



Posted: Friday, February 9, 2018

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a special meeting on
TUESDAY, FEBRUARY 13th, 2018, at 6:30 PM

In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

NO CLOSED SESSION

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **APPROVAL OF AGENDA**
- IV. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- V. **STAFF REPORTS**

VI. **ITEMS FROM THE FLOOR**

At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.

VII. **DISCUSSION/ACTION AGENDA ITEMS**

1. Discussion of Tsurai Management Team

XI. **FUTURE AGENDA ITEMS**

XII. **ADJOURNMENT**



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

1. Tsurai Management Team

DISCUSSION AGENDA ITEM

Date: February 13th 2018

Item: Tsurai Management Team

Summary

The City of Trinidad is one of four entities currently represented on the Tsurai Management Team (TMT). The TMT is a stakeholder based advisory group formed first to help prepare the Tsurai Management Plan (TMP), and then tasked in the Plan with a goal of guiding TMP implementation to protect and restore the resources of the Tsurai Study Area. The TMT is effectively an advisory group to the TSA land owner, and a forum for stakeholders to work together to implement the Tsurai Management Plan.

This agenda item is a summary and update on the status of the TMT, and an opportunity for the City Council to provide direction and guidance on questions involving membership, process, and function of the TMT.

Background:

The City of Trinidad is the current owner of 12.5 acres of land which includes the historic Yurok village of Tsurai and is referred to as the Tsurai Study Area* (TSA). The City acquired the TSA from the California Coastal Conservancy, who hold an easement for public access and cultural resource protection over the property.

The Tsurai Management Plan (2007) was drafted by the Yurok Tribe with guidance from the Tsurai Management Team and financial support from the Coastal Conservancy. The Vision Statement of the TMP describes the Plan's goal to 'enhance and coordinate effective management of the TSA... to protect, preserve, and restore the cultural, natural and recreational resources... for this and future generations.' The TMP includes current and historical information on the resources and history of the TSA, discussion of resource management issues, and recommendations for management of the site. The TMP tasks the Tsurai Management Team to guide implementation of the Plan's recommendations.

The TMP can be accessed on the City website here:

<http://www.trinidad.ca.gov/documents-library/category/22-tsurai-management-plan.html>

While the TMP was being drafted, the City of Trinidad, TAS, and Coastal Conservancy committed to making best efforts to implement the Plan's recommendations as part of a legal settlement (Frame 2005). The City adopted the Tsurai Management Plan in 2007.

* The Tsurai Study Area is defined in the TMP as being the 12.5 acres transferred from the Coastal Conservancy to the City. In the City's General Plan the TSA is defined by a specific map which differs slightly from the full 12.5 acres.

TMT Membership and Stakeholders

The TMP lists the following 7 entities as ‘stakeholder groups ...who have a vested interest in the management of the TSA.’ (p 3)

- Tsurai Ancestral Society
- City of Trinidad
- California Coastal Conservancy
- Yurok Tribe
- Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Adjacent Property Owners (including individuals, the Trinidad Civic Club, and the Trinidad Coastal Land Trust)
- Interested Public (anyone with an interest in the management of the TSA)

Current TMT Membership

The Tsurai Management Team currently includes four of these seven identified stakeholder groups: the Yurok Tribe, the Tsurai Ancestral Society, the City of Trinidad, and the California Coastal Conservancy.

From the TMP:

‘The (Trinidad) Rancheria was invited to participate as a member of the Management Team for the purposes of preparing this plan, but declined. However, at this time they remain a stakeholder as identified in the City’s consultation protocol of Policy 69.’ (p 4)

The Trinidad Rancheria declined that initial invitation based on lack of staff resources at the time (circa 2005), and noted their interest in participating in the future. They have since expressed their interest in the Tsurai Study Area and in joining the Tsurai Management Team on multiple occasions over many years.

The TMP provides no further guidance on possible changes to the TMT membership, but does call for an adaptive management approach to implementation.

