

CALIFORNIA COASTAL COMMISSION

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Th10b

Addendum

March 4, 2019

TO: Coastal Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Mark Delaplaine, Manager, Energy, Ocean Resources, and Federal Consistency Division
John Weber, Senior Environmental Scientist

SUBJECT: Addendum to Staff Report for Federal Consistency Determination CD-0006-18, Bureau of Indian Affairs

This addendum provides correspondence in response to the February 22, 2019 staff report on the Bureau of Indian Affairs (BIA) federal consistency determination to place approximately 10 acres of land into federal trust status on behalf of the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria). The proposed property, located in Trinidad, Humboldt County, currently contains a parking lot and adjoining access way (Bay Street), restaurant, small temporary buildings, and a residence used as a vacation rental; approximately half of this land is open space and provides public access to Trinidad Head, the existing pier, adjacent beaches, Trinidad Harbor, and other amenities in the Trinidad Harbor vicinity. As part of the federal consistency determination, the Trinidad Rancheria proposes to construct a 1,300 square-foot visitor center and stormwater improvements to treat runoff discharge into Trinidad Harbor.

This addendum provides staff's response to the comments received, and in so doing, staff revises its recommended findings to incorporate these comments. The February 22, 2019 staff report recommended that the Commission "conditionally concur" with the BIA federal consistency determination. The staff report included a condition (and its rationale) related to committing the BIA to assure that the Trinidad Rancheria coordinates any future, currently unanticipated development proposals or changes in public access with the Commission staff. The BIA amended its consistency determination to provide for such assurance, as indicated in its March 4, 2019 letter attached to this addendum. In its March 1, 2019 letter, the Trinidad Rancheria expressed its commitment to this coordination; this letter also is attached to this addendum.

Consequently, the revisions to the February 22, 2019 staff report also include a change to staff recommendations: the staff recommends that the Commission concur with the BIA federal consistency determination, CD-0006-18.

Revisions to Findings: Staff recommends modifying the staff report as shown below in ~~strikeout~~/underline:

Page 1: Change Staff Recommendation from “Conditional Concurrence” to “Concurrence”

Page 2, fourth, fifth, and sixth paragraphs:

The subject property supports activities that are integral to the operation and character of the harbor, such as by providing public access and other support functions to the existing pier, Trinidad Beach State Park, Trinidad Head, Launcher Beach, and the existing restaurant. According to the BIA consistency determination, approximately half of the area of the subject property is currently open space and “would be preserved as open space and the Tribe would maintain public access to the open space.” The Tribe has expressed its intent to adopt a Tribal Resolution recognizing the importance of the existing uses, including open space and public access, in the subject property and expressing its commitment to maintaining this open space and public access. In addition, ~~staff is recommending a condition directing the BIA~~ has agreed to assure that the Tribe adopts a Tribal Ordinance that commits to coordinating any future, currently unanticipated, development proposals or changes in public access with the Commission staff. The Trinidad Rancheria also has agreed to this commitment, and the BIA will incorporate this agreement into its final decision in its NEPA process. The goal of this coordination will be to assure that with such future activities and or changes to public access, the project will remain consistent with the public access and recreation policies of the Coastal Act.

The staff therefore recommends the Commission ~~conditionally concur~~ with the BIA’s consistency determination and find the proposal, ~~as conditioned,~~ consistent with the public access (Section 30210-12), recreation (Section 30221), upland (Section 30223), marine resources (Section 30230), biological productivity (Section 30231), archeological or paleontological resources (Section 30244), and scenic and visual resource policies (Section 30251) of the Coastal Act. ~~If the BIA does not agree to the condition, the Commission’s action will be treated as an objection.~~

The standard of review for this project is the Chapter 3 policies of the Coastal Act. The motion to ~~conditionally concur~~ is on page 4.

