

## Trinidad City Clerk

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**From:** Don Allan <donallan51@gmail.com>  
**Sent:** Monday, May 18, 2020 3:28 PM  
**To:** Gabriel Adams  
**Subject:** Re: Wednesday's meeting

Hi Gabe - I was a little confused on which meetings were occurring this week and I thought it was only the Planning Commission that would be meeting this week, only to learn that the PPC is not discussing the Rancheria's latest letter but that the Council has a special meeting on Thursday, which I should be able to attend. Please send this email to the Council members (same as original but addressed to City Council):

Dear Trinidad City Council Members: thank you for your diligence in drafting the City's Water Policy and for your service to the City. I was dismayed to see the letter from the Trinidad Rancheria, signed by Chairman Sundberg. I could not help but feel like it was outright extortion or blackmail. Rule number one in dealing with extortion - do not give in to their demands. The City has been making progress on its Water Policy and has taken a responsible approach to identify priority areas for service, partly based on input from the CA Coastal Commission. The City Planning Commission and Council are acting responsibility in looking out for the well being of the City and its residents. The City does not have sufficient information about its own system and reliability of its water supply to make the determination that it can provide 9,600 gallons per day to the Rancheria (note that 9,600 gallons represents what the hotel needs at 70% capacity, not 100%). The City has developed its priority service area based on rational criteria. The Rancheria wants you to abandon the effort to analyse the City's water availability during prolonged droughts. They want you to use theoretical numbers about the processing plant's capacity and make the conclusion that will serve their needs. That is not sound community planning. The Rancheria is trying to bully the City into submission and is threatening to withdraw its cooperation from projects with the City. You have other options for the stormwater project and even though the Harbor parking area was the easiest and most logical location for a gravity flow system, it is not the only option. Please resist this effort to force your hand and stay the course that you have already charted.

Don Allan,  
Westhaven

On Mon, May 18, 2020 at 3:13 PM Don Allan <[donallan51@gmail.com](mailto:donallan51@gmail.com)> wrote:

Hi Gabe - I have conflicts this Wednesday with two other meetings so I won't be able to attend the Planning Commission WebEx meeting. I would like to therefore submit written comments to be added into the record as follows:

Dear Trinidad Planning Commissioners: thank you for your diligence in drafting the City's Water Policy and for your service to the City. I was dismayed to see the letter from the Trinidad Rancheria, signed by Chairman Sundberg. I could not help but feel like it was outright extortion or blackmail. Rule number one in dealing with extortion - do not give in to their demands. The City has been making progress on its Water Policy and has taken a responsible approach to identify priority areas for service, partly based on input from the CA Coastal Commission. The City Planning Commission and Council are acting responsibility in looking out for the well being of the City and its residents. The City does not have sufficient information about its own system and reliability of its water supply to make the determination that it can provide 9,600 gallons per day to the Rancheria (note that 9,600 gallons represents what the hotel needs at 70% capacity, not 100%). The City has developed its priority service area based on rational criteria. The Rancheria wants you to abandon the effort to analyse the City's water availability during prolonged droughts. They want you to use theoretical numbers about the processing plant's capacity and make the conclusion that will serve their needs. That is not sound community planning. The Rancheria is trying to bully the City into submission and is threatening to withdraw its cooperation from projects with the City. You have other options for the stormwater project and even though the Harbor parking area was the easiest and most logical location for a gravity flow system, it is not the only option. Please resist this effort to force your hand and stay the course that you have already charted.

Don Allan,  
Westhaven

J. Bryce Kenny  
Attorney at Law  
P.O. Box 361  
Trinidad, California 95570  
Telephone: (707) 442-4431  
Email: jbrycekenny@gmail.com

May 20, 2020

By e-mail to cityclerk@trinidad.ca.gov

Mayor Steve Ladwig  
Members of the Trinidad City Council  
City Hall  
409 Trinity St.  
Trinidad CA. 95570

Re: Trinidad City Council Special Meeting, May 21, 2020  
Discussion Agenda Item No. 3  
Proposed MOU with Trinidad Rancheria re hotel water demand

Dear Mayor Ladwig and City Council Members,

This letter is a companion to the HARP letter submitted today by my fellow-HARP member David Hankin, and incorporates and supplements his arguments. I write as a 39-year Trinidad citizen and voter.

The City should, as matters of principle and good government, reject the bullying tactic (threatening the health of Trinidad Bay!) and the demand for behind-closed-doors water negotiations found in Rancheria Chairman Garth Sundberg's May 13 letter to the City.<sup>1</sup>

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<sup>1</sup> Letter, May 13, 2020 from Garth Sundberg, Tribal Chairman, to Steve Ladwig, Mayor, and Members of the Trinidad City Council: [https://drive.google.com/open?id=1TVez0JyoFJIVmhPNoc9Mit5wlsGv\\_3Pg](https://drive.google.com/open?id=1TVez0JyoFJIVmhPNoc9Mit5wlsGv_3Pg). The letter does not appear in Council's May 21, 2020 Agenda Packet (<https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/05-21-2020%20scc%20packet.pdf>).. A copy of the letter is attached hereto as Exhibit A.

Mr. Hankin is right: If the City now accedes to this bullying tactic, bullying will never end.

The Rancheria's proffered MOU<sup>2</sup> would be premature – and is obviously an attempt by the Rancheria to exempt itself from the City's Water Policies, now in late stages of development. The MOU represents a disorderly and dangerous attempt to circumvent an orderly and established public Water Policies development process.

Moreover, the proffered MOU is a device quite obviously intended by the Rancheria to form the basis of an argument that it has satisfied the "Water Condition" of the California Coastal Commission's August 2019 Conditional Concurrence with Consistency Determination. The City should avoid being party to this device.

The balance of my letter consists of points not covered in Mr. Hankin's letter.

**1. The City in March 2020 very clearly told the BIA and the Rancheria that the City is unable to evaluate any requests for water until the City has completed developing its Water Policies. That has not changed. And the Rancheria has had – and will have – full opportunity to participate in the public processes of finalizing the City's Water Policies.**

By letter dated March 20, 2020 to the Bureau of Indian Affairs (the Rancheria undoubtedly received a copy) the City of Trinidad stated: "The City has yet to adopt a policy for considering applications for our limited [water] resource and is not able to effectively evaluate any requests should they be sent to the City at this time."<sup>3</sup>

There is no good reason for the City to change that position, so clearly and so recently stated.

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<sup>2</sup> Memorandum of Understanding, undated and unsigned, a copy of which is attached as the last page in the Council's May 21, 2020 Agenda Packet: <https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/05-21-2020%20scc%20packet.pdf>.