City General Plan Policy 69

Policy 69 is the specific policy in the Trinidad Local Coastal Plan (1989) that deals with the protection of archeological and cultural resources within the Tsurai Study Area. It specifically identifies the Trinidad Rancheria, among others, as having a right of consultation on projects on the area of the TSA designated as ‘Open Space’ in the City Zoning Maps.

from Policy 69:

“There shall be no disturbance, vegetative removal or construction, except for a protective fence around the burial ground, on lands designated as Open Space within the Tsurai Study Area without the approval of the lineal descendants of

Tsurai, Trinidad Rancheria, City of Trinidad, and the State Historic Preservation Office”

TMT Process:

Guidelines or bylaws:

The TMT does not have written bylaws or guidelines outside of the language in the Tsurai Management Plan itself. In recent years the TMT has attempted to operate by unanimous consensus. The City, as property owner, can propose and advance projects on the TSA after a good faith effort at consensus and consultation, but has been reluctant to do so without the full support of the TMT. This is especially true considering past legal actions and permit appeals for projects on or near the TMT

The limited guidance in the Management Plan regarding TMT process includes this statement in Part 11: Recommendations:

“Although it is understood that consensus among the Team is ideal, consensus is not always feasible. Therefore, determinations of implementation should be focused on what is best for the entire TSA, including protection of the recreational, cultural, and natural resources contained therein.”

Open vs. Closed meetings:

The TMT has normally held closed meetings, with guests outside of the TMT members invited only by unanimous consent of the TMT.

TMT and the Brown Act

The Brown Act requires that ‘standing committees’ of the City hold their meetings in accordance with the Brown Act. This means the meetings are open to the public, and agendas are posted in advance. The definition of ‘standing committee’ is broadly interpreted as a committee involving appointed Councilmembers, meeting on an ongoing basis, to address a specific issue or set of issues. Staff believe a cautious interpretation could make the TMT subject to the Brown Act if Councilmembers are central City representatives to the group.

Implementation of the TMP

Some TMP recommendations have been implemented, including drainage projects, increased oversight of septic systems in Trinidad, septic system repairs upstream of the TSA, and trail maintenance. Other recommended projects including signage, vegetation management, and a handrail on the Axel Lindgren Memorial Trail, have not advanced.

The TMT has made two significant efforts towards the recommendation to transfer ownership of the TSA. The first was in 2008-2010, when the City and Yurok Tribe were close to completing a land transfer, but the TAS asked the City not to go forward. The second effort at land transfer spans from 2015 to the present and is currently ongoing. The City and TAS agreed in concept in

December 2016 to transfer the land to the Yurok Tribe and TAS. The necessary agreements and approvals from the Coastal Conservancy have been in development over the past year and are near complete. The final agreements will need approval by the City, TAS, the Yurok Tribe and the Coastal Conservancy.

Staff Recommendation:

Staff sees the TMT as a valuable and important forum for communication and collaboration towards the shared goals of protecting and restoring the Tsurai Study Area. All recommendations made here are in the spirit of building upon past efforts and advancing implementation of the Tsurai Management Plan recommendations.

The TMT is not a Committee established and created by the City Council, where the Council can clearly appoint members and set policy for the group.

That said, the Council can clearly articulate City policy and guidance for the City representatives to advance with the other members of the TMT.

Staff recommends the City Council

- a) accept public comment,
- b) consider adopting the following policy positions:
 - 1) TMT meetings should be open to the public. Where discussions of confidential information regarding cultural resources is needed, the TMT can hold closed sessions, or the key parties can meet outside of the TMT format.
 - 2) TMT membership should be expanded to include the other three stakeholder groups listed in the TMP – The Trinidad Rancheria, a representative of adjacent landowners, and an ‘interested public’ representative
 - 3) The TMT should develop and adopt some basic written guidelines or bylaws, including how to move forward when members cannot reach unanimous consensus.
 - 4) City participation in the TMT needs to be subject to applicable Brown Act requirements.
- c) direct staff to convey any adopted policies to the TMT members and TMP Stakeholders.