Page 4, Motion, Resolution, and Condition:

Motion:

I move that the Commission conditionally concur with consistency determination CD-0006-18 ~~on the grounds that, if modified as described in the Commission’s~~

~~conditional concurrence, the project described therein would be is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP.~~

Staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with the determination of consistency, ~~provided the project is modified in accordance with the recommended condition,~~ and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution:

*The Commission hereby **conditionally concurs** with the consistency determination CD-0006-18 by the Bureau of Indian Affairs, on the grounds that the project described therein ~~would be is fully-consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP,~~ provided the BIA agrees to modify the project consistent with the condition specified below, as provided for in 15 CFR §930.4.*

Condition:

~~The BIA will assure that the Tribe will adopt Tribal Ordinances and submit them to the Executive Director of the Commission, committing to coordinate any future, currently unanticipated, development proposals or changes in public access with the Commission staff. The goal of this coordination will be to assure that with such future activities and/or changes to public access, the project will remain consistent with the public access and recreation policies of the Coastal Act.~~

Page 5, Section B: Conditional Concurrences

B. Conditional Concurrences. ~~The federal consistency regulations (15 CFR § 930.4) provide for conditional concurrences, as follows:~~

~~(a) Federal agencies, ... should cooperate with State agencies to develop conditions that, if agreed to during the State agency's consistency review period and included in a Federal agency's final decision under Subpart C ... would allow the State agency to concur with the federal action. If instead a State agency issues a conditional concurrence:~~

~~(1) The State agency shall include in its concurrence letter the conditions which must be satisfied, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies. The State agency's concurrence letter shall also inform the parties that if the requirements of paragraphs (a)(1) through (3) of the section are not met, then all parties shall treat the State agency's conditional concurrence letter as an objection pursuant to the applicable Subpart . . . ; and~~

~~(2) The Federal agency (for Subpart C) ... shall modify the applicable plan [or] project proposal, ... pursuant to the State agency's conditions. The Federal agency ... shall immediately notify the State agency if the State agency's conditions are not acceptable...;~~

~~(b) If the requirements of paragraphs (a)(1) through (3) of this section are not met, then all parties shall treat the State agency's conditional concurrence as an objection pursuant to the applicable Subpart.~~

Page 6, first paragraph:

The Bureau of Indian Affairs has submitted a consistency determination for the placement of property in the city of Trinidad (**Exhibit 1**) owned in fee title by the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria) into federal trust status with the United States on behalf of the Trinidad Rancheria. The subject property consists of a total of 10.01 acres and is adjacent to Trinidad Harbor and Trinidad Head (**Exhibit 2**) as outlined in **Exhibit 3**, which also identifies the subject parcels and their sizes. Exhibit 3 identifies the estimated Ordinary High Water Mark for the purposes of generally depicting the proposed trust action boundary. Lands seaward of the Ordinary High Water Mark are not included in the fee-to-trust action. Portions of this property currently are developed with a restaurant, a rental home, small buildings that support harbor activities, and parking and access (along Bay Street) for the Harbor, pier, beaches, and Trinidad Head; a majority of this property is open space (**Exhibit 3**).

Page 9, paragraph summarizing Tribal Outreach:

During the process of reviewing this project and developing this recommendation, Commission staff reached out to representatives of the Yurok Tribe and the Tsurai Ancestral Society, who are understood to have current and historic connections to the project area. As is the case with the Trinidad Rancheria, the Yurok Tribe is a federally recognized tribe. In previous correspondence related to the proposal, the Yurok Tribe stated that “[t]he Yurok Tribe maintain a standing objection to the BIA and [Department of] Interior taking into trust any land for Trinidad Rancheria, or any other Tribe, within Yurok Ancestral Territory.” (Yurok Tribe 2016). This general sentiment also was transmitted via e-mail during the staff review of the BIA’s consistency determination (Amy Cordalis, attorney for the Yurok Tribe, personal communication, January 2019).