<sup>3</sup> Letter, City of Trinidad City Manager Eli Naffah to Bureau of Indian Affairs, March 20, 2020, at page 3 <https://drive.google.com/open?id=1MdDsgybCZAObRRysTOCcKn4rhl28D0E0>;

In his May 13 letter, Chairman Sundberg says he is unhappy with the Water Policies, and wants to be exempted from them – and demands the MOU “conversation” process to detour around them.<sup>4</sup> But at the Coastal Commission’s August 8, 2019 Consistency Determination hearing, Rancheria CEO Jackie Hostler-Carmesin testified that the Rancheria agrees with the City’s need to develop applicable Water Policies: “. . . they still have to develop their policy, and they have to go back to their residents,” she said, “and I totally understand that.”<sup>5</sup>

And Rancheria officials, including CEO Hostler-Carmesin, have attended all the Planning Commission sessions and the City Council’s April 14, 2020 public hearing on the Draft Water Policies. They have had the same opportunity as anyone else to speak their piece and submit written comments. And the Rancheria will have further opportunity for public comment in broad daylight when the Draft Water Policies return to public hearing before the City Council after the Drought Contingency Plan component has been added. There is no need for the behind-closed-doors MOU “conversation” process demanded by the Rancheria. That would cast doubt on the legitimacy of the City’s processes, and prejudice the rights of everybody else.

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<sup>4</sup> It is clear from Chairman Sundberg’s letter that he expects such “conversation” to be in the behind-closed-doors “Government-to-Government” process. At the City Council’s April 14 meeting, Rancheria CEO Hostler-Carmesin refused HARP’s request that any “Government-to-Government” discussions about the Rancheria’s hotel water demands be open to public observation. See Access Humboldt U-tube or the April 14, 2020 Trinidad City Council Meeting, at 2:23:05-2:24:27: <https://www.youtube.com/watch?v=c9P5vtFmkOM>

<sup>5</sup> California Coastal Commission, August 8, 2019, Agenda Item 12b, CD-0004-19, Bureau of Indian Affairs / Trinidad, CalSpan video, <https://cal-span.org/unipage/?site=cal-span&owner=CCC&date=2019-08-08>, at 6:01:50.

2. The combined threats of global warming and drought are important issues in development of the Water Policies. The City Council in April directed the Planning Commission to develop a Drought Contingency Plan component to the draft Water Policies. The BIA and Rancheria have refused the City's requests to conduct scientific investigation of the effects of drought and climate change on the City's water supply.

Uncertainty caused by climate change and recurrent – and increasing – drought were major topics of discussion at the City Council's April 14, 2020 meeting. Responding to questions from Councilmen, the City Planner warned that “. . .there are issues of drought or climate change or other upstream water rights that could reduce flow in Luffenholtz Creek that could reduce the amount of water coming through the water plant. . . But that's absolutely an issue that we don't have a great handle on -- being able to predict exactly what the low flows on Luffenholtz Creek are. And that is a reason for taking a conservative approach. . . .But it's a level of risk and an unknown that the Council has to weigh the pros and cons of.”<sup>6</sup>

The Columbia University Earth Institute put an exclamation point on the climate change and drought concerns with publication on April 16 of a scientific paper finding that the American Southwest – including all of California – is 20 years into a climate change-fueled “Megadrought” equal to the largest scientifically-identifiable period of drought for 1200 years. See: Columbia University Earth Institute, Apr. 16, 2020: <https://blogs.ei.columbia.edu/2020/04/16/climate-driven-megadrought-emerging-western-u-s/>.

But the Rancheria has resisted the City's calls for scientific study of this threat to Trinidad's water supply. The City's March 20, 2020 letter advised the BIA (and the Rancheria) of the City's “serious concerns regarding the availability of water from Luffenholtz Creek

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<sup>6</sup> Testimony of City Planner Trevor Parker to City Council Meeting, April 14, 2010, Access Humboldt U-Tube: <https://www.youtube.com/watch?v=c9P5vtFmkOM>, at 1:08:37-1:10:06

which is greatly impacted by drought and climate change,”<sup>7</sup> and renewed the City’s call— first made in October 2018 – for the BIA and Rancheria to conduct Environmental Impact Statement review under federal law of the Rancheria’s hotel project. But the Rancheria and BIA have refused all calls for an Environmental Impact Statement – on water or any other hotel-related issue—on the bogus grounds that the water supply and other issues are “not significant.”

So Chairman Sundberg – and anybody else at the Rancheria – are not now in any position to complain that the City’s Water Policies development process is too slow. The City Planner has told the City that the City now does “not have a great handle on” the climate change and drought risk issue. The City must study and know this issue before it can responsibly commit large amounts of future water to anybody’s 100-unit hotel project.

Good governance takes time. In the over 100-year history of the City of Trinidad, it has never had a request for water of the magnitude being demanded by the Rancheria. The existing Water Code requires specific City Council exemption from the requirement that each new building must have its own service connection. This is not a garden-variety contract negotiation which is authorized by law to be done behind closed doors. It is a request to exercise legislative discretion. As the great former U.S. Supreme Court Justice Louis Brandeis wrote regarding open government meetings “Sunlight is said to be the best of disinfectants.”<sup>8</sup> Accordingly, this most important decision, which will resonate forward for generations, must be done out in the open with full public participation.

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<sup>7</sup> Letter, City of Trinidad City Manager Eli Naffah to Bureau of Indian Affairs, March 20, 2020, at page 3 <https://drive.google.com/open?id=1MdDsgybCZAObRRysTOCcKn4rhI28D0E0> ; referencing Letter, City of Trinidad City Manager Daniel Berman to Bureau of Indian affairs, October 22, 2018: <https://drive.google.com/open?id=1MQ5p8-F23CEXgdmpZHrbyfwKKbgxhI2z>

<sup>8</sup> Sunlightfoundation.com 2009/05/26 brandeis-and-the-history-of-transparency.

**3. Underlying Chairman Sundberg's threats and demands seems to be a notion that the Rancheria already has some sort of "right" to as much City water as it wants, and for whatever use it wants. This is not true.**

It is clear, and has been found by the California Coastal Commission, that the Rancheria has no existing right to City water for its proposed high-rise Hyatt project. The California Coastal Commission on September 12, 2019 approved Revised Findings on Consistency Determination in the Rancheria hotel matter, including: (1) "The Trinidad Rancheria would prefer that the City of Trinidad (City) provide water to the hotel. There is no existing contract or other agreement in place for such use of City water"; and (2) "The BIA consistency determination states that water for the hotel will be provided from the City of Trinidad's water supply system, thus requiring City approval. Such approval has not yet been granted."<sup>9</sup>

**4. The proffered MOU and closed-door "conversation" process demanded by the Rancheria appears to be a device from which the Rancheria would argue to the Coastal Commission that it has fulfilled the so-called "Water Condition" of the Coastal Commission's Conditional Consistency Determination. The City should not be an accessory to such an argument.**

The California Coastal Commission, by its Revised Findings on Consistency Determination, dated August 8, 2019 in the matter of Bureau of Indian Affairs/Trinidad, CD-0004-19, conditioned its Consistency Determination on a "Water Condition" requiring the BIA and Trinidad Rancheria to show "a contract from the City [of Trinidad],

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<sup>9</sup> California Coastal Commission, September 12, 2019, Agenda Item 13a, Revised Findings on Consistency Determination, No. CD-0004-19, Bureau of Indian Affairs/Trinidad, at pages 3 and 14: <https://documents.coastal.ca.gov/reports/2019/9/Th13a/Th13a-9-2019-report.pdf>.

a letter of intent to complete a contract, or a similar expression of agreement from the City to provide water for the proposed hotel.”<sup>10</sup> The proffered MOU appears to be an attempt to create a device from which the Rancheria could argue to the Commission that this Water Condition has been fulfilled. The City should avoid this device.

