of Trinidad Head Vegetation Management Guidelines

Much of the recent concern about the management of vegetation along the hiking trail and roadsides on Trinidad Head resulted from an unpermitted project that occurred along the gravel road leading from the parking area in front of the Coast Guard entrance gate to the top of Trinidad Head. This project took place in January, 2011. Large amounts of native vegetation were damaged along the roadside as a result of this project. A complaint to the California Coastal Commission (CCC) resulted in that agency issuing a statement to the City indicating that the project constituted "major vegetation removal" and that a Coastal Development Permit (CDP) should have been issued to authorize this work (Attachment 27).

As a result, City and CCC staff conducted a site walk of Trinidad Head on May 16, 2011, to discuss which vegetation maintenance activities would or would not require a CDP.

On May 31, 2011 the City Planner submitted a letter to the CCC, stating the City's opinion regarding which vegetation maintenance activities on Trinidad Head would not require a CDP (Attachment 28). The CCC responded to the City Planner in a letter dated July 1, 2011 indicating its concerns that several of the City's vegetation maintenance proposals would "affect the visual character of the head and would constitute major vegetation removal," thereby triggering the requirement for a CDP (Attachment 27).

As a result, the City Planner developed a staff report for a CDP (App. No. 2011-06) to be discussed at the October 19, 2011 City Planning Commission meeting (see City website for staff report).

Following review of this staff report, a majority of Committee members felt some of the proposed vegetation maintenance activities were excessive. Subsequently, our Committee, represented by Chairman Binnie, worked with City Councilmember Dwight Miller and Public Works Director Bryan Buckman to develop agreed-upon Vegetation Maintenance Guidelines that were included in an amended CDP (App. No. 2011-06a) and approved by the Trinidad Planning Commission at its February 21, 2012 meeting (see City website for staff report). These Guidelines are now in effect and are the basis for vegetation management along the hiking trail and roadsides on Trinidad Head (Attachment 10).

## Appendix C

This appendix contains a list of concerns expressed by the Committee members, and a list of concerns expressed at the public meeting.

Members concerns from October 1, 2012, include the following:

1. Vehicular traffic interferes with the hiking experience. See section on tours of Trinidad Head for further suggestions regarding reducing traffic on the road (See Appendix A for further suggestions for reducing vehicular traffic on the road.)
2. Existence of commercial cell phone facility is in opposition to the original transfer agreement. It also detracts from the natural outdoor recreational experience. There was consensus among Committee members that the current lease should not be renewed when it expires in 2017 and that the City should work with the cell phone companies to find an alternative site that will provide continued service to the community.
3. Non-native invasive plants are a problem in this relatively intact coastal scrub ecosystem. A plan should be developed for removal and, if necessary, replanting with native species (non-native plants include Pampas grass, Cotoneaster, Bull thistle, English ivy, Himalaya blackberry and Scotch broom).
4. Continue to maintain trail and roadsides in accordance with the Vegetation Management Guidelines for Trinidad Head (Attachment 10). Some related concerns about timing of mowing were expressed. Ideally, mowing should be done in fall rather than spring to allow the public to enjoy spring-flowering plants and so that these plants have the opportunity to flower and go to seed. Any activities on Trinidad Head that involve soil disturbance should be overseen by a cultural monitor.
5. Manage trailside vegetation to maintain vistas on Trinidad Head. Some members felt this could be done with minimal vegetation removal and no ground disturbance. Other members wanted no additional view points; just maintain existing view points. Some members would accept new view points if they are done in a thoughtful and natural way, including removal of non-native plants (i.e., Cotoneaster) that are now blocking views.
6. City needs to abide with the Patent Transfer Agreement that it signed with the BLM in 1983, that the land be used for "recreational purposes only," and not allow commercial development in the Open Space zone.
7. Equipment installations have been done without City approval. Cell phone companies have installed metal scaffolding, a GPS device, overhead cables, signs on the fence, etc., without permits or the City's prior consent. AT&T attempted to install a fiber-optic cable from the base of the Head to the top without proper permits.

8. Lack of policy regarding events held on Trinidad Head (e.g., weddings).
9. Lack of enforcement of rules on Trinidad Head (dogs off leash, bicycles on trail, unauthorized vehicles on road).
10. Excessive and over-sized signs (speed limit sign, trail head sign).
11. Need updated interpretative/educational signage to make Head more user-friendly.

Concerns expressed at the public meeting held on October 23, 2012 were:

1. Clear poison oak within 5 feet of trail.
2. Desire public recreational use and ecological restoration of the USCG property after transfer.
3. Signage--consolidation and maintenance of existing signs, directional signs in town directing visitors to trail.
4. More active outdoor environmental education programs: self-guided and docent-led hikes.
5. Review past public opinion surveys.
6. PG&E, Davey Tree and other subcontractors should have to get permit from City to do work on the Head.
7. Additional vegetation management concerns: maintain trail surface, restoration of native plants, Vegetation Management Guidelines are a good start.
8. City should develop management plan for Trinidad Head.
9. Unsightliness of Coast Guard and cell tower fencing.
10. Vehicle policy needs to be implemented and enforced.
11. The top of Trinidad Head should be restored to a more natural state.
12. Must address loss of revenue from end of cell facility lease—may actually increase visitors if unsightly facility no longer present.
13. Need educational brochures.
14. Need to manage Trinidad Head as a natural area.
15. Use of fire might be option for vegetation control.

16. Committee needs to continue collaboration with City Planning Commission, City Council and Public Works on vegetation management.
17. Describe duties of Trail Stewards group.
18. Do not put picture of ocean on sign in front of ocean view.

**Attachments to  
Trinidad Head Study Committee Final Report – October 9, 2013**

- ❖ 1 Trinidad City Council's solicitation for Study Committee members
- ❖ 2 Application to BLM from the City to acquire portion of Trinidad Head
  - 2a. Proposed use: Public Recreation
  - 2b. Project Management concepts
- ❖ 3 BLM letter requesting consistency determination from CCC
- ❖ 4 BLM Certificate of land transfer conditions
- ❖ 5 CCC consistency determination letter
- ❖ 6 Land patent grant from BLM to City
- ❖ 7 BLM compliance examination letter to City July 3, 2006
- ❖ 8 BLM compliance inspection memo to City Aug. 3, 2011
- ❖ 9 CCC letter to City 3.15.2011 re: major vegetation removal on Head Jan. 2011
- ❖ 10 Trinidad Head Vegetation Management Guidelines and staff report #2011-06a
- ❖ 11 Statement on Behalf of Trinidad Rancheria Tribal Council & THPO and Statement of Tsurai Ancestral Society
- ❖ 12 BLM email regarding early ownership of Trinidad Head
- ❖ 13 USCG letter of intent to relinquish property on Trinidad Head
- ❖ 14 Correspondence with USCG regarding ownership of Parcel 5
- ❖ 15 Additional Trinidad Head ownership history from USCG
- ❖ 16 Site plan map from USCG
- ❖ 17 BLM letter to USCG re: Trinidad Head property transfer Dec. 1982
- ❖ 18 BLM email re: Parcel 5
- ❖ 19 Report by Chairman Binnie re: Regulatory Authority on Trinidad Head
- ❖ 20 Excerpts from Trinidad Municipal Code
- ❖ 21 Lease between City and Cal-One Cellular
- ❖ 22 Chart of cell site activity
- ❖ 23 Diagram of cell site cumulative impacts
- ❖ 24 Written submissions re: top ten public concerns
- ❖ 25 Nonconforming uses and structures ordinances
- ❖ 26 Google map showing public road on Trinidad Head
- ❖ 27 CCC letter re: needing CDP for major vegetation removal
- ❖ 28 City Planner letter to CCC re: maintenance on Trinidad Head



Trinidad City Council is soliciting letters of interest from applicants to serve on a seven member committee to consider issues relating to management of Trinidad Head.

The first task of the Committee will be to clarify legal issues related to the Head:

- Determining who has regulatory authority over the Head;
- Determining who owns the Head and what are the boundaries; and
- Compiling the existing documents, treaties and agreements that regulate activities on the Head.

Additional tasks that may be considered by the Committee include:

- Identifying the top ten public concerns about the Head; and
- Determining the feasibility of organizing a trail steward program.

The committee would be expected to solicit public comments and concerns, and report its efforts to the City Council. The committee is expected to complete its work within a one year period.

Prospective candidates should submit a letter of interest indicating the reason(s) for their interest in serving on this committee. The council is expected to take up the matter of committee appointments at its meeting on August 10, 2011.

OFFICE COPY

APPLICATION BY THE CITY OF TRINIDAD FOR  
THE CITY TO ACQUIRE OWNERSHIP OF PORTIONS  
OF TRINIDAD HEAD FROM THE UNITED STATES  
GOVERNMENT.

Prepared by:

City of Trinidad, Special  
Committee to acquire  
Trinidad Head

Committee representatives:

City of Trinidad  
Trinidad Chamber of Commerce  
Tsurai Village Lineal Descendants  
Humboldt North Coast Land Trust  
Trinidad Civic Club

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10. Have you received any complaints regarding Title VI? Yes  No  (If "yes," explain the nature of the complaint and action you are taking.)

11. Do you utilize advisory committees in your program?  Yes  No (If "yes," list total number of members and total number of members who are Negro, Spanish-American, American-Indian, or Oriental.) 5; American-Indian 1.

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

Compliance report is  Approved  Disapproved

Authorized Officer's signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans, in triplicate, to the proper BLM State Office for the State in which the land is located.
3. Study controlling regulations in 43 CFR 2740 (Sales) and 43 CFR 2912 (Leases).
4. If applicant is non-governmental association or corporation attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.
5. If applicant is non-governmental association or corporation, attach a copy of your authority to operate in the State where the lands applied for are located. If previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

SPECIFIC INSTRUCTIONS (Items not listed are self-explanatory)

Item 2. If land is surveyed, give complete legal description. If land is unsurveyed, description should be by metes and bounds connected, if feasible, by course and distance with a corner of public land survey. If possible, approximate legal subdivisions of unsurveyed lands should be stated. Acreage applied for must not exceed that specified by regulations.

3a. Generally, title to lands will not be granted upon initial approval of an application. In order to assure proper development or use plans, the general practice will be to issue a lease or lease with option to purchase after development is essentially completed. In any case, term of lease may not exceed 20 years for non-profit organizations or 25 years for governmental agencies, instrumentalities or political subdivisions.

4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:

- a. A need for proposed development by citing population trends, shortage of facilities in area, etc.
- b. That the land will benefit an existing or definitely proposed public project authorized by proper authority.
- c. Type and general location of all proposed improvements, including public access roads, trails, etc.). This showing may take the form of inventory lists, maps, plats, drawings, or blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for inten-

Item 5. Give use sites and general information about improvements existing or planned on lands within the overall project.

- d. An estimate of the construction costs, how the proposed project will be financed, including a list of financial sources, and an estimated timetable for actual construction of all improvements and facilities.
- e. A plan of management to include operating rules, proposed source and disposition of revenues arising from the proposed operation, personnel requirements, etc.
- f. A specific maintenance plan to include, for example, sewage and garbage disposal, road maintenance, upkeep and repair of grounds and physical facilities, etc.
- g. Applications for solid waste disposal sites must comply with guidelines established by the Environmental Protection Agency (40 CFR 240 and 241) and must include a detailed physical description of the site (including a map showing 5-foot contours at a scale of 1 inch = 200 feet), description of ground water situation, soil characteristics and management plan.

6. This may consist of a copy of a delegation of authority, resolution or other evidence of authority from the governing board of the applicant's organization; copy of the by-laws of the organization, or the like.

RESOLUTION TO ACQUIRE TRINIDAD HEAD

WHEREAS, the United States Coast Guard proposes to release portions of Trinidad Head from reserved status, making them available for acquisition by other parties,

WHEREAS, the City of Trinidad has maintained a long standing (since 1976) request for acquiring the head in the event of such a release,

WHEREAS, the City of Trinidad's Coastal Commission approved General Plan and the Coastal Commission approved Draft Local Coastal Plan, (both of which meet Federal consistency requirements of the National Oceanic and Atmospheric Administration's Office of Coastal Zone Management) call for transfer of the Head to City ownership should this become possible.

WHEREAS, the City, together with other local service groups, has a demonstrated capacity to manage lands for open space and public recreational purposes.

NOW THEREFORE BE IT RESOLVED, that the City of Trinidad submit the appropriate application materials to the Federal Government and take all other necessary measures reasonable and prudent to obtain ownership of the Head.

AND FURTHER, that the City resolves to manage the Head in such a manner as to maintain the current rugged scenic and other natural qualities as well as provide non-intensive forms of public recreation (such as hiking and picnicing) consistent with these qualities.

Passed, approved and adopted on this 10 day of November 1982, by the following roll call vote:

- AYES: *Hanlon, Sharum, Replogle, Freeman & Zebo*
- NOES: *none*
- ABSENT: *none*
- ABSTAIN: *none*

*[Signature]*  
 \_\_\_\_\_  
 Mayor, City of Trinidad

ATTEST:

*Merilea Partch*  
 \_\_\_\_\_  
 City Clerk

CITY OF TRINIDAD APPLICATION FOR LAND FOR RECREATION STATEMENT  
PURSUANT TO 43 CFR 2741.3:

Purpose

The purpose for the City's acquisition of Trinidad Head is to make available to the people forever, for their inspiration and enjoyment, in a condition of unimpaired ecological integrity, the majestic headland known as Trinidad Head; together with all related scenic, historic, scientific and recreational values and resources of the area.

Introduction

By designation as State Historical Landmark No. 146, Trinidad Head has been recognized by California for its rich historical heritage. As population pressures have increased and our society has become more mobile, Trinidad has also been recognized by the public at large for its wealth of recreational opportunities. Land use planning efforts, primarily at the direction of the California Coastal Commission, have attempted to deal in a coordinated manner with these issues and needs, and in doing so have derived specific recommended policies for Trinidad Head:

Policy 66, State approved Coastal Plan for the City of Trinidad: The portion of Trinidad Head not needed by the Coast Guard should be transferred to the City of Trinidad. The area should be kept in its natural state with hiking trails and vista points. Public vehicular access should only be allowed as far as the existing harbor overlook.

Paragraph 7, State approved Local Coastal Plan for Humboldt County: If the Federal Government determines that Trinidad Head is surplus property, the City of Trinidad or other appropriate public agency should assume management of the property as open space. Foot paths and bike trails, if appropriate, should also be provided.

The following text provides:

- 1) Historical, archeological, economic and environmental information substantiating the basis for the City's application and the needs formalized by the above policies;
- 2) A map detailing the proposed improvement project;
- 3) The implementation measures;
- 4) The long-term management program.

Cultural Resource Background

Preliminary report on California Indian Cultural Resources for Trinidad Head, Humboldt County, California. By: Ann King Smith, Archaeologist, Redwood National Park, Arcata, California:

Introduction

This report was prepared at the request of Chad Roberts of the Humboldt North Coast Land Trust. The Land Trust is preparing a resources inventory of Trinidad Head as part of a proposed transfer of the Head out of Bureau of Land Management jurisdiction. Due to time constraints, this is a preliminary report and is limited to Native American cultural resources. It is the author's understanding that historic resources will be reported elsewhere. The following tasks were completed: (1) a records search, (2) a field survey of the project area, and (3) initial consultations with local Indians. The results of the above tasks are described below:

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

2a.

FORM APPROVED  
COM NO. 1004-0012  
Expires August 31, 1981

Date: 11-15-82  
Serial Number:

Home phone (include area code):

Business phone (include area code):  
(707) 677-0221

APPLICATION FOR LAND FOR  
RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-1)

1a. Applicant's name:

CITY of TRINIDAD

b. Address (include zip code):

P.O. Drawer N, Trinidad, CA

1. Give legal description of lands applied for (include metes and bounds description, if necessary):

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
Lot 37	Sec. 26	Township 8 North	Range 1 West	Humboldt County Meridian

Country of Humboldt State of California Containing (acres) 42.79

3a. This application is for Lease  Purchase\*  (If lease, indicate years) \*at no cost.

b. Proposed use is  Public Recreation  Other Public Purposes (Specifically identify type of use, development, need, time table, and maintenance schedule in attached plan of development).

4. Attach three (3) copies of the statement required by 43 CFR 2741.3.

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.  
Government Code, Section 37350

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or public purposes pursuant to the Recreation and Public Purposes Act, consider this application as a petition for such classification.

8. What plans do you now have or will have to inform employees, participants, beneficiaries, and the general public about the requirements of Title VI and that your programs are operating free from discrimination on the basis of race, color, religion, national origin, sex, or age? Explain.

As a political subdivision of the State of California, the City of Trinidad conducts all business in a public manner with appropriate notice, publication, an public hearing. Notice of non-discrimination is appropriately posted in City offices and necessary public documents, contracts, agreements, etc.

9. Are all activities, facilities, services, financial aid, or other benefits, included in your Federal assistance programs, provided without regard to race, color, religion, national origin, sex, or age?  Yes  No (If "no," describe the situation or activity and your plans for achieving compliance.)

State Coastal Conservancy

2b.

Coastal Commission

Humboldt County

City of Trinidad

Time schedule: All work to be substantially completed by  
September 1985.

#### PROJECT MANAGEMENT

Recreational use of the Head will be oriented towards non-intensive, day-use, pedestrian access for hiking, viewing, picnicing and related activities. Primary management concerns will be soil erosion, vandalism, litter, public safety, fire prevention, domestic animal control, public facility coordination, toilet facilities, and access for the elderly and the handicapped.

- 1) Soil erosion on the trails and picnic areas is expected to be minimal. Local volunteer labor will meet most needs. Large scale failures should they occur will require assistance from special contractors or the C.D.F. California Conservation Corps.
- 2) Trinidad City Police, local citizen crime prevention groups, and the cooperation of residents adjacent to the project area will adequately control vandalism.
- 3) Initially the City will depend upon volunteer efforts of citizen groups such as the Chamber of Commerce, the Trinidad Alliance, Volunteer Fire Department, and others to deal with litter. As experience is gained with the magnitude of the problem, the City recognizes it may have to make more formal arrangements for litter control.
- 4) The primary concern with public safety is the high cliffs

around the Head's perimeter. Trail location and vegetation management, coupled with guard-rails and warning signs, will provide adequate safety.

5) Fire prevention and domestic animal control both fall under existing City regulations. Enforcement would be extended to the Head when acquired by the City.

6) The City will continue to coordinate with the Cable T.V. company and any future similar-type users that provide a public service, and where use does not conflict with the primary purposes of open space and public recreation.

7) If intensity of use warrants it, toilet facilities will be provided in the parking area at the trail head.

8) A vehicular transportation plan will be developed up to the existing turn-around area on the Coast Guard access road. This plan will provide for transporting elderly and physically handicapped members of the public onto the Head so that they may also enjoy the views.

Continuing sources of funding will have to be obtained to support the costs of this management plan. Again, however, due to the low intensity and low cost of the development, the high visibility and interest of the project to the community, and the many sources of funding available for this type of activity (see list in the Implementation section), management funding is not expected to be a problem.



# United States Department of the Interior

3

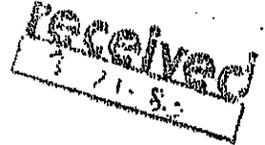
IN REPLY REFER TO

Trinidad Head  
CA 13094  
CA-056

BUREAU OF LAND MANAGEMENT

Eureka Resource Area  
1585 J Street  
P.O. Box 11  
Arcata, California 95521

3-16-83



Mr. Richard C. Rayburn  
District Manager  
California Coastal Commission  
P.O. Box 4946  
Eureka, California 95501

Dear *Rich* ~~Mr.~~:

As you know, over the last few months the Bureau of Land Management has been processing an application from the City of Trinidad for transfer of approximately 47 acres of federal public land at Trinidad Head.

This public land parcel has been withdrawn from sale, disposal or entry and location under the public lands laws since the mid-1850's for Coast Guard purposes of lighthouse and coastal navigational aide. Approximately 12 acres of the land area will remain under Coast Guard withdrawal for continued use in that agency's mission regarding northern coastal California and adjacent waters.

The B.L.M. accepted the City of Trinidad application in November of 1982 and issued a formal decision on December 21, 1982 whereby the City's plan of development and management plan was approved by B.L.M. under the authority of the Recreation and Public Purposes Act of 1926 as amended.

I have provided you with copies of the decision, environmental analysis, land report, and the City's plan of development and management.

Several germane factors apply to this transfer from federal public ownership to City of Trinidad ownership for park and recreational purposes only. One key factor is that the California Coastal Commission adopted the Trinidad Local Coastal Plan in October 15, 1982. Page 3-37 of that document states the City of Trinidad should assume management if the federal government determines Trinidad Head surplus. Another factor is the application and attendant plan of development and management has had a 45 day public review by all state, federal, and local agencies in accordance with regulations prescribed by 43 CFR Part 2741 and 43 CFR Part 2450. These regulations deal with the specific authority of the Recreation and Public Purposes Act and the Petition Application Classification System respectively.

As a result of the public review, the Humboldt County Board of Supervisors adopted a resolution of the proposal, only one protest was received and found to be without merit by BLM, and in general support for the action is widespread throughout the North Coast community.

I provide these facts as background for the purpose of a consistency determination as regards the Bureau of Land Management decision to transfer the land in accordance with the approved plan of development and management by the City of Trinidad.

I also assume by this action the Coastal Commission will, in its determination of consistency act on the plan of development and management of the City thereby negating any formal application by the City for a coastal permit. I bring this matter up because if any modifications to the plan as submitted and approved by the Bureau as a result of future actions these must be, in accordance with federal law and regulations promulated thereto, approved by the Bureau.

In sum, I hope we agree that a "paper chase" can be resolved in this one action of consistency determination.

As to the consistency of the federal action with the California Coastal Plan as stated in the approved Trinidad Area Plan we find the following:

A. Public Access and Recreation

Several of the Coastal Act policies address these factors. We find the action and the plan of development and management to be consistent with the following Coastal Act Policies:

- 1. Section 30210
- 2. Section 30211
- 3. Section 30212
- 4. Section 30213
- 5. Section 30221

B. Marine Environment and Sensitive Habitat

The plan of development and management are consistent with the following Coastal Act policies:

- 1. Section 30231 -  
No impact on coastal waters or wetlands is involved.
- 2. Section 30233 -  
No dredging, diking or filling is involved.
- 3. Section 30240 -  
No environmentally sensitive habitat will be affected or degraded. The plan calls for trail and overlook development by foot access only (i.e. non-vehicular traffic). No threatened, rare, or sensitive species were found during the field examination and E.A. preparation.

C. New Development (Including Archaeology, Visual, Hazards, etc.)

The action and plan, as approved, is consistent with the following:

- 1. Section 30250 -  
The plan is not for commercial, residential, or industrial development, but is for recreation and public access by trail. No buildings will be constructed, except possibly shelters which entrance views of the harbor or ocean. Picnic tables will be

placed and refuse receptables placed and pickup routinely by city employees. Trail construction overlooks, etc. will be labor intensive and conform to the landscape and contour of the area.

A qualified archaeologist examined the site and during construction of trails the B.L.M. will include a provision for qualified archaeologist to be on site or on call if any cultural resources are encountered.

Visual impacts are minimal as most area proposed for development are now developed, i.e. TV satellite disc, radio antenna, granite cross, roads, and overhead powerlines.

Public utilities are available and in place in the form of water, power, phone, paved and gravel roads to the top of the Head. These provide necessary services and maintenance access for the Coast Guard facilities.

3. Section 30244 -

Mitigation measures are included to prevent damage to archaeological and/or historic resources.

4. Section 30251 -

Views to the ocean, harbor, and northern coastal shoreline will be enhanced by the project for the general public on a non-discriminatory basis as required by federal law.

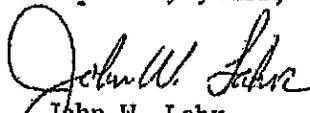
5. Section 30253 -

The area is subject to seismic shaking as it lies within one of the most earthquake prone areas of the world - however, the Head has withstood the most severe earthquakes and erosional forces for literally millenia. Trail development and overlooks will be designed to minimize soil erosion.

In conclusion, we find the action - including the plan of development and management - is fully consistent with the California Coastal Act and Local Trinidad Area Plan.

I would appreciate a prompt response to this as we plan to issue the patent deed to the City in mid-April.

Sincerely yours,

  
John W. Lahr  
Area Manager

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Serial Number

4  
2/25  
20

CERTIFICATE

CA 13094

Act(s) of June 14, 1926, as amended, 44 Stat. 741, 43 U.S.C. 869 (1976)

Entryman City of Trinidad, California

PATENT No. 04-83-0056  
APR 24 1983

has (have) complied with the requirements of the above Act(s) for the following-described lands:  
(describe the land as it will appear in the patent)

Humboldt Meridian, California

T. 8 N., R. 1 W.,

Sec. 26, Lot 4;

in the County of Humboldt, and containing 46.94 acres.

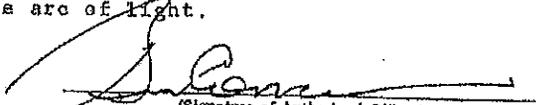
NOW, THEREFORE, BE IT KNOWN, that patent may issue to the grantee(s) named herein, subject to the following exceptions, reservations, and restrictions:

A-1

B-4

Special: EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted that right-of-way and all appurtenances thereto constructed by the United States through, over, or upon the land herein described for the existing roads, telephone line, electrical transmission line, and water pipeline pursuant to permit No. CA 13095 issued to the United States Coast Guard, pursuant to Sec. 507 of the Act of October 21, 1976, 43 U.S.C. 1767, and the right of the United States, its agents and employees to maintain, operate, repair or improve the same so long as is needed or used for or by the United States; and further reserving that right for visibility of the aid-to-navigation light located on Lot 6 said Sec. 26 and the operation of the antennas located on Lot 5 said Sec. 26, wherein no structures or other improvements may be erected on the land so granted which would interfere with the operation of the antennas or obstruct the arc of light.

Special provisions attached.

  
(Signature of Authorized Officer)

APR 22 1983

Deputy State Director, Operations  
California State Office

(Date)

(Title)

Patent posted:

14/16

4

Serial #CA 13094

RECREATION AND PUBLIC PURPOSES ACT  
PATENT RESERVATIONS, CONDITIONS, AND LIMITATIONS

Provided, that, title shall revert upon a finding, after notice and opportunity for a hearing, that, without the approval of the authorized officer:

- (1) The patentee or its approved successor attempts to transfer title to or control over the lands to another;
- (2) The lands have been devoted to a use other than that for which the lands were conveyed (for recreational purposes);
- (3) The lands have not been used for the purpose for which they were conveyed for a 5-year period; or
- (4) The patentee has failed to follow the approved development plan or management plan.

Provided, further, that the Secretary of the Interior, or his delegate, may take action to revert title in the United States if the patentee directly or indirectly permits its agents, employees, contractors, or subcontractors (including without limitation lessees, sublessees, and permittees) to prohibit or restrict the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, sex, or national origin.

The grant of the herein described lands is subject to the following reservations, conditions, and limitations:

- (1) The patentee or its successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241), and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.
- (2) If the patentee or its successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to that title, during the period during which the property described herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of this grant terminated in whole or in part.
- (3) The patentee, by acceptance of this patent, agrees for itself or its successors in interest that a declaration of termination in whole or in part of this grant shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the lands involved in the declaration.
- (4) The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.

PATENT No. 04-83-0056

APR 24 1983

- (5) The patentee or its successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility conveyed.
- (6) The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land, binding on the patentee and its successors in interest for the period for which the land described herein is used for the purpose for which this grant was made, or for another purpose involving the provision of similar services or benefits.
- (7) The assurances and covenant required by sections (1)-(6) above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).

PATENT No. 04-83-0056

APR 24 1983

RECEIVED  
APR 25 1983  
BUREAU OF LAND MGMT.  
EUREKA RESOURCE AREA

CALIFORNIA COASTAL COMMISSION  
631 Howard Street, San Francisco 94105 — (415) 543-8555

Consistency Determination  
No. CD-6-83  
(Bureau of Land Management)  
45th Day: May 1, 1983

Federal Agency:

BUREAU OF LAND MANAGEMENT

Development Location:

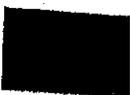
Trinidad Head, immediately southwest of the City of Trinidad, Humboldt County. (Exhibit 1)

Development Description:

Transfer of 47 acres of Federal property to the City of Trinidad for public recreation. (Exhibits 2 and 3)

SUBSTANTIVE FILE DOCUMENTS:

1. Environmental Assessment/Land Report on City of Trinidad application for acquisition of Trinidad Head, by Bureau of Land Management (BLM), December 21, 1982 (Serial No. EA #512).
2. Letter from John W. Lahr (BLM Eureka Resource Area Manager) to Richard G. Rayburn (North Coast District Director, Coastal Commission), March 16, 1983, containing BLM's consistency determination for Trinidad Head property transfer, including application by City of Trinidad to require ownership of Trinidad Head, November, 1982.
3. Land Use Plan for the Trinidad segment of the Humboldt County LCP (certified in part by the Coastal Commission in October, 1982).
4. Certified LCP for City of Trinidad.