Following publication of the staff report, on March 1, 2019, the Yurok Tribe submitted a letter providing its comments on the BIA federal consistency determination and the staff report. This letter stated that “[t]he Yurok Tribe writes to oppose, in the strongest voice possible, the proposed BIA Consistency Determination in application number CD-0006-18.” The letter specifically commented on issues including an asserted conflict of interest involving a Commissioner, public access, the overall issue of granting a trust application to the Trinidad Rancheria, government coordination between the BIA and the Yurok Tribe, the cultural importance to the Yurok Tribe of the properties included in the proposed fee-to-trust action, and the establishment of the visitor center. The Yurok Tribe’s comment letter is included in the correspondence packet received in response to the staff report. Additionally, on February 28,

Toby Vanlandingham, a member of the Yurok Tribal Council, submitted a comment expressing opposition to the BIA proposed fee-to-trust action.

During the staff review of the proposed project, following staff's initial coordination, the Tsurai Ancestral Society requested general information about the proposed fee-to-trust action and stated that the proposal was "problematic for many reasons" (Sarah Lindgren-Akana, personal communication, February 2019). Following publication of the staff report, the Tsurai Ancestral Society provided comments on February 20 and February 27, 2019. These comments are also included in the correspondence received in response to the staff report and expressed opposition to the proposed fee-to-trust action, described the history and non-profit status of the Tsurai Ancestral Society, and specifically commented on the potential for the proposed action to affect Tsurai Village or its important sites, the outreach process to date, the potential conflict of interest of a particular Commissioner, and the "significant impacts this has on the rights, privileges, and historical claims of the Tsurai Ancestral Society and Yurok Tribe..." Any concerns raised subsequent to the publication of this report will be brought to the attention of the Commission through the development of an addendum to this staff report and recommendation.

On March 1, 2019, the Trinidad Rancheria provided a comment letter that expressed its commitment to agree to the condition included in the February 22, 2019 staff report to "coordinate any future, currently unanticipated, development proposals or changes to public access..." The Trinidad Rancheria's letter also stated the Rancheria's commitment to open public access, citing its history with the properties it has owned since purchasing them in 2000, and also commented on the reasoning for placing the land into trust, its plan for complying with the State Water Board's Special Protections for Areas of Special Biological Significance (i.e., as Trinidad Harbor is designated) and history of addressing environmental concerns, and concerns related to the cultural and historic ties of Trinidad Rancheria. This letter is included in the correspondence packet received in response to the staff report and also is attached to this addendum.

Page 14, first paragraph:

To memorialize this commitment and assure its success, through its March 4, 2019 letter to the Commission, the Commission BIA amended its consistency determination to provide is adopting a condition which, if the BIA agrees to it, will result in the BIA's assurance that the Tribe will adopt Tribal Ordinances and submit them to the Executive Director of the Commission, committing to coordinating any future, currently unanticipated, development proposals or changes in public access with the Commission staff. The goal of this coordination will be to assure that with such future activities and/or changes to public access, the project will remain consistent with the public access and recreation policies of the Coastal Act. Upon the commencement of such coordination with the Tribe, Commission staff would in turn coordinate with the City of Trinidad and other known interested parties to provide an opportunity for local input. The BIA has stated that it will include this commitment as part of its final decision on its NEPA process for the proposal (Bureau of Indian Affairs 2019). The Trinidad Rancheria has also expressed its agreement to adopt Tribal Ordinances reflecting this commitment (Trinidad Rancheria 2019).

Page 22, Substantive File Documents:

Consistency Determination CD-0006-18, Bureau of Indian Affairs, Trinidad Rancheria Fee to trust, stormwater improvement, and interpretive visitor center project, December 26, 2018, as amended by a letter from the Bureau of Indian Affairs to the Commission dated March 4, 2019.

Letter from Trinidad Rancheria to the Commission dated March 1, 2019.