### CONCLUSION

For these reasons, I respectfully request that the City stick to its ongoing processes to develop coherent Water Plans with the Drought Contingency Plan component. Once adopted by the City, the Rancheria is welcome to go through the City's water request process.

Respectfully submitted,

  
J. Bryce Kenny

Encl.

ccs (w/ encl):

Eli Naffah, Trinidad City Manager

Gabe Adams, Trinidad City Clerk

Humboldt County Supervisor Steve Madrone

Humboldt County Supervisor Mike Wilson

John Weber, California Coastal Commission

David Hankin, Westhaven Community Services District

Richard Johnson

Kelly Lindgrn

Jennifer Kalt

Ted Pease

Richard Harris, Esq.

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<sup>10</sup> California Coastal Commission, September 12, 2019, Agenda Item 13a, Revised Findings on Consistency Determination, No. CD-0004-19, Bureau of Indian Affairs/Trinidad, at pp 28 (last 4 lines) – 29 (first six lines): <https://documents.coastal.ca.gov/reports/2019/9/Th13a/Th13a-9-2019-report.pdf>,

# **Exhibit A**

**Letter, May 13, 2020**

**Garth Sundberg to Trinidad Mayor Steve Ladwig and City Council**



# Cher-Ae Heights Indian Community of the Trinidad Rancheria



May 13, 2020

Steve Ladwig, Mayor  
Members of the Trinidad City Council  
409 Trinity Street  
P.O. Box 390  
Trinidad, CA 95570

Re: ASBS Stormwater Management Improvement Project

Dear Mayor Ladwig and City Council Members:

This letter is to notify the City of Trinidad ("City") that, for the reasons set forth below, although the Cher-Ae Heights Indian Community of the Trinidad Rancheria ("Trinidad Rancheria") continues to support the overall goal of eliminating the discharge of stormwater to the Trinidad Head area of special biological significance (ASBS), the Trinidad Rancheria will not enter into a landowner agreement supporting the ASBS Stormwater Management Improvement Project ("Stormwater Project") until and unless the City reciprocates and works in partnership with the Trinidad Rancheria on matters of significance to the Trinidad Rancheria as set forth below.

The Trinidad Rancheria expressed support for the Stormwater Project through the Provisional Landowner Access Agreement ("Provisional Agreement"), dated June 16, 2016, based on the Tribal Council's understanding that the City would reciprocate and work in partnership with the Trinidad Rancheria. The Provisional Agreement and any obligations thereunder terminated on June 30, 2017. Further, as set forth below, the City has not demonstrated good faith in dealing with the Trinidad Rancheria, and the City's conduct over the past year has contradicted the spirit of government-to-government partnership upon which the Tribe's support for the Stormwater Project and the Provisional Agreement was predicated.

Most recently, the City has declined to work in partnership with the Trinidad Rancheria regarding the provision of water service to the Trinidad Rancheria. The Trinidad Rancheria notified the City in early 2018 that it planned to build a hotel on the Trinidad Rancheria reservation lands, and that the Tribe anticipated using water for the hotel through its existing connection to the City's water system, which is more than adequate to serve the hotel needs. In a letter dated April 16, 2019, the Trinidad Rancheria formally requested the expansion of water service through its existing connection to serve the proposed hotel. On or about May 6, 2019 the Trinidad Rancheria met with



[www.trinidadrancheria.com](http://www.trinidadrancheria.com)

1 Cher-Ae Lane • PO Box 630 • Trinidad, California • 95570 • 707.677.0211 • 707.677.3921 (fax)

representatives of the City and its engineers and reviewed the results of the City of Trinidad's *Water Treatment Plant Production Rate Test and Analysis* ("Water Memo") indicating the City does have a surplus of water, and therefore could meet the Rancheria's need. See the letter from the Trinidad Rancheria Chairman Garth Sundberg to Mayor Steve Ladwig dated May 14, 2019. Consistent with the Water Memo, a City staff report, dated April 14, 2020, indicates that, if additional service areas are annexed and the City's growth is consistent with the County's growth rate in the past decade (the City's population declined during this period), the increased water demand after 30 years would be approximately 7,000 GPD at peak (July) use, which would be 23,000 GPD below current capacity. Even if the growth rate is 1% (over 6 times the County's projected rate), the City staff report indicates that peak demand after 30 years would still be less than the current excess capacity. Despite this evidence of the excess capacity and the Trinidad Rancheria's substantial investment in the City's water system,<sup>1</sup> the City has declined to respond to the Trinidad Rancheria's year-old request for water service. Rather, as acknowledged during the City Council meeting of April 14, 2020, the City developed the draft Administrative Water Connection Policies and Criteria for Evaluating Connection Requests Outside City Limits ("draft Water Policy"), which would exclude the Trinidad Rancheria from all priority service areas and impose excessive limitations on new or expanded service to the Trinidad Rancheria. Surprisingly, rather than working as a partner with the Trinidad Rancheria, the City appears prepared to use its control of the water system, which draws water from outside of the City, to deny the Trinidad Rancheria the most basic and necessary resources.

Although the City has asserted that its draft Water Policy is based on the potential lack of capacity, the objective analyses indicate otherwise, and the City has not followed up on the Trinidad Rancheria's request to work as partners on the water request. Further contradicting the City's purported concerns about water system capacity, the Trinidad Rancheria has recently learned that the City Manager is working with other parties to develop a hotel and shopping center project on the last remaining vacant land within the City limits.

The Trinidad Rancheria has not, to date, granted the City any right to use the Tribe's property for the purposes of locating or constructing any equipment or facilities related to the Stormwater Project, including but not limited to the storm sewer, treatment chambers, infiltration chambers and associated components depicted on the City's Stormwater Project plans. In the past, the Trinidad Rancheria has considered the City as a logical partner in their respective and joint efforts to protect the environment, ensure adequate water service, and develop a strong regional economy. Our intent is to continue that partnership and, as we discussed today during our government-to-

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<sup>1</sup> Trinidad Rancheria has made investments in the City's water system totaling \$877,520 through various tribal projects. In addition, the Trinidad Rancheria constructed a new Trinidad Harbor Pier, public restrooms for Trinidad Harbor, and wastewater treatment system. The Trinidad Rancheria expends approximately 55-60K annually on maintenance of the Harbor public restrooms. The Trinidad Rancheria also carried out a \$1.6 million rehabilitation and maintenance on Scenic Drive.