STAFF SUMMARY AND RECOMMENDATION

I. Staff Summary

A. Project Description. The Bureau of Land Management (BLM), an agency in the U.S. Department of Interior, proposes to transfer 47 acres of federal land at Trinidad head to the City of Trinidad (Exhibit 2). The City intends to annex the property and manage it as a recreational area for hiking and other low-intensity recreational uses. About 14 acres of Trinidad Head will remain under federal ownership for the existing U.S. Coast Guard facility. The Coast Guard maintains a light beacon, fog horn, radio antennas, and residence for staff on the southern end of the Head.

BLM's proposed transfer is pursuant to the Recreation and Public Purposes Act (43 USC § 869 et.seq.) and relevant federal regulations (43 CFR Part 2740). These regulations specify the procedure for sale or lease of land by the Secretary of Interior, and limit uses and further transfer of title by grantees. The City of Trinidad applied to BLM in November, 1982, to acquire Trinidad Head for non-intensive recreational use. The stated purpose of the City's acquisition is "to make available to the people forever, for their inspiration and enjoyment, in a condition of unimpaired ecological integrity, the majestic headland known as Trinidad head, together with all related scenic, historic, scientific, and recreational values and resources of the area."

In recommending approval of the City's application, BLM's District Manager made several findings required under the Recreation and Public Purposes Act (item V.B. in Environmental Assessment/Land Report):

- (1) The lands have been found to be suitable for recreation and public purposes.
- (2) The land is not of national significance and not essential to any Bureau of Land Management program.
- (3) The proposed use will have no known significant effect on the human and national environment.
- (4) Patenting the above described lands will serve the public interest.
- (5) The [City's] land use plan is proposed for amendment to allow for the proposed use.

The approval recommendation also includes a patent reservation and stipulations for use of the property to be transferred to the City. A right-of-way across the property will be reserved by the federal government for access and utilities to the retained property to be managed by the Coast Guard. Two stipulations would be binding upon the City:

- (1) Waterbars, outsloping and rock barriers should be used, where appropriate, to reduce erosion, runoff and trail maintenance.

- (2) After the vegetation is removed and prior to any construction [primarily trails and vista points], those areas not previously surveyed for cultural values shall be surveyed by a qualified archaeologist. If cultural resources are discovered during any phase of construction, the holder shall immediately notify the Authorized Officer at 555 Leslie Street, Ukiah, California 95482. The holder shall not disturb such resources except as may be subsequently authorized by the Authorized Officer. The Authorized Officer will evaluate or have evaluated any cultural resources discovered and will determine if any action may be required to protect cultural resources discovered.

The patent reservation and the stipulations would be part of BLM's patent deed to the City, and are considered to be part of BLM's project for the purposes of the Commission's federal consistency review. The patent deed would also include a reversionary clause, stating that the property would revert to the U.S. government if the grantee (City) did not use the property for its approved and intended use, tried to transfer title to another party, or otherwise violates the conveyance agreement. Any subdivision of the property would constitute a significant change in the project for purposes of the Commission's consistency review.

The City's development plan proposes non-intensive recreational use of the Head, including hiking, viewing, picnicking, and associated day-use activities. The plan calls for new foot trails, to be constructed as much as possible along natural contours to avoid soil and vegetation disturbance. Picnic areas and observation points would be sited in level areas where opportunities for observing scenic and biological resources are maximized (Exhibit 3). Only Coast Guard vehicles would be allowed on the parcel. Public parking would be available on an adjacent parcel north of the Head. Local citizen groups and local government agencies will develop and maintain the proposed improvements, scheduled to be completed in 1985.

It is important to precisely identify the project that is the subject of the Commission's federal consistency review in this instance. BLM's consistency determination addresses both the proposed transfer of federal property and the specific development plan proposed by the City. This is because federal regulations require the preparation of a development plan by the grantee as a condition of transfer. BLM must approve the plan and monitor its implementation; failure to carry out the approved plan can cause title to revert to the federal government. However, the Commission should only review BLM's consistency determination as it concerns the proposed transfer of federal property to a particular party (the City of Trinidad) for a particular use (low-intensity recreational use). This is what is meant by "the project" in the following description and recommended findings. The City, not BLM, will administer and manage the property after the transfer. The City's development plan, while necessary to obtaining title from the federal government, is more fittingly reviewed for conformity with the Coastal Act in the coastal permit process, either at the same time or following Commission review of BLM's consistency determination.

B. Site Description. Trinidad Head is a rocky headland near the City of Trinidad, about 17 miles north of Eureka in Humboldt County (Exhibit 1). The shoreline in this portion of the County is magnificent, including rocky points, offshore rocks, sea stacks and islands, narrow rocky beaches on rock reefs, and small sand and gravel pocket beaches below high bluffs. The shoreline is generally accessible only by steep and occasionally hazardous trails. The Head is immediately southwest of Trinidad, an incorporated city with a population of about 380 (Exhibit 2). The local economy is based on timber, fishing, and tourism. Trinidad harbor and pier, east of the Head, attracts a sizeable number of commercial and recreational fishermen during the salmon season (May through July). Several nearby parks provide recreation opportunities for residents and visitors, including Patricks Point State Park (6 miles north), Little River State Beach (4 miles south), and Trinidad State Beach (only about 1/2 mile north of the Head).

Trinidad Head itself is connected to the mainland by a neck of land. A gravel road provides access for the U.S. Coast Guard Station on the southern end of the Head (Exhibit 3). The Coast Guard maintains a fog horn, light beacon, staff housing, and radio antennas on the Head. A cable TV antenna is also located on the Head. Most of the Head is covered in dense vegetation, including coyote brush, California blackberry, ceanothus, brush monkey flower, cow parsnip, and salal. The dense brush provides habitat for foxes, raccoons, skunks, rabbits, rodents, salamanders, and reptiles. The Head is also a good viewing point to watch marine mammals such as California and Stellar sea lions, elephant seals, and gray whales during their migration. Consultation with local Indians, the Yuroks, reveals that the Head is and was of cultural significance, although a limited archaeological survey did not find any cultural resources.

C. Federal Consistency Determination. The Bureau of Land Management has prepared a consistency determination for the proposed transfer of federal land to the City for non-intensive recreational use (March 16, 1983, letter from BLM Area Manager John W. Lahr to Richard Rayburn). Federal regulations identify acquisition, utilization, or disposal of land or water resources as a federal development project, for which a consistency determination must be prepared (15 CFR 930.31(b), emphasis added). BLM's consistency determination addresses both the action transferring federal land and the City's development plan for the property. Strictly speaking, the Commission is reviewing at this time only the proposed transfer action, including the receiving agency and the proposed use, with regard to consistency with California's coastal management program. The City's development plan can then be reviewed as a coastal development permit application.

The consistency determination states that the project is consistent with the access and recreation policies of the Coastal Act. It states that the project will have no effect on marine resources or environmentally sensitive habitat. It notes that the project is consistent with Section 30250 regarding new development, since no buildings are proposed and the recreational use has priority under the Coastal Act. It states that views of the harbor, ocean, and shoreline will be enhanced by the project. It concludes that the project is fully consistent with the California coastal management program (including the certified LCP for most of the adjacent City of Trinidad).

## II. Staff Recommendation

The staff recommends that the Commission adopt the following resolution:

The Commission hereby concurs with the consistency determination made by the Bureau of Land Management for this project, that the proposed transfer of federal land (including the proposed grantee and use) is consistent to the maximum extent practicable with the California Coastal Management Program.

## III. Findings and Declarations

The Commission finds and declares as follows:

A. Public Access. The primary access points in the Trinidad area are at Trinidad State Beach to the north, Trinidad harbor and pier, Indian Beach east of the pier along the Trinidad Bay shore, and a small beach north of Bay Street. A trail system in the City links the harbor and bluff areas to several vertical access trails further south of Trinidad. The harbor area is heavily used by fishermen in the summer season. The transfer of land to the City for recreational use will increase public access to a highly scenic coastal headland and will represent a major expansion of access opportunities in this area. Several Coastal Act policies address access. Section 30210 states that maximum public access to the sea must be provided. Section 30211 prevents new development from interfering with existing public accessways. Section 30212 requires that access to and along the coast be provided in new development projects. Because of the project's emphasis on providing new access, it is consistent with these sections. Access at Trinidad Head should emphasize trails and view points rather than shoreline access, due to the steep terrain, heavy vegetation, and related public safety and erosion considerations.

Visitor parking for the project could be inadequate, depending on the level of use by the public. Two privately-owned parking areas are now available in the site vicinity -- along Bay Street (about 60 cars) and northwest of Bay Street (about 40 cars). The first area is sometimes full during the summer months, due to the influx of fishermen. Cars and boat trailers congest the parking area and local streets. The second area is further from the harbor area but is used by beachgoers to some extent. Section 30212.5 encourages parking and other public facilities to be distributed throughout an area to avoid impacts of overcrowding and overuse. Policy 56 of the certified City of Trinidad LCP reserves a portion of the second parking area for non-harbor users. This would be the primary parking area for project users, since steep slopes, heavy vegetation, and visual constraints would preclude the development of any significant on-site parking. A coastal trail northeast and southeast of the Head is designated in the City's LCP. To the southeast, an existing trail follows the shoreline to Parker Creek; to the northeast, the trail system is being extended to the College Cove area of Trinidad State Beach. These trails would provide visitors an alternative to nearby parking. Demand for parking will depend on the project's popularity and improvements. However, at nearby Trinidad State Beach, the 80-car lot is usually less than half-full in the summer. Parking for the project should be adequate, given the low-intensity recreational uses proposed and the above-noted LCP provisions. Specific demand projections and provisions for parking should be part of the City's coastal development permit application.

B. Recreation. There are several existing recreational facilities in the Trinidad Area. Patricks Point State Park is 6 miles north, Little River State Beach is 4 miles South, and Trinidad State Beach is about  $\frac{1}{2}$  mile north of Trinidad Head. Trinidad harbor, including a fishing pier, parking area, bait shop, restaurant, and boat launch facility, is located immediately north-east of the project. Section 30213 of the Coastal Act promotes lower-cost visitor and recreational facilities. Section 30221 gives priority to recreational uses on oceanfront land, unless already provided for in the area. The project is intended to provide new recreational opportunities at Trinidad Head, including trails, vista points, and picnic areas. Given this overall intent, the project is consistent with Sections 30213 and 30221.

C. Marine Resources. The shoreline in the vicinity of Trinidad is very rugged, and includes rocky points, offshore rocks, sea stacks and islands, narrow rocky beaches, rock reefs, and small sand or gravel beaches below high bluffs. Offshore rocks provide nesting areas for birds, and the rocky beaches are noted for prolific tidepool communities of significant scientific value. The sea stacks serve as haul-out areas for California and Stellar sea lions. Harbor seals, elephant seals, and gray whales can be observed from the Head. The project will not interfere with these valuable marine resources, and is thus consistent with Section 30230 and 30233 of the Coastal Act.

Section 30231 requires that developments maintain biological productivity and water quality. Trail construction and other improvements have the potential to increase erosion rates. To minimize potential erosion effects, BLM will stipulate, in its conveyance of the property, that erosion control measures are to be used in constructing project improvements. Given this mitigation measure and the low intensity of use proposed, the project is consistent with Section 30231.

D. Environmentally Sensitive Habitat Areas. Vegetation on Trinidad Head belongs to the north coastal scrub community. Commonly found plants include coyote brush, California blackberry, ceanothus, and brush monkey flower. The dense brush on the Head provides habitat for foxes, raccoons, skunks, rabbits, other rodents, salamanders, and reptiles. BLM's environmental assessment notes two potentially rare plant species -- black crowberry (*Empetrum hermaphroditum*) and bird rock goldfields (*Lasthania minor, ssp. maritima*) could occur on the site, but have not been identified. Black crowberry is listed as "rare" by the Native Plant Society but is not on any state or federal species list. The second plant was recently removed from all plant species lists due to its wide range. Section 30240 of the Coastal Act protects sensitive habitat areas against any significant disruption of habitat value. Because no environmentally sensitive habitat has been identified on the project site and because the project will have minimal effects on site habitat, the project is consistent with Section 30240.

E. New Development. Trinidad Head borders Trinidad's city limits. The City provides water service in and adjacent to its incorporated area, although it usually makes annexation a condition of providing service. On-site septic systems are the prevalent method of wastewater disposal. Water, electricity, and phone lines connect the Coast Guard facility on Trinidad Head to the town.

Vehicular access is along a gravelled road branching off Bay Street. The City has stated its intention to annex the Head if BLM transfers the property.

Both the City's LCP and the Trinidad Area segment of Humboldt County's LCP propose recreational use for the Head if it is no longer needed by the federal government. Policy 66 of the City's General Plan states: "The portion of Trinidad Head not needed by the Coast Guard should be transferred to the City of Trinidad. The area should be kept in its natural state with hiking trails and vista points. Public vehicular access should only be allowed as far as the existing harbor overlook." The public recreation and access policies of the County LCP segment provide similar guidance.

Section 30250 of the Coastal Act requires new residential, commercial, or industrial development to be located in or near existing developed areas or in areas with adequate public services if it will have no adverse effects on coastal resources. The proposed project is a recreational and open space use and thus is not subject to the above requirement of Section 30250. Adequate public services are available to serve the project, and it is consistent with the provisions of both LCPs that have a bearing on the property.

F. Archeological Resources. Trinidad Head is within the territory of the Coast Yurok Indians, and was and is of cultural significance. The Head was used for spiritual purposes and as a burial ground for the old people. The peninsula itself supported a village called Tsurai, which means "Mountains by the Sea". The Head is not currently used for traditional purposes, however. Archeological surveys on the Head in 1976 and 1982 did not reveal any archeological resources or sites. However, only about 20% of the site was surveyed, due to the dense underbrush away from the existing roads and paths. It is possible that such resources could be encountered during construction of improvements such as trails and picnic areas.

Section 30244 of the Coastal Act states that reasonable mitigation measures shall be required where development would adversely impact archeological or paleontological resources. BLM will include a stipulation in its patent deed to the City to address the possibility of encountering archeological resources during construction. It provides that unsurveyed areas shall be surveyed by a qualified archeologist after vegetation removal and prior to construction. If cultural resources are found during the survey or during construction, a qualified BLM official will evaluate these resources and require mitigation measures to protect them, if necessary. With this mitigation measure, the project is consistent with Section 30244.

G. Visual Resources. The visual setting in Trinidad includes rugged coastal headlands and islands, beaches and surf, the vast expanse of ocean, the small harbor with fishermen unloading their catch, and homes climbing up the hillside. Low-density residential development patterns preserve a small town character. Trinidad Head is prominent in the view from town, the harbor, and coastal trails. Conversely, the Head affords an excellent view back at the harbor, ocean, and the rocky shoreline. From the Head, sightseers can observe marine resources, including seals, whales, shorebirds, and other wildlife. Project improvements for low-intensity recreation, such as trails, picnic areas, and vista areas, will have little or no visual impact.

Serial No. CA 13094

# The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

City of Trinidad, California,

is entitled to a Land Patent pursuant to the Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. 869 (1976), for the following described land:

Humboldt Meridian, California

T. 8 N., R. 1 W.,

Sec. 26, Lot 4;

containing 46.94 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimant the land above described for recreational purposes only; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, and to its successors, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;
2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law;
3. That right-of-way and all appurtenances thereto constructed by the United States through, over, or upon the land herein described for the existing roads, telephone line, electrical transmission line, and water pipeline pursuant to permit No. CA 13095 issued to the United States Coast Guard, pursuant to Sec. 507 of the Act of October 21, 1976, 43 U.S.C. 1767, and the right of the United States, its agents and employees to

Patent Number

04-83-0056  
11/16

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 MIN LOC.  OTHER  DATE 11/16/83  
 5-3-A83

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Serial No. CA 13094

maintain, operate, repair or improve the same so long as is needed or used for or by the United States; and further reserving that right for visibility of the aid-to-navigation light located on Lot 6 said Sec. 26 and the operation of the antennas located on Lot 5 said Sec. 26, wherein no structures or other improvements may be erected on the land so granted which would interfere with the operation of the antennas or obstruct the arc of light.

Provided, that, title shall revert upon a finding, after notice and opportunity for a hearing, that, without the approval of the authorized officer:

1. The patentee or its approved successor attempts to transfer title to or control over the land to another;
2. The land has been devoted to a use other than that for which the land was conveyed;
3. The land has not been used for the purpose for which it was conveyed for a 5-year period; or
4. The patentee has failed to follow the approved development plan or management plan;

Provided, further, that the Secretary of the Interior, or his delegate, may take action to revest title in the United States if the patentee directly or indirectly permits its agents, employees, contractors, or subcontractors (including without limitation leasees, subleasees, and permittees) to prohibit or restrict the use of any part of the patented land or any of the facilities thereon by any person because of such person's race, creed, color, sex, or national origin.

Patent Number 04-83-0056

Form 1860-25  
(July 1975)

Serial No. CA 13094

The grant of the herein described lands is subject to the following reservations, conditions, and limitations:

- (1) The patentee or his (its) successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241), and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.
- (2) If the patentee or his (its) successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to that title, during the period during which the property described herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of this grant terminated in whole or in part.
- (3) The patentee, by acceptance of this patent, agrees for himself (itself) or his (its) successors in interest that a declaration of termination in whole or in part of this grant shall, at the option of the Secretary or his delegate, operate to revest in the United States full title to the lands involved in the declaration.
- (4) The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.
- (5) The patentee or his (its) successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility conveyed.
- (6) The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land, binding on the patentee and his (its) successors in interest for the period for which the land described herein is used for the purpose for which this grant was made, or for another purpose involving the provision of similar services or benefits.
- (7) The assurances and covenant required by sections (1)-(6) above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Sacramento, California  
the TWENTY-FOUR day of APRIL in the year  
of our Lord one thousand nine hundred and EIGHTY-THREE  
and of the Independence of the United States the two hundred  
and SEVENTH.

By   
Deputy State Director, Operations  
California State Office

Patent Number 04-83-0056

13/16



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Arcata Field Office  
1695 Heindon Road  
Arcata, CA 95521  
[www.ca.blm.gov/arcata](http://www.ca.blm.gov/arcata)

*In Reply Refer To:*  
2740 (CA330)P  
CACA013094

July 3, 2006

### COMPLIANCE EXAMINATION

#### Location

Trinidad Head is located along the Pacific Ocean in Humboldt County, California (Humboldt Base & Meridian, Township 8 North, Range 1 West, Section 26, Lot 4). Situated within the city limits of Trinidad, the northern boundary is private land and contains the residential district, and the developed boat launch complex includes a restaurant, parking lot, and pier. The southern border of Trinidad Head contains U.S. Coast Guard housing. To the east is Trinidad Bay and Pacific shoreline. To the west is the Pacific Ocean.

In the center of Trinidad Head, at its peak, is the U.S. Coast Guard land withdrawal for communication equipment (Exhibit 1 map).

#### History

Two Executive Orders (6/6/1886 and 9/10/1902) reserved 42.79<sup>±</sup> acres to the U.S. Coast Guard for a lighthouse station.

On November 17, 1982, the City of Trinidad applied under the Recreation and Public Purposes (R&PP) Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.) for conveyance of portions of Trinidad Head to the City. Included in the application was the development plan. Within that plan, Item 6 specified:

The City will continue to coordinate with the Cable TV company and any future similar-type users that provide a public service, and where use does not conflict with the primary purposes of open space and public recreation.

The U.S. Coast Guard relinquished 34.75 acres of Trinidad Head and retained 8.04 acres in Parcel 1 for barracks and buildings and in Parcel 2 for a communication site. A December 17, 1982 resurvey partitioned Lot 37 into three lots. Lot 5 (1.0734 acre) and Lot 6 (12.669 acres) were retained by the U.S. Coast Guard; and Lot 4 (47.2117 acres) was relinquished.

On April 24, 1983, BLM issued a patent to the City of Trinidad for 47.2117 acres of relinquished land on Trinidad Head. The patent was made under the R&PP Act for recreation purposes. The patent is silent on the use of a Cable TV tower/dish; but references the Cable TV tower/dish in the approved development plan submitted with the application. The patent states that the land shall revert if the "patentee fails to follow the approved development plan or management plan."

#### Previous Compliances

Bureau of Land Management (BLM) field personnel conducted three compliance examinations on the patent since its transfer to the City of Trinidad (1988, 1993 and 2001), using the patent as a guideline. BLM found the City to be in compliance in all three examinations.

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<sup>1</sup> This acreage is different than later acreage figures due to a 1982 resurvey.

Issue under Compliance Examination

BLM has been requested to conduct a new compliance examination by the City, the Yurok Tribe, the Friends of Trinidad, and others. Under this compliance examination is a tower built prior to the patent that has been managed by the City of Trinidad for the past 23 years as it relates to (a) the R&PP Act; (b) to the conditions of Patent 04-83-0056; (c) and the approved development plan.

The structure was originally cable television equipment owned by Trinity Systems (installed around December 1981). It consisted of a 12-foot TV broadcast dish, and a wooden support structure with a 21-foot high pole. Trinity Systems built the tower during the time the U.S. Coast Guard managed the property. When the land was patented to the City of Trinidad, Trinity Systems made a separate agreement with the City to lease it. All future references in this document to the equipment referenced in the preceding paragraph, past, present or future, whether singular or plural, will refer to it as the "tower."

Between 1985 and 1991, changes were made that increased the size of the tower and a concrete building was added to the site. These changes were not monitored by BLM's compliance examinations because field personnel believed that the tower was part of the U.S. Coast Guard's communication site at the top of the Head.

On July 1, 1991, Cox Cable received a five-year license to use the tower. Cox terminated its lease on June 30, 1994. On June 18, 1997, Cal North leased the tower from the City of Trinidad for a period of 20 years. Their lease specifically allowed for the following:

For placement of an approximate 41' high pole directly adjacent to the existing 21' pole and repair the existing equipment building. In addition to the new pole a 4' dish antennae will be installed at the same elevation as the existing 12' diameter dish facing in the direction of the Arcata-Eureka airport. Whip antennas will be placed on top of the pole.

In late 2005 and early 2006, U.S. Cellular (formerly Cal North) applied for expansion of the existing tower, which raised concerns by various members of the local public. In response to public concerns, U.S. Cellular amended their application several times and installed a non-operating version of their equipment on the tower to demonstrate the size and scope of the proposed changes. Their application is still pending.

Exhibit 2 (photos) view of the tower as it existed June 28, 2006, with the non-operating equipment in place.

Compliance Examination

BLM has conducted field trips and a compliance examination to determine if the tower is compatible with the use for which the land was patented under the Recreation and Public Purposes Act.

On May 12, 2006, BLM Cadastral Survey performed a survey of the communication site at Trinidad Head and confirmed that the tower is 37± feet outside the boundary of the U.S. Coast Guard withdrawal site on south side of the top of Trinidad Head. Co-located on the top of Trinidad Head is communication and weather equipment within the U.S. Coast Guard withdrawal area.

On June 15, 2006, BLM made a field examination of Trinidad Head. Stopping at the overlook on Edwards Drive, one can see two towers (one being the tower) at the top of the Head, and the string of telephone lines. Also evident is the developed cove, pier, restaurant and parking lot with over 100 vehicles (see Exhibit 2, photos).

During this onsite compliance check, BLM personnel observed that it was a calm, sunny day and many pedestrians were using the trail system. The trail system was well maintained and there were signs, overlooks and benches spaced throughout. In following the trail system to the top, the communication site and tower were not visible until rounding the turn at the south end where a road runs northerly to access the site. The tower is approximately 200 feet from the trail and is not hidden by vegetation. The sound from the cooling system is slightly noticeable from the trail, but is much more evident at closer range (say 50 feet). When one goes around the tower and faces it from the north, the vegetation and topography changes and the cooling system cannot be heard at all, even at 30 feet.

There are other facilities to the north, one of which also has a cooling system. That cooling system contains the same auditory dynamics as the subject tower. The cooling system can be heard unless vegetation and/or topography screen the sound.

Recreation and Public Purposes Act and Supplemental Guidance

The Act of June 14, 1926, as amended (43 U.S.C: 869 et seq.), commonly known as the Recreation and Public Purposes Act, authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes under specified conditions. (§2740.0-3)

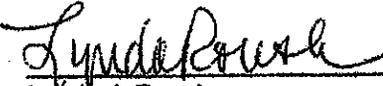
As defined in the Act, "public purpose" means for the purpose of providing facilities or services for the benefit of the public in connection with, but not limited to, public health, safety or welfare. Use of lands or facilities for habitation, cultivation, trade or manufacturing is permissible only when necessary for and integral to, i.e., and essential part of, the public purpose. (§2740.0-5)

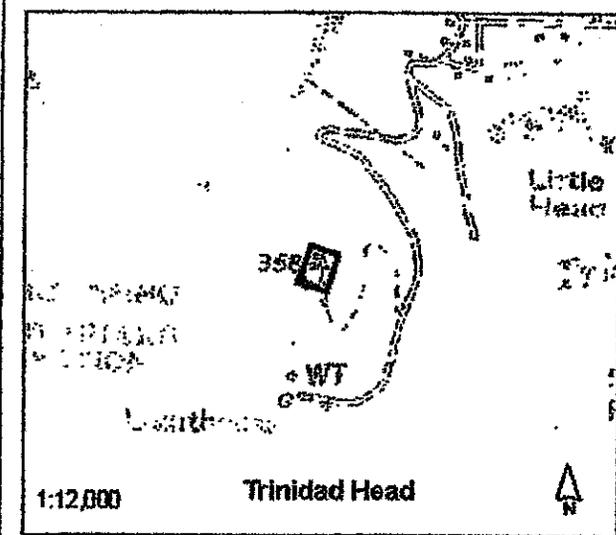
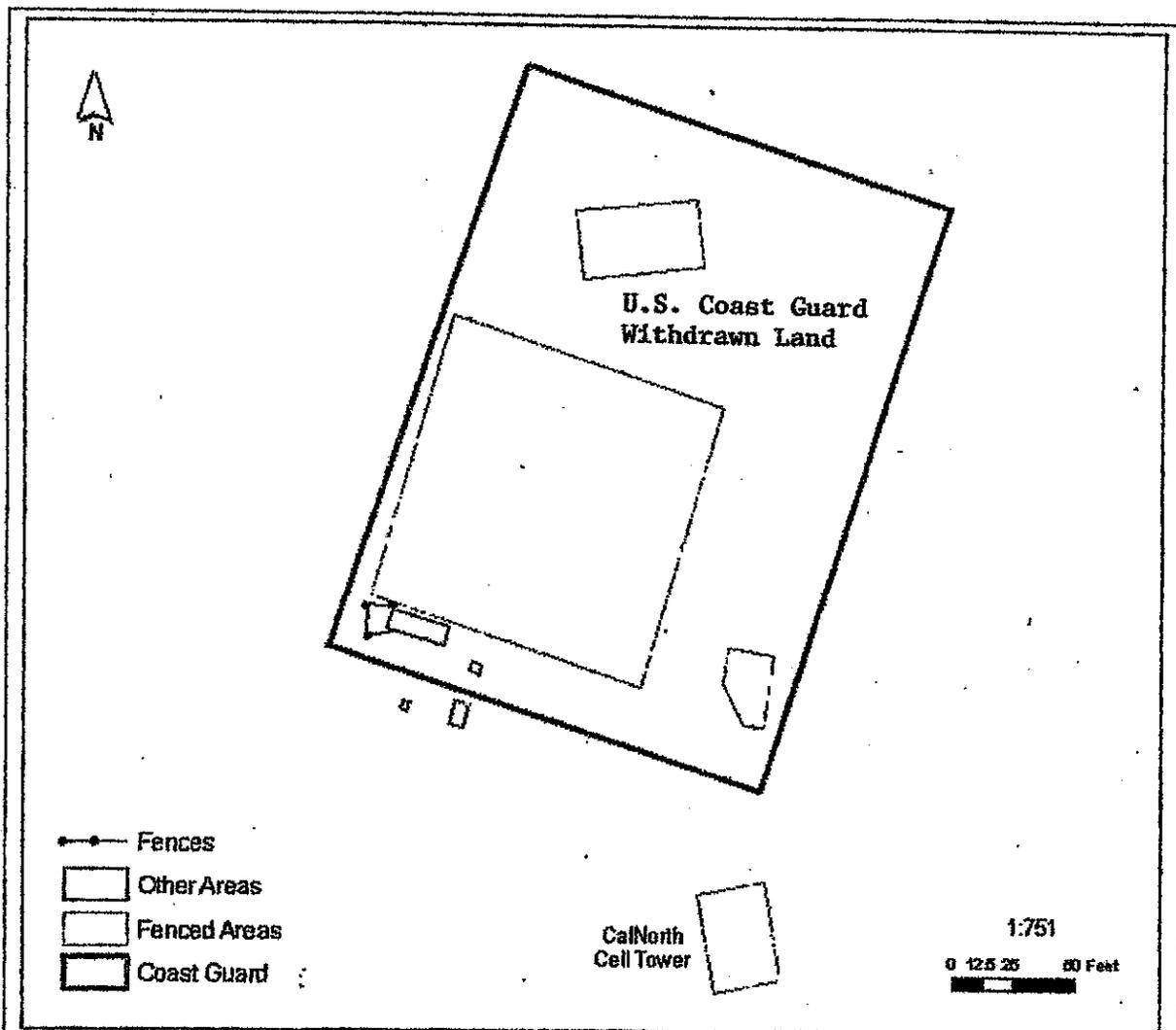
BLM Washington Office Instruction Memorandum No. 99-179, August 25, 1999, concerns third party uses on R&PP Act patents and leases. This memorandum confirms that a patentee may not transfer ownership or title to another party without prior approval of the BLM (i.e. easements, ownership in fee). However, it recognizes third-party uses may be allowed on R&PP land.