Exhibit 3:

Add a disclaimer stating “The indicated Ordinary High Water Mark is an estimate for purposes of generally depicting the proposed trust action boundary. A property-specific land survey would be necessary to identify the precise Ordinary High Water Mark. Lands seaward of the Ordinary High Water Mark are not included in the fee-to-trust action.”

Correspondence Received

- February 20, 2019 email from Kimberly Tays to CCC
- February 20, 2019 letter from Tsurai Ancestral Society
- February 25, 2019 email from Reid Boggiano, State Land Commission, to John Weber, Commission staff
- February 26, 2019 email from Richard Walter to CCC
- February 27, 2019 letter from Tsurai Ancestral Society (with attachments)
- February 27, 2019 emails from Michelle Dougherty, Johnny Newsome, Chris Whitworth, Nova Love, and Jennifer Scott to CCC
- February 27 and 28, 2019 emails from Kimberly Tays to Commissioners (with attachments)
- February 28, 2019 emails from Scott Willits, Toby Vanlandingham, Ethan Luckens, Arwen Ellison, Cindy Bell Lindgren, Marevo Russo, and Brian H, to CCC
- February 28, 2019 letters from Humboldt Alliance for Regional Planning, Robert Hallmark, Jim Cuthbertson, Don Allan, and Jason Self
- March 1, 2019 emails from Alan Phillips, Michael Morris, Penne O’gara, Georgianna Wood, John Schmidt, Charlotte Cerny, Molly Martin, Thomas Dammann, Joan Carpenter, Damon Maguire, Marcella Ogata-Day, Nicholas Appelmans, Ed Schreiber, Dan Crandall, Timothy McClure, Andrew Orahoske, Mike Sawyer, and Teri Savage
- March 1, 2019 letters from the City of Trinidad (with attachments), Ted Pease/Brenda Cooper, Yurok Tribe, and the Trinidad Rancheria

Additionally, on February 27, 2019, the Commission received an unsigned text message that reads: “We the people are concerned about the Rancheria putting Trinidad harbor, launch and beach into a federal land trust. Please consider the small businesses and the heart of Trinidad. The public should be able to access the beach and the sensitive environment that our bay holds should be protected.”

Staff Response to Comments

Comments received by March 1, 2019 raised the following Coastal Act-related issues: timing of the Commission action and the project's National Environmental Protection Act (NEPA) process; public access to the pier, harbor, and beach areas; design of the visitor center; and compliance with previous coastal development permits issued to the Rancheria. This addendum provides staff's responses to these issues.

Several commenters also raised a general objection regarding placing into trust any land within the ancestral territory of the Yurok Tribe unless such an action is taken on behalf of the Yurok Tribe. The overall process of placing land into federal trust on behalf of a Tribe is a decision that is designated to the BIA, pursuant to 25 C.F.R. Part 151. The Commission's role in the fee-to-trust process stems from the federal consistency section of the Coastal Zone Management Act (CZMA), which requires that federal activities affecting coastal resources be carried out in a manner that is consistent to the maximum extent practicable with the enforceable policies of approved State management programs [16 U.S.C. §1456(c)(1)]. For purposes of federal consistency review for this case, the policies of Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§30200-30265.5) are the enforceable policies. Therefore, the Commission's role in this matter is limited to determining if the project is consistent with the Coastal Act. The policy issue of placing land into federal trust within the ancestral territory of a particular Tribe is under the purview of the BIA and does not implicate Coastal Act consistency issues.