May 13, 2020

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government meeting, we look forward to entering into substantive negotiations with the City on our water service request with the potential for the Tribe and the City to enter into an MOU to memorialize the negotiation process. However, consistent with that intent, the Trinidad Rancheria will not grant the City any right to use its land to support the Stormwater Project until and unless the City provides a final and mutually acceptable decision responding to the Trinidad Rancheria's request for expanded water service in the spirit of the government-to-government partnership upon which the Provisional Agreement was predicated.

Sincerely,



Garth Sundberg, Tribal Chairman  
Cher-Ae Heights Indian Community of the Trinidad Rancheria

cc: Becky Price-Hall, Grant & Project Coordinator  
E. Joaquin Esquivel, Chairman, State Water Resources Control Board

To the Trinidad Mayor and City Council,

May 18, 2020

As you know, your decision to vote in favor, or not, to provide Trinidad water to the Rancheria's Hyatt Hotel project, will have implications that extend far into the future. History casts a long shadow. I ask you to scour your conscience carefully and examine exactly whose interests will be served by your decision, and whose will be sacrificed? Search your motives with the utmost scrutiny, as your decision will likely be the most important of your political careers. Will you abide by this choice in one, five or ten years down the road? This is your opportunity to leave a lasting, positive legacy for our precious town, and to safeguard our most critical resource, its water. The safety, health and well-being of our community and future generations, depend on it, as does your political reputation now, and for posterity.

Your decision to give away our water for profit, or not, will live long and hard in our memories and in those who follow. Personally I will lose all confidence and respect for anyone of you who votes in favor of giving away our valuable, life sustaining water.

Ironically, the Rancheria seems to be gambling a dangerous game. And they are using the bullying tactics of our president. As our civil servants, I implore you to choose wisely, honorably, thoughtfully, and with the greatest intention for the good of our community and the healthy future it deserves.

Respectfully,

Maria Bartlett

## Trinidad City Clerk

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**From:** Jacques Beaupre <jcqs.beaupre@gmail.com>  
**Sent:** Wednesday, May 20, 2020 10:29 AM  
**To:** azetter@trinidad.ca.gov; Trinidad City Manager  
**Cc:** Gabe Adams; sladwig@trinidad.ca.gov; jwest@trinidad.ca.gov; dmiller@trinidad.ca.gov; dgrover; tdavies@trinidad.ca.gov  
**Subject:** For public comment city council 5-21-20 Cher-Ae Heights Trinidad Rancheria water.

Dear City of Trinidad,

I am a homeowner and permanent year round resident of Trinidad. I do my best to make this City a better place.

Recent history shows the water system does not have a lot of water to spare in dry years. As recent as 2015 we were under state wide drought conditions and the City needed to cut back it's use of water. This was with the current number of water connections.

What is going to happen when our water supply is connected to a large commercial venture built by the Cher-Ae Heights Trinidad Rancheria **that Trinidad has no control over?**

This is not just a hotel but a large casino expansion and shopping resort complex that is planned.

The City of Trinidad should not supply water to the Trinidad Rancheria. Do not allow the water connection to Trinidad Rancheria and the hotel project.

Say NO.

**Do not sign a Memorandum of Understanding with the Trinidad Rancheria to engage in series of conversations regarding City Water for the Hotel Project.**

Do your best for the City of Trinidad and say no to this request for a water connection to our Trinidad Rancheria neighbors.

Protect our water supply.

Thank you,

Jacques Beaupre  
231 Parker Creek Drive  
P O Box 1177  
Trinidad, CA 95570  
707-499-8309

## Trinidad City Clerk

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**From:** Ken Bechtol <coracleken@gmail.com>  
**Sent:** Tuesday, May 19, 2020 11:49 AM  
**To:** CityClerk@trinidad.ca.gov  
**Subject:** May 21 Meeting: Agenda Item #3

Gabe, please distribute to City Council Members.

Gentlemen,

I have been a customer of Trinidad City Water for 20 years. I have been pleased at how a relatively small local water system has consistently supplied reliable quality and quantity of water to my home. During drought years there have been restrictions and alarms when the water tank supply level has dropped dangerously low, disrupting the town's water availability.

This variability in the natural supply of water has led to the recognition of the limited supply to meet the ongoing demand. This has resulted in moratoriums on any new hookups. There is no doubt that we will continue to have drought years in the future.

In the interest of the current water customers of Trinidad Water and your constituents within the City of Trinidad, I urge you to retain control of the limited supply of water and NOT radically increase demand by supplying water to the Rancheria Hotel Project.

Thank you for your attention,

Ken Bechtol  
435 Trinity Street  
Trinidad, CA  
677- 3670

## Trinidad City Clerk

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**From:** gale@humboldt1.com  
**Sent:** Wednesday, May 20, 2020 9:47 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** City Council Meeting

To the City Council,

As a resident of Trinidad, I wish to express my concern over the water supply for Trinidad. It is my understanding that the City Water is up for discussion this Thursday as it concerns the proposed Hyatt Hotel at the Trinidad Rancheria and their requested use of our drinkable water.

I know that usable drinking water has long been a concern for Trinidad, especially during drought years. I feel it would be irresponsible of the Council to support any action that would allow the diversion of our limited water supply to the proposed hotel. This is a major project and would most certainly use a tremendous amount of our limited resource. As I understand it, our system has as at times been unable to provide for the citizens of Trinidad. To add the encumbrance of such a high-usage project to an already overburdened (and old) system would be inappropriate. Should our system fail, Trinidad simply does not have the means to afford a new one or, apparently, even do renovations to our existing system.

While I certainly support controlled growth in our area, I feel this is just too much of a risk and potential for our City to bear.

Thank you for considering my perspective.

Gale Becker

## Trinidad City Clerk

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**From:** matt brody <mattbrody888@gmail.com>  
**Sent:** Thursday, May 21, 2020 10:33 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** water woes

I don't even know what I don't even know....but I do know one thing....

it's not a good idea to make hasty decisions that could impact our town's well being for years to come...

please take your time researching all the possibilities related to sharing the city's water with the rancheria...

thank you,  
matt brody  
707 845 4505

## Trinidad City Clerk

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**From:** Bob Cavers <bcavers@suddenlink.net>  
**Sent:** Wednesday, May 20, 2020 1:35 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** May 21 City Council water discussion

Submitted on Wednesday, May 20, 2020 - 1:35pm Submitted by anonymous user: [47.208.94.66]  
Submitted values are:

Name: Bob Cavers  
Email: bcavers@suddenlink.net  
Phone: 707-677-3507  
Subject: May 21 City Council water discussion

Message:

Council members: My name is Bob Cavers, and I have been a resident of Trinidad since 1957. I am writing to express my concern over the possibility of the City allotting an unspecified amount of treated water to the local Rancheria for their for profit hotel project. Through the years our city has had several summers when the water plant could barely keep up with the demand of our residents and local businesses, let alone the demands of a large hotel. Looking back to the late 70's we actually had to resort to water rationing to prevent running our supply dry. This was before the onset of global climate change, which will probably involve drought conditions affecting the water table of Luffenhotz Creek.