Conclusion/Rationale/Recommendation

The BLM has thoroughly reviewed all of the case file documents, legal provisions and policies, and has made a physical inspection of the patented area and communication site. The communication tower in question was in place when the R&PP patent was issued to the City of Trinidad in 1983 for recreational purposes, and was briefly addressed in the management plan that accompanied the City's application for patent. As such, the communication site was a recognized, pre-existing use.

It is the BLM's conclusion that the tower, as it currently exists, does not conflict with the purposes for which the R&PP patent was issued, and that it provides an indirect public benefit to the patented area by providing emergency cell phone coverage. The reversionary provisions of the R&PP Act require that the United States continue to ensure that lands patented under the Act are not devoted to a use other than that for which the lands were conveyed. Any change in use or transfer of control of the lands must be approved by the United States, including any use by third parties. While BLM has determined that the existing communication site does not significantly interfere with the recreational use of the patented lands for the reasons noted above, we recommend that the City of Trinidad update its management plan to better document the site's current physical characteristics and the terms of the City's leasing agreement with U.S. Cellular. Any additions to the existing structures or change in use must be approved by the BLM to ensure consistency with the provisions of the R&PP Act.

  
Lynda J. Roush  
Arcata Field Manager



# Trinidad Head



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Arcata Field Office  
1695 Heindon Road  
Arcata, CA 95521  
www.ca.blm.gov/arcata

August 3, 2011

*In Reply Refer To:*  
CACA 13094

### MEMORANDUM:

To: Lynda Roush, Arcata Field Manager

From: Clara Sander, Realty Specialist

Subject: Report and Recommendation: NOTE TO FILE

On August 3, 2011, I went to Trinidad Head to do a compliance inspection to determine if the land was being used accordance of the 'Plan of Development' that was submitted to the BLM in order for the City of Trinidad to acquire the land through the Recreation and Public Purposes Act. Trinidad Head is being used for dispersed recreation and the trails that were outlined in their plan are still being used and maintained. Attached are pictures of the trail system at Trinidad Head.

Attached are pictures of the communication site at the top of Trinidad Head. Given the level of community interest in Trinidad Head, it seemed pertinent that the BLM should keep track of the communication facilities that are currently there. I have included all the photos so that they can be utilized for future reference.

I recommend compliance be approved.

Clara Sander  
Realty Specialist

### Decision

I concur  I do not concur  with the recommendation.

Lynda Roush  
Arcata Field Manager

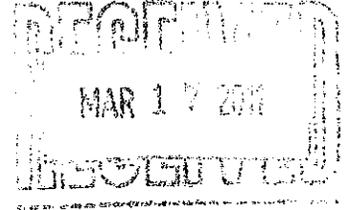
## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1866  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877



March 15, 2011

Steve Albright  
Trinidad City Manager  
City of Trinidad  
409 Trinity Street  
P.O. Box 390  
Trinidad, CA 95570



RE: Recent Vegetation Removal on Trinidad Head

Dear Mr. Albright:

I am writing this letter to summarize the results of a recent site visit conducted by California Coastal Commission (Commission) staff. We conducted the site visit to confirm an alleged Coastal Act violation report received by Commission staff, which alleged unpermitted vegetation removal occurring on Trinidad Head. In the received reports, there were several other concerns related to the ongoing management of Trinidad Head. These concerns included the proliferation of invasive species on and around the Head resulting from various permitted and alleged unpermitted development, standards and methods of road and trail maintenance, accumulation of debris and trash in visually sensitive areas on and around the Head, and the lack of archeological surveys as required by the stipulations of the Bureau of Land Management's (BLM) patent deed to the City of Trinidad for the transfer of Trinidad Head.

According to our records, the City of Trinidad did not apply for and receive a coastal development permit (CDP) for the vegetation removal along the roadsides and trails of Trinidad Head. From what I understand, this is because the City of Trinidad believes that these vegetation removal activities are exempt from the requirements of a CDP under Public Resources Code Section 30610(d). This section states, in relevant part:

*Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:*

...

*(d) Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse, environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.*

Since the removal of vegetation involves a risk of substantial adverse environmental impact, due to the proximity of environmentally sensitive habitat areas (ESHA) and coastal bluffs, Commission staff believes a CDP is required for this activity. Section 13252 of the Commission's Administrative Regulations (Title 14 Division 5.5) contains language that specifically requires a CDP for certain repair and maintenance activities. More specifically, Section 13252(a)(3)(B) states, in relevant part:

(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials. [Emphasis added.]

In addition, Commission staff believes that the vegetation removal that has occurred (and may occur in the course of future repair and maintenance activities on and around Trinidad Head) qualifies as “major vegetation removal” within the definition of development under Section 30106 of the Coastal Act:

*Development means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant of the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in the connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with the timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). [Emphasis added]*

In light of our site visit and the information Commission staff has received regarding the vegetation removal which has occurred on Trinidad Head, Commission staff strongly recommends that the City of Trinidad process an after-the fact CDP for the vegetation removal that occurred without the benefit of a coastal development permit. To make the findings that the after-the-fact CDP is consistent with the certified Trinidad LCP, the City may deem it necessary to attach special conditions to the permit requiring restoration of areas where major vegetation removal exceeded the minimum amount necessary for repair and maintenance standards and encroached into environmentally sensitive habitat areas, invasive species removal in impacted areas, erosion control measures, archaeological mitigation, and/or other mitigating actions.

We appreciate your attention to this matter and thank you for your stewardship of the scenic and environmentally sensitive resources of the Trinidad Head area. We would be happy to meet with you to discuss the coastal development permit process, the requirements of the City's LCP, logistics for developing programmatic maintenance permitting, or other questions you may have. To arrange for discussion, please contact Jim Baskin of the North Coast district office at 445-7833.

Sincerely,



Andrew Minks  
North Coast Enforcement  
California Coastal Commission

Cc: Jim Baskin, Coastal Planner, North Coast District  
Robert Merrill, Manager, North Coast District  
Nancy Cave, Supervisor, Northern California Statewide Enforcement Program

**Trinidad Head Vegetation Management Guidelines**

\*\*\*\*\*

**These guidelines are intended to further:**

The stated purpose of the City's acquisition is "to make available to the people forever, for their inspiration and enjoyment, Trinidad Head, together with all related scenic, historic, scientific, and recreational values and resources of the area."

Environmental Assessment/Land Report on City of Trinidad application for acquisition of Trinidad Head, by Bureau of Land Management (BLM), December 21, 1982 (Serial No. EA #512)

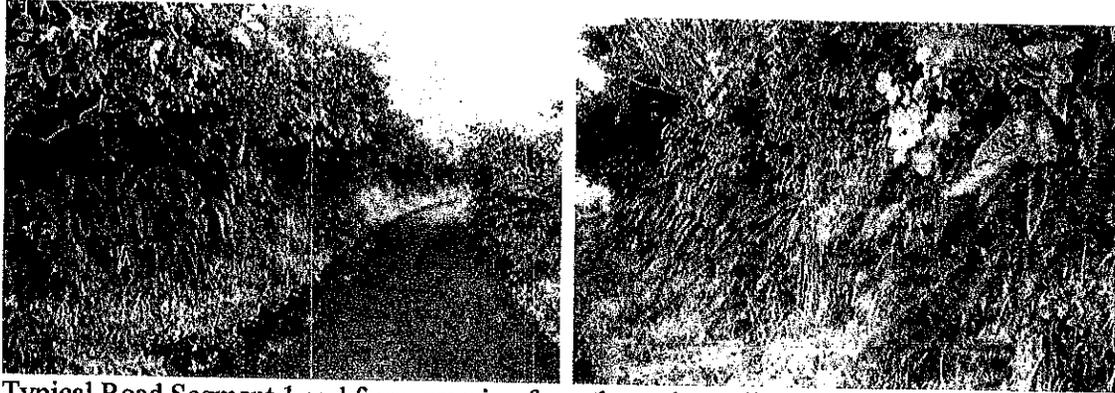
**General Maintenance Guidelines**

- Trail and road segments are as shown on the map at the end of this document
- On all trails, trim or mow as needed to a total width no more than 5 feet.
- On all road segments, there are varying conditions on the inside and outside of the road, but the combined mowed width (inside + outside) should be approximately 4 feet or less.
- Where mowing or trimming is limited to "approximately xx feet," this means plus or minus half a foot from the stated limit.
- Typically nothing over 1 inch in diameter is trimmed unless it is encroaching into the road or trail.
- Anything under 8 feet in height is cut back to approximately 1 foot outside the road or trail (except in specified 'tunnel' areas)
- If left untrimmed, much of the scrub vegetation gets heavy and starts to lean over the road and trail, and will then need to be trimmed more.
- Major trimming should be from fall through winter, with minor trimming every month or two during the growing season, as needed.
- Trimmings will be dispersed, chipped, or hauled away.
- Dispersed trimmings will not be deposited in piles that limit natural growth of surrounding vegetation.
- Avoid trimming or mowing small plants, such as ferns, that are not impinging on the trail.
- Invasive species may be trimmed to ground level. Major concerns are Cotoneaster, Bull Thistle, Pampas Grass, and Himalaya Blackberry. However, no plant removal or soil disturbance is to occur as part of regular maintenance. Those activities are subject to different permit requirements.
- Trimming or mowing of the vegetation, beyond the parameters of this document, should go through the public review process for a coastal development permit.

### Road Segment 1

Location: From bottom of Trinidad Head to beginning of trail.

- At the upper end of this segment the inside road boundary is formed by a rocky ledge / wall. Trim 3 to 4 feet vertically on this rocky edge only if vegetation directly impinges on the road.
- Trim around road signs only to maintain visibility of the signs.

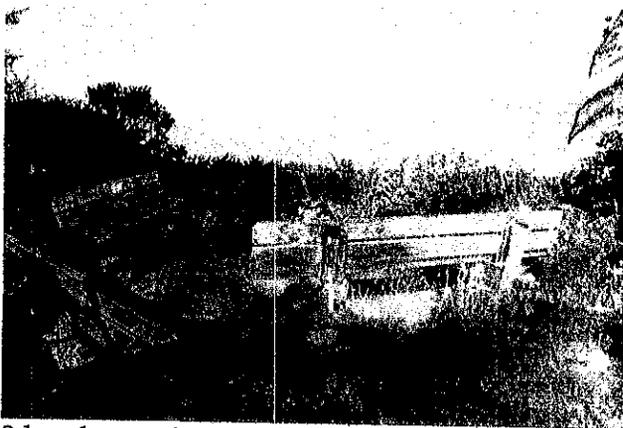


Typical Road Segment 1 and ferns growing from the rocky wall.

### Trail Segment A

Location: From trail entrance (intersection with roadway) to the first large 'tunnel' through trees.

- Note that the approximately first 20 feet of trail is significantly wider (including benches and signs).
- Emphasis on mowing, with not a lot of woody vegetation here.
- Group of 3 benches at trail entrance; some gravel has been laid around them.
- Mowing occurs approximately 3 feet in front of benches and 1-2 feet around and behind them.
- Vegetation trimmed to no lower than 3 feet in front of the benches (approximately 20 feet in width).
- Mow and trim 1 to 2 feet around interpretive sign and trail marker.



3 bench grouping at trail entrance.

### Trail Segment B

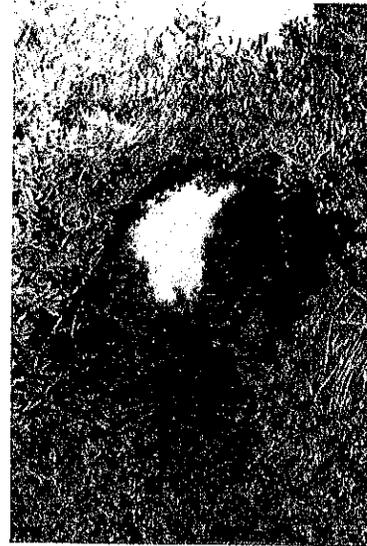
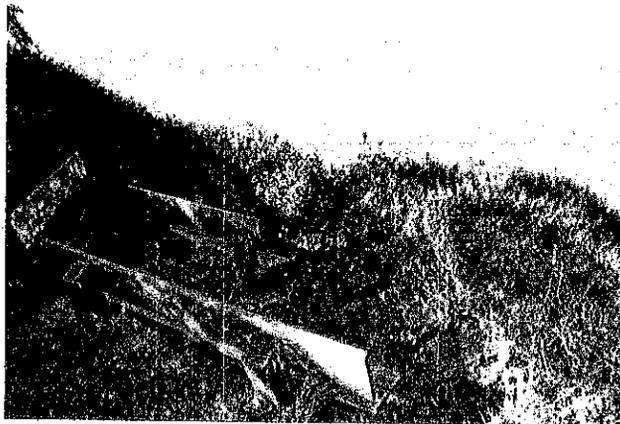
Location: A significant 'tunnel' through fairly large trees (spruce).

- Trail approximately 6 feet wide through trees. No additional mowing or trimming is needed.
- Note this segment includes a significant 'tunnel' area. Not much trimming is needed in the tunnel due to lack of plants from lack of light. No trimming past tree trunks lining the trail.
- Overhead branches trimmed only if less than 7 feet.
- Avoid disturbing mossy areas.

### Trail Segment C

Location: From the 'tunnel' to the first spur trail and a group of 3 benches.

- The trail is approximately 3 feet wide.
- Note there is a small 'tunnel' at the end of this segment, just before the spur trail. Overhead branches trimmed only if less than 7 feet.
- Benches are trimmed and mowed 2 to 3 feet around each bench.
- An area just in front of the bench grouping, no more than 22 feet wide, is trimmed to no lower than 3 feet to maintain views of the ocean and native "windswept" vegetation.



Grouping of benches on Trail Segment C and the 'tunnel' that is to be left intact.

### Trail Segment D

Location: Northern spur trail.

- Trail is generally 2 to 3 feet wide.
- There is a bench set back from the bluff at the end of the spur. Minimal trimming occurs around this bench, mostly just in the front.



Typical section of northern spur trail.

### Trail Segment E

Location: From the intersection with the northern spur trail to the top of the switchback.

- Trail has basically the same conditions and maintenance as segment C.
- The trail is approximately 3 feet wide.
- At the switchback, there are solid 'walls' of vegetation. These walls are just trimmed vertically less than a foot back from the trail, taking care to leave young ferns intact.



A portion of trail segment E.

### Trail Segment F

Location: From the top of the switchbacks to the 4-bench view area.

- The trail widens here to approximately 4 feet.
- The benches at the end of this segment are trimmed and mowed approximately 1 foot around them.
- The native Toyon shrubs at the sides of the benches should be preserved. ID tags will be placed on the Toyon shrubs for proper identification when trimming.

### Trail Segment G

Location: From the 4-bench view area at the end of segment F to another bench at the top of the next switchback.

- This trail section narrows back down to 3 to 4 feet in width.
- Approximately midway through this segment, a small spur trail heads west to a rocky prominence (G.2). This, originally rogue trail, is only trimmed to the trail width (mostly 3 feet, but up to 4 feet). The height of the vegetation in this area is naturally trimmed by the wind.
- There is another vegetation 'tunnel' before the switchbacks start. Overhead branches trimmed only if less than 7 feet.
- The bench at the end of this segment is near some rocks, where vegetation is scarce. Therefore there is about 3 to 4 feet of clearance around this bench.

### Trail Segment H

Location: From the bench at the end of segment G, to the vista point / cross area.

- This is a slightly narrower length of trail. The trail itself is generally between 2 to 3 feet in width.
- There is poison oak on the inside of this trail that should be trimmed aggressively out of the way of hikers.

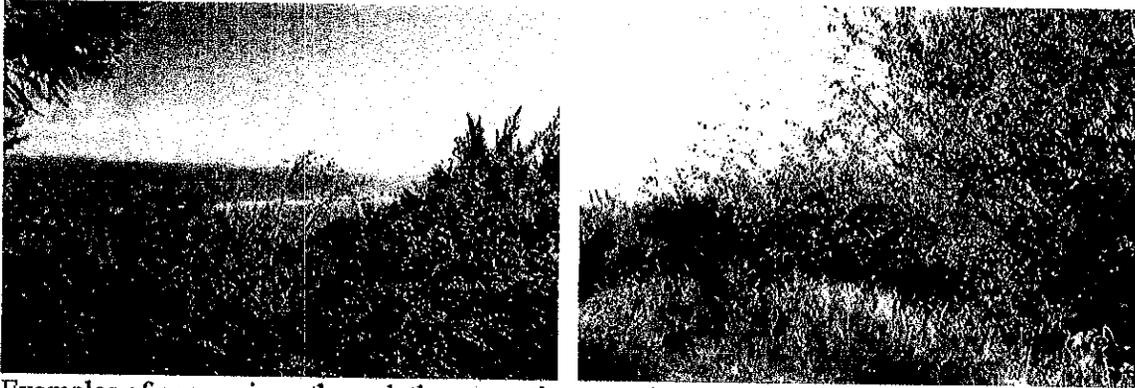


A section of trail segment H.

### Trail Segment I

Location: This is the last trail segment, from the lighthouse viewing platform near the cement cross, up to the roadway.

- This area is much wider and more variable than other trail segments. There is a large grassy area above the cross that sometimes is used as a gathering point. That area will be mowed to the shrub lines on the sides.
- There are several benches in this area where vegetation is maintained around them to continue to provide access.



Examples of ocean views through the vegetation near the cross. Note that the vegetation is somewhat overgrown in these photos.



Views of the large grassy area looking up from the cross, and looking down from the road.

## Road Segment 2

Location: Gravel road from the cross area down to the intersection with the paved road.

- The widest portions of this part of the roadway are near the cross and at turns, up to 13 feet in width, but more typically 10 to 12 feet.
- At the hairpin curve midway along this segment, the vegetation is thicker. In this area, vegetation is trimmed approximately a foot out from the roadway on the inside where the vegetation forms a solid wall. On the outside, trimming is generally 1 to 2 feet.
- Ferns are generally left alone along this section unless they are encroaching into the gravel roadway.
- There is poison oak that grows on the inside of the upper portion of this roadway that should be trimmed back away from hikers.



Photos showing typical sections of the gravel roadway (segment 2). The first shows a wide area near the cross at the upper end of the segment, and the second photo shows a typical 'wall' of vegetation along the inside of the roadway.



Another view of the gravel roadway, segment 2.

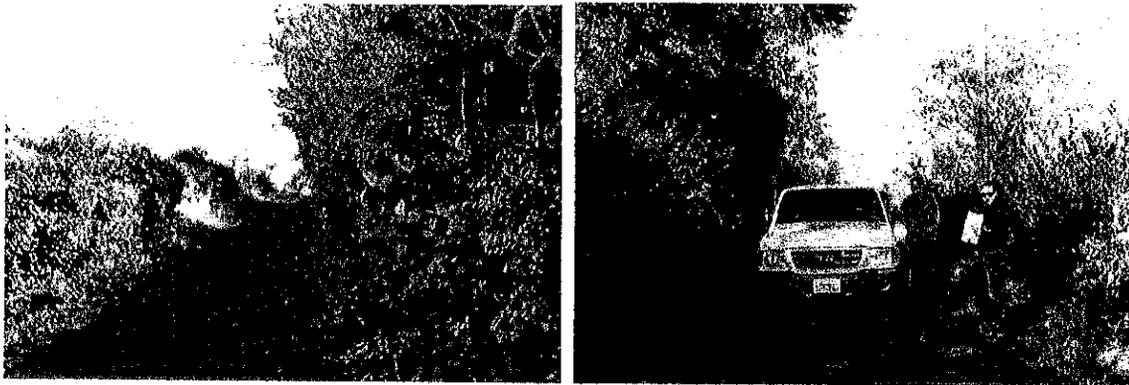
### Road Segment 3

Location: The paved roadway from the intersection of the gravel roadway to the intersection of the trail (trail segment A).

- The paved roadway is approximately 12 feet in width.
- At the top of this segment (and the bottom of segment 2) there is a large grassy area that is kept mowed. This area provides a large overlook and vehicular turn-around area as well as a picnic table and trash receptacle. This area is kept mowed, and vegetation is trimmed to keep it from encroaching into the clearing. Much of the vegetation needing trimming that grows around this area is blackberries.
- There are three areas on the outside of this road segment that provide an overlook of the pier and harbor. Two upper areas have a bench with a railing along the bluff edge for safety, while a lower area has a bench with no railing (but extensive vegetation beyond the bench). In all 3 viewing areas, vegetation is mowed and trimmed around the benches from the roadway to the railing (or to the vegetation beyond the bench without a railing), and 3 feet on either side. Vegetation is also trimmed to no lower than 3 feet in front and somewhat beyond the benches to maintain the view.

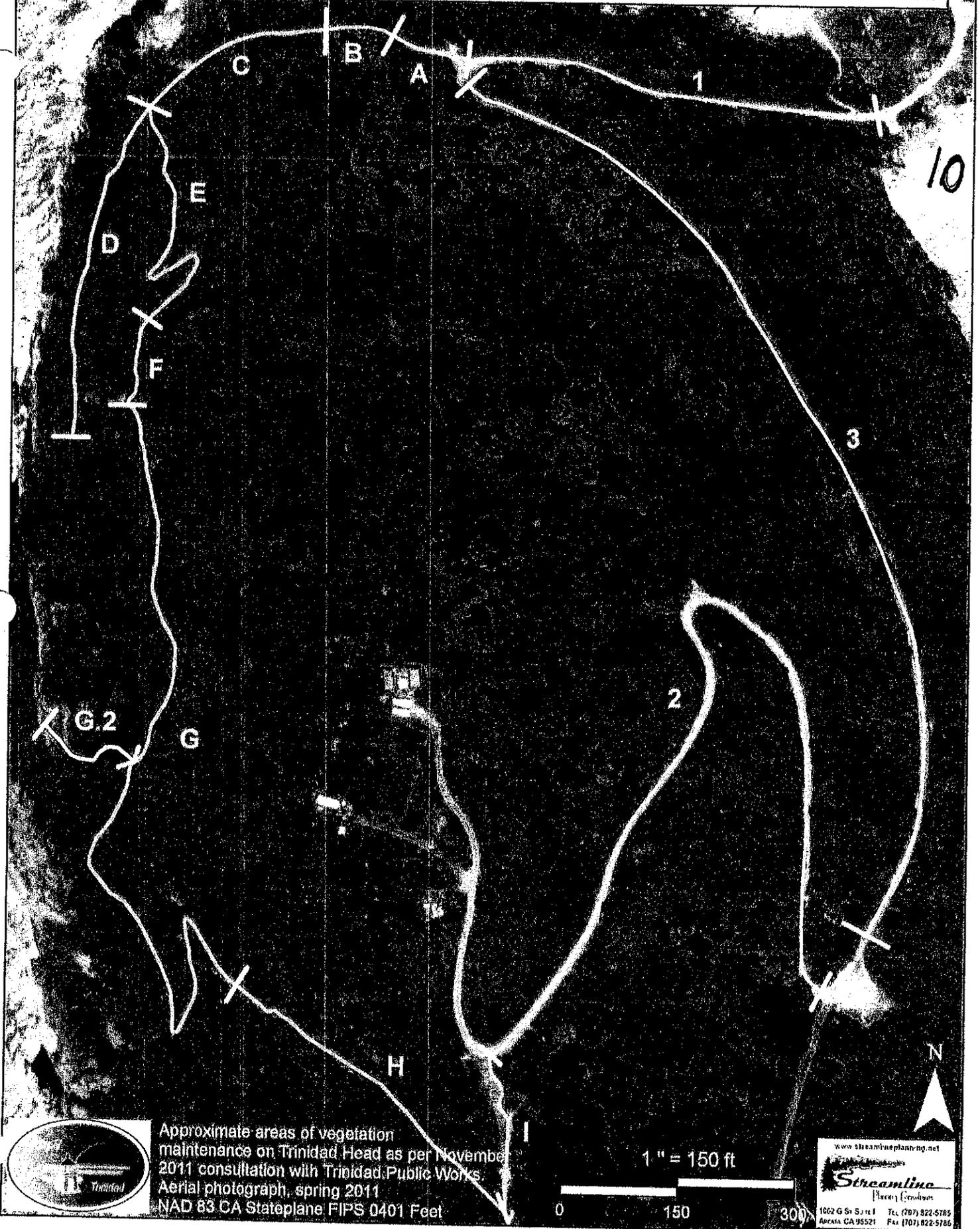


A photo of the large grassy overlook / turn-around / picnic area at the top of road segment 3.



Typical sections of road segment 3.

# VEGETATION MAINTENANCE ON TRINIDAD HEAD



Approximate areas of vegetation maintenance on Trinidad Head as per November 2011 consultation with Trinidad Public Works. Aerial photograph, spring 2011. NAD 83 CA Stateplane FIPS 0401 Feet

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Planning Consultants  
1002 G St. Suite 111 Tel: (707) 822-5785  
Arcata, CA 95521 Fax: (707) 822-5785



Filed: September 20, 2011  
 Staff: Trever Parker  
 Staff Report: October 6, 2011  
 Commission Hearing Date: October 19, 2011  
 Continued Hearing Date: February 21, 2012  
 Commission Action:

**STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2011-06a  
 APPLICANT (S): City of Trinidad  
 AGENT: N/A  
 PROJECT LOCATION: Trinidad Head Trails  
 PROJECT DESCRIPTION: Design Review, Coastal Development Permit and Conditional Use Permit to conduct regular vegetation maintenance activities on Trinidad Head roads and trails.  
 ASSESSOR'S PARCEL NUMBER: 042-121-05  
 ZONING: OS – Open Space  
 GENERAL PLAN DESIGNATION: OS – Open Space  
 ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15301 of the CEQA Guidelines exempting maintenance of existing facilities, including pedestrian trails, and 15304 exempting minor alterations to land and vegetation.

**APPEAL STATUS:**

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project X is is not appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act and the City's certified LCP.

**SITE CHARACTERISTICS:**

Trinidad Head is a roughly 61-acre, 358-foot elevation headland that comprises the southwestern quarter of the City of Trinidad, and together with the recurving rocky coastline to the east, form Trinidad Bay. The City of Trinidad owns the majority of Trinidad Head. However, the southern portion of the Head is owned by the U.S. Coast Guard, and an area at the summit is also owned by the federal government and contains communication and scientific study equipment along with NOAA weather monitoring facilities. The City also leases a small area as a telecommunication facility containing cellular equipment. The project site is situated within the coastal zone and lies within the incorporated boundaries of the City of Trinidad and within the City's certified permitting area. The entire Trinidad Head is designated in the City's Land Use Plan as "Open Space" (OS), implemented through an "Open Space" (OS) zoning designation.

A paved and gravel roadway provides access to both the Coast Guard property and the NOAA weather monitoring facility at the summit; this roadway also provides pedestrian access to the Trinidad Head trail system. A recreational loop trail traverses around Trinidad Head, and includes various spur trails. The trail system also includes benches, vista points, trail markers and railings to keep people away from steep cliffs. From various points along the trail, views are afforded of the Trinidad townsite, Trinidad Bay, Trinidad State Beach, Pewetole Island, Elk Head, the Trinidad pier and harbor moorages, as well as both nearshore and distant blue-water vistas. On clear days, the ocean and coastline vistas encompasses the area between Point Saint George to Cape Mendocino, nearly fifty miles to the north and south, respectively.

Plant cover on the Head is dominated by a thick shrub layer comprised of coyotebrush (*Bacharis pilularis*), cascara (*Rhamnus purshiana*), California blackberry (*Rubus ursinus*), evergreen huckleberry (*Vaccinium ovatum*), salal, (*Gautheria shalon*), swordfern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), coast silk-tassel (*Garrya elliptica*), with scattered tree layer cover by salt and wind-stunted Douglas-fir (*Psuedotsuga menzesii*). Several immature incense cedar trees (*Calocedrus decurrens*) have also been planted, apparently for screening the telecommunications complex, along the southside of its fenced enclosure.

**STAFF COMMENTS:**

At the last meeting regarding this project it became clear that a more detailed project description was necessary. Since that meeting, I worked with Bryan Buckman, the City's Public Works Director, to document the regular maintenance activities occurring on various sections of roads and trails on Trinidad Head. That write-up was then amended by the Trinidad Head Committee in conjunction with Bryan and Councilmember Dwight Miller to create the final project description, or 'Trinidad Head Vegetation Management Guidelines' (attached). It seems that the parties involved have generally agreed upon this description as what constitutes regular vegetation maintenance on Trinidad Head. Any work that is not consistent with the Guidelines will require a separate review process.

The City has been managing and maintaining roads and trails on Trinidad Head since it was transferred to the City and incorporated into City limits in 1985. The City works in cooperation with the federal agencies that also own land on Trinidad Head, and these agencies retain certain rights and easements over areas of Trinidad Head that are owned by the City (roads and utilities). However, City staff is unclear as to the exact provisions of these easements. The roadways must be maintained for access to the facilities on Trinidad Head and for emergency vehicles. The trails also must be maintained to preserve pedestrian access from encroachment of vegetation. The City typically trims vegetation consistent with historic dimensions twice per year with minor trimming and mowing once per month.