When past fee-to-trust actions have come before the Commission under its federal consistency authority, they have typically involved three steps:

1. The Commission reviews a "snapshot" of anticipated development incorporated in the BIA federal consistency determination—in this instance, the proposed stormwater improvements and the visitor center. The purpose of this review is to assess the consistency of any anticipated development likely to occur following completion of a BIA fee-to-trust action with applicable Coastal Act policies.
2. The Commission has sought assurances that the Commission and/or its staff will be afforded the opportunity to review, comment, and work with the BIA and/or the Tribe to ensure that building, monitoring, mitigation, or other pre-construction plans reflect, and are in accordance with, the activities described and analyzed in Commission findings on a consistency determination. In this instance, examples of such assurances are the Trinidad Rancheria's agreements to provide Commission staff with further design details, once prepared, for the proposed stormwater improvements and visitor center.
3. The Commission has sought to develop meaningful working relationships to enable continued future cooperation and coordination with respect to changes to previously anticipated activities on Trust properties, or to activities that were not able to be anticipated at the time of Commission review, either of which changes may affect coastal resources in a manner different than was analyzed in the staff report for the BIA consistency determination. This issue is part of the rationale for BIA agreeing to modify its federal consistency determination to assure that the Tribe coordinates any future,

currently unanticipated development proposals or changes in public access with the Commission staff.

Additionally, commenters raised concern over the changes in state jurisdiction that would result from the completion of the fee-to-trust action, suggesting that “it is unlikely the public would have much influence over what types of development is allowed or constructed on sovereign, tribal land”, and pointing out differences between state and federal law in terms of the potential to address environmental impacts that could result from development. Comments also identified the different requirements for public notice that exist in state and federal regulatory processes, offering the opinion that the existing state regulatory processes are preferable for encouraging public involvement. One commenter also referenced potential changes to the federal Clean Water Act under the current administration and subsequent concern for water quality in Trinidad Harbor as an example of the concern over loss of state regulation.

Page 7 of the staff report summarizes how a fee-to-trust action, once completed by the BIA, modifies the effect and scope of state law authority, but recognizes that the Commission’s federal consistency review authority would continue to be triggered if a future activity would need a federal permit or federal funding, or is being carried out by a federal agency. If the BIA completes the federal trust action, it is conceivable that potential future development proposed on the subject property would not involve such triggers and thus would not be subject to federal consistency review. To address this concern, and in recognition of the public access that the subject properties currently provide, the staff report recommended that the BIA agree to a condition that commits the Tribe to coordinating any future, currently unanticipated development proposals or changes in public access with the Commission staff. The BIA has amended its consistency determination to provide its assurance that the Trinidad Rancheria will conduct such coordination.

Staff responses to additional comments are provided below.

Timing of the Commission’s action on the BIA federal consistency determination

Some commenters also raised an issue regarding the issue of the Commission acting on a federal consistency determination prior to completion of the National Environmental Policy Act (NEPA) process. For the Trinidad Rancheria fee-to-trust action, the BIA issued a draft Environmental Assessment (draft EA) pursuant to NEPA in 2017 and accepted comments on the draft EA. To date, the BIA has not formally responded to comments that were received on the draft EA. Public comments on the February 22, 2019 staff report question if the NEPA process should be completed (specifically mentioning a response to comments provided by the BIA) prior to the Commission acting on the federal consistency determination.

The Commission’s federal consistency authority, as described previously, is provided by the CZMA. The CZMA federal consistency regulations state that:

[a] Federal agency may use its NEPA documents as a vehicle for its consistency determination or negative determination under this subpart. However, a Federal agency’s federal consistency obligations under the Act are independent of those

required under NEPA and are not necessarily fulfilled by the submission of a NEPA document. State agencies shall not require Federal agencies to submit NEPA documents as information that is required content for purposes of federal consistency review (930 C.F.R. §930.37).

Therefore, the Commission cannot require a NEPA process be completed prior to acting on a federal consistency determination.

Public access

Public comments raised the importance of existing and future public access to the pier, harbor, beach, Trinidad Head, Launcher Beach, and Trinidad State Beach, and other public areas in the vicinity. Public comments described the importance of existing recreational opportunities in Trinidad provided by public access.