I hope the City Council will carefully consider the importance of conserving for the citizens of our community the limited resource of our water supply. Thank you for your attention to this issue

B Cavers

The results of this submission may be viewed at:  
<https://trinidad.ca.gov/node/19/submission/410>

## Trinidad City Clerk

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**From:** Peter Cohan <PCohan@secondderivative.com>  
**Sent:** Tuesday, May 19, 2020 9:19 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** May 21 Special Meeting Comments

Hi All,

Many thanks for organizing this session.

Notwithstanding any other actions or agreements contemplated, first priority for taking water from Luffenholtz Creek *must* be for those who have (and pay for) existing Water Rights, including all who have existing Water Rights to draw water directly from Luffenholtz Creek and in the Luffenholtz drainage basin.

In the event of low or insufficient flow, it must be understood and agreed that these existing Water Rights holders shall have priority to draw water first over any new proposals or add-ons.

This is only fair.

Best Regards,  
Peter

**Peter E. Cohan**

Trinidad, CA 95570

T: +1 650 631 3694

E: [PCohan@SecondDerivative.com](mailto:PCohan@SecondDerivative.com)



## Trinidad City Clerk

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**From:** tdavies@trinidad.ca.gov  
**Sent:** Tuesday, May 19, 2020 12:17 PM  
**To:** Gabe Adams  
**Cc:** Eli Naffah  
**Subject:** FWD: Proposed Rancheria Hotel

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

Subject: Proposed Rancheria Hotel

From: "Ted Conterio" <tconterio@hotmail.com>

Date: 5/19/20 11:27 am

To: "sladwig@trinidad.ca.gov" <sladwig@trinidad.ca.gov>, "jwest@trinidad.ca.gov" <jwest@trinidad.ca.gov>, "dmiller@trinidad.ca.gov" <dmiller@trinidad.ca.gov>, "dgrover@trinidad.ca.gov" <dgrover@trinidad.ca.gov>, "tdavies@trinidad.ca.gov" <tdavies@trinidad.ca.gov>

Councilmen

For many years my adult children and I have vacationed in Humboldt County. Our favorite vacation rentals are in Trinidad. We love the quaint feeling of your lovely seaside village.

The idea of a monstrosity hotel in Trinidad is upsetting. Such a building, no matter how beautiful some might think, would be so offensive that our family would not want to witness it. I believe we would choose to never return so we could keep our memories of Trinidad the way it was before tall buildings and traffic came to town.

Please reject this proposal. There are many other sites up and down the coast for hotels. Please don't allow this project to destroy what you've got there. Perhaps you don't realize what you have?

I grew up in Bayside. I now live in Plano Texas. Believe me, I KNOW WHAT YOU'VE GOT THERE. Don't spoil it for money. And don't allow others to spoil it for money. That's what it's all about, money. And it's not worth what you'd lose.

Vivian Conterio  
214 707-6394

## Trinidad City Clerk

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**From:** Trinidad City Manager <citymanager@trinidad.ca.gov>  
**Sent:** Wednesday, May 20, 2020 4:00 PM  
**To:** Gabe Adams  
**Subject:** FW: 5/21/20 meeting

Gabe:

Public comment letter.

Thanks,  
Eli

Eli Naffah  
City Manager  
City of Trinidad  
(707) 677-3876  
P. O. Box 390  
Trinidad, CA 95570

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

From: Dorothy Cox [mailto:crabby2@suddenlink.net]  
Sent: Wednesday, May 20, 2020 3:01 PM  
To: Eli City Manager  
Subject: 5/21/20 meeting

We would like to express our thoughts regarding item #3 on the council's agenda. The city council has an obligation to the residents of the town to ensure that public process is followed when decisions are to be made affecting us all. The mayor and mayor pro tem have been attending government to government meetings with the Rancheria's tribal council with NO REPORT OUT to the residents. Tonight the council is asked to vote to accept an MOU that outlines basic agreements between the Rancheria and the city. The perception, knowing that city officials and the tribal council have been meeting for over a year with no information being provided to the residents, is that perhaps some mutual agreements have already been made. As has been made clear in many city council meetings, perception is everything!

We would like the council to NOT vote in favor of this document. The topic of water studies has been ongoing....we urge you to follow the course already set forth. Didn't the council vote to draft a drought contingency plan and resolution? Have we completed this? The water policy should be sent to the planning commission and the process should play out from there in PUBLIC MEETINGS.

The council has held more than one open forum type of meeting to allow residents of the town and other interested parties to discuss the Rancheria's request for a city water hook up. The town hall has always been filled. It is that important to all of us to be able to speak and know that the council is listening. While we realize that for now that council meetings must be held in a different way, the process is cumbersome and we don't believe it allows for all speakers to be heard. Please consider personal public input in a town hall type of meeting. I hope that we will be able to use that platform before too long.

Council members....you represent the city residents first ...your priority is those of us that live in the city limits. Please VOTE NO on the MOU.

Dan and Dorothy Cox  
436 Ocean Ave

Sent from my iPad

## Trinidad City Clerk

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**From:** Todd Dixon <tdixon4@gmail.com>  
**Sent:** Wednesday, May 20, 2020 9:25 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Water...

To whom it may concern,

I am a resident of the Trinidad area, and I am concerned about the water decision that the City council is being forced to make. I have been told in the past that there was absolutely no option for me to get city water. Most recently my neighbor across the street had city water run to their home, but I was told that the City could not afford even one more house on the system.

Now I hear this potential giant hotel is in need of city water and the Council is actually considering this. It would be better to guarantee water for those with service already, then perhaps look at providing service to all of the residents that have been previously turned away.

I hope the council takes a "residents first" approach to this decision and preserves the limited supply to the customer they already have , for many future generations. Please vote "NO" against this hotel, and do not sign a memorandum of understanding.

Sincerely a concerned citizen,  
Todd Dixon

Sent from my iPhone

## Trinidad City Clerk

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**From:** KAREN DIXON <K\_ROACHE@msn.com>  
**Sent:** Thursday, May 21, 2020 10:02 AM  
**To:** cityclerk@trinidad.ca.gov  
**Cc:** todd dixon  
**Subject:** Rancharia Hyatt Project Water Issues

To Whom This May Concern,

I am a Trinidad resident and very concerned about the forward movement of the building of the hundred room Hyatt Hotel project. Our little town has always had a limited water supply. It just doesn't add up that we would further tax our already limited supply by approving this project and providing water for visitors, when our own residents struggle to keep their water supply abundant.