In March of 2011, the City received a letter from Coastal Commission staff that there had been a complaint regarding recent maintenance activities that had been carried out on the Head by Trinidad Public Works staff. The complaint alleged the activities that occurred went beyond maintenance and that a coastal development permit should have been applied for. A series of correspondence followed, and the City agreed to cease maintenance activities until receiving clarification from the Coastal Commission. City staff met with Coastal Commission staff to walk the Trinidad Head roads and trails and discuss maintenance activities on May 16, 2011. Maintenance activities that had occurred in the spring were viewed and discussed. Vegetation maintenance, consisting of trimming vegetation back, up and down, varies depending on the location and type of area (whether it is a road, trail, bench, spur, etc.). In addition to the vegetation maintenance that had occurred, some road and trail grading had also occurred to repair erosion damage and to rebuild water bars that direct stormwater off the road to prevent erosion.

The definition of development contained in the Coastal Act and the City's LCP includes 'major vegetation removal,' which itself is not well defined. Also, Trinidad Head, the bluffs and the coastal scrub vegetation would qualify as an 'environmentally sensitive habitat area' (ESHA), which further restricts allowable activities. It was determined that the grading activities that consisted of importation of gravel and the use of heavy equipment (bobcat) should have triggered a coastal development permit. However, the coastal development permit requirements for the vegetation maintenance were less clear. Generally, vegetation trimming and maintenance that has historically and regularly occurred could be exempt from permit requirements. However, because these dimensions can not be definitively established, the City is proposing to issue a coastal development permit for regular vegetation maintenance that occurs on Trinidad Head. The purpose of this project is to detail these maintenance activities and to issue the coastal development permit so that it can occur on a regular basis in the future similar to the past.

**DETAILED PROJECT DESCRIPTION:**

Please see attached "Trinidad Head Vegetation Management Guidelines" that describes each of trail and road segment descriptions and vegetation maintenance practices.

**ZONING ORDINANCE/GENERAL PLAN CONSISTANCY:**

Background

The BLM transferred most of Trinidad Head to the City in 1983 as a "recreational area for hiking and other low-intensity recreational uses." It was then incorporated into City limits, and the Coastal Commission approved the transfer and application of the City's LCP to the Head in 1985. It should be noted that the original March 15, 2011 letter from the Coastal Commission explained that the complaint regarding the maintenance activities also included other aspects, one of which was the lack of required archeological surveys. Open areas of the Head were surveyed during the transfer process. In addition, one of the conditions of the BLM transfer was that: "After the vegetation is removed and prior to any construction [primarily trails and vista points], those areas not previously surveyed for cultural values shall be surveyed by a qualified archeologist." The road areas were previous surveyed and the trails were surveyed as part of the original trail development. No new areas were / are disturbed or had / have vegetation removed as part of the regular maintenance activities proposed for this action. Therefore this requirement does not apply.

### Trinidad General Plan Policies

(Constraints on Development) Policy 4: "Access roads serving two or more building sites should avoid areas of questionable stability as much as possible and not adversely affect adjacent property or result in increased public costs. Road design should minimize the potential for slope failures and include adequate drainage to handle storm runoff." Response: Because of Trinidad Head's stable, hard-rock geology, it is not in area that is mapped as being either 'unstable' or of 'questionable stability'. As can be documented in historic aerial photos (going back to at least 1942), the existing roadway has been in place in its current configuration and location since prior to the passage of the Coastal Act when the Head was owned by the Federal government. There is no evidence that the existing road is causing erosion or slope failures. The existing road includes drainage improvements such as waterbars, outsloping and ditches. Maintenance is only required on these drainage improvements approximately once every 5 years, which indicates that the road is fairly stable. Road drainage maintenance is not proposed as part of this CDP application, but will be processed in a separate application in the future.

(Constraints on Development) Policy 5: "Where access trails must traverse steep slopes they should be located away from unstable areas and improvements should be provided to minimize erosion and slope failures. Existing trails which are creating these problems should be either improved or closed." Response: Because of Trinidad Head's stable, hard-rock geology, it is not in area that is mapped as being either 'unstable' or of 'questionable stability'. The existing trail system was constructed in accordance with the requirements of the City's LCP and the Coastal Act under CDP 84-3 issued in 1984 by the Coastal Commission (since the LCP had not yet been applied to the Head since the transfer of ownership). A review of the limited file information for that project shows that the trail locations did consider erosion potential and proximity to steep slopes. There is no evidence that the existing trail is causing erosion or slope failures. The existing trail includes drainage improvements such as waterbars, outsloping and ditches. Maintenance is only required on these drainage improvements approximately once every 5 years, which indicates that the trails are fairly stable. Trail drainage maintenance is not proposed as part of this CDP application, but will be processed in a separate application in the future.

(Biological Resources) Policy 16: *"The Humboldt County Natural Resources Department should define the geographical limits of the three rare plants located within potential development areas. Vegetation removal, timber harvesting, or development should be reviewed to ensure that all reasonable means have been considered to protect any existing rare plants."* Response: Conditions have certainly changed since this policy was written. New plants have been listed, and at least one of the three rare plants identified as potentially occurring in Trinidad does not exist, at least under that name. A biological report was prepared for the Trinidad area as a background report for the General Plan update. Two CA Native Plant Society listed (2.2 and 2.3 respectively) species have been reported on Trinidad Head – Oregon Paintbrush and Tracy's romanzoffia – neither of which are state or federally listed species. Though a complete survey of Trinidad Head did not occur, there are also several other species that could potentially occur on Trinidad Head. (See my 'Notes on Rare Plants' for additional information.) Rare plants are often rare because they only populate disturbed areas and are quickly shaded out due to succession. Often these species are likely to occur along trails and roadways. Sometime halting disturbance factors, such as road maintenance, can actually reduce habitat for these species. There are ways to reduce the potential for impacts to rare plants, and conditions of approval that could be incorporated into the project if this remains an issue. As for the mention of habitat utilization, since regular maintenance and trimming already occurs, animals living on Trinidad Head should be accustomed to such disturbance. Further, people and dogs walking the trails every day likely results in more disturbance than periodic vegetation trimming and animals will tend to utilize other areas of the Head.

Also note that the original trail development was consistent with this policy. According to the 1989 'Report to the City of Trinidad on the Implementation of the Local Coastal Program' prepared by Coastal Commission, it is noted on p. 27 that: *"The City has implemented Policy 17 by acquiring Trinidad Head and by giving it an Open Space land use plan and zoning district designation. Furthermore, under a 1984 permit for a trail within the area, the City addressed the possible location of rare plants consistent with the intent of policy #16."* File information for the approval of the Trinidad Head trails also show that one portion of trail was eliminated due to a concern that it was too close to an otter den.

(Biological Resources) Policy 17: *"Development of Trinidad Head should be kept to a minimum to protect the mammals and rare plants located there. The location of rare plants should be considered in the development of any trails."* Response: Please see the response to Policy 16 above.

(Circulation) Policy 32: *"The City should continue its program of correcting street improvement deficiencies. The standards of improvement for streets should be as identified on Figure 1 and Plate 4 provided that an 8 foot parking area alongside Edwards Street and Trinity Street south of Parker Street may be appropriate. With the exemption of Main, Trinity and Edwards Streets the rural character of Trinidad should be protected by the use of shallow side ditches to carry roadside drainage."* Response: The roadway on Trinidad Head is not shown on Plate 4 of the General Plan, because Trinidad Head was not part of City limits at the time of adoption. The smallest type of street cross-section shown in Figure 1 is a 'local street' with two eight foot travel lanes. The Trinidad Head road averages only 10 feet in width, which is appropriate because it is not open to public vehicular access. The road is consistent

with this policy by maintaining the rural character of the roadway by minimizing improvements and utilizing shallow water bars and ditches to control runoff.

(Recreation) Policy 66: *"Trinidad Head will be kept in its natural state with hiking trails and vista points. Public vehicular access will only be allowed as far as the existing harbor overlook."* Response: The proposed project is consistent with this policy by proposing vegetation maintenance to preserve public access to the existing trail system for passive recreation. The proposed trimming down the height of the vegetation also maintains existing vista points, allowing users views of the ocean and coastline between the vegetation. Public vehicular access is not allowed on Trinidad Head. However, the roadway must be maintained for continued access to government facilities on the Head. Regardless of other improvements on Trinidad Head (such as the cellular facility), the proposed project is consistent with this policy.

(Community Design) Policy 72: *"The beaches and sea cliffs which border the southern and western sides of the city (identified as Open Space) shall be preserved from further development and allowed to remain in their present, essentially natural, state."* Response: The restrictive Open Space zoning of Trinidad Head provides the implementation of this policy, and the Coastal Commission has found that to be consistent with this policy. Maintaining and trimming vegetation along roadways and trails is consistent with this policy. No new development or improvements are proposed. The extent of vegetation trimming could affect the project's consistency with this policy. Vegetation should not be trimmed so extensively as to affect the character of the habitat and scenery. However, trimming to widths and heights consistent with past maintenance would be consistent with this policy.

### Zoning Ordinance Regulations

The purpose of the Open Space (OS) Zone is to *"maximize preservation of the natural and scenic character of these areas including protection of important wildlife habitat and cultural resources..."* Principally permitted uses within the OS zoning district are limited primarily to habitat related and low-intensity recreational activities, such as wildlife habitat, public and private open space, beachcombing, hiking, fishing, and picnicking, with limited provisions for conditionally authorizing physical developments. Conditionally permitted uses include new and expanded pedestrian trails, vista points, shoreline revetments to protect and maintain existing scenic and cultural resources, and temporary structures related to wildlife habitat management and scientific research. In addition, "structures accessory to uses and buildings existing within the open space zone at the time this ordinance is adopted" are also allowed with the issuance of a conditional use permit.

Removal of vegetation posing a hazard to structures or people is a principally permitted use. Other removal of vegetation requires a use permit. In this case, no vegetation is being removed, only trimmed. And no new trails or improvements are proposed, only maintenance of the existing roads, trails and vista points. The Trinidad Public Works Director has stated that the vegetation maintenance described in the attachment is consistent with the maintenance activities that have regularly occurred since he has worked for the City (more than 10 years). Therefore, staff has determined that the proposed maintenance activities are principally permitted and do not require a use permit. However, in the event that information

is presented by the public that conflicts with staff's determination, the Use Permit findings have been included if the Planning Commission finds them necessary. Because the project does not involve any structural changes or grading, design review does not apply. This staff report focuses on the consistency of the proposed maintenance activities with the Coastal Act and its regulations, because they tend to be more restrictive and better defined than the City's LCP in this case.

Zoning Ordinance Section 4.02 – Open Space Zone: Response: Note that the Coastal Commission has not certified the City's recodification of its ordinances; the codified section number is Chapter 17.16. The description above provides an analysis of the proposed project in relation to the Open Space zoning requirements including the purpose of the zone (section 4.02) and consistency of the proposed use (4.02(A) and (B)). Subsection C includes other regulations, most of which are applicable to structural development and do not apply to this project. C.1 provides a minimum lot area when a subdivision is proposed. C.2 provides for maximum density, and no new dwellings are allowed or proposed by this project. C. 3 includes requirements in areas designated as "unstable" or "questionable stability." But as noted above in response to Policies 4 and 5, Trinidad Head is not mapped as either due to its stable geology. C.4 sets a maximum building height, but no buildings are proposed by this project. Finally, C.5 establishes requirements to protect cultural resources within the Tsurai Study Area. Even though this subsection technically does not apply to this project, because it is not located within the TSA, Trinidad Head is still a culturally significant area that does warrant additional considerations.

Zoning Ordinance Section 6.19 – Design Review and View Preservation Regulations (Chapter 17.60 as recodified): Response: Staff does not feel that these regulations apply to the proposed project. Subsection B outlines the applicability of this section – *"Relocation, construction, remodeling or additions to structures, and alteration of the natural contours of the land shall not be undertaken until approved by the design assistance committee. Approval need not be obtained for remodeling that does not affect the external profile or appearance of an existing structure..."* This language does not appear to apply to vegetation removal. The City has never, that I know of, required design review for vegetation removal. Further, the design review and view protections findings and standards do not apply to vegetation. Landscaping is mentioned twice, once to say that it should be used to screen new development (not applicable) and once to say that it should not be allowed to block coastal views (consistent with the proposed project). Therefore, staff does not recommend that these findings be required for this project.

#### **COASTL ACT / REGULATIONS CONSISTANCY:**

It is the opinion of City staff that the activities described in this staff report fall under the Coastal Commission's exemption for maintenance activities found in section 30610(d) as follows: *"Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter."* This opinion is based on the fact that City staff has maintained vegetation along roads and trails on Trinidad Head since it was transferred to

the City in 1985. However, the exact extent of historic vegetation maintenance can not be established. The additional road repair work that also occurred this spring is not part of the regular annual maintenance or this project and likely should have required a coastal development permit (there is a discrepancy between the current Coastal Act regulations and the City's certified LCP). This work could have resulted in the appearance that the vegetation maintenance this spring was greater than normal, which caused the original complaint. When viewing a series of aerial photos of Trinidad Head taken over the years, it can be seen that conditions along the roads and trails of Trinidad Head have remained fairly consistent. The photo from 2011 actually shows more vegetation over the roads and trails than is normal due to the lack of maintenance this summer resulting from the complaint.

Coastal Commission regulations §13252 outlines exceptions to the Coastal Development Permit exemptions of §30610 of the Coastal Act. The one exception that could apply to these activities is number 3, which applies to environmentally sensitive habitat areas (ESHA): *"Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include: (A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; (B) The presence, whether temporary or permanent, of mechanized equipment or construction materials."* The entire Trinidad Head could be considered an ESHA due to the coastal scrub habitat and the proximity to coastal bluffs. However, no new materials are placed on Trinidad Head through the proposed maintenance activities. In addition, only hand tools are used. Some of these may be power tools (mowers and trimmers), but would not be considered mechanized equipment. Further, §17.72.070(C)(3) of the certified Trinidad LCP contains exemptions for road and trail maintenance. However, the Trinidad LCP, due to its age, sometimes conflicts with current provisions of the Coastal Act and associated regulations. It is City staff's policy to use the stricter of the provisions when they conflict, and in this case, that appears to be the Coastal Act.

Chapter 3 of the Coastal Act contains the 'Coastal Resources Planning and Management Policies' against which development projects (and LCPs) are judged. This Chapter is divided into 7 Articles.

Section 30210, the lead-in to Article 2, regulating public access, states: *"In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."* Most of the policies of this article related to new development, but maintenance of Trinidad Head Trails is consistent with providing maximum public access (§30210) that is free to the public (§30213). Trail maintenance complies with the provisions of §30214 in protecting coastal resources, because it is consistent with historical maintenance activities, and through this CDP process, specific locations, timing, amount and methods will be defined so that future maintenance continues to be consistent with past activities.

Maintenance of Trinidad Head trails is consistent with Article 3 (Recreation) by protecting coastal (§30221), ocean front land for recreational purposes. The proposed maintenance activities are also consistent with Articles 4 (Marine Environment) and 5 (Land Resources) by providing for trimming of vegetation to consistent widths to allow for passive public access while preserving the integrity of the existing habitat. Wholesale removal of vegetation does not occur, simply trimming, which grows back and therefore must be repeated periodically. Vegetation must be trimmed to the widths proposed to minimize the amount of maintenance required between trimmings. Requiring more frequent maintenance would cause additional disturbance of both the natural environment and trail users. The project is consistent with Chapter 6 (Development), by providing public access and coastal viewing opportunities. There are established vista points and benches along the trails and roadways where vegetation must be trimmed to maintain existing coastal views of the harbor, beaches, coastal rocks and open water. Article 7 (Industrial Development) does not apply to this project.

#### **SLOPE STABILITY:**

The property where the proposed project is located is outside of any areas designated as unstable or questionable stability based on Plate 3 of the Trinidad General Plan.

#### **SEWAGE DISPOSAL:**

There is no sewage disposal associated with this project.

#### **USE PERMIT FINDINGS:**

Section 17.72.040 requires written findings to be adopted in approval of a use permit. However, staff has determined that a Use Permit should not be required unless conflicting information is presented during the hearing. The following findings can be made based on the responses provided:

- A. *The proposed use at the site and intensity contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community.* Response: Trinidad Head is undeveloped except for government facilities, a small communications site and public trails with associated improvements, and the historic cross. The proposed vegetation maintenance will enhance public safety and recreational opportunities and is consistent with the existing trail system.
- B. *Such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property improvements or potential development in the vicinity with respect to aspects including but not limited to the following:*
  - 1. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;* Response: The proposed

vegetation maintenance will preserve the access to and usability of the Trinidad Head Trail system.

2. *The accessibility of the traffic pattern for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;* Response: The proposed vegetation maintenance will preserve the access to and usability of the Trinidad Head Trail system. Public safety will be maintained so that pedestrians can move to the sides of roads and trails to get out of the way of vehicles and other pedestrians.
  3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* Response: The proposed vegetation maintenance will not result in any offensive emissions, including noise, glare, dust and odor.
  4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs;* Response: The proposed vegetation maintenance does not require landscaping or include, open space, parking, loading, service areas, lighting or signs. The maintenance activities are consistent with historic vegetation maintenance and are compatible with the open space nature of the Head.
- C. *That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will assist in carrying out and be in conformity with the Trinidad coastal program.* Response: As described above in "Zoning Ordinance/General Plan Consistency," the proposed project is consistent with both the Zoning Ordinance and General Plan and will carry out policies, consistent with the Trinidad Coastal Program by maintaining coastal recreational opportunities.
- D. *That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment.* Response: The proposed vegetation maintenance occurs within the existing trail system and does not have the potential for adverse environmental impacts and are exempt from CEQA per CEQA Guidelines §15301 allowing maintenance of existing trails and 15304 allowing minor alterations to vegetation.
- E. *When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that:*
1. *The development provides adequate physical access or public or private commercial use and does not interfere with such uses;* Response: The purpose of the proposed vegetation maintenance is to preserve existing public access from natural encroachment by growth of that vegetation.

- 2. *The development adequately protects public views from any public road or from a recreational area to, and along, the coast;* Response: The purpose of the proposed vegetation maintenance is to preserve existing public views from natural encroachment by growth of that vegetation.
- 3. *The development is compatible with the established physical scale of the area;* Response: Vegetation maintenance is consistent with and necessary to preserve the scale of the existing road and trail system.
- 4. *The development does not significantly alter existing natural landform;* Response: Vegetation maintenance activities will not result in ground disturbance.
- 5. *The development complies with shoreline erosion and geologic setback requirements.* Response: Trinidad Head is not an area mapped as being unstable or questionably stable on Plate 3 of the General Plan. Vegetation maintenance is consistent with the existing road and trail system.

**STAFF RECOMMENDATION:**

The project is consistent with the City's Zoning Ordinance and General Plan as well as the Coastal Act, and the necessary findings for granting approval of the project can be made. Should the Planning Commission find that the project is constant with all of the above provisions as described in this staff report, then staff recommends that the Planning Commission approve the project with a motion similar to the following:

Based on application material, information and findings included in this Staff Report, and based on public testimony, I find that the proposed project is consistent with the City's certified LCP and the provisions and regulations of the Coastal Act and I move to approve the project as submitted and described herein.

**PLANNING COMMISSION ALTERNATIVES:**

If the Planning Commission does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the Planning Commission has several alternatives.

- A. Add conditions of approval to address any specific concerns on the part of the Commission or the public.
- B. Delay action / continue the hearing to obtain further information.
  - In this case, the Planning Commission should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
- C. Denial of the project.
  - The Planning Commission should provide a motion that identifies the Finding(s) that can not be made and giving the reasons for the inability to make said Finding(s).



# Cher-Ae Heights Indian Community of the Trinidad Rancheria



Statement on Behalf of Trinidad Rancheria Tribal Council  
and Tribal Historic Preservation Officer

02.28.13

The Cher-Ae Heights Indian Community of the Trinidad Rancheria's membership descends from villages throughout the ancestral territory of the Yurok people, including the village of Tsurai. The Trinidad Head – Tsurewa<sup>1</sup> as it is known by its true name – is identified in Yurok oral histories as an area of tremendous spiritual significance to Yurok people. Creation stories gathered by A.L. Kroeber tell of the origins of ceremony and the distribution of these ceremonies throughout the Yurok world which originated at Tsurewa. For contemporary Yurok people, including the membership of the Trinidad Rancheria, Tsurewa continues to be of immense spiritual significance as a sacred prayer place.

The Cher-Ae Heights Indian Community of the Trinidad Rancheria believes protection, preservation and stewardship of the cultural landscape in the harbor area is of critical importance in fulfilling our mission to preserve and protect our cultural and traditional beliefs. As not only the land owners of the Harbor area but as a Local Tribal Government It is our obligation to future generations of all Yurok people to protect the Trinidad Head and surrounding spiritual and cultural landscape as they are vital to the continuity of the existence of Yurok people.

The entirety of the Yurok world exists in a harmonious balance that the people are responsible for maintaining. This is why we are known as “fix-the-world” people. We dance to give thanks and to restore balance to our land. The stories that we carry from generation to generation, the knowledge of the ways and means of gathering food and basket materials, the maintenance of our prayer places – all things we still use and do today—and the instructions for the correct way to conduct ceremonies have been with us from noohl hee-kon, the beginning of time. Every object or feature within the cultural landscape has importance in the continuity of our traditional and spiritual way of life – from Tsurewa to the remnants of our former village homes. This landscape is an integral part of who we are as a people. Without it, we do not exist.

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<sup>1</sup> Tsurewa or Chue-rey-wa as it is spelled in the new Yurok alphabet appears to have also been referenced by some of Kroeber's informants (albeit informants who were not from Tsurai or any other coastal village) as Tewoleu – a word meaning the Pacific Coast or simply coastline. It seems plausible that the informant was referring to the Trinidad Coastal area as a whole and Kroeber misinterpreted his meaning. Another possibility is in a difference in dialect from inland or Pu-lik-lah villages to Ner-er-ner or Coastal Yurok villages. (See generally, Yurok Myths by A.L. Kroeber)



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Tsurai Ancestral Society  
PO Box 62, Trinidad, CA 95570

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The Tsurai Ancestral Society was formed by the direct lineal descendants of the Tsurai Village. The Tsurai Village is the southernmost village located along the coastline within the Yurok Tribe's territory. The following quotes provide a glimpse into the significant role the Trinidad Head plays in the Yurok/Tsurai culture. The members of the Tsurai Ancestral Society continue to utilize Tsurewa (Trinidad Head) as a major part of their culture and religion.

"Tsurewa was covered with grass and was more productive and accessible when free of brush. Useful herbs, berries and roots were permitted to grow after an annual burn. With the entire area accessible, it made a perfect vantage point from which to study the migration of ducks and whales and to monitor the sea lion supply. The leaders were free to travel to established places to pray, meditate or communicate with the creator. Spears were stored on the steep wall above the waterline between the bay and the point. Then in 1775 on June 9th, the Spanish intrusion occurred, which lasted for ten days. Enough time to allow the Spaniards to study the people, the forest, and erect a cross on the beach and atop of Tsurewa, which is now known as Trinidad Head." (Axel Lindgren II, direct lineal descendant of the Tsurai Village.)

"Yurok oral history identifies Tsurai and its surrounding landscape, particularly Trinidad Head as areas of profound spiritual significance to Yurok culture. Yurok creation stories recorded by A.L. Kroeber recount the story of Tsurewa Man and his role in the creation of the Yurok world. The Yurok Tribe considers Tsurai Village and Trinidad Head to be sacred sites as well as areas of archeological and cultural significance.[..] Tsurai Village, Trinidad Head, the sea stacks, and other landscape features within the Trinidad view shed are components of the Yurok cultural landscape embedded with deep cultural, historical and spiritual significance to Yurok people." (Tsurai Management Plan, pg 34)

Sincerely,

Tsurai Ancestral Society

From: "Sander, Clara E" <csander@blm.gov>  
Subject: FW: Trinidad Head  
Date: November 14, 2012 1:52:58 PM PST  
To: "sbinnie@suddenlink.net" <sbinnie@suddenlink.net>

12

Hello Stan,

Good to hear from you again. I will do my best to explain the acquisition history of Trinidad Head to you.

- In the beginning, Trinidad Head was General Land Office (GLO) land. In 1946, the Grazing Service was merged with the General Land Office to form the Bureau of Land Management. (Trinidad Head was always a part of the original public domain that was 'owned' by the GLO.)
- On June 8, 1866 and September 10, 1902 the government issued an Executive Order (EO) that withdrew approximately 42.79 acres of public land (Trinidad Head) for Lighthouse purposes for the US Coast Guard (USCG). In this context, 'withdrew' means that the land was no longer available for mining claims or homestead act claims.
- On April 14, 1983, a Public Land Order (PLO 6374) was issued which partially revoked (undid) the two prior EO's but kept the remaining 8.04 acres (when resurveyed in 1982 became 14.05 acres) for USCG use and the remaining 34.75 acres available for the issuance of the Recreation and Public Purposes Act (R&PP) to the City of Trinidad. On April 24, 1983, the City of Trinidad was issued a land patent under the R&PP Act.

I hope this helps explain the BLM's role in Trinidad Head. If you have any further questions, you can contact myself at the number below or Lynda Roush at (707)825-2309.

Clara Sander, Realty Specialist  
Arcata Field Office  
1695 Heindon Road  
Arcata, CA 95521  
(707)825-2348

**From:** Stanley Binnie [mailto:sbinnie@suddenlink.net]  
**Sent:** November-10-12 3:19 PM  
**To:** Sander, Clara E  
**Subject:** Re: Trinidad Head

Clara--Just wondering if you were able to determine when the BLM acquired Trinidad Head and from whom.  
Thanks,  
Stan Binnie

tax →  
U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Maintenance & Logistics  
Command Pacific

Chief, Civil Engineering Division  
1301 Clay Street, Suite 700N  
Oakland, CA 94612-5203  
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11011

MAR 23 2007

Mr. Howard Stark  
Chief, Branch of Land Management  
Bureau of Land Management  
California State Office  
2800 Cottage Way, Suite W-1928  
Sacramento, CA 95825-1886

RECEIVED

MAR 26 2007

BLM ARCATA FIELD OFFICE

Dear Mr. Stark:

This letter serves notice of the U.S. Coast Guard's intent to relinquish custody, accountability, and control of approximately 12.97 acres of land at the Trinidad Head Light Station. The property is located on Trinidad Head, in the City of Trinidad, Humboldt County, California.

The Secretary of the Department of Homeland Security's consent for relinquishment of the land, required under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714 (I) 90 Stat. 2754) has been redelegated to the Commandant, U.S. Coast Guard and his delegate pursuant to DHS/DOT Order 1100.60 (aa) effective 17 June 1980. In accordance with 43 CFR 2372.1, information on this property is given as follows with supporting documentation in the enclosed notebook:

1. Holding Agency: Department of Homeland Security, U.S. Coast Guard, Room 6102, 2100 Second Street, SW, Washington, DC 20593.
2. Citation of Order: Executive Orders of June 8, 1866 and September 10, 1902. Copies enclosed at Tab titled *Acquisition Documents*.
3. Legal Description: The property consists of 12.97 acres of land. A copy of the legal description is provided at Tab *Acquisition Documents*.
4. Description of improvements existing on the property: The Light Station is improved with a lighthouse, fog signal building, triplex housing unit, multi-unit garage/storage/shop building and two wooden water tanks. The foundation of the former rain shed remains on the site. See Tab titled *Report of Excess SF 118*.
5. The land has no known problematic environmental conditions. Phase II testing is currently underway for elevated levels of lead in the soil. Environmental information and certifications are included at Tab titled *Environmental*.
6. No decontamination or protective measures have been necessary on this property.