As described in the staff report, the BIA consistency determination states the intent of the Trinidad Rancheria to preserve existing open space and maintain public access to the open space. Additionally, the Trinidad Rancheria has expressed its willingness to adopt a Tribal Resolution to confirm this intent. However, in recognition of the present and continuing importance of public access to the harbor area and surrounding amenities, and in light of the changes to state and local regulatory authority that a fee-to-trust action results in (as summarized in the staff report), the staff report originally included a condition to further ensure that the proposed project is consistent with the public access and recreation policies of the Coastal Act (Sections 30210, 30211, 30212, 30221, and 30223). This condition committed the BIA to assuring that the Tribe adopts Tribal Ordinances to coordinate any future, currently unanticipated development proposals or changes in public access with the Commission staff. As stated in the staff report, the “goal of this coordination will be to assure that with such future activities and/or changes to public access, the project will remain consistent with the public access and recreation policies of the Coastal Act.” In its comment letter on the staff report, the Trinidad Rancheria has expressed its agreement with this condition (this letter is attached to this addendum.) Through its letter of March 4, 2019, the BIA incorporated its assurance for such coordination its consistency determination.

Staff is also recommending that the staff report be revised to clarify that following initiation of coordination with the Trinidad Rancheria, Commission staff would “in turn coordinate with the City of Trinidad and other known interested parties to provide an opportunity for local input.”

Finally, with respect to the pier, the staff report notes the pier’s inclusion in the National Tribal Transportation Facility Inventory, which means that it must be open and available for public use (see page 11 of the staff report). Additionally, staff is recommending that the staff report be revised to clarify that no portions of the pier that are seaward of the Ordinary High Water Mark are included in the fee-to-trust action.

Visitor Center

Public comment suggested several issues that should be addressed to reduce the potential for visual impacts (such as building height, roofline, use of natural siding, and exterior lighting). The

draft EA for the proposed project states that “[l]ighting around the building and in the parking lot would be downcast and minimized to ensure that effects to local marine life are minimized, while remaining adequate for public safety and security.” Additionally, as described in the staff report, the Trinidad Rancheria has agreed to coordinate with Commission staff once the design of the visitor center has progressed to the point of including such details as siding and exterior lighting. The purpose of such coordination would be to review design details to ensure that the project remains consistent with the scenic and visual resources policies of the Coastal Act (Section 30251).

Compliance with previous Coastal Development Permits

Public comment identified concerns with compliance with conditions of two previously issued coastal development permits (CDP): CDP 1-08-049, regarding vegetation and maintenance of the leach field, and 1-07-046 regarding lighting on the pier. Commission staff is following up with the Trinidad Rancheria to investigate and address these issues as appropriate.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

MAR 04 2019

John Weber
California Coastal Commission
45 Fremont Street, #2000
San Francisco, California 94105

Dear Mr. Weber:

The Bureau of Indian Affairs (BIA) has reached a Coastal Consistency Determination regarding the Cher-Ae Heights Indian Community of the Trinidad Rancheria's (Tribe) Stormwater Improvement and Interpretive Center Project (Proposed Project), as noted in our December 21, 2018 letter to the Commission. After consultation with both the Commission and the Tribe, we have decided to add a measure to our Finding of No Significant Impact (currently in draft form) requiring that the Tribe adopt a Tribal Ordinance that commits to coordinating any future, currently unanticipated, development proposals or changes in public access with the Commission staff. This measure would serve to meet the condition detailed in the Commission's February 22, 2019 staff report.

Should you have questions or would like to discuss, please contact Chad Broussard, Environmental Protection Specialist at (916) 978-6165.

Sincerely,

Regional Director



Cher-Ae Heights Indian Community of the Trinidad Rancheria



March 1, 2019

John Weber
Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

RE: Response to Comments Related to Trinidad Rancheria's Fee-to-Trust Application and Request for Coastal Commission Concurrence

Honorable Commissioners and Mr. Weber:

This letter is written in response to comments related to Trinidad Rancheria's Fee-to-Trust (FTT) Application and Request for Concurrence from the California Coastal Commission.