Please consider denying this request and putting residents first. We deeply care about our small community and respect everyone involved. We chose carefully when buying a property and home here to raise our children in Trinidad. Water was the number one reason we bought our property. We have been told we are unable to apply for city water, although our neighbor directly across the street just got it last year. We run our system off a small creek, which could be taxed if this hotel project is approved.

We will be listening and hoping the city council isn't bullied into a decision by the all or nothing deals that are trickling down from the tribe negotiations.

Many Thanks for your deep consideration on this most important topic.

Sincerely,

Karen Dixon and Family

## Trinidad City Clerk

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**From:** samantha everett <queenwands11@gmail.com>  
**Sent:** Wednesday, May 20, 2020 9:11 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Water

To the Mayor and City Council,

As a community member of Trinidad, I strongly urge you to put aside any possibility of voting yes to give away Trinidad's precious water. I am appalled that supporting the Rancheria's bid to use Trinidad's water for their Hyatt Hotel project is even a consideration of the Council. You must be aware that California has been and will continue to be in a severe drought. To vote yes to support a project over the need to conserve what will be most needed by our community is beyond my understanding.

Trinidad is a unique lovely community that needs to be protected by those who care for it. For those of you who may vote yes, I ask you to examine very closely your motivations and loyalties. Who benefits from your decisions? Is there a vested interested for some of you to vote yes? I hope not. Please be the guardians of our finite water. Your decision will have long lasting consequences. Our precious water or a Hotel.

Respectfully,  
Samantha Everett

## Trinidad City Clerk

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**From:** baycity@sonic.net  
**Sent:** Thursday, May 21, 2020 7:58 AM  
**To:** smladwig@gmail.com; Jack West; Miller Dwight; Tom Davies; Trinidad City Clerk  
**Cc:** Trinidad City Manager  
**Subject:** cooperation with Trinidad Rancheria on water

Dear Mayor Ladwig, Council Members West, Miller, Glover and Davies and City Manager Naffah,

I hope the City can work out a cooperative water agreement with the Trinidad Rancheria. The presentation by Jacque Hostler Carmesin, Shirley Laos and Robert Hemsted on April 14, 2020 during the Webex Council meeting was compelling. The people of the Rancheria are members of the Trinidad community and have been for over 100 years when the Rancheria was established. Many families from the Rancheria have had roots in Trinidad for a very long time before that. The stewardship and contributions that the Trinidad Rancheria has made to the harbor area, Scenic Drive, the City water system, Trinidad School, public safety, the California Coastal National Monument Gateway and other projects are commendable.

It appears that with care and enhanced water storage capacity there is sufficient water in Luffenholtz Creek to share. If drought conditions occur, as happened a few years ago, it seems that everyone on the water system made an effort to reduce use and cooperate in the interest of long term conservation. If the Rancheria does obtain City water, and another drought happens, it stands to reason that all on the system would cut back and do everything possible (such as haul in extra water) to not deplete the water system storage. The hotel is going to be built. The Rancheria has been, and is, a good partner in the City. The people have been responsible stewards of their land. It certainly would be in the Rancheria's best interest over time to continue that pattern with regard to water conservation. The Rancheria has contributed to enhancing water system functions in the past. Perhaps the Rancheria would help with increasing water storage capacity now. Also, I wonder if anything could be included in an agreement to find those places where the City is losing quantities of water from leaks in the system.

Extending water service is a big issue for the City. It always has been. However, we all are part of a whole community here and taking an "all for one and one for all" approach to sharing resources is important to goodwill and well being for all in this blessed place. My home for 41 years is above Luffenholtz Creek and I appreciate its beauty and magic every day. I believe all of us as good stewards and citizens are capable of both enjoying it and sharing its abundance.

Warmest regards,  
Patti Fleschner  
103 Oke-ga Lane  
Trinidad

## Trinidad City Clerk

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**From:** Gail Kenny <gailkenny@gmail.com>  
**Sent:** Tuesday, May 19, 2020 8:03 PM  
**To:** Trinidad City Clerk  
**Subject:** Hotel/City Water Comment for May 21, 2020 City Council Meeting

Dear Trinidad City Council Members:

RE: Item 3: Discussion/Decision regarding Memorandum of Understanding (MOU) with the Trinidad Rancheria on Engaging in a Series of Conversations regarding City Water for their Hotel Project.

The City of Trinidad's first priority for water service is to the residents of the City.

Entering into an MOU now for the promise of additional water for the Trinidad Rancheria's planned 100-room hotel is too risky. There is no guarantee that there will be enough water available from Luffenholtz Creek to provide for the hotel. Drought years are becoming more common due to climate change. The City should be frugal with how much water it agrees to provide for service outside City limits.

The City should not be limited to making water flow decisions based on 2019 data. I would like to see the City take the time it needs to gather data about water flows in the creek and not be pressured by the Trinidad Rancheria to make hasty decisions.

Sincerely,

Gail Kenny  
Trinidad Resident

## Trinidad City Clerk

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**From:** David G Hankin <david.hankin@humboldt.edu>  
**Sent:** Wednesday, May 20, 2020 12:05 PM  
**To:** Trinidad City Clerk; Trinidad City Manager; Steve Ladwig; jwest@trinidad.ca.gov; dmiller@trinidad.ca.gov; dgrover@trinidad.ca.gov; tdavies@trinidad.ca.gov  
**Subject:** HARP Comments Re Item 3 of Special Mtg; MY WORD submission  
**Attachments:** MY WORD 19May2020 FINAL.docx; HARP to TCC re Item 3 21 May 2020 Special Meeting.FINAL.docx

Greetings All -

Attached is a HARP letter of comment on Agenda Item 3 for tomorrow evening's special meeting. I'd like to ask that this letter be electronically posted so that interested members of the community could read it.

I have also attached a MY WORD submission to the Times Standard that has just been received by Marc Valles. I am hoping that he will print it ASAP, but one never knows. The MY WORD piece (under my name) is my attempt at refuting the false accusation in the Sundberg letter (parroted by at least the Lost Coast Outpost and the TS) that the TCC has been "foot-dragging" on the exceptionally complicated issue of water service for the proposed 100-room 5.5-story Hyatt Place Hotel. The MY WORD piece is not submitted with the intention that it become part of the meeting package, though I would have no objection to that.

I hope very much that all of you can read through the HARP comments and my brief MY WORD piece prior to the Special Meeting.

Dave Hankin

## MY WORD

In Defense of the Trinidad City Council.

In a May 13, 2020, letter to the Trinidad Mayor and City Council, Garth Sundberg, Chairman of the Trinidad Rancheria, falsely accuses the Trinidad City Council of “foot-dragging” with respect supplying 9,500 gallons per day (gpd) of water to support its proposed 100-room, 5.5-story Hyatt Place Hotel on Rancheria lands alongside scenic Trinidad Bay.

¶Local media, including at least the Lost Coast Outpost and the Times Standard, have propagated this false accusation. Coupled with this unfounded accusation was a threat to withhold access to Rancheria properties on the harbor, access that is needed to allow the City to complete its stormwater management project, designed to protect water quality within Trinidad Bay, a state-designated Area of Special Biological Significance.

¶The issues of stormwater management and available City water for the hotel are completely unrelated. Chairman Sundberg’s threat is inappropriate, and his “foot-dragging” accusation is a gross mischaracterization of the complexity of Trinidad’s water allocation situation. I wish to correct the record.

In recognition of the limited volume of water available from Trinidad’s Luffenholtz Creek water supply and the prospect of additional future water requests (NOT just for the proposed Hyatt Place Hotel), the City of Trinidad has contracted with GHD, a local engineering firm, over the past two years to produce a package of studies related to Trinidad’s water systems. Those of most immediate relevance have been (a) an analysis of current water demand and system loss; (b) an assessment of potential treatment plant production of water at *maximum* operation levels (not required to satisfy current demand); and (c) an analysis of water source alternatives.

During the same period of time, the City has agreed to extend its water lines to supply water to the Cal Fire station north of Trinidad. The California Coastal Commission approved this extension with a condition that it would also provide water to coastal recreation-supporting businesses adjacent to this extended line whenever the City could confidently conclude that “surplus water” was available (Service Area C).

Finally, the Trinidad Planning Commission (TPC) has been actively developing policies for responding to applications for new service connections and specified volumes of water, and the City Planner has attempted to quantify future water demands within the City proper, in Service Areas A & B adjacent to the City, and in Service Area C. The three referenced GHD reports were completed in April, May and October of 2019, respectively; the CCC official recommendation to provide service to Area C parcels, if possible, is dated Sept. 18, 2018; and the draft water policies were considered most recently by the TCC at its April 2020 meeting. The TCC asked the Planning Commission at that meeting also to develop policy for water allocation and/or restrictions during serious droughts.

This litany of studies and planning concerning Trinidad’s water supply, all carried out over a roughly two-year period, can hardly be fairly characterized as “foot-dragging.”

It is impossible in this space to capture all the important findings from these studies and associated planning efforts, but the main take-away-messages are these:

(1) Trinidad will need to continue to rely on Luiffenholtz Creek as its water supply for the foreseeable future;

(2) The GHD-estimated “surplus capacity” of the Trinidad Treatment Plant on Luffenholtz Creek during normal-dry years is only about 48,000 gallons per day (gpd). Assuming water system loss of 15% to 20% due to pipe leakage — optimistic values for most rural water systems — this means that the real surplus capacity that could actually reach customers would likely be somewhere between 38,000 and 41,000 gpd. The water needs of priority recreation-serving businesses within Area C seem to be in the range of 20,000-34,000 gpd. Adding the Rancheria’s request for 9,5000 gpd gives a combined demand of 29,500-43,500 gpd.

The Rancheria’s request for water for a newly constructed Hyatt Hotel outside the City’s service areas would have lower priority than Service Area C under the draft water policies. Obviously, the full “surplus capacity” would not be available during serious drought years, and it is customary for water districts not to allocate 100% of their water as a precautionary measure. Do the math.

There are good reasons that the Trinidad City Council has been proceeding in a deliberate fashion concerning the Rancheria’s request for 9,500 gpd for a 100-room 5.5-story Hyatt Place Hotel. We commend them for their thoughtful consideration of how much additional demand can be supported by the Trinidad water system.

### Concerning Item 3. City Council Special Meeting of 21 May 2020.

Steve Ladwig, Mayor  
Members of the Trinidad City Council

18 May 2020

As you know, members of HARP have been closely following Trinidad Planning Commission (TPC) and Trinidad City Council (TCC) development and consideration of City water policies for new connections, and we have provided what we hope has been constructive input at numerous previous TCC and TPC meetings. We have read the May 13, 2020 letter from Trinidad Rancheria Tribal Chairman Garth Sundberg to the Mayor and City Council<sup>1</sup>, which accompanied a draft Memorandum of Understanding (MOU)<sup>2</sup> that is the subject of the TCC's scheduled May 21, 2020 special meeting. We believe it would now be wrong to develop an MOU for two primary reasons:

- (1) we strongly object to both the tactics and the substance of Chairman Sundberg's May 13 letter; as a matter of principle and of good government, the TCC should reject the Chairman's attempt to bully the City by threatening the health of Trinidad Bay;
- (2) an MOU would now be premature because the TCC has not yet adopted existing draft water policies, nor has the City yet developed a Drought Contingency Plan, as the TCC directed at its April 14, 2020 Council meeting; if the Rancheria does not like the City's draft Water Policies, it has opportunity like anyone else to come to public meetings and state its case; the proposed MOU would create an end-run around public meetings, and should be rejected.

We elaborate briefly on these reasons below, while also identifying serious deficiencies in the draft MOU.

#### **1. As matters of principle and good government, the TCC should not affirmatively respond to Chairman Sundberg's May 13, 2020 letter.**

Garth Sundberg's letter of 13 May 2020 states that the Rancheria will withhold City access to Trinidad harbor properties, which may be required for the City to complete its long-planned Trinidad Bay Stormwater Management project, "until and unless the City provides a final and mutually-acceptable decision" to provide City water to the Rancheria's proposed high-rise Hyatt

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<sup>1</sup> Letter, May 13, 2020 from Garth Sundberg, Tribal Chairman, to Steve Ladwig, Mayor, and Members of the Trinidad City Council: [https://drive.google.com/open?id=1TVez0JyoFJIVmhPNoc9Mit5wlsGv\\_3Pg](https://drive.google.com/open?id=1TVez0JyoFJIVmhPNoc9Mit5wlsGv_3Pg). The letter does not appear in Council's May 21, 2020 Agenda Packet ( <https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/05-21-2020%20sc%20packet.pdf> ). A copy of the letter is attached hereto as Exhibit A.

<sup>2</sup> Memorandum of Understanding, undated and unsigned, a copy of which is attached as the last page in the Council's May 21, 2020 Agenda Packet: <https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/05-21-2020%20sc%20packet.pdf> .

hotel project. The Stormwater Management project is an environmental cleanup measure for the health of Trinidad Bay and the Ocean, and is unrelated to the proposed hotel water issue. As matters of principle and of good government, the City should not respond favorably to what is clearly an attempt to bully the City to provide water for the Rancheria's hotel project.

**2. The draft MOU is premature. Trinidad's policies for granting water service connections ("water policies") have not yet been fully developed or adopted by the TCC, which most recently in April directed the Planning Commission to add a Drought Contingency Plan component to the draft Policies. This is a prudent and orderly process, and necessary in view of the realities of climate change and chronic long-term drought. The draft MOU is an attempted end-run around the City's Water Policy development process. Completion and then application of the Water Policies should be a basis for any negotiations for City water for the Rancheria's proposed high-rise Hyatt hotel project.**

The draft water policies, developed by the Planning Department, reviewed by the Planning Commission, and presented to and discussed by the TCC<sup>3</sup>, identify five categories of potential water users: (1) within City limits; (2) Services Areas A&B to the east of City limits; (3) Service Area C - Patricks Point Drive north from the City limits to and including the CalFire Stations; (4) "Health and Safety Concern" properties outside City limits; and (5) a "City Council Exception" category for special cases and subject to listed conditions, which the City Planner advised TCC at its April 14 meeting could include consideration of the Rancheria's hotel water request.

At the Coastal Commission's August 8, 2019 Consistency Determination hearing, Rancheria CEO Jackie Carmesin-Hostler testified that the Rancheria agrees with the City's need to develop applicable Water Policies: ". . . they still have to develop their policy, and they have to go back to their residents," she said, "and I totally understand that."<sup>4</sup> At the Coastal Commission's follow-up September 12, 2019 public meeting, the Commission approved Revised Findings on Consistency Determination" in the Rancheria hotel matter, including: (1) "The Trinidad Rancheria would prefer that the City of Trinidad (City) provide water to the hotel. There is no existing contract or other agreement in place for such use of City water" and (2) "The BIA consistency determination states that water for the hotel will be provided from the City of Trinidad's water supply system, thus requiring City approval. Such approval has not yet been granted."<sup>5</sup>

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<sup>3</sup> The draft Water Policies were presented to and discussed by the City Council at its April 14, 2020 public teleconferenced meeting, in which Rancheria officials, including CEO Jacque Hostler-Carmesin, appeared and participated. The draft Policies and a supporting memorandum from the City Planner are found at pages 110-127 of Council's Agenda Packet for that meeting: [https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/04-14-2020%20cc%20packet\\_0.pdf](https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/04-14-2020%20cc%20packet_0.pdf)

<sup>4</sup> California Coastal Commission, August 8, 2019, Agenda Item 12b, CD-0004-19, Bureau of Indian Affairs / Trinidad, CalSpan video, <https://cal-span.org/unipage/?site=cal-span&owner=CCC&date=2019-08-08>, at 6:01:50.

<sup>5</sup> California Coastal Commission, September 12, 2019, Agenda Item 13a, Revised Findings on Consistency Determination, No. CD-0004-19, Bureau of Indian Affairs/Trinidad, at pages 3 and 14: <https://documents.coastal.ca.gov/reports/2019/9/Th13a/Th13a-9-2019-report.pdf>,

Rancheria representatives have attended all of the City's Planning Commission meetings leading up to the current Draft Water Policies, and Rancheria CEO Carmesin-Hostler attended and participated in public discussions at the Council's April 14 meeting at which Counsel discussed the Draft Policies and called upon the Planning Commission to develop a Drought Contingency Plan component for the Policies.

But in his May 13 letter, Tribal Chairman Sundberg objects to the Water Policies, and calls for secret negotiations – outside the public arena and outside the structure of the Water Policies and forthcoming Drought Contingency Plan.

It would be inappropriate for TCC to reach a decision, via the draft MOU, regarding provision of water to the proposed hotel if had not already adopted its water policies, including these conditions for granting City Council Exceptions. Therefore, the draft MOU is defective in not conditioning consideration of water for the hotel on the City water policies and it is therefore premature to enter an MOU because these water policies have not yet been formally adopted. The TCC needs to adopt water policies before it enters any MOU and these policies need to be explicitly incorporated in the MOU.

At the April 14, 2020 TCC meeting, the subject of water availability from Luffenholtz Creek during droughts was discussed and the TCC agreed that a special policy concerning "what to do during droughts" would also be required for future planning purposes. The 2019 GHD reports provided to the City acknowledged that current treatment plant surplus capacity (estimated at approximately 48,000 gpd additional volume that could be released from the treatment plant, beyond satisfying current demand) was applicable only during normal-dry years and that the "surplus" might not exist during serious drought years or periods of serious drought. Water deliveries to *existing* Trinidad customers might have to be curtailed (rationed) during such years. The TCC will therefore clearly need to be presented with additional information and studies before it can develop a policy for dealing with drought situations. The draft MOU is deficient because it would limit TCC deliberations to the 2019 GHD reports and other information provided by the Rancheria, but would exclude other important sources of information on future water supply.

Provision of water to priority Service Area C would, according to the report prepared for the April TCC meeting, require from 20,000 – 35,000 gpd. (Note that it is exceptionally difficult to assess the Service Area C needs from the report provided at the April TCC meeting.) The apparent *deliverable* "surplus capacity" (water that could actually reach consumers) is about 38,400 – 40,800 gpd during normal-dry years (= 2019 GHD estimated 48,000 gpd theoretical surplus treatment plant releases discounted by system water loss rates of 20% and 15%, respectively). Thus, Service Area C water needs, by themselves, would account for from 49% (20,000/40,800) – 91% (35,000/38,400) of estimated current surplus capacity depending on

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assumptions made about water loss and Service Area C needs. The Rancheria's request for 9,500 gpd to serve the proposed Hyatt Place hotel at 70% occupancy, when added to the Service Area C needs, would, if granted, require a combined 77% (29.5/40.8) – 120% (48,900/40,800) of apparent deliverable surplus capacity. Thus, regardless of assumptions used to make these calculations, the combined needs of Service Area C and the proposed hotel would account *for at least 75%* and possibly more than 100% of the estimated current surplus capacity in *normal-dry years*. We note that the 2019 GHD production report makes no explicit mention of system water loss, but the 2019 GHD report on system water loss indicates that water loss has ranged from 9%-40% and has averaged 26% over a recent 12 year period. Thus, the assumed system loss rates of 15% - 20% in these calculations are *optimistic* values. We also note that the Rancheria's request for 9,500 gpd would not satisfy the Hyatt Hotel's needs at 100% occupancy, approximately 13,500 pgd. Where would this additional water come from? Would the City be expected to provide this larger amount during 100% occupancy times which might coincide with late summer low flows?

Finally, any MOU drafted between the City of Trinidad and the Trinidad Rancheria and devoted to the topic of providing water to the Rancheria's proposed hotel should not be based on any suggested or hypothetical improvements to the City's Luffenholtz Creek Treatment Plant (see draft MOU) because: (a) no new improvements have yet been proposed; and (b) assessing the feasibility of any new improvements to increase the surplus production capacity of the existing treatment plant would require engineering and environmental studies – and likely bureaucratic studies and approvals -- which have neither been proposed nor completed