7. Extent of change of character of the land other than by improvements: The character of the property has not been changed except where the Lighthouse and other buildings have been constructed. Most of the parcel remains undisturbed.
8. Extent of disturbance of the land by improvement and reconditioning: The improvements are located in a small area of the site leaving the majority of the site undisturbed. See Site Map attached at Tab titled *Plats/Maps*.
9. Value of abandoned improvements: All improvements will be abandoned on the land. The aids to navigation will remain Coast Guard personal property and will continue to be operated and maintained by the Coast Guard. Please note that the Coast Guard is considering demolishing the non-historic housing complex on the parcel because of ongoing maintenance costs and vandalism of the property.
10. Rights or privileges granted involving this land:
  - a. Subject to Right-of-Way reservation dated December 20, 1982 to U. S. Coast Guard granted by Bureau of Land Management for the rights-of-way to use, control, maintain and improve two (2) roads, a telephone line, a power transmission line, and a water pipeline on: All of said parcels of land lying in Lot 37 of Section 26, Township 8 North, Range 1 West, Humboldt Meridian, Humboldt, California. Copy enclosed at *Tab titled Permits/Licenses*.
  - b. Subject to USCG DTTCG-Z75160-88-RP-020A Agreement dated August 29, 1988 between City of Trinidad and U.S. Government (U.S. Coast Guard) to mutually design, construct and maintain a solar activated self-locking gate. Copy enclosed at *Tab titled Permits/Licenses*.
  - c. Subject to Group/Air Station Humboldt Bay having access to cliffs next to lighthouse for vertical ops training purposes. Copy enclosed at *Tab titled Permits/Licenses*.
  - d. Additional rights: Department of Commerce and Labor, Bureau of Lighthouses granted on May 9, 1912 to the Federated Women's Clubs of Humboldt County, California the right to erect a granite cross on the Trinidad Head Lighthouse reservation, California and the subsequent U.S. Coast Guard amendment dated July 7, 1959 to that right granting permission to light the granite cross. Copy enclosed at *Tab titled Permits/Licenses*.
11. The following terms and conditions must continue to be honored for the USCG, as well as be incorporated in any further disposition of the lands to protect the public interest and enable the USCG to continue to meet mission requirements:
  - a. An easement upon the Property for U. S. Coast Guard employees and agents, with necessary equipment, to enter upon, have access to the Property, including, but not limited

Subj: NOTICE OF INTENT TO RELINQUISH (NoIR)  
Trinidad Head Light Station  
Trinidad, Humboldt County, California

11011

13

to, the right to enter the Property at any time, without notice, for any authorized and official purposes of the U S. Coast Guard;

- b. An easement upon the Property to operate, maintain, relocate, install, improve, replace or remove any aid to navigation, or for any other similar or related purpose, including the right to make any changes on any portion of the Property as may be necessary for the operation of any aid to navigation or for any other navigational or avigation purpose. This shall include the right to remove all vegetation, shrubs, bushes, pants, trees, man-made structures of any kind, and any other objects that may impair, obscure, or obstruct the arc of visibility;
  - c. An easement upon the Property to install, construct, operate, maintain, relocate, replace, or remove utility lines, roadway and other infrastructure, including, but not limited to electric and telephone lines and roadway, for the purpose of operating the aids to navigation and any research, scientific, hydrographic, or weather equipment, avigation purpose, or for any similar or related purpose;
  - d. The U.S. Coast Guard will continue to require access to the Trinidad Head Light Station at any time, without notice, for any authorized and official purposes of the U S. Coast Guard.
12. Interested Parties: The U.S. Coast Guard is aware of the following interested parties in the Trinidad Head Light Station:

Mayor Pro Tem George Bowman  
Mayor, City of Trinidad  
409 Trinity Street  
Trinidad, CA 95570  
707 677-0223

Howard McConnell  
Chairperson, Yurok Tribe  
P.O. Box 1027  
Klamath, CA 95548  
707 482 1350  
email: [hmcconnell@yuroktribe.nsn.us](mailto:hmcconnell@yuroktribe.nsn.us)

Dennis Puz, Jr.  
Executive Director, Yurok Tribe  
P.O. Box 1027  
Klamath, CA 95548  
707 482 1350  
email: [dpuzz@yuroktribe.nsn.us](mailto:dpuzz@yuroktribe.nsn.us)

Subj: NOTICE OF INTENT TO RELINQUISH (NoIR)  
Trinidad Head Light Station  
Trinidad, Humboldt County, California

11011

13

Dr. Thomas Gates  
Yurok Tribal Heritage Preservation Officer  
Yurok Tribe Self Governance Officer  
15900 Hwy 101 N  
Klamath, CA 95548  
707 482 1822  
email: [tgates@yuroktribe.nsn.us](mailto:tgates@yuroktribe.nsn.us)

Axel Lindgren, III  
Chairman, Tsurai Ancestral Society  
P.O. Box 62  
Trinidad, CA 95570

13. Recommendations regarding the further disposition of the lands: Any further disposition must provide the USCG a permanent easement for unrestricted access, maintenance, utility, and visual rights to continue the operation of the aids to navigation as noted above.

Your prompt response will be greatly appreciated.

Please contact Constance Callahan at (510) 637-5522 for any questions regarding this matter.

Sincerely,



R. L. SMITH  
U. S. Coast Guard  
Deputy Chief, Civil Engineering Division  
By direction

Enclosure

Copy: CG D11 (oan)(dt)(dpl)  
CG Sector Humboldt Bay  
CG ANT Humboldt Bay

BLM - Arcata Field Office  
Attn: Lynda Roush  
Arcata Field Manager  
1695 Heindon Road  
Arcata, CA 95521

14

From: Stanley Binnie <sbinnie@suddenlink.net>  
Subject: Property adjacent to Trinidad Head  
Date: December 11, 2012 11:53:40 AM PST  
To: constance.m.callahan@uscg.mil  
Cc: Stanley Binnie <sbinnie@suddenlink.net>

Constance--not sure if you are still in this position, but I got your name off a letter sent to the U.S. Bureau of Land Management on March 23, 2007 regarding your desire to relinquish some 13 acres of property on Trinidad Head in Humboldt County, California.

I am the chair of a Trinidad City Council appointed committee assigned to collect information regarding Trinidad Head. During a search for owners of property on and adjacent to the Head, we discovered a parcel (APN4207109) about .8 acre in size located just north of the base of the Head including a portion of the parking lot located there. The only information we have been able to obtain is that this parcel is in possession of the U.S. Government--no specific agency is indicated. It seems likely that this is Coast Guard property, but we are not sure. Possibly you can shed some light on this issue.

One of the reasons we would like to know this is that a rather large trail head sign and the hiking trail that accesses the paved road that leads up to the top of the Head are located on this parcel. A recommendation of this committee is to replace the existing deteriorating sign. We were unable to locate any letters or written permission to erect the existing sign or locate the trail across this parcel. It seems that such documents should be in place.

If you can provide any information on the owner of this parcel, it would be greatly appreciated.

Stan Binnie, Chair  
Trinidad Head Study Committee

From: "Callahan, Constance CTR" <Constance.M.Callahan@USCG.MIL>  
Subject: RE: Map of Trinidad Head  
Date: January 7, 2013 1:43:38 PM PST  
To: <sbinnie@suddenlink.net>  
5 Attachments, 2.1 MB

Mr. Binnie--

Thank you for sending along that map. I don't know what to tell you except that the county's GIS appears to be wrong. I have attached a number of documents, including BLM maps and historic USCG plot plans.

1. USCG now owns only two parcels at Trinidad Head: the communications site on the summit, and the old light station parcel. The 1973 Plot Plan shows the historic extent of USCG holdings at Trinidad Head, and indicates our intention to divest everything except the comms site and the light station.

2. In 1983 USCG relinquished 47 acres at Trinidad Head to the city of Trinidad (see attached Relinquishment & Land Patent to City), explicitly reserving easements to access USCG property.

3. In 1985, USCG quitclaimed a 75-foot-wide parcel north of Trinidad Head, which totaled approximately 0.86 acres (see attached 1985 Quitclaim Deed to City). I suspect that this might be the source of the confusion for the County's records.

It looks to me that the Lot #6 on the map you sent me got confused with the parcel described in the 1985 quitclaim.

If the City later transferred that parcel we transferred in 1985 to the Rancheria, then maybe it's Rancheria land. Otherwise, it should still be City land.

I hope that helps, or at least provides you with some direction as to where to look next! I should think the County would have the records for all of these transfers.

Best of luck-  
Connie Callahan

++++++  
Constance Callahan, JD  
US Coast Guard  
PACAREA Lighthouse Program Manager  
Civil Engineering Unit, Oakland  
1301 Clay Street, Suite 700N  
Oakland, CA 94612  
t: 510-637-5522 | f: 510-637-5513  
constance.m.callahan@uscg.mil

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

From: sbinnie@suddenlink.net [mailto:sbinnie@suddenlink.net]  
Sent: Monday, January 07, 2013 10:27 AM  
To: Callahan, Constance CTR  
Cc: Stanley Binnie  
Subject: Map of Trinidad Head

Constance--here is the map I referred to in or conversation this morning. It is parcel #6 on this map that is the one in question. Any light that you can shed on the ownership of this parcel will be appreciated.

Thanks,  
Stan Binnie, Chair  
Trinidad Head Study Committee

#22  
RECORDED & INDEXED  
City of Trinidad  
V.C. -  
OFFICIAL  
RECORDS PG

1-3-86

14

JAN 2 10 42 AM '86  
C. Bunker  
DEPUTY  
T&S

Recording requested by  
City of Trinidad  
P. O. Drawer N  
Trinidad, CA 95570

When recorded mail to  
City of Trinidad  
P. O. Drawer N  
Trinidad, CA 95570

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting by and through the Commandant of the United States Coast Guard (hereafter called GRANTOR), quitclaims to CITY OF TRINIDAD, CALIFORNIA (hereafter called GRANTEE), and its assigns, all that real property situated in the City of Trinidad, Humboldt County, California, described as follows:

Parcel 3 as shown on that certain Record of Survey filed September 29, 1976 at Book 33 of Surveys at Page 46, Humboldt County Records, being a strip of land 75 feet in width, the centerline of which runs from Point 1 of said Record of Survey on the Westerly extension of the North line of Van Wyke Street S 5° 35' 01" E 498.26 feet to Point 2, lengthening and shortening the sidelines to begin on said Westerly extension and to terminate on the Northeasterly line of Lot 4 (former lot 37), Section 26, Township 8 North, Range 1 West, Humboldt Meridian, containing 0.86 acres more or less.

This is the same property conveyed from Hammond Lumber Company to United States of America by deed recorded November 10, 1917 in Deed Book 139, Page 315, Humboldt County Recorder.

RESERVING to GRANTOR and its assigns an easement for access and utilities over all the above described property.

This Quitclaim Deed is executed and delivered pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, including that portion codified as Title 40, United States Code, Section 484 (a)-(e), and pursuant to regulations and orders promulgated thereunder, including Title 41, Code of Federal Regulations, Subpart 101-47.5.

The General Services Administration determined this property to be surplus and assigned it to the United States Coast Guard as the Holding Agency for disposal. The Holding Agency determined that the property has no commercial value, that the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale, and that the value of the property is so low that retention in order to post public notice is clearly not economical.

Transfer of this real property is subject to the following reservations, conditions, and limitations:

1. No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under the real property hereby conveyed.

2. The GRANTEE and its successors in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) and the requirements of Title 49, Code of Federal Regulations, Subtitle A, Office of the Secretary of Transportation, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation, for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.

3. The GRANTOR shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Department of Transportation issued pursuant to said Title VI, in the event of their violation by the GRANTEE.

4. The reservations, conditions, and limitations contained in paragraphs (1) through (3) shall constitute a covenant running with the land, binding on the GRANTEE and its successors in interest for the period for which the land described herein is used for the purpose for which this conveyance was made, or for another purpose involving the provision of similar services or benefits.

Dated December 20, 1985

UNITED STATES OF AMERICA  
Acting by and through the Commandant of the  
United States Coast Guard

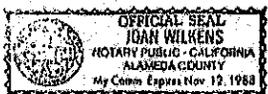
John D. Costello  
By  
JOHN D. COSTELLO  
Vice Admiral, United States Coast Guard  
Commander, Twelfth Coast Guard District  
Coast Guard Island  
Alameda, California 94501-5100

NOTARY CERTIFICATE

State of California  
County of Alameda

On this 20 day of December, 1985, before me JOAN WILKENS personally appeared John D. Costello, known to me to be Commander of the Twelfth Coast Guard District, and acknowledged to me that he executed the within instrument on behalf the the United States of America, acting by and through the Commandant of the United States Coast Guard.

Joan Wilkens  
Notary Public



There is an unimproved access road leading to the communication site from just south of the medical clinic's driveway.

From 1892 to 1975, USCG had an active light on NW Seal Rock, the outermost point of St. George Reef. That light was located approximately seven miles northwest of Point St. George. In 1975, it was abandoned and replaced by a large navigational buoy, located west of the rock. St. George Reef light would be located in unsurveyed T. 17 N., R. 3 W., HM. Currently, USCG is cleaning up the site so it can be accessed.

**Trinidad Head (CACA 7678 and CACA 7682)**

Two EOs, dated June 8, 1866 and September 10, 1902, withdrew approximately 42.79 acres of public land at Trinidad Head for lighthouse purposes. PLO 6374 dated April 14, 1983 partially revoked the two EOs by maintaining two parcels containing 8.04 acres, more or less, in a withdrawn status to USCG, and revoking the withdrawn status of another parcel containing 34.75 acres, more or less. The parcel containing 34.75 acres, more or less, was also made available for issuance of a patent under the Recreation and Public Purposes Act (R&PP Act) to the City of Trinidad. On April 24, 1983, Lot 4 containing 46.94 acres was patented (see CACA 13094) to the City of Trinidad pursuant to the R&PP Act [see discussion below concerning resurvey of original Lot 37].

USCG has an active light, fog signal, radiobeacon, housing for USCG personnel attached to USCG Station Humboldt Bay, and two communication antennas at this location. The communication antennas are located on the top of Trinidad Head and are fenced by a perimeter fence. The main compound containing the light, fog signal, radiobeacon, and housing is located on the south side of Trinidad Head and is also fenced by a perimeter fence. Both areas have controlled access through locked gates. A non-functioning replica of the active light is located in the City of Trinidad.

In 1867, the subdivisional survey of T. 8 N., R. 1 W., HM was conducted and Trinidad Head was described as sec. 26, lot 37, containing 42.79 acres. The EO dated June 8, 1866 reserved 20 acres of "unsurveyed land" at Trinidad Head, whereas the EO dated September 10, 1902 reserved Lot 37 for lighthouse purposes. PLO 6374 partially revoked the two EOs by maintaining two parcels containing 8.04 acres, more or less, in a withdrawn status to USCG, and revoking the withdrawn status of another parcel containing 34.75 acres, more or less. The total acreage contained in the three parcels totaled 42.79 acres.

In December of 1982, BLM conducted a resurvey of Lot 37 to meander the exterior boundary and to described the ROWs issued to USCG by CACA 13095. The field notes for that resurvey are contained in Volume R558 at pages 102-117. The field notes at page 104 state "during retracement, the determination was made that the original survey of Lot 37 was

grossly in error". Subsequently, Lot 37 was redescribed as follows:

Lot 4-	46.94 acres
Lot 5	1.08 acres
Lot 6	12.97 acres
	-----
Total	60.99 acres

As a result of the resurvey, it was discovered that Trinidad Head was 18.20 acres larger than previously thought. Lot 4 was patented to the City of Trinidad, while lots 5 and 6 remained withdrawn to USCG. Lot 5 contains the communication antennas and lot 6 contains the main compound. Therefore, USCG has 14.05 acres withdrawn ~~vicē~~ the 8.04 acres described by PLO 6374. Consequently, PLO 6374 will need to be revised, but that can be accomplished as part of the withdrawal review process.

In February of 1993, Arcata RA personnel conducted a compliance examination of Lot 4 and found that the City of Trinidad was in compliance with the requirements of the R&PP Act. During my field examination of Trinidad Head, I observed a system of well maintained trails with numerous signs, and numerous wooden benches located at scenic vistas along the trails. Trinidad Head is being used actively by both the City of Trinidad and USCG.

#### Reading Rocks

EO no. 2750 dated November 5, 1917 withdrew Redding Rock for lighthouse purposes. Its location was described as being in approximate Latitude 41° 20' N., Longitude 124° 10' W. That EO was revoked for this location by PLO 1738, dated September 29, 1958.

Currently, USCG has an active light on Reading Rocks. According to the 1994 Light List, that light is located at Latitude 41° 20.4' N., Longitude 124° 10.7' W. This light is located approximately five miles west northwest off Mussel Point, which is near Orick in Humboldt County. The light would be located in unsurveyed T. 11 N., R. 1 W., HM. This light was not visited by me.

*Duane Martz*

cc: AM, Arcata RA (CA-056)  
AM, Clear Lake RA (CA-058)  
USCG, ANT Humboldt Bay  
USCG, LTJG Savatgy

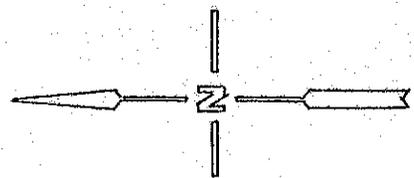
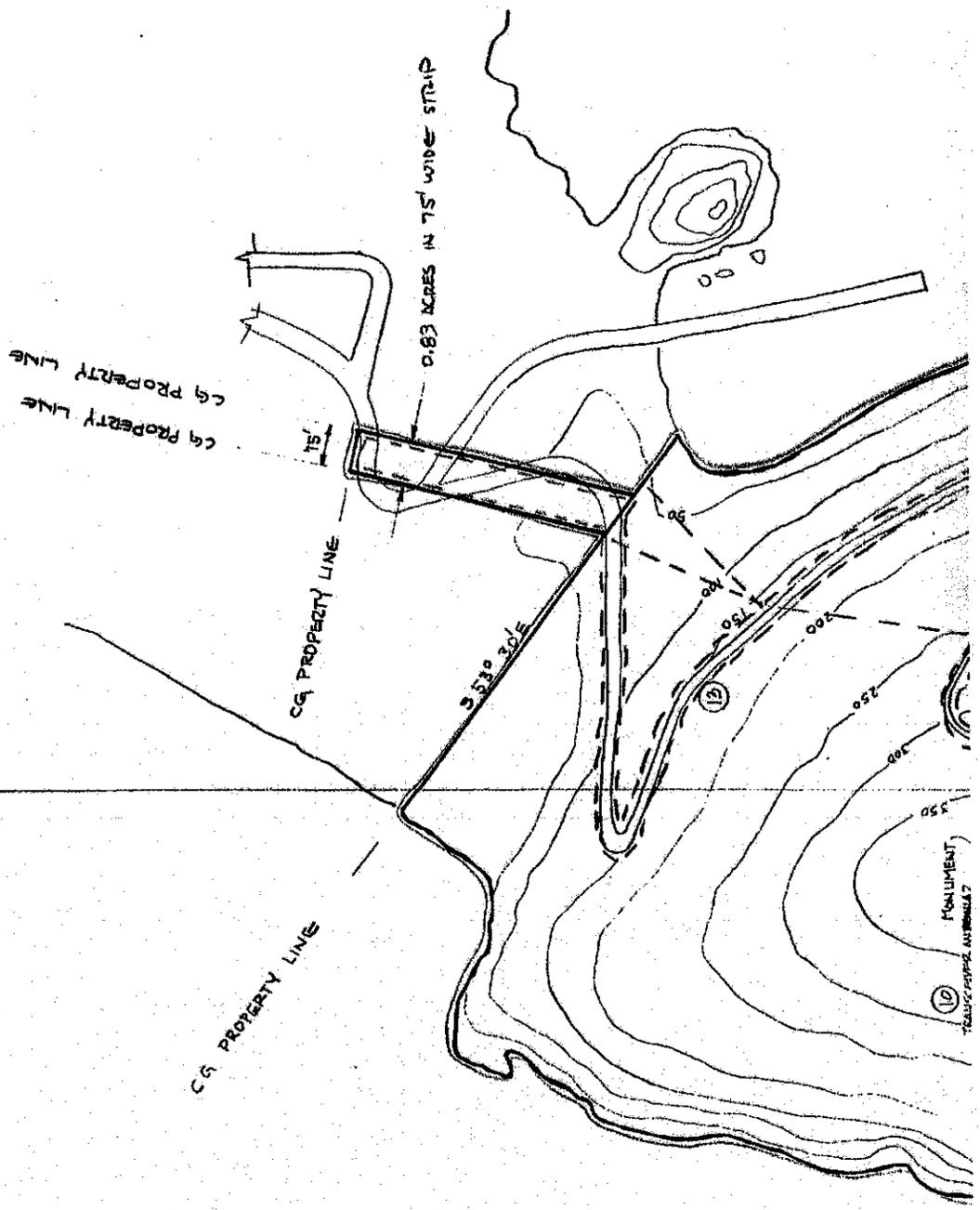
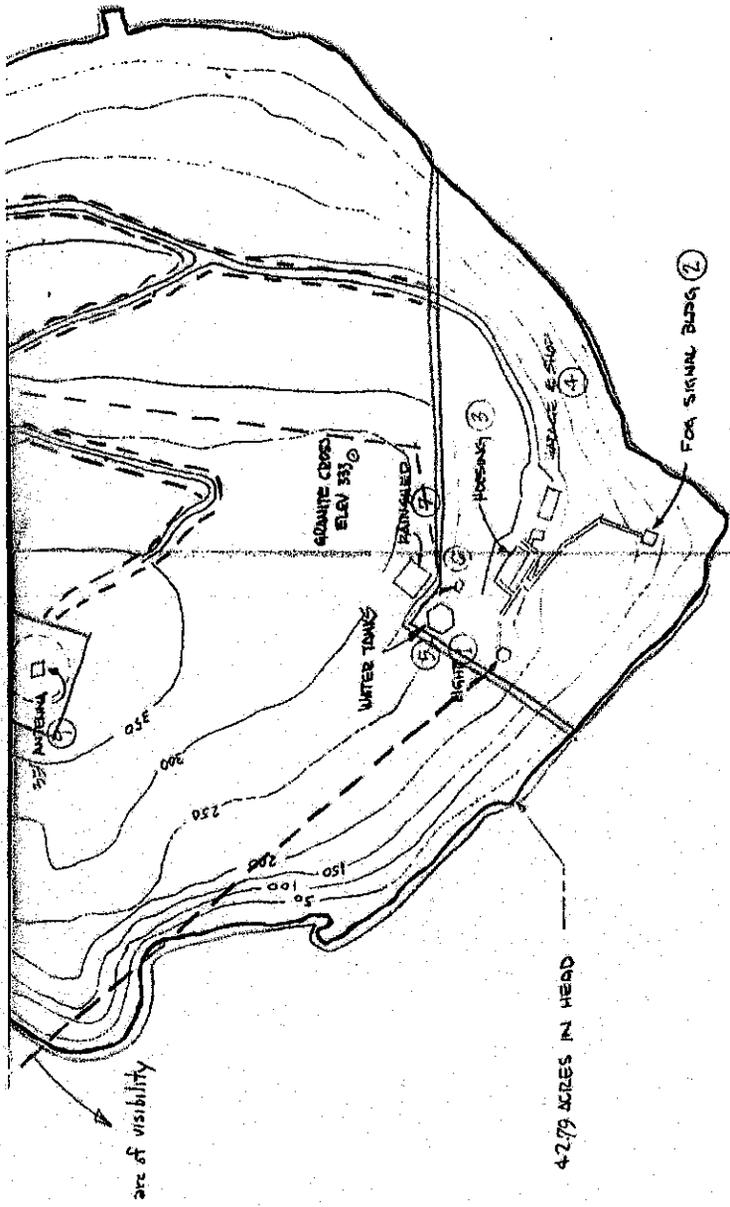


FIG. 12 (PART)  
T. 10 N. R. 10 W. S. 10 E.



SITE PLAN

SCALE 1" = 200'

- LAND TO EXCESS
- LAND TO RETAIN
- - - EASEMENTS TO RETAIN

THE PRESIDE  
RESERVED  
LIGHTHOUSE  
AS SUCH, I  
FOR THE Y

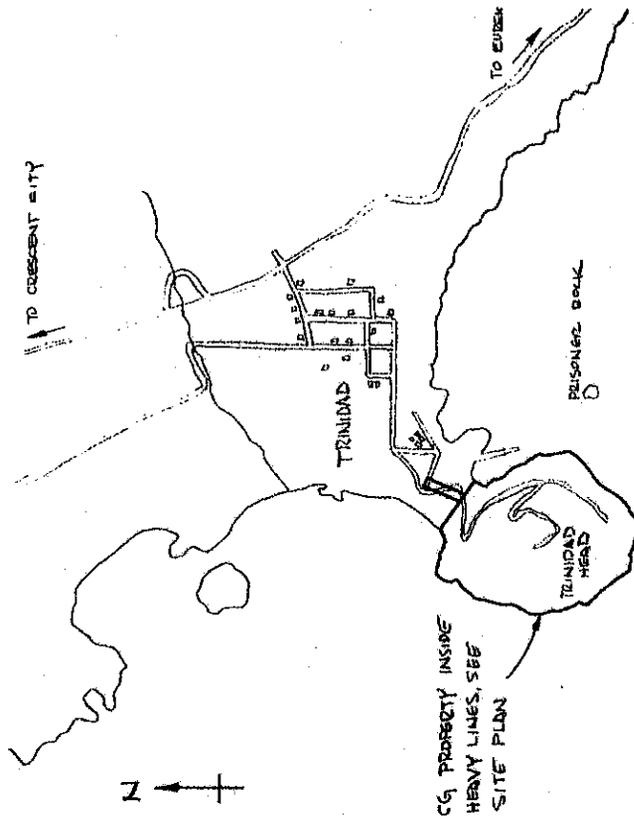
THE PRESID  
AND RESER  
HEAD, DES  
RANGE 11  
EXPANDED

THE LIMITED  
STRIP OF  
THE LIGHT  
THE CITY O  
THIS STRIP

TOTAL CODE

LIST OF BUILDINGS

- ① LIGHT TOWER - SERVICE - 900 SQ. FT.
- ② FOG SIGNAL BLDG. - SERVICE - 324 SQ. FT.
- ③ FAMILY QUARTERS - HOUSING - 2 STORY - 4200 SQ. FT.
- ④ GARAGE & SHOP BLDG. - INDUSTRIAL - 1100 SQ. FT.
- ⑤ WATER TANK - 50,000 GAL.
- ⑥ " " - 9,000 GAL.
- ⑦ RAINSHED - STORAGE - 1500 SQ. FT.
- ⑧ ELECTRONICS EQUIP. BLDG. - SERVICE 144 SQ. FT.
- ⑨ 25' RADIO BEACON ANTENNA
- ⑩ COMMUNICATIONS ANTENNA
- ⑪ PUMP HOUSE - PRESSURE TANK
- ⑫ FLAGPOLE - (OTHER)
- ⑬ ACCESS ROAD
- ⑭ BURIED FUEL TANK
- ⑮ SEPTIC TANK & DRAIN FIELD
- ⑯ RETAINING WALL
- ⑰ TOOL SHED - STORAGE - 46 SQ. FT.
- ⑱ PAINT LOCKER - STORAGE - 20 SQ. FT.



0 1/2  
SCALE IN NAUTICAL MILES

NOTE: SEE DNG. D-04-01 FOR FAMILY HOUSING PLOT PLAN

PROPERTY DESCRIPTION

ING ON THE RECOMMENDATION OF THE ACTING SEC OF INTERIOR,  
ES OF UNSUBDIVIDED LAND AT TRINIDAD HEAD NEARLY 41° N. LAT. FOR  
ES ON 8 JUNE 1866. THIS PARCEL IS NOT IDENTIFIABLE NOW  
HAN IT WAS A 20 ACRE PARCEL SOMEWHERE ON THE RESERVATION  
HEAD LIGHT STATION.

4 10 SEPT 1902, EXTENDED THE LIMITS OF THE THEN EXISTING RESERVATION  
SET APART FOR LIGHTHOUSE PURPOSES THE WHOLE OF TRINIDAD  
ON THE OFFICIAL PLAT OF THE SURVEY OF TOWNSHIP 8 NORTH,  
HUMBOLDT MERIDIAN, CALIFORNIA, AS LOT 37 OF SECTION 26, THIS  
GHT HOUSE RESERVATION TO A TOTAL OF 42.79 ACRES

ON 23 OCT 1917, PURCHASED FROM THE HAMMOND LUMBER CO A  
5 FEET WIDE EXTENDING FROM THE FOOT OF VAN WYCKE STREET TO  
RESERVATION FOR THE PURPOSE OF PROVIDING AN ACCESS TO AND FROM  
AD WITHOUT THE NECESSITY OF TRANSVERSING PRIVATE PROPERTY.  
D INVOLVED A TOTAL OF 0.83 ACRES.

AD PROPERTY AT THE TRINIDAD HEAD LIGHT STATION 8  
79 + 0.83 = 43.62 ACRES

REV.	DATE	APPR.	DESCRIPTION
DESIGNED:			U.S. COAST GUARD TWELFTH DISTRICT SANT
DRAWN:			CIVIL ENGINEERING
TRACED:			TRINIDAD HEAD L/S
CHECKED:			PROPERTY PLAT
REVIEWED BY:			OF
REVIEWED BY:			RESERVATION
REVIEWED BY:			
REVIEWED BY:			
REVIEWED BY:			
APPROVED:			
DATE			107
CHIEF OF DIVISION			
DRAWING NUMBER			1415
SCALE:	AS SHOWN	SHEET	1 OF

U.S. GOVERNMENT PRINTING OFFICE 1972 O-154-81

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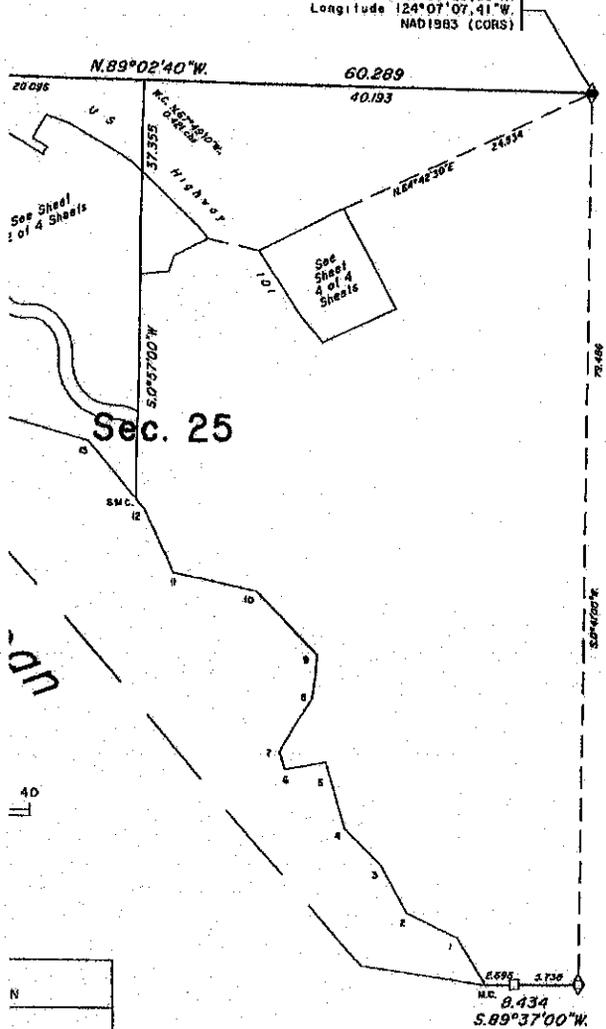


# THE HUMBOLDT MERIDIAN, CALIFORNIA.

## ID METES-AND-BOUNDS SURVEY

Sec. 24

Latitude 41°03'26.96"N.  
Longitude 124°07'07.41"W.  
NAD1983 (CORS)



The history of surveys is contained in the field notes.

This plat represents the dependent resurvey of a portion of the subdivisional lines, and a portion of Lots 4 and 6 (former Lot 37), designed to restore the corners in their true original locations based on the best available evidence, the survey of a portion of the new meander lines of the Pacific Ocean, the subdivision of section 25, and the metes-and-bounds survey of certain parcel lines in sections 25 and 26, Township 8 North, Range 1 West, Humboldt Meridian, California.

Except as depicted hereon, lottings and areas are as shown on the township plats approved March 30, 1886, and March 28, 1983.

Survey was executed by Daniel Liplec, Cadastral Surveyor, beginning May 20, 2003, and completed October 21, 2004, pursuant to Special Instructions dated April 23, 2003, for Group No. 1431, California.

N
"W. 5.084
"E. 3.291
"W. 1.249
25, 61 the N-S center of sec. 25.
"W. 4.046
"W. 6.602
"W. 4.709
"W. 3.642
"W. 3.779
"W. 3.489
25 and 26
"W. 10.433
"W. 10.753
"W. 2.323
"W. 1.919
High tide line on

Sec. 36

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Sacramento, California

This plat, having been correctly prepared in accordance with the requirements of law and this Bureau, is hereby accepted.

For the Director

*James G. Puleo* May 7, 2007

Chief Cadastral Surveyor—California



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Eureka Resource Area  
1585 J Street  
P.O. Box 11  
Arcata, California 95521

17

IN REPLY REFER TO  
2300  
Trinidad Head  
CA-056  
CA-13094

*Handwritten:*  
Campbell (P)  
Vaca (FP)  
Hypolite (FP-2)  
DEC 2 1982

Commander, (FLP)  
12th Coast Guard District  
Government Island  
Alameda, California 94501

Attn: Mrs. Carmen Hypolite

Dear Mrs. Hypolite:

Pursuant to our telephone conversation of December 2, 1982, this letter is requesting that the Coast Guard amend the application for relinquishment of withdrawn public land at Trinidad Head, more precisely described as:

T. S N., R. 1 W.; H.B.M.  
Sec. 26  
Lot 37  
Containing 42 acres more or less.

The file received from your office indicates that the Coast Guard wishes to retain the withdrawal on that portion of the Head involved in the road to the developed properties, as well as to the communication facilities atop the Head.

As you know, the excess land will be patented to the City of Trinidad by the United States for park and recreation purposes. In order to expedite all actions concerning the property, a survey by BLM must be made immediately whereby the public land remaining under withdrawal for Coast Guard uses must be lotted and acreage determined. That portion being transferred to the City of Trinidad must also be surveyed, lotted, and acreage defined.

The roads, if they are to remain under withdrawal as opposed to an easement reservation to the United States, make the survey quite complex and very expensive in terms of time and money. This would require the 42.79 acres of withdrawn public land on Trinidad Head to be surveyed, lotted, and plats prepared on seven parcels - all of which require metes and bounds survey, corners and descriptions. This will take six to eight weeks.

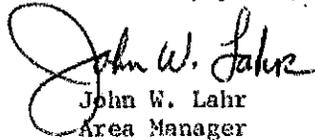
On the other hand if easements are retained for the roads, power and water line in favor of the U.S. (I.e. U.S.C.G.), the survey problem involves only three lots and can be accomplished in one week. The patent deed to the City of Trinidad will contain specific reservation of easements for the water, power and necessary roads for the Coast Guard to maintain navigational and other improvements located on the Head. These easements

will be in perpetuity and will in effect serve the same purpose of the withdrawal.

We would appreciate your immediate response to this matter in order for BLM to expedite matters to the mutual satisfaction of all concerned. Perhaps a phone call, if you concur to our Sacramento Office, will be most expeditious whereby we could start the surveys by December 8.

Please call Bruce Conrad at FTS <sup>468-4831</sup> 468-4875. / 484-4831

Sincerely yours,

  
John W. Lahr  
Area Manager

cc: Bruce Conrad, CSO-940  
Van Manning, DM, Ukiah  
George Smart, R.S., Ukiah  
Rudy Peschel, USCG

*For the record:*

*8 Dec 92*

*Called Headquarters regarding this letter. Headquarters advised that we telefact the letter to them. Letter was sent by telecopier on 8 Dec 92 at 11:10 A.M. Headquarters will respond to BLM.*

*C. L. Hypolite  
District Realty Specialist*

On Oct 4, 2012, at 4:15 PM, Sander, Clara E wrote:

Hi Stan,

Thank you for your call yesterday. One of your questions can easily be answered, the other is going to take more research.

The parcel (APN 042-071-09) appears to have left federal ownership in 1871 in order number 1703. The federal government does not keep record of property ownership after they have been patented out of federal ownership. There is no indication on the records that the property was acquired subsequently. If you would like to look at these records they are publically available online at:

[http://www.blm.gov/ca/st/en/info/iac/master\\_title\\_plat/Master Title Plat Mission Statement and Definitions.html](http://www.blm.gov/ca/st/en/info/iac/master_title_plat/Master_Title_Plat_Mission_Statement_and_Definitions.html)

You may want to request a chain of title from a title company to determine the true ownership of that strip of land.

As for your other question regarding the ownership history of Trinidad Head, that is going to require more research. I should have more information in a week or so. If you do not hear back from me in two weeks, please inquire again.

Thank you,

Clara Sander  
Realty Specialist  
Arcata Bureau of Land Management  
1695 Heindon Road  
Arcata, CA 95521  
(707) 825-2348

**Report for Trinidad Head Study Committee  
Prepared by: Stan Binnie, Chair  
for March 20, 2012 Meeting**

**Action Item:** Determining who has regulatory authority over Trinidad Head.

There are a number of entities that have regulatory authority over Trinidad Head. They include the City of Trinidad (City), Bureau of Land Management (BLM), the California Coastal Commission (CCC) and, possibly, the U.S. Corps of Engineers (USCE).

I received information from the CCC in response to an email inquiry that I sent to them (copy attached):

**1. City of Trinidad:**

The City owns approximately 47 acres of land on Trinidad Head. After receiving this property from the BLM in 1983, the City zoned this area as Open Space. All rules and regulations pertaining to Open Space zones would apply to this area.

The City has a Local Coastal Program (LCP) which was certified by the CCC in 1982. Shortly after certification of the amendment of its LCP for the Trinidad Head area, the City was duly delegated the authority to issue Coastal Development Permits (CDPs) for City-owned property on Trinidad Head.

**2. U.S. Coast Guard:**

As stated in the CCC's response to my email, the USCG apparently "manages" its holding but is not a regulatory agency of land use. Actions undertaken by the USGC or other federal agencies involving their property (i.e., NOAA) would be subject to consistency review by the CCC under the federal Coastal Zone Management Act (CZMA). The USCG has an agreement with the City to allow for access to their facilities.

**3. Bureau of Land Management:**

Although the BLM no longer owns property on Trinidad Head, they still have some authority. As part of the agreement signed by the City when the 47 acres was deeded to the City in 1983, the BLM reserved the right to reacquire the property if the City did not abide by the Patent Deed requirements. The BLM does periodic (every 5 years) reports to verify compliance with the transfer agreement. The BLM has issued favorable compliance reports to the City even though, in a July 3, 2006 letter from Lynda Roush of the BLM Arcata Field Office admitted to the City, regarding the cell tower facility on Trinidad Head, that changes to the site

“were not monitored by BLM’s compliance examinations because field personnel believed that the tower was part of the U.S. Coast Guard’s communication site at the top of the Head.” Lynda added in a 2012 THSC meeting, “We hoped you would police yourselves.”

At the end of the letter, the following statement appears:

“Any additions to the existing structures or change in use must be approved by the BLM to ensure consistency with the provisions of the Recreation and Public Purposes (R&PP) Act.”

4. California Coastal Commission:

Trinidad Head is in the Coastal Zone, so all rules and regulations pertaining to activities that take place within the Coastal Zone would apply. CDPs issued by the City for activities on Trinidad Head are subject to appeal to the Trinidad City Council or directly to the CCC. Refer to March 9, 2007 letter and October 2011 email, attached.

5. U.S. Army Corps of Engineers:

Under either the federal Clean Water Act or the Rivers and Harbors Act, the U.S. Corps of Engineers may have a permitting role in developments within the in-water periphery of Trinidad Head.

6. Other Entities on the Head:

-- National Oceanic and Atmospheric Administration (NOAA). This organization has a facility on Trinidad Head located partially on City property and partly on USCG property. They have no regulatory authority over the Head. They are affiliated with Humboldt State University.

--The Scripps Institute of Oceanography facility is located on USCG property. Scripps is a department of the University of California, San Diego. It utilizes some of the USCG facilities for part of its research activities. It has no regulatory authority on Trinidad Head.

--Verizon and Commercial Cell Tower Facility. Verizon is the primary lessee for the commercial cell tower facility. Verizon subleases space to Sprint and AT&T to accommodate their telecommunications equipment on the same cell tower facility (i.e., co-location). The commercial cell tower facility is located within Open Space zoned property owned by the City. As part of the lease agreement (which expires in 2017), the City is required to maintain access to the site.

From: "Jim Baskin" <jbaskin@coastal.ca.gov>  
Subject: RE: Trinidad Head Study Committee  
Date: October 10, 2011 12:15:19 PM PDT  
To: "Stanley Binnie" <sbinnie@suddenlink.net>, "Bob Merrill" <bmerrill@coastal.ca.gov>

Hi Stan,

Right down the line...

<<SB: It seems to me that the City of Trinidad has regulatory authority over the approximately 47 acres that it owns on the Head. The City is responsible for the management/maintenance of its property on the Head and can issue coastal development permits for projects proposed on that portion of the Head. However, any development that requires a CDP can be appealed to the Coastal Commission and reviewed by the Bureau of Land Management (BLM) for compliance with the conditions of the Patent Deed.>>

Yes, with the exception of the portions of the Head: (1) at and below the mean high tide line within the Commission's original/retained coastal development permitting jurisdiction, and (2) the federal lands not subject to state law (APNs 042-121-03 and -04), the remaining totality of Trinidad Head (APNs 042-121-05 and -06) is within the City of Trinidad's local coastal program for which coastal development permitting authority was delegated on May 22, 1985 upon certification of the land use plan text policies and use and zoning designations for the annexation.

<<SB: The BLM no longer (as far as I know) owns property on the Head. They do, however, have the right to reacquire the City's land if they determine through their compliance inspections that the City is not abiding by the Patent Deed that was signed by the City when it acquired the approximately 47 acres from the BLM in 1983.>>

I am not certain as to what federal agency(ies) specifically hold title assignment to the federal reservation lands, suffice it to say that the County Assessor's map page shows "USC&GS" hand-written onto APN 042-121-03 and the U.S. Coast Guard maintain facilities on APN 042-121-04. Accordingly, I'd speculate that the responsible managing entities are the Departments of Commerce and Homeland Security, respectively.

<<SB: With regard to the U.S. Coast Guard, it seems they would have regulatory authority over their portion of property (approximately 12 acres) on Trinidad Head. I am unsure at what point the Coastal Commission would become involved in any projects undertaken by the Coast Guard or if those projects could be appealed to the Coastal Commission.>>

As mentioned above, the USCG apparently \*manages\* its holding of APN 042-121-04, and while the agency may have a role in authorizing certain activities and developments relating to maritime commerce, coastal navigation, and national security, it is not a regulatory agency of land use per se. Actions undertaken by the USCG or other federal agencies involving APN 042-121-03, or elsewhere on the Head, would be subject to consistency review by the California Coastal Commission under the federal Coastal Zone Management Act.

<<SB: Finally, it seems to me, that the Coastal Commission has the ultimate regulatory authority over the Head, as the Head is in the Coastal Zone and any land use or development issues initiated by the other agencies or entities can be appealed or referred to the Coastal Commission for resolution or enforcement. However, it seems the Coastal Commission does not typically intervene unless a proposed project or development is appealed to it or a complaint has been made to the local District Office or the Coastal Commission Enforcement Office in San Francisco.>>

This is not accurate. Unless an appeal is specifically filed (including an appeal by two or more Coastal Commission members) regarding a coastal development permit action by the City, the City's action on the permit is final. The Coastal Commission has no authority over the City with respect to its exercise of other police powers under other bodies of law such as state land use statutes regarding subdivisions, use permits, variances, etc., although most if not all of these activities may also require a CDP for which the Commission might have an appellate role. With respect to actions by the other agencies, presumably the federal landholders, as previously observed, these actions may be subject to review by the

Commission per the CZMA, for which no "appeal" mechanism exists. I would take issue with your statement that the Commission is demure on all matters that don't come to our office via appeal or complaint: We were very involved with City staff and community organizations in the LCP amendment related to the current siting of the museum and regularly provide comment on circulated referrals on development projects coming before the City. I will concede that, given our distance from the City and staff and resource limitations, on the part of the City and the Commission, these venues are often how our office first hears about many of the land use activities in Trinidad.

<<SB: There may be additional local, state or federal agencies that have regulatory authority over the Head that I do not know about. I would welcome any guidance from the Coastal Commission about who they might be.>>

Presumably you're referring to land use regulatory authority rather than such activities as hunting & fishing and fish & wildlife management (CDFG, USFWS, NMFS), or authorizing niche developments, such as the placement of telecommunication devices (FCC) or the installation of avionics (FAA). To this end, the only other agency that immediately comes to mind would be the U.S. Army Corps of Engineers, which, under either the federal Clean Water Act or the Rivers and Harbors Act, may have a permitting role in developments within the in-water periphery of Trinidad Head.

/jb

## James R. Baskin

James R. Baskin AICP  
Coastal Planner  
California Coastal Commission  
North Coast District Office  
710 E Street, Suite 200  
Eureka, California 95501  
707/445.7833 - vox  
707/445.7877 - fax  
jbaskin@coastal.ca.gov

### -----Original Message-----

From: Stanley Binnie [mailto:sbinnie@suddenlink.net]  
Sent: Sunday, October 09, 2011 11:56 AM  
To: Jim Baskin; Bob Merrill  
Subject: Trinidad Head Study Committee

Dear Bob and Jim:

Recently the Trinidad City Council appointed 8 community citizens to the Trinidad Head Study Committee. At the first meeting, I was elected to chair this committee.

The City Council provided to the committee a list of issues that they wanted clarified. The first issue was to determine who has regulatory authority over the Head. I have agreed to report on this issue at our next meeting which will be held on October 25, 2011.

In my review of various documents and past involvement with the cell tower appeal and other issues on Trinidad Head, the following is my view on this issue. I am hopeful the Coastal Commission can review my thoughts and provide any additional input, as appropriate, on the Commission's and other organizations' regulatory role re: Trinidad Head.

It seems to me that the City of Trinidad has regulatory authority over the approximately 47 acres that it owns on the Head. The City is responsible for the management/maintenance of its property on the Head and can issue coastal development permits for projects proposed on that portion of the Head. However, any development that requires a CDP can be appealed to the Coastal Commission and reviewed by the Bureau of Land Management (BLM) for compliance with the conditions of the Patent Deed.

The BLM no longer (as far as I know) owns property on the Head. They do, however, have the right to reacquire the City's land if they determine through their compliance inspections that the City is not abiding by the Patent Deed that was signed by the City when it acquired the approximately 47 acres from the BLM in 1983.

With regard to the U.S. Coast Guard, it seems they would have regulatory authority over their portion of property (approximately 12 acres) on Trinidad Head. I am unsure at what point the Coastal Commission would become involved in any projects undertaken by the Coast Guard or if those projects could be appealed to the Coastal Commission.

Finally, it seems to me, that the Coastal Commission has the ultimate regulatory authority over the Head, as the Head is in the Coastal Zone and any land use or development issues initiated by the other agencies or entities can be appealed or referred to the Coastal Commission for resolution or enforcement. However, it seems the Coastal Commission does not typically intervene unless a proposed project or development is appealed to it or a complaint has been made to the local District Office or the Coastal Commission Enforcement Office in San Francisco.

There may be additional local, state or federal agencies that have regulatory authority over the Head that I do not know about. I would welcome any guidance from the Coastal Commission about who they might be.

I am asking for the Coastal Commission's assistance with my interpretation of this issue, especially as to how it relates to the Coastal Commission's "regulatory authority" over the Head. Any information you can provide would be appreciated.

Sincerely,

Stan Binnie, Chair

Trinidad Head Study Committee

17.16.010 Established--Purpose. The open space zone is intended to be applied to areas designated open space in the Trinidad general plan. The purpose of this zone is to maximize preservation of the natural and scenic character of these areas including protection of important wildlife habitat and cultural resources, and to ensure that the health and safety of the public is ensured through careful regulations of development in areas affected by geologic instability, steep slopes, tsunami and flood hazards. The following regulations in this chapter shall apply in all open space zones. (Ord. 166 §4.02(part), 1979)

17.16.020 Principal permitted uses. Principal permitted uses in the OS zone are:

- A. Public and private open space, wildlife habitat;
  - B. Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;
  - C. Pedestrian travel within public access easements consistent with the trail system identified in the general plan;
  - D. Removal of vegetation posing an imminent hazard to structures or people if approved by the city engineer;
  - E. Picnicking on public lands designated for such use.
- (Ord. 166 §4.02(A), 1979)

17.16.030 Uses permitted with a use permit. Uses permitted in the OS zone with a use permit are:

- A. Pedestrian trails, vista points, including improvements to existing facilities;
- B. Shoreline related recreation uses, including improvements to existing facilities;
- C. Removal of vegetation including timber;
- D. Structures and improvements, such as seawalls and revetments, related to the protection or maintenance of scenic and cultural resources, beaches, coastal bluffs, and buildings threatened by natural processes;
- E. Structures accessory to uses and buildings existing within the open space zone at the time the ordinance codified in this title is adopted;
- F. Wildlife habitat management and scientific research activities and related temporary structures. (Ord. 166 §4.02(B), 1979)

17.16.040 Minimum lot area. Division of a lot shall only be permitted for the purpose of a public agency acquiring the portion of a lot zoned open space provided that any portion of a lot remaining in private ownership shall be of an area not less than the minimum lot area requirement for the zone in which such a lot is located. (Ord. 166 §4.02(C) (1), 1979)

Chapter 12.12

TRINIDAD HEAD

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Sections:

- 12.12.010 Intent.
- 12.12.020 Regulations--Administration.
- 12.12.030 Permitted activities.
- 12.12.040 Restricted activities.
- 12.12.050 Speed limit.
- 12.12.060 Violation--Penalty.

12.12.010 Intent. It is the intent of this chapter to establish those minimal regulations which will insure maximum enjoyment of the Trinidad Head by the public, while at the same time protecting the environment for all to enjoy. (Ord. 176 §1, 1983)

12.12.020 Regulations--Administration. The city council may adopt such rules and regulations as it deems appropriate from time to time by resolution of the city council. (Ord. 176 §2, 1983)

12.12.030 Permitted activities. Activities allowed on Trinidad Head are:

- A. Only foot traffic is allowable on Trinidad Head.
- B. Weddings and picnics are allowable on Trinidad Head. Persons must remove their own rubbish. For weddings on Trinidad Head, the persons who wish to have a wedding on Trinidad Head must receive permission from the Trinidad city council. No alcoholic beverages allowed at weddings on the Head.
- C. Vehicles will only be allowed on Trinidad Head after receiving permission from the city council for one specified event only and must sign a disclaimer that they will not hold the city responsible for any collision, accident or injury.
- D. The following vehicles are allowed accessibility on Trinidad Head: USCG vehicles, PGE vehicles, USCG personnel living at the USCG housing and any city vehicles and Trinidad Head committee member's vehicles. (Ord. 176 §5, 1983)

12.12.040 Restricted activities. Activities not allowed on Trinidad Head are:

- A. No private vehicles of any type, except those authorized by Section 12.12.030;
- B. No dogs;
- C. No horses;
- D. No fireworks of any type;
- E. No rock climbing;

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- F. No fires of any type;
- G. No cutting or digging of any plants, brush or wild flowers on Trinidad Head with the exception of the Trinidad Head committee and the city public works department. (Ord. 90-204 §2(P), 1990; Ord. 176 §7, 1983)

12.12.050 Speed limit. The speed limit on Trinidad Head will be fifteen miles per hour due to foot traffic. Fifteen miles per hour speed signs will be placed at every two hundred yards on right and left sides of the Trinidad Head road. (Ord. 176 §8, 1983)

12.12.060 Violation--Penalty. It is unlawful for any person to violate any of the provisions of this chapter. Any such violation shall be an infraction. (Ord. 176 §5, 1983)

19.09 Conditions to Effectiveness of Lease.

19.10 Attorneys' Fees.

19.11 Consent.

19.12 Authority.

19.13 Captions.

19.14 Protections Against Interference.

**SECTION 20. FURTHER ASSURANCES.**

**SECTION 21. EXHIBITS**

Exhibit A: Map of the Site

Exhibit A1: Tower and Building Profile

Exhibit B: Certified Minutes of City Council Meeting Approving Lease

**LEASE**

**PREAMBLE**

THIS LEASE ("Lease"), dated \_\_\_\_\_, 1997 is made by and between the CITY OF TRINIDAD, a municipal corporation ("Lessor") and CAL-ONE CELLULAR L.P., D.B.A. Cal-North Cellular, a California limited partnership of which Cal-One Cellular, a California corporation of Fort Jones, California, is the General Partner; ("Lessee").

**RECITALS**

WHEREAS, Lessor, a public agency, is the owner of certain property situated in the City of Trinidad, Humboldt County, State of California, commonly known as Trinidad Head; and

WHEREAS, Lessee desires to lease a portion of such real property, said portion hereinafter the "Site", and to obtain an easement for access and utilities; and

WHEREAS, Lessee requests use of the Site for the installation and operation of certain radio and microwave communication facilities and equipment; and

WHEREAS, Lessor is willing to permit Lessee to lease the said Site in accordance with the terms, conditions and covenants of this Lease.

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NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

### **SECTION 1. SITE.**

Lessor hereby leases to Lessee and Lessee leases from Lessor for the term, at the rental, and upon all of the conditions set forth herein, that certain real property at Trinidad Head, Trinidad, California, consisting of approximately twenty four hundred (2400) square feet of ground space, more particularly described as: (i) a parcel of land upon which Lessee shall have the right to use an existing equipment shelter, existing microwave antenna and the addition of one microwave antenna for communication and related equipment; and (ii) space for installation of a 20 ft. extension to an existing telephone pole (collectively the "Site"). A map of the Site is contained in Exhibit A to this Lease; a description of the Site which may be used for legal purposes is contained in Exhibit B to this Lease.

### **SECTION 2. TERM.**

The term of this Lease shall be for a period of twenty (20) years with one five (5) year option. The term of this Lease shall commence on the first of the month following the execution of the lease by both parties.

Should this Lease Agreement still be in effect at the conclusion of the lease term provided for herein, this Lease Agreement shall continue in force upon the same covenants, terms, and conditions for a further period of one (1) year, and for like annual periods thereafter, until and unless terminated by either party by giving to the other written notice of its intention to so terminate at least ninety (90) days prior to the date of lease expiration. Annual rental adjustments shall be made during any such additional period(s), just as if the Lease Agreement were still in effect.

### **SECTION 3. RENTAL.**

Lessee shall pay to the Lessor as rent for the Site in advance on the first day of each calendar month of the term of this Lease without deduction, offset, prior notice or demand, in lawful money of the United States, the sum of two hundred and fifty dollars (\$250.00). Lessee shall be permitted to enter the Site to commence use and modification of the Communications Site (defined herein) after the issuance of all necessary permits under all of the terms and conditions of this Lease.

During the entire term of this Lease the rental charge shall be adjusted annually and said adjustment shall be effective on each anniversary of the Commencement Date of this Lease (the "Adjustment Date"). The annual rental adjustment shall be based on the one-year period ending on the last day of the month of the most recent monthly inflation statistics available on the Adjustment Date reported in the Consumer Price Index, for all Urban Consumers, ("CPI") issued by the Bureau of Labor Statistics of the United States Department of Labor, with a maximum of five percent (5%) in any one year.

### **SECTION 4. USES**

#### **4.01 Permitted Uses and Improvements.**

Lessee shall use the Site as one of Lessee's communications sites (a "Communications Site"). Lessee may use the Site for the purpose of constructing, maintaining and operating a communication facility with a maximum twenty (20) foot extension to an existing telephone pole, the right to use an existing microwave antenna, P.G. & E electrical service and install an additional microwave antenna (see Exhibit A). At Lessee's expense a security fence of chain link or similar construction shall be placed around the perimeter of the Site (not including the easement area). The construction of the Lessee's facility shall be at the Lessee's sole expense, and Lessee shall maintain the Site in a reasonable condition throughout the term.

All of Lessee's contractors and subcontractors shall be duly licensed in the state of California. Lessee shall be solely responsible for any and all costs associated with the installation, maintenance and use of any improvements, equipment and facilities on the Site.

**4.02 Access Areas.**

Lessor hereby grants to Lessee for the duration of this Lease, or any extensions thereof, an unimpaired, non-exclusive easement, license and right of way for providing physical access by personnel and equipment to or from the Site as shown on Exhibit C. Such rights shall include the right of ingress and egress, twenty-four (24) hours per day/seven (7) days per week. The rights granted to Lessee herein are for the purpose of constructing, maintaining, restoring, replacing, and operating Lessee's equipment located within or on the Site, including any necessary electrical and telephone conduits or lines.

**4.03 Prohibited Uses.**

Lessee shall not use the Site for any purpose not expressly permitted hereunder or under any other City permits and codes. Lessee shall not (a) create, cause, maintain or permit any nuisance in, on or about the Site or permit or suffer the Site to be used for any unlawful purpose and (b) interfere with or disturb in any way other uses required for service to the public. Lessee and Lessor shall coordinate to avoid interference between Lessee's use of the Site and any future facilities or operations that may be implemented by Lessor. Lessor shall use its best efforts to ensure that any future uses of the Site which are essential municipal services required for service to the public do not interfere with Lessee's operation of the Communications Site.

**4.04 Approval by the City and Other Agencies.**

As a condition precedent to Lessor's obligation to tender the Site to Lessee, Lessee shall obtain the prior approval of the City and such other governmental agencies and bodies that may have jurisdiction over use of the Site by Lessee to make the improvements specified in Section 4.01 and to conduct the activities permitted under this Lease including all design review approval. Prior to use of the Site, Lessee shall obtain all required permits, licenses and approvals from the City and any other governmental agencies having jurisdiction over Lessee's use of the Site. As a condition of this Lease, Lessee shall maintain such permits, licenses and approvals in force throughout the term of this Lease, including extensions of the term in the event the Lease is extended. Lessee shall be solely responsible for conducting any environmental review required to be undertaken in association with Lessee's use of the Site and for any and all costs associated therewith, as well as any and all fees, charges, or other expenses that may be imposed by the City or other regulatory agencies in connection with Lessee's use or enjoyment of the Site prior to the Lease commencement.

Lessor agrees to fully cooperate with Lessee in obtaining the local permits and without limiting the generality of the foregoing, to execute any applications, maps, certificates, or other documents that may be required in connection with local permits. Notwithstanding this agreement, the parties acknowledge that Lessor still has absolute discretion, to permit or not to permit the project, should any discretionary city permits be required.

**4.05 Compliance with Laws.**

Lessee shall not do or permit anything to be done in, on or about the Site, or bring or keep anything in, on or about the Site, which will conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted or promulgated by any public authority.

**4.06 Condition, Use and Zoning of Site.**

Lessor makes no warranty or representation of any kind concerning the condition of the Site, or the fitness

of the Site for the use intended by Lessee, or of the applicable zoning regulations to Lessee's proposed use thereof, and hereby disclaims any personal knowledge with respect thereto, it being expressly understood by the parties that Lessee has personally inspected the Site, knows their condition, finds them fit for Lessee's intended use, accepts them as is, and has ascertained that they can be used for the limited purposes specified in Section 4.01.

**SECTION 5. MAINTENANCE, REPAIRS AND ALTERATIONS.**

Lessee shall keep in good order, condition, and repair the Site, and the improvements, facilities and equipment placed on the Site by Lessee, and every part thereof. Lessee shall keep the Site clean and free of debris. Lessor shall maintain access road and grass and plant removal adjacent to the access road and around communication site as deemed necessary by the Lessor.

**5.01 Surrender.**

On the last day of the term hereof, or upon any prior termination, Lessee shall surrender the Site, excluding all improvements made thereto by Lessee, to Lessor in the same condition as when received by Lessee, ordinary wear and tear excepted, clean and free of debris. Except as set forth below, Lessee shall remove all structures, buildings, microwave dishes, antennas, and any other facilities, equipment or improvements that Lessee places upon the Site, repairing any damage to the Site occasioned by the installation, maintenance or removal of Lessee's improvements, fixtures, furnishings and equipment, and restoring the Site to the same condition as when Lessee received the property from Lessor. Title to Lessee's equipment, and all improvements installed at and affixed to the Site by Lessee shall be and shall remain the property of Lessee. Lessee may, at any time, including any time it vacates the Site, remove Lessee's equipment, fixtures, and all of Lessee's personal property from the Site, but the foregoing notwithstanding, Lessee shall not be required to remove any underground conduit or improvements.

At Lessor's option, when this Lease Agreement expires or is terminated and upon advance written notice to Lessee, Lessee shall leave Lessee's building, its foundation, and the security fence to become the property of the Lessor.

**5.02 Lessor's Rights.**

If Lessee fails to perform Lessee's obligations under this Section 5 or under any other section of this Lease, Lessor may at its option enter upon the Site after twenty (20) days' prior written notice to Lessee (except in the case of an emergency, in which case no notice shall be required but Lessor must diligently attempt to notify Lessee as soon as possible thereafter), to perform such obligations on Lessee's behalf and put the same in good order, condition and repair, and the reasonable cost thereof shall become due and payable as additional rental to Lessor together with Lessee's next rental installment.

**5.03 Lessor's Obligations.**

Lessor shall have no obligation to repair and maintain the Site nor the improvements thereto and facilities placed thereon. Lessor shall cooperate with Lessee to maintain its adjacent property in a manner which will not interfere with Lessee's operation of the Site as a Communications Site. If Lessor fails to perform Lessor's obligations under this Section 5 or under any other section of this Lease, Lessee may at its option upon thirty (30) days' prior written notice to Lessor (except in the case of an emergency, in which case no notice shall be required but Lessee must diligently attempt to notify Lessor as soon as possible and only take corrective action needed to protect Lessee's facilities, (unless advised to do so by the City at the time of the emergency), perform such obligations on Lessor's behalf and put the same in good order, condition and repair, and the reasonable cost thereof shall be deducted from rent due to Lessor in the next rental installment. In all other respects, Lessee expressly waives the benefit of any statute now or hereinafter in effect which would otherwise afford Lessee the right to make repairs at Lessor's expense or to terminate this Lease because of Lessor's failure to keep Site in good order, condition and repair.

**5.04 Security Measures.**

Lessor has no obligation to provide any security measures at the Site other than those the Lessor in its discretion determines are needed for its own facilities. Lessor may provide security measures for its facilities and such measures shall accommodate Lessee's access to and use of the Site consistent with the terms and conditions of this Agreement. Lessee may provide reasonable security measures for its facilities provided that such measures shall not limit Lessor's use of the Site in any way consistent with the terms and conditions of this agreement. Lessor shall provide Lessee with a reasonable number of keys to gates to the Site for access and such keys shall not be duplicated. Lessee shall obtain prior approval before installing or implementing any other security system or device to protect Lessor's adjacent property.

**5.05 Improvements.**

- (a) Lessee, at its sole cost and expense, may make alterations, improvements, additions or utility installations (hereinafter collectively referred to as "Improvements") to or on the Site that are necessary for the conduct of the permitted uses of the Site, subject to the prior written approval of the Lessor and, if necessary, all other governmental agencies, including the City, which have jurisdiction over the use of the Site by Lessee. In order to obtain Lessor's prior written approval for any Improvement, Lessee shall submit maps and drawings or renderings of any proposed Improvement to Lessor, sufficiently detailed to enable Lessor to make an informed judgment about any proposed Improvement. Should Lessee make any Improvements without the prior approval of Lessor, Lessor may require that Lessee remove any or all of the same at Lessee's sole cost and expense. The foregoing notwithstanding, Lessor has given its consent to the construction of the improvements set forth in Exhibit A, subject to the reviews, approvals and requirements set forth in Section 5.05 (b), (c) and (d) below and Lessor's consent shall not be required for the repair and replacement of Lessee's equipment and antennas which are consistent with such prior approvals.
- (b) Lessee shall pay, when due, all claims for labor or materials furnished or alleged to have been furnished to or for Lessee at or for use on the Site, which claims are or may be secured by any mechanics' or materialmen's lien against the Site or any interest therein. Lessee shall give Lessor not less than five (5) working days' notice prior to the commencement of any work on the Site, and Lessor shall have the right to post notices of non-responsibility in or on the Site as provided by law. If Lessee in good faith, contests the validity of any such lien, claim or demand, then Lessee shall, at its sole expense, defend itself and Lessor against the same and shall pay and satisfy any such adverse judgment that may be rendered thereon before the enforcement thereof against the Lessor or the Site. If Lessor shall require, Lessee shall furnish to Lessor a surety bond satisfactory to Lessor in an amount equal to such contested lien, claim or demand indemnifying Lessor against liability for the same and holding the Site free from the effect of such lien or claim. In addition, Lessor may require Lessee to pay Lessor's attorneys' fees and costs in participating in such action if Lessor shall decide it is to its best interest to do so.
- (c) Any alterations, improvements, additions or utility installations which may be made on the Site by Lessee and which are not covered under Section 5.01 shall, upon Lessor's option, remain the property of Lessor at the end of the term.
- (d) Before construction of any improvements are commenced on the Site and before any building materials therefor have been delivered to the Site by Lessee or agents under Lessee's authority, Lessee shall obtain all necessary approvals from Lessor's Planning Department, Building Department and Public Works Department as required under applicable local law.

**5.06 Warranties and Covenants of Lessee.**

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Lessee hereby warrants and covenants as follows:

- (a) **Construction Schedule.** Lessee shall deliver to the Lessor for the Lessor's approval a time schedule setting forth in detail a description of the improvements and all steps for construction of the improvements, and Lessee's best estimate of the date upon which each step shall be substantially completed. Lessor shall approve or disapprove of said schedule within (3) working days of receipt thereof. Lessor's silence shall be deemed approval of the schedule. Lessor's disapproval of the schedule shall not delay commencement of construction. Lessee shall coordinate with Lessor to alleviate any objection to such schedule presented in a timely fashion by Lessor to avoid delaying Lessee's construction of the Communications Site.
- (b) **Protection of Adjacent Property. Indemnity of the Lessor.** Lessee shall protect Lessor's adjacent real property against damage resulting from the performance of any work undertaken by Lessee or Lessee's agents, employees, contractors, or assigns, and shall indemnify the Lessor against all liens or liability in any way arising out of the performance of the work or the furnishing of labor, services, materials, supplies, equipment or power in connection therewith.
- (c) **Insurance.** In addition to the insurance coverage otherwise required under this Lease, Lessee shall maintain or cause to be maintained workers' compensation insurance covering all persons employed in connection with the construction of any improvements, repair or maintenance activities with respect to whom death or injury claims could be asserted against the Lessor, Lessee, or the Site. Lessor may require that any third parties performing work on the Site maintain such workers' compensation insurance as well. Such insurance shall be maintained at Lessee's sole cost and expense at all times when any work is in process and shall otherwise conform to the requirements of this Lease for insurance.
- (d) **Notice of Completion.** Immediately on substantial completion of any improvement, Lessee shall prepare and provide Lessor with a notice of completion suitable for recordation in the official records of the County of Humboldt. Lessor, at its option, may elect to record said notice.
- (e) **Notice of Changes in Plan.** On completion of any improvement, Lessee shall give the Lessor notice of all changes in plans and specifications made during the course of the work and shall at the same time deliver to the Lessor "as built" drawings accurately reflecting all such changes; provided, no change that substantially alters the final plans last approved by the Lessor shall be made without the Lessor's prior written approval, which shall not be unreasonably withheld. Any field approvals obtained by Lessee from Lessor's Planning, Building or Public Works Departments shall satisfy the obligations of this Section and shall be incorporated in the final "as built" plans.

**5.07 Lessee's Obligation to Furnish Cellular Phones to Lessor.**

- (a) Lessee shall furnish to Lessor at the time Lease commences, two mobile Cellular telephones for exclusive use by the City's Police Department and Volunteer Fire Department. Lessee agrees to furnish the telephones at no charge for the equipment, installation, monthly service charges and air time. Lessor agrees that telephones will be for official use only and also agrees to closely monitor said use. Lessee shall notify Lessor if use seems excessive. If use is deemed to be personal in nature, Lessor agrees to correct the misuse within 30 days of notice by Lessee.

**SECTION 6. INDEMNITY AND INSURANCE.**

**6.01 Indemnity.**

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- (a) **Indemnity of the Lessor.** This Lease is made upon the express condition that Lessee shall indemnify, keep and save harmless Lessor, and its Councilmembers, officers, agents and employees against any and all suits, claims or actions arising out of any injury or injuries to, or death or deaths of, persons or property that occur, or that are alleged to have occurred from any cause or causes whatsoever, while in, upon or about or connected with the Site during the term of this Lease, or during any holdover tenancy thereof (except where caused by the sole negligence of Lessor, its employees or agents). Lessee further agrees to investigate and defend any and all such actions, suits or claims and pay all charges of attorneys and all other costs and expenses arising therefrom or incurred in connection therewith; and if any judgment be rendered against the Lessor or any of the other individuals enumerated above in any such action, Lessee shall, at its expense, satisfy and discharge the same.
- (b) **Indemnity of the Lessee.** Lessor shall indemnify Lessee against and hold Lessee harmless from any and all claims of liability for or loss from personal injury and/or property damage to the extent such claims result from or arise out of the use and/or occupancy of Lessor's property by Lessor. Notwithstanding the preceding, Lessor does not indemnify Lessee against any claim to the extent that it arises from or in connection with any negligent or intentional conduct of Lessee or of any agent, servant or employee of Lessee.

**6.02 Insurance.**

- (a) **Workers' Compensation.** Lessee shall procure and maintain at all times during the term of this Lease and any holdover tenancy thereof Workers' Compensation Insurance in conformance with the laws of the State of California and Federal laws where applicable. Employers' Liability Insurance shall not be less than One Million Dollars (\$1,000,000) per accident or disease. Prior to commencement of the term of the Lease, Lessee shall deliver to Lessor a Certificate of Insurance which shall stipulate that thirty (30) days' advance written notice of cancellation or material change shall be given to Lessor.
- (b) **Bodily Injury, Death and Property Liability Insurance.** Lessee shall also procure and maintain at all times during the term of this Lease and any holdover tenancy thereof comprehensive broad form General Public Liability Insurance (including automobile operation) covering Lessee and Lessor for any liability arising out of the use of, or occurring in, on, or about the Site. The policy(ies) shall include coverage for all vehicles, licensed or unlicensed used by or on behalf of Lessee on the Site during the term of its Lease or holdover tenancy thereof. The policy(ies) shall be subject to a limit for each occurrence of One Million Dollars (\$1,000,000) and Two Million Dollars (\$2,000,000) in aggregate, naming as an additional insured, in connection with Lessee's activities, Lessor, its Councilmembers, officers, employees and agents. The Insurer(s) shall agree that its policy(ies) is Primary Insurance and that it shall be liable for the full amount of any loss up to and including the total limit of liability without right of contribution from any other insurance covering Lessor. The City and the Lessee shall review the insurance coverage at the end of ten (10) years.

Inclusion of Lessor as an additional insured shall not in any way affect its rights as respects to any claim, demand, suit or judgment made, brought or recovered against Lessee. Said policy shall protect Lessee and Lessor in the same manner as though a separate policy had been issued to each but nothing in said policy shall operate to increase the Insurer's liability as set forth in the policy beyond the amount or amounts shown or to which the Insurer would have been liable if only one interest had been named as an insured.

Prior to commencement of the term of the Lease, Lessee shall deliver to Lessor endorsements evidencing compliance with the insurance requirements of this paragraph

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and shall stipulate that thirty (30) days' advance written notice of cancellation or material change shall be given to Lessor.

- (c) Fire and Extended Coverage Insurance. Lessee shall maintain a policy of standard fire and extended coverage insurance on its improvements to the Site.

**SECTION 7. LESSEE TERMINATION.**

**7.01 Temporary Facilities.**

Lessor acknowledges and agrees that it is necessary that Lessee maintain continuous operation on the Site during the term of this Lease. Therefore, in the event of damage which renders Lessee's System inoperable or unusable, Lessee shall have the right (subject to any requirements of law or governmental authority and any applicable covenant, conditions and restrictions) to construct or install temporary facilities, including a temporary antenna pole and antennas, if necessary, in or about the Site, in such locations as may be reasonably acceptable to Lessor and in a manner which will not interfere with any repair or reconstruction efforts, in order to continue operation. Lessor shall allow Lessee to install such equipment and fixtures, and shall permit Lessee such access, repair and maintenance rights as may be necessary to allow Lessee to operate and maintain such temporary facilities until the Site have been sufficiently repaired to permit Lessee to use the Site, or until a substitute permanent location acceptable to Lessor and Lessee has been agreed upon, and construction of such substitute permanent facility has been completed.

**7.02 Lessee's Right to Terminate.**

Lessee shall have the right to terminate this Lease should one of the following events occur:

- (a) The approval of any agency, board, court, or other governmental authority necessary for either the construction or operation of this Communications Site cannot be obtained, or said approval is revoked, or Lessee determines the cost of obtaining such approval is prohibitive; or
- (b) Lessee determines that the property is not appropriate for locating its communications operations for technological reasons, including, but not limited to, signal interference; or
- (c) Lessor fails to comply with any term, condition or covenant of this Lease and does not cure such failure within thirty (30) days after written notice thereof or in the event of a cure which requires in excess of thirty (30) days to complete, if Lessor has not commenced such cure within thirty (30) days of such notice and is not diligently prosecuting said cure to completion.

In the event Lessee terminates the Lease without cause, Lessee shall pay the City Six Thousand (\$6,000) dollars:

Lessee will give Lessor sixty (60) days written notice of termination of this Lease under the terms of Section 7.02 (a), (b) and (c) and upon such termination, Lessee shall remove all of Lessee's communications equipment from the Site and shall restore the Site to its original condition, except for normal wear and tear and as set forth in Section 5.01, and Lessor and Lessee shall be relieved of any further obligation under this Lease, with the exception that Lessee shall be obligated to pay any rent, as specified in Section 3, accruing prior to the date of termination of this Lease.

**7.03 Termination - Advance Payments.**

Upon termination of this Lease pursuant to this Section 7, Lessor shall retain the prorated portion of any advance payments of rent through date of termination.

**7.04 Waiver.**

Lessor and Lessee waive the provisions of any statutes which relate to termination of leases when leased property is destroyed and agree that such event shall be governed by the terms of this Lease.

**SECTION 8. TAXES.**

Any and all real property tax or any other form of tax assessed or imposed against the property arising out of, or attributable to, Lessee's occupancy and use of the Site shall be borne exclusively by Lessee.

**SECTION 9. UTILITIES.**

Lessee shall pay for all water, gas, heat, light, power, telephone and other utilities and services supplied to the Site, together with any taxes thereon.

**SECTION 10. ASSIGNMENT AND SUBLETTING.**

**10.01 Lessor's Consent Required.**

Lessee shall not voluntarily or by operation of law assign, transfer, mortgage, sublet or otherwise transfer or encumber all or any part of Lessee's interest in this Lease or in the Site, without Lessor's prior written consent. Lessor shall respond to Lessee's request for consent thereunder in a timely manner and any attempted assignment, transfer, mortgage, encumbrance or subletting without such consent shall be void, and shall constitute a breach of this Lease. Notwithstanding the foregoing, Lessee may assign or sublet the Site, or any portion thereof, with Lessor's consent, to any entity which controls, is controlled by, or is under the common control with Lessee, or to any entity resulting from any merger or consolidation with Lessee, or to any partner of Lessee or to any partnership in which Lessee is a general partner, or to any person or entity which acquires all of the assets of Lessee as a going concern, or to any entity which obtains a security interest in a substantial portion of Lessee's assets. Approval by the Lessor of an assignment or sublease shall not be unreasonably withheld. Any such assignment, subletting or transfer shall not relieve Lessee of its obligations under this Lease.

**10.02 No Release of Lessee.**

No subletting or assignment as approved by Lessor shall release Lessee of Lessee's obligation or alter the primary liability of Lessee to pay the rent and to perform all other obligations to be performed by Lessee hereunder. The acceptance of rent by Lessor from any other person shall not be deemed to be a waiver by Lessor of any provision hereof. Consent to one assignment or subletting shall not be deemed consent to any subsequent assignment or subletting. In the event of default by any assignee of Lessee or any successor of Lessee in the performance of any of the terms hereof, Lessor may proceed directly against Lessee without the necessity of exhausting remedies against said assignee. Lessor may consent to subsequent assignments or subletting of this Lease or amendments or modifications to this Lease with assignees of Lessee, without notifying Lessee, or any successor of Lessee, and without obtaining Lessee's consent thereto and such action shall not relieve Lessee of liability under this Lease. If Lessor executes a new lease with new owners, then all future responsibility and liability of Lessee shall cease.

**SECTION 11. DEFAULTS: REMEDIES.**

**11.01 Defaults.**

The occurrence of any one or more of the following events shall constitute a material default or breach of this Lease by Lessee:

- (a) The abandonment of the Site by Lessee as set forth under California Civil Code Section 1951.3.
- (b) The failure by Lessee to make any payment of rent or any other payment required to be

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made by Lessee hereunder, as and when due, where such failure shall continue for a period of thirty (30) business days after written notice thereof from Lessor to Lessee. In the event that Lessor serves Lessee with a Notice to Pay Rent or Quit pursuant to applicable Unlawful Detainer statutes, such Notice to Pay Rent or Quit shall also constitute the notice required by this subparagraph.

- (c) The failure by Lessee to observe or perform any of the covenants, conditions or provisions of this Lease in any material respect to be observed or performed by Lessee, other than those described in Section 11.01 (b) above, where such failure shall continue for a period of thirty (30) days after written notice thereof from Lessor to Lessee; provided, however, that if the nature of Lessee's default is such that more than thirty (30) days are reasonably required for its cure, then Lessee shall not be deemed to be in default if Lessee commenced such cure within said thirty (30) day period and thereafter diligently prosecutes such cure to completion.
- (d) (1) The making by Lessee of any general arrangement or assignment for the benefit of creditors;
- (2) Lessee becomes a "debtor" as defined in 11 U.S.C. §101 or any successor statute thereto (unless, in the case of a petition filed against Lessee, the same is dismissed within sixty (60) days);
- (3) The appointment of a trustee or receiver to take possession of all or substantially all of Lessee's assets located at or on the Site or of Lessee's interest in this Lease where possession is not restored to Lessee within thirty (30) days; or
- (4) The attachment, execution or other judicial seizure of all or substantially all of Lessee's assets located at or on the Site or of Lessee's interest in this Lease, where such seizure is not discharged within thirty (30) days.

Provided, however, in the event that any provision of this Section 11.01(d) is contrary to any applicable law, such provision shall be of no force or effect.

#### 11.02 Remedies.

In the event of any such material default or breach by Lessee, Lessor may at any time thereafter, with or without notice or demand and without limiting Lessor in the exercise of any right or remedy which Lessor may have by reason of such default or breach:

- (a) Terminate Lessee's right to possession of the Site by any lawful means, in which case this Lease shall terminate and Lessee shall immediately surrender possession of the Site to Lessor. In such event Lessor shall be entitled to recover from Lessee all damages provided under California Civil Code Section 1951.2 incurred by Lessor by reason of Lessee's default including, but not limited to, the cost of recovering possession of the Site, reasonable attorneys' fees, the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of such rental loss for the same period that Lessee proves could be reasonably avoided.
- (b) Maintain Lessee's right to possession in which case this Lease shall continue in effect whether or not Lessee shall have abandoned the Site. In such event Lessor shall be entitled to enforce all of Lessor's rights and remedies under this Lease, including the right to recover the rent as it becomes due hereunder.
- (c) Pursue any other remedy now or hereafter available to Lessor under the laws or judicial decision of the State of California. Unpaid installments of rent and other unpaid monetary

obligations under the terms of this Lease shall bear interest from thirty (30) days following the date due at the maximum rate then allowable by law.

**SECTION 12. LESSOR'S LIABILITY.**

The term "Lessor" as used herein shall mean only the owner of the fee title of the Site at the time in question. In the event of any transfer of such title or interest Lessor herein named (and in case of any subsequent transfers then the grantor) shall be relieved from and after the date of such transfer of all liability as respects Lessor's obligations thereafter to be performed, provided that any funds in the hands of Lessor at the time of such transfer, in which Lessee has an interest, shall be delivered to the grantee.

**SECTION 13. INTEREST ON PAST-DUE OBLIGATIONS.**

Except as expressly herein provided, any amount due to Lessor not paid when due shall bear interest from thirty (30) days following the date due at a Ten Percent (10%) annual rate.

**SECTION 14. HOLDING OVER.**

If Lessee remains in possession of the Site or any part thereof after the expiration of the term or option term hereof, such occupancy shall be a tenancy from month to month with all the obligations of this Lease applicable to the Lessee and at a monthly rental obligation of One Hundred Fifty Percent (150%) of the per month rental in effect at the time of expiration.

**SECTION 15. LESSOR'S ACCESS.**

Lessee's communications equipment is highly sensitive and is subject to federal requirements that any entry onto the Site which could damage or interfere with it must be controlled. Accordingly, although Lessor may have a key to the Site, Lessor shall not enter the Site (other than in an emergency) unless it has given Lessee twenty-four (24) hours actual notice. In case of emergency, Lessor shall make reasonable efforts to notify Lessee prior to entering the Site.

**SECTION 16. QUIET POSSESSION.**

Upon Lessee paying the rent for the Site and observing and performing all of the covenants, conditions and provisions on Lessee's part to be observed and performed hereunder, Lessee shall have quiet possession of the Site for the entire term hereof subject to all of the provisions of this Lease. The individuals executing this Lease on behalf of Lessor represent and warrant to Lessee that they have legal right to possession of the Site and are fully authorized and legally capable of executing this Lease on behalf of Lessor and that such execution is binding upon all parties holding an ownership interest in the Site.

**SECTION 17. EASEMENTS.**

Lessor reserves to itself the right, from time to time, to grant such easements, rights and dedications that Lessor deems necessary or desirable, and to cause the recordation of Parcel Maps and restrictions, so long as such easements, rights, dedications, Maps and restrictions do not interfere with the use of the Site by Lessee. Lessee shall sign any such document upon request of Lessor.

**SECTION 18. WARRANTIES AND COVENANTS OF LESSOR.**

Lessor warrants and covenants that (a) Lessor shall make available to Lessee at the Site, all presently existing utility services required by Lessee for purposes of the operation of Lessee's equipment at the Site, provided that Lessee may at its own expense (or Lessor may, if Lessee so requests, at Lessee's expense), install any and all additional utilities service facilities which are so required; (b) Lessor shall, during the term hereof, make payment of all real property taxes and special assessments, as applied to all properties within the area, levied against the Site which it has the duty to pay within the time allowed by the taxing authorities

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in order to avoid penalty, and Lessee shall compensate Lessor for any real property taxes attributable to the value of Lessee's improvements on the Site, following written notice from Lessor of the amount due, (which payment shall be made by Lessee to Lessor at least ten (10) days prior to the date when due to the taxing authority without penalty); and (c) subject to Lessee's obligation under the terms and conditions of Section 4.03, Lessee shall have access to the Site at all times and all access road and security gates shall be operational.

## **SECTION 19. GENERAL PROVISIONS.**

### **19.01 Severability.**

The invalidity of any provision of this Lease as determined by a court of competent jurisdiction, shall in no way affect the validity of any other provision hereof.

### **19.02 Time of Essence.**

Time is of the essence of this Lease.

### **19.03 Additional Rent.**

Any monetary obligations of Lessee to Lessor under the terms of this Lease shall be deemed to be rent and all references herein to "rent" shall be deemed to include the minimum rent and all other sums paid or payable by Lessee to Lessor hereunder.

### **19.04 Entire Agreement.**

This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of the modification. Except as otherwise stated in this Lease, Lessee hereby acknowledges that neither the Lessor nor any employees or agents of the Lessor has made any oral or written warranties or representations to Lessee relative to the condition or use by Lessee of said Site and Lessee acknowledges that Lessee assumes all responsibility regarding the Occupational Safety and Health Act, the legal use and adaptability of the Site and compliance with all applicable laws and regulations in effect during the term of this Lease.

### **19.05 Notices.**

Any notice required or permitted to be given hereunder, including a Notice to Pay Rent or Quit, or Notice to Terminate, shall be in writing and may be given by personal delivery or by certified mail, and if given personally or by mail, shall be deemed sufficiently given if addressed to Lessee or to Lessor at the address noted below:

Lessor:           City of Trinidad  
P.O. Box 390  
Trinidad, CA. 95570

Lessee:           Cal-One Cellular L.P. D.B.A. Cal-North Cellular  
11918 Main Street  
P. O. Box 627  
Fort Jones, CA 96032

Each notice shall specify the paragraph of this Lease, if any, pursuant or with reference to which it is given. Either party may by notice to the other specify a different address for notice purposes. A copy of all notices required or permitted to be given to Lessor hereunder shall be concurrently transmitted to such party or

parties at such addresses as Lessor may from time to time hereafter designate by notice to Lessee. Notice given under this section shall be deemed in compliance with applicable statutory notice requirements, including Code of Civil Procedure Section 1162 and Civil Code Section 1953.

The following information is informational only and may be changed in the manner described above for altering mailing addresses:

Lessor: Contact: City of Trinidad (707) 677-0223  
Lessee: Contact: James G. Hendricks (916) 468-5222

**19.06 Waivers.**

No waiver by Lessor or Lessee of any provision hereof shall be deemed a waiver of any other provision hereof or of any subsequent breach by Lessor or Lessee of the same or any other provision. Lessor's consent to, or approval of, any act shall not be deemed to render unnecessary the obtaining of Lessor's consent to or approval of any subsequent act by Lessee. The acceptance of rent hereunder by Lessor shall not be a waiver of any preceding breach by Lessee of any provision hereof, other than the failure of Lessee to pay the particular rent so accepted, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

**19.07 Cumulative Remedies.**

No remedy or election under this Lease shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law or in equity.

**19.08 Binding Effect Choice of Law.**

Subject to any provisions hereof restricting assignment or subletting by Lessee and subject to the provisions of Section 12, this Lease shall bind the parties, their personal representatives, successors and assigns. This Lease shall be governed by the laws of the State of California applicable to leases entered into, and to be wholly performed, within the State. The language of all parts of this Lease shall be construed with its fair meaning and not strictly for or against the Lessor or Lessee.

**19.09 Conditions to Effectiveness of Lease.**

The approval of the Trinidad City Council constitutes an express condition precedent to the effectiveness of this Lease. The City Council resolution approving this Lease shall be attached hereto as Exhibit B.

**19.10 Attorneys' Fees.**

If either party named herein brings an action to enforce the terms hereof or declare rights hereunder, the prevailing party in any such action, on trial or appeal, shall be entitled to its reasonable attorneys' fees and court costs to be paid by the losing party.

**19.11 Consent.**

Whenever under this lease the consent or approval of either party is required or a determination must be made by either party, no such consent or approval shall be unreasonably withheld or delayed and all such determinations shall be made on a reasonable basis and in a reasonable manner.

**19.12 Authority.**

Each individual executing this Lease on behalf of Lessee and Lessor represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of said Party.

**19.13 Captions.**

The captions used herein are for convenience only and are not a part of this Lease and do not in any way amplify the terms or provisions hereof.

**19.14 Protections Against Interference.**

Lessee's operations shall not interfere with Lessor's present communications uses of their property. Lessor will not grant a lease to any party for use of their property if such use would interfere with Lessee's operation of the communications facility. Any future sub-lease of the Site which permits the installation of communication equipment shall be conditioned upon not interfering with Lessee's operation of the communications facility. Subject to Lessor's rights under Section 4.04 (which Section 4.04 supersedes this Section with respect to interference with Lessor's essential municipal services) and Lessee's rights under Section 7.02 (b), in the event either party experiences radio frequency interference to their operations (operated within FCC Rules), caused by the operations of the other party, the party experiencing the interference shall notify the other party in writing (which writing shall include the opinion of a qualified electrical engineer stating the nature of the interference) and the other party shall commence to cure such interference within five (5) days receipt of such notice and shall diligently prosecute that cure to completion. If the interference has not ceased within sixty (60) days of the initial notice, the interfering party shall cease the interfering operations until the interference is resolved. Both parties shall work diligently in good faith to resolve any such interference problem quickly and cost effectively.

**SECTION 20. FURTHER ASSURANCES.**

In addition to the actions specifically mentioned in this Lease, the parties shall each do whatever may be reasonably necessary to accomplish the transactions contemplated in this Agreement including, without limitation, execution of a Notice of the Lease hereof in form appropriate for recording in the county in which the Site is situated.

IN WITNESS THEREOF, the parties hereto have executed this Lease at the place and on the dates specified immediately adjacent to their respective signatures.

**LESSEE**

By \_\_\_\_\_  
James G. Hendricks, General Manager  
Cal-One Cellular L.P. D.B.A. Cal-North Cellular

**LESSOR**

By \_\_\_\_\_  
Mayor  
City of Trinidad

**SECTION 21. EXHIBITS**

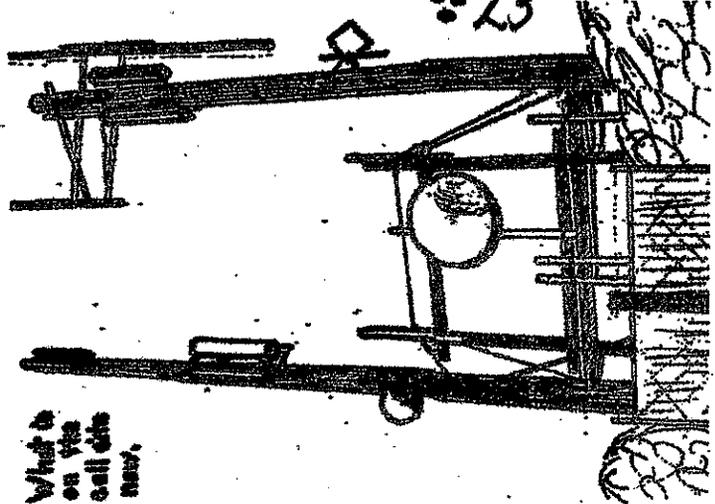
- Exhibit A: Map of the Site**
- Exhibit A1: Tower and Building Profile**
- Exhibit B: Certified Minutes of City Council Meeting Approving Lease**

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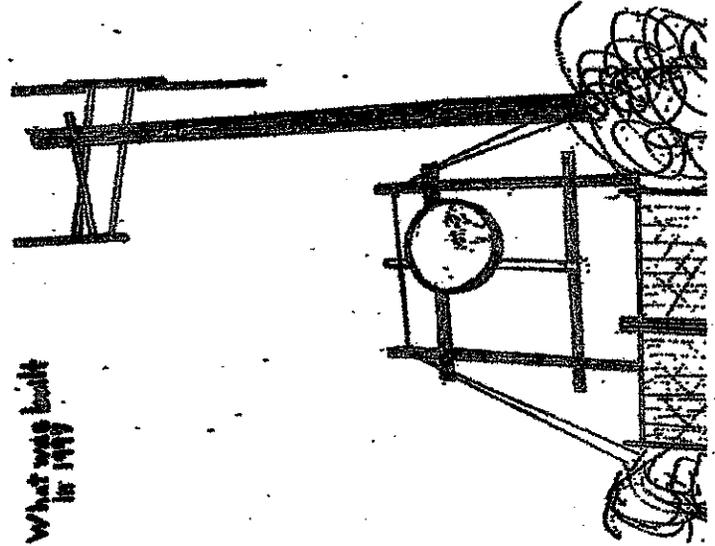
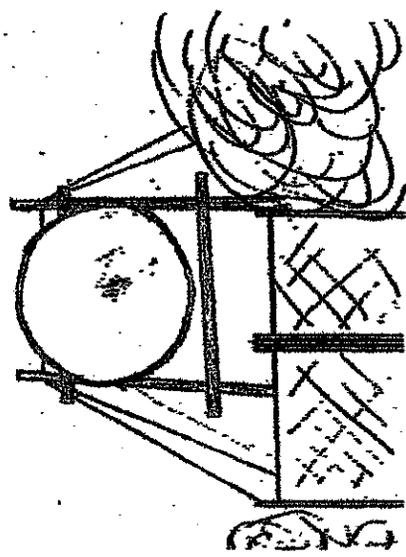
<b>PERMITS ISSUED FOR TELECOM FACILITIES ON TRINIDAD HEAD</b>			
<b>Permit No.</b>	<b>Applicant/P arty</b>	<b>Project Description</b>	<b>Date of Approval</b>
7-1996-97	CalNorth	Installation of 41' pole and 21' pole on APN 042-121-21  NOTE: In April 2007, new Sublessee, Company S, added to site.	Streamline Planning Recommended Approval APPROVED 1997
2000/09	CalNorth	Installation of a 50' wood pole with 2 sets of 56" x 12" x 4" cellular panel antennae; construct 1 - 10' x 10' concrete slab with 1 - 34" x 96" x 72 outdoor transmission cabinet; erect 1 - 48" x 48" x 48" outdoor cabinet on existing slab on APN 042-121-21	Streamline Planning Recommended Approval APPROVED 12-6-00
2001-15	CalNorth	Install 3 - 1' x 4.5' x 0.5' panel antennae at a 38' height on an existing communications pole; place a concrete slab outside the existing building for a transmitter cabinet on APN 042-121-05	Streamline Planning Recommended Approval APPROVED 1-16-02
2003-05	Edge Wireless	Construct a 5' x 6' concrete slab and a 4.5' x 2' x 6' tall equipment cabinet on APN 042-121-05	Streamline Planning Recommended Approval APPROVED 10-15-03
<b>PROPOSED PERMITS FOR CELL TOWER EXPANSION</b>			
2005-13	U.S. Cellular	Establish a new, approximately 25' x 50' communication facility just north of the existing communications site. The site will include a 50' wooden pole with 2 sets of Cellular Panel Antennas, a 12' x 12' equipment shelter on a concrete slab all surrounded by a green vinyl slat 6' tall fence topped with barbed wire	Streamline Planning Recommended Approval DENIED BY TRINIDAD PC
2005-13a	U.S. Cellular	Install 2 - 1' wide x 6' long panel antennae on 2 existing 20' poles and erect a 5' x 20' equipment cabinet.	Streamline Planning Recommended Approval APPROVED BY PC; APPEALED TO CC; CC UPHELD PC's APPROVAL; APPEALED TO CCC; USC WITHDRAWS APP
<b>ATTEMPTS TO EXPAND/ADD EQUIPMENT TO CELL TOWER SITE</b>			
11-2-2006	Verizon	Attempts to enlarge small building and extend fenced-in area by 10 feet and install a new Diesel generator that would perform a self-test by running 1 hour a week; a year's worth of fuel would be stored in the tank for self-tests, at 1 hour per week (minus emergency use)	NO ACTION TAKEN
2-13-08	Verizon	Request for CDP exemption re: proposal to install Appleton Plug on existing shelter to allow site to be powered by a temporary emergency Diesel generator	Streamline Planning Recommended Denial EXEMPTION DENIED BY CC

April 2011	AT&T	Attempt to add aerial fiber-optics cable from the base of Trinidad Head to cell tower facility with an Encroachment Permit. Project would have required installation of approximately 9 anchor supports and guy wires and extensive vegetation removal to install anchor supports and hang cable from utility poles.	HALTED; DETERMINED PROJECT MUST GO THROUGH A CDP/ PUBLIC REVIEW
5-9-12	Verizon	Request made to City Council to upgrade 3G panel antennas to 4G panel antennas, swap out existing 4-ft. microwave dish with a new 3-ft. microwave dish and ADD 6 new coaxial cables.	MOTION TO APPROVE DIED FOR LACK of 2 <sup>nd</sup>
6-13-12	Verizon	New request made to City to upgrade 3 panel antennas from 3G to 4G technology, swap out existing 4-ft. microwave dish with 3-ft. microwave dish and ADD 6 new coaxial cables to site.	CURRENT PROPOSAL
<b>EQUIPMENT/DEVICES ADDED WITHOUT PERMISSION FROM CITY</b>			
2005	Unknown	Metal Scaffolding	UNAUTHORIZED
March 2007	Unknown	GPS device added without permits or permission from City (as required in Lease Agreement).	UNAUTHORIZED
7-31-11	AT&T	Aerial wires cobbled from the main phone wire that runs between the last two power poles on Trinidad Head over to the cell tower site without permission from City.	UNAUTHORIZED
Nov/Dec 2011		Aerial wires removed by AT&T after City Manager contacted AT&T Rep re: unauthorized addition of aerial wires to site.	
<b>BREACHES OF LEASE AGREEMENT</b>			
Feb. 2006	CalNorth	CalNorth did not receive prior written consent to assign or transfer its interest in the site to Verizon, as required under the Lease Agreement (see Section 10.01 - Lessor's Consent Required).	NO ACTION TAKEN
2007	AT&T	AT&T acquired Edge Wireless. Verizon (as the primary leaseholder responsible for the site and terms of the Lease Agreement) did not receive prior written consent from the City, nor did City issue any consent for this transfer to occur.	NO ACTION TAKEN

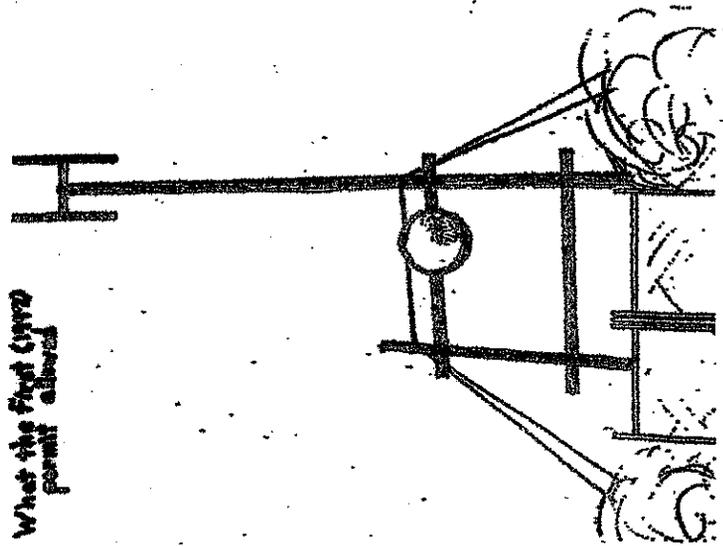
List updated on 6-11-12



What is on the call the new?



What was built in 1449



What the first crane permit allowed

**City of Trinidad**

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24

**From:** terence marlow [main531man@suddenlink.net]  
**Sent:** Thursday, October 18, 2012 11:53 AM  
**To:** city of Trinidad Clerk  
**Subject:** Trinidad Head Input

The top of Trinidad Head should be restored to a more natural state.

October 22, 2012

To: Trinidad Head Study Committee (THSC)  
From: Ben Morehead, committee member  
Re: 'Top Ten' Concerns List

Below is a list of additional concerns (not prioritized) re: Trinidad Head (TH). These issues have been previously brought up at THSC meetings. Cell tower is a hot topic but not the only one needing prioritization. I hope these can also be considered and put on the list for discussion.

- Yes improve existing and create new public vista spots via brush clearing and tree trimming on very select areas along the ocean view public trail sections on TH.
- Clear out poison oak growing within five feet of trail; its currently on the trail.
- Include public use of the coast guard property up for transfer
- Signage: a) TH trail head signage improvement (existing and proposed); b) consolidation and maintenance of existing signs. c) improved signage in town for tourists to the trail and trailhead.
- A more active outdoor environmental education interpretive program w/ self-guided and volunteer docent-led hikes (a leg of the TH Stewardship volunteers, land trust and BLM?)
- Note that there may have been a 2005 Steamline Planning public survey that states 'views' as a priority public concern. THSC should review any past public surveys.
- It was agreed by the THSC that additional vegetation management concerns would be included in this THSC recommendation report, in addition to the immediate 'crisis' response to the trail brush trimming concerns in early summer 2012.
- PGE, Davey Tree and other subcontractors working on TH should have to get a permit from City to do so (ie, tree trimming, soil movement, road work, etc.).
- City should develop a TH management plan addressing these issues, including a proposed position for cell tower lease renewal. Also need for a cooperative public access management plan with all owners of TH, including BLM, Trinidad Rancheria, City, others.
- Aesthetics of Coast Guard fencing and cell tower fencing.
- Vehicle policy to be implemented enforced on TH including lock on chain restricting traffic and authorization forms for drivers.

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388 Rock Pit Rd.  
Fieldbrook, CA. 9519

October 22, 2012

Trinidad Head Study Committee  
City of Trinidad  
P.O. Box 390  
Trinidad, California 95570

Dear Committee Members,

Thank you for soliciting the public's concerns regarding Trinidad Head. I have lived in this area for over 40 years and cannot think of a more spectacular place along our coast than Trinidad Head.

My list of concerns, in no particular order, are as follows:

1. Trinidad Head should be managed as a natural recreational area,
2. No further development (structures, roads, infrastructure) should occur on the Head,
3. Additional cell phone towers should not be installed (I would like to see them all removed),
4. Abandoned infrastructure and buildings should be removed and the areas restored,
5. Trail surfaces should be maintained with minimum ground disturbance as a goal,
6. Vegetation along trail corridors should be managed thoughtfully to allow safe passage while minimizing disturbance and eliminating invasive species,
7. Existing vistas, at select locations, should be maintained with thoughtful vegetation management, and
8. Coordinated planning should occur to develop a management strategy for Trinidad Head.

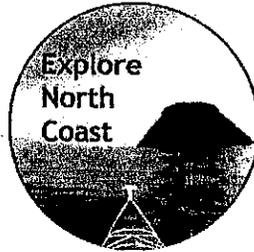
Thank you for the opportunity to express my concerns.

Sincerely,



Greg Bundros

Explore North Coast  
P.O. Box 4712  
Arcata, CA 95518  
(707) 825-9221



24

[www.explorenorthcoast.net](http://www.explorenorthcoast.net)  
[info@explorenorthcoast.net](mailto:info@explorenorthcoast.net)

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October 22, 2012

Trinidad Head Study Committee  
City of Trinidad  
P.O. Box 390  
Trinidad, California 95570

Dear Committee Members,

Thank you for soliciting concerns regarding Trinidad Head. Explore North Coast (ENC) is a local kayaking club with about 80 members. As a Director of the Board, I would like to share ENC's primary concerns regarding Trinidad Head.

Our primary concerns are as follows:

1. Trinidad Head should be managed as a natural recreational area,
2. No further development (structures, roads, infrastructure) should occur on Trinidad Head, and
3. Additional cell phone towers should not be installed on Trinidad Head.

Thank you for the opportunity to share our concerns.

Sincerely,

Gregory J. Bundros, Board Director  
Explore North Coast

cc: ENC Board of Directors

assistance review. If a use permit, coastal development permit or other approval is required by the planning commission or city council, the review of the design shall be subsequent to other permit considerations and may occur at the same meeting, subject to fulfillment of public notification requirements. Otherwise the procedure for submittal and consideration of the application shall be the same as for a use permit as provided in Chapters 17.68 through 17.76. Where view considerations are involved, the applicant is encouraged to contact property owners within one hundred feet and show them the layout and profile of the proposed structure. The committee shall not approve any application unless it finds that all of the applicable criteria have been considered and the minimum adjustments required to achieve the objectives applicable to the area where the development is located. (Ord. 84-180 §3(part), 1984; Ord. 166 §6.19(part), 1979)

#### Chapter 17.64

#### NONCONFORMING USES AND STRUCTURES

##### Sections:

- 17.64.010 Nonconforming uses and structures.
- 17.64.020 Nonconforming lots.
- 17.64.030 Nonconforming RV and mobilehome uses and parks.
- 17.64.040 Nonconforming off-street parking.
- 17.64.050 Underground utilities.
- 17.64.060 Land acquisition by public agency.

17.64.010 Nonconforming uses and structures. The lawful use of lands or structures existing on the effective date of the regulations codified in this title, although such use or structure does not conform to the regulations applied to such property or structure, may be continued, except as provided as follows:

A. Any structure conforming as to use but not conforming as to lot area, yards, height or other requirements herein at the effective date of the ordinance codified in this title may be altered, repaired or extended provided that such alteration, repair, or extension shall not increase the existing degree of nonconformance.

B. If any nonconforming building is destroyed to the extent that the cost of repair, using new materials, exceeds sixty percent of the current value of the structure, then the building shall become subject to all regulations in the applicable zone except as provided in Chapter 17.60. The repair of a partially destroyed building shall commence

within one year and an additional six months shall be allowed for the completion of the exterior of any reconstruction.

C. Any change of a nonconforming use shall be to a conforming use, and a nonconforming use which has been discontinued for a period of one year or more shall not be re-established. A nonconforming use of a part of a lot or a structure shall not be extended throughout the lot or structure.

D. Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

E. Any signs, existing on the effective date of the ordinance codified in this title, but not conforming to the provisions of this title, shall be permitted to continue for a period of three years from the effective date of the ordinance codified in this title and shall be removed or discontinued on or before that date. Signs advertising a discontinued use shall be considered nonconforming and shall be removed within thirty days of the discontinuance. (Ord. 166 \$6.20, 1979)

17.64.020 Nonconforming lots. If a lot was delineated on a recorded subdivision map, or was lawfully established as a separate lot on the effective date of the regulations codified in this title, and such lot does not conform to the minimum lot area of the zone in which it is located, it shall be considered a legal building site for uses permitted in the pertinent zone, even if the owner of the lot has at any time owned land contiguous to the lot, provided all other requirements of this title and other applicable city ordinances and standards can be satisfied. (Ord. 166, \$6.21, 1979)

17.64.030 Nonconforming RV and mobilehome uses and parks. A. Recreational vehicles and mobilehomes used as a permanent residence, existing within the confines of a legally established recreational vehicle park or mobilehome park on the effective date of the ordinance codified in this title, may continue to be used as a permanent residence provided the vehicle is at least one hundred square feet in floor area, conforms to the pertinent state construction requirements, and contains at least one hundred square feet of floor area per occupant. Recreational vehicles and mobilehomes existing on the date of the ordinance codified in this title that do not meet these requirements shall be discontinued as a permanent residence within one year of the date of the ordinance codified in this title.

B. Recreational vehicle parks and mobilehome parks existing on the date of the ordinance codified in this title that do not comply with the density or other regulations herein pertaining to such facilities, shall be considered a legal nonconforming use, provided such facility shall in no

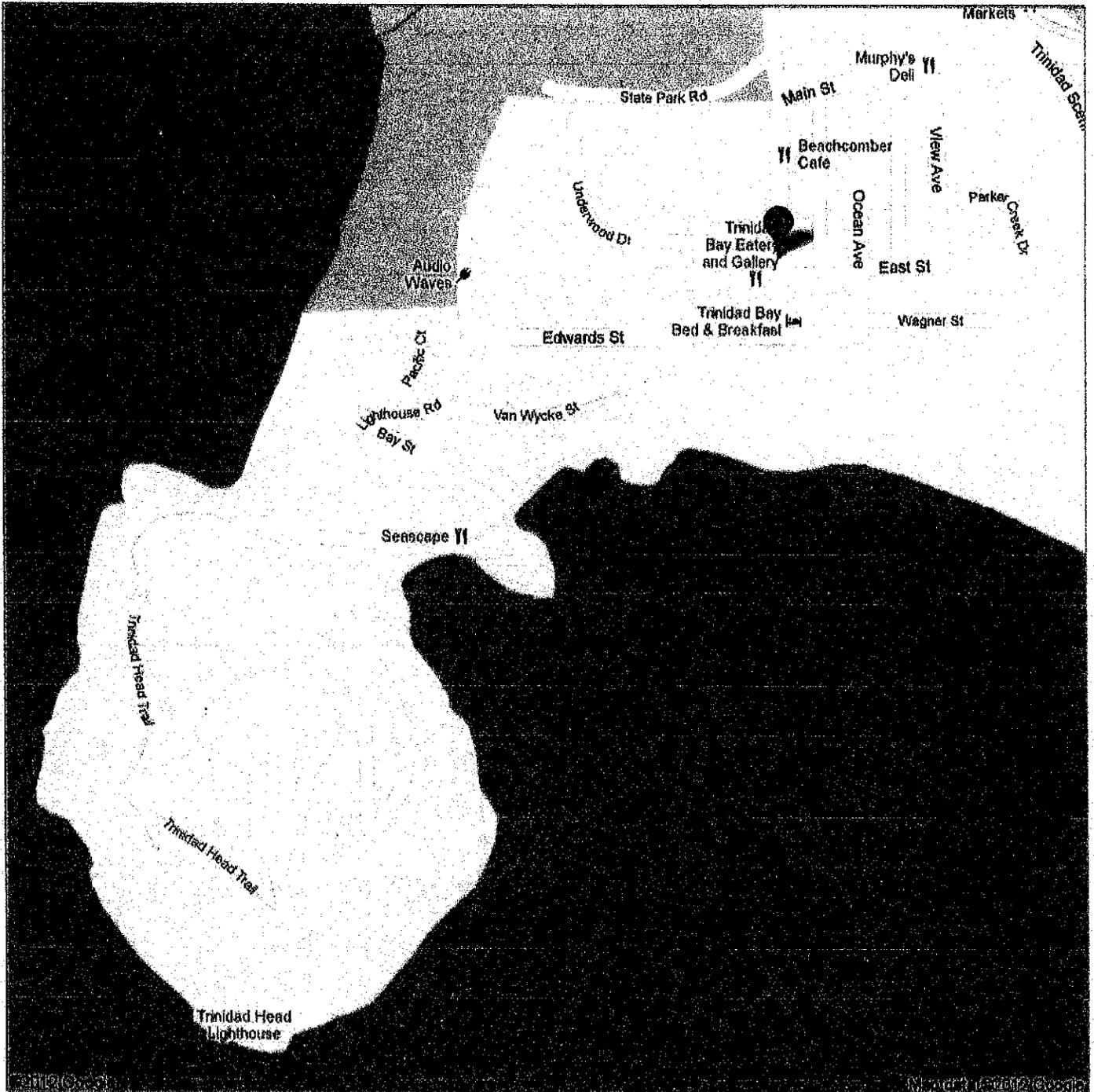
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Google

Address Trinidad, CA 95570

Get Google Maps on your phone

Text the word "GMAPS" to 466453



**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-6813  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877

: 27



July 1, 2011

Trever Parker, City Planner  
City of Trinidad  
P.O. Box 390  
Trinidad, CA 95570

**SUBJECT: Maintenance Activities on Trinidad Head**

Dear Ms. Parker:

Thank you for your letter we received on June 6<sup>th</sup> regarding ongoing and periodic maintenance and other activities involving the roads and trails on Trinidad Head. We appreciate the efforts and time you, Karen Suicher, and the Public Works staff have taken to coordinate with us on the issue of which of the ongoing and periodic activities the City performs on Trinidad Head require coastal development permits and which do not. As we had discussed ahead of time, your letter describes the various activities and offers the City's opinion about which activities as described would require a coastal development permit and seeks the Commission staff's concurrence. The letter describes a number of different activities, many of which raise a number of issues and concerns that we have not yet been able to fully address. We will respond in detail to the entire list at a later date, but we understand that because of the rapid growth of vegetation, there is a pressing need to perform mowing and trimming activities to keep the trails and road on Trinidad clear and available for public access use. Therefore, we are responding now to the portion of your letter addressing such mowing and trimming within and around the trails and road so that the City can choose to move forward on those trimming and mowing activities for which we are in agreement do not require a coastal development permit.

Section 30600 of the Coastal Act requires that a coastal development permit be obtained for any development proposed in the coastal zone unless such development is specifically exempted from the need for a permit. As you note in your letter, Section 30106 defines development, and the definition includes "removal of major vegetation." The term "major vegetation" is not further defined in the Coastal Act or the Commission's regulations. A case by case review of what constitutes "major vegetation" removal. In general, however, the Commission has considered the removal of major vegetation to include removal of such vegetation as environmentally sensitive vegetation, visually significant vegetation, and removal of large trees. In the case of Trinidad Head, much of the vegetation covering the head would be considered to be major vegetation from at least the standpoint of its visual significance. The vegetation is a significant element of the character of the head contributing to its highly scenic nature. Thus, the Commission staff believes that for the most part, removal of the vegetation on the head would constitute "removal of major vegetation" and therefore be a form of development requiring a permit.

An exception to the above would be the trimming and mowing over the existing trails and roads on the head and along the sides in the minimum amount necessary to maintain access for hikers on the trail and vehicles on the roads. The roads and trails have been maintained for use by trimming and mowing over time, and new growth occurring within the roads and trails is not a significant element of the character of the head and its removal is thus not major vegetation removal. Your letter suggested that trimming and mowing up to approximately 3 feet out on either side of each road and trail should not be considered removal of major vegetation. We understand that the areas along the roads and trail have not always been mowed and trimmed to that extent and that part of the desire to trim to such widths is to clear the vegetation back further to reduce the frequency that mowing and trimming needs to occur. We are concerned that mowing and trimming the areas along the roads and trails to such widths would affect the visual character of the head and would constitute the removal of major vegetation. We believe that mowing and trimming over the existing roads to the minimum height required to meet the Cal Fire Code, and mowing and trimming to no more than one foot on either side of the existing roads would avoid major vegetation removal and therefore not require a coastal development permit.

With regard to mowing and trimming over and along the trails, we believe that mowing as much as three feet on either side of the trails creating a 9-10-foot wide swath of cleared area as proposed would create a visual scar on the landscape of the head and constitute major vegetation removal. We can agree, however, that maintaining the trails to a total width of 4 feet (including the trail itself and adjoining areas) and a height of 8 feet would not constitute major vegetation removal and therefore would not require a coastal development permit.

As I noted above, we will be responding in a more complete fashion to your letter we received on June 6<sup>th</sup> in the near future. If you have any questions or concerns, please call me at (707)445-7833.

Sincerely,



ROBERT S. MERRILL  
North Coast District Manager



• 28

# City of Trinidad

May 31, 2011

Robert Merrill  
North Coast District Manager  
CA Coastal Commission  
710 E. Street, Suite 100  
Eureka, CA 95501

RECEIVED  
JUN 06 2011  
CALIFORNIA  
COASTAL COMMISSION

Re: Maintenance Activities on Trinidad Head

Dear Mr. Merrill,

Thank you for meeting with city of Trinidad staff on Trinidad Head on May 16, 2011. The discussion centered around ongoing and periodic maintenance activities for the roads and trails on Trinidad Head. We discussed what types of activities would not be considered development per Coastal Act §30106, specifically the term "major vegetation removal." We also discussed other maintenance activities, such as periodic grading on the existing roadways, that are "development." It was noted that there is a discrepancy between the current Coastal Commission regulations and the City's certified Local Coastal Program (LCP) as to whether such activities would be exempt from Coastal Development Permit (CDP) requirements. The City is seeking concurrence from Coastal Commission staff as to the status and requirements for the various maintenance activities carried out on Trinidad Head by city staff.

The following list comprises staff's understanding of maintenance activities that are not "development" in accordance with Coastal Act §30106 and therefore do not require a CDP:

- Mowing.
- Trimming vegetation along roads to widths that have historically been trimmed. The roads average 10 feet in width and are trimmed approximately 3 feet on either side for a total width of approximately 16 feet. At the out slopes of existing waterbars, vegetation is trimmed an additional 2 feet out from the roadway (total of 5 feet) to maintain erosion control (total maximum width of 18 feet). A 15 foot clearance height is also trimmed to these widths to accommodate emergency vehicles on the roadways.
- Trimming vegetation along trails to widths that have historically been trimmed. The trails themselves average 3 to 6 feet in width depending on the location. Trimming occurs approximately 3 feet on either side of the trail for an average total width of 9 to 12 feet. An 8 foot clearance height is also trimmed to these widths for pedestrian safety.
- Trimming down the height of vegetation as has historically been done at various vista points and in front of benches to an average of approximately 3 feet high.

- Major trimming (to the maximums described above) occurs approximately every 6 months (twice per year).
- Minor trimming to maintain road and trail access through the growing season occurs approximately once a month.
- Vegetation trimming includes removing leafy material and some woody branches from forbs, shrubs and trees using hand tools or handheld power tools
- None of these trimming activities includes removal of entire plants

In addition, it appears that some repair and maintenance activities besides vegetation trimming would also be excluded from the definition of development and CDP requirements per the City's certified LCP (§7.12.C.3) and Coastal Act §30610(c):

- Replacement / repair of component parts of existing structures with similar materials that do not expand their size or use including trail markers, trail steps, gates, fencing and benches. This work utilizes only hand tools and handheld power tools.

The following is a list of maintenance activities that staff understands are 'development' in accordance with Coastal Act §30106 and therefore require a CDP. Further, under current Coastal Commission regulations, Trinidad Head would be considered an Environmentally Sensitive Habitat Area (ESHA) due to the coastal scrub habitat and the proximity to coastal bluffs. As such, CDP exemptions for repair and maintenance activities would not apply (regulations section 13252(3)). However, under Trinidad's certified LCP, these activities would be exempt from CDP requirements per §7.12.B.4 (§17.72.070.C.3 as codified).

- Periodic importation of gravel for roadway and trail maintenance (approximately once every 5 years); this work may include the use of mechanized equipment (e.g. bobcat).
- Grading activities, including smoothing, outsliping and re-creating waterbars to repair erosion damage (approximately once every 5 years); this work may include the use of mechanized equipment.
- Annual maintenance of waterbars and outslipes on the roadway and trails using hand tools or handheld power tools.

The City would appreciate a response as to whether Coastal Commission staff concurs with City staff's understanding of the requirements for each of the above maintenance activities. In particular the status of the activities that would not be considered development (vegetation trimming) is important to confirm at your earliest convenience due to heavy spring growth that is occurring. City staff will await the determination of the Coastal Commission's legal staff as to how to proceed with the third and last list of activities that may or may not be exempt from CDP requirements. Your assistance in this matter is appreciated.

Sincerely,



Trever Parker, City Planner

Cc: Jim Baskin, Coastal Planner, North Coast District  
Karen Suiker, Trinidad City Manager  
Bryan Buckman, Trinidad Public Works