Response to Concerns Related to PUBLIC ACCESS:

Trinidad Rancheria is committing, via a Tribal Resolution, to adopt a Tribal Ordinance that maintains public access to its harbor properties. This commitment comes with assurances from the Bureau of Indian Affairs (BIA), and the Rancheria is "committing to coordinate any future, currently unanticipated, development proposals or changes to public access," per the conditional concurrence required by the Commission. These actions demonstrate that the Rancheria is committed to open public access and has been since negotiations to purchase the properties began. Trinidad Rancheria has owned the harbor properties since 2000, and has **never wavered** in its commitment to public access in the nearly 20 years since.

Response to JURISDICTIONAL CONCERNS:

In 2000, the Trinidad Rancheria irrevocably granted an easement for public access. Additionally, the tidelands lease between the Rancheria and City provides for public access to the Rancheria's harbor lands; the Rancheria, Coastal Conservancy, and City public interest agreement provides for access to the Rancheria's harbor lands; and the Rancheria placed the Trinidad Pier on the National Tribal Transportation Facility Inventory, and applicable federal regulations required that such facilities be open and available for public use, except for temporary restrictions when required for public health or safety.

Governmental Authorities: The Commerce Clause, the Indian Reorganization Act of 1934 allow for tribes to take land into trust for the economic, cultural and social well-being of said tribes. Taking land into trust is done to expand tribal sovereignty, self-determination and self-governance. By purchasing the harbor properties, the Rancheria has expanded its land holdings, and now wishes keep the land in trust for future generations.



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Water Quality – The Rancheria has developed a plan to comply with the Special Protections for Areas of Special Biological Significance (ASBS), Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges. The ASBS Compliance Plan is subject to approval by the Executive Director of the State Water Board. As an additional requirement of the ASBS Compliance Plan for Waterfront and Marine Operations the Rancheria has developed a Waterfront Operations Plan. In accordance with SWRCB Resolution No. 2012-0012, ASBS dischargers with nonpoint-source discharges related to waterfront and marine operations are required to develop a waterfront and marine operations management plan. The waterfront plan shall contain appropriate management measures and best management practices (BMPs) to address nonpoint-source pollutant discharges to the ASBS of concern.

Environmental Concerns – Trinidad Rancheria is a proponent of strict environmental practices and stewardship, and has demonstrated this by cleaning up the harbor properties pursuant to the California Ocean Plan agreement. a wastewater treatment facility and public restrooms were installed, and stormwater mitigation planning was commenced. All Rancheria projects, past, present and future will consider impacts to the harbor environment first and foremost. Allegations that the Rancheria’s actions will harm the environment are extremely false.

Response to Concerns Related to the CULTURAL AND HISTORIC TIES OF TRINIDAD RANCHERIA

Trinidad Rancheria’s members are people of historic Yurok origin and occupy lands in historic Yurok ancestral territory. There are allegations that the Rancheria’s projects might interfere with or do harm to Tsurai Village, a significant historic Yurok village site. This is simply not true. The Tsurai Village lies within a 12-acre parcel known as the Tsurai Study Area (TSA). The harbor properties requested to be put into trust are parcels that do not overlap, in any way, with the TSA. Trinidad Rancheria maintains that because they are of Yurok descent, they do, in fact, possess knowledge of Tsurai Village and its important ceremonial and archeological sites. The Rancheria does not wish to cause any harm to the Tsurai Village site, and has always been respectful of the site as it is an important cultural and historic site to Rancheria members as well.

Yurok Ancestral territory is the territory of Yurok people, not exclusive to members of the Yurok Tribe. Claims that Trinidad Rancheria is attempting to take land into trust that lie within the Yurok Tribe’s ancestral territory are misguided. Again, the Yurok Tribe and the Trinidad Rancheria are made up of people of historic Yurok origin, so one tribe’s claim of jurisdiction over the entirety of Yurok ancestral territory is completely inappropriate.

Sincerely,



Jacque Hostler-Carmesin
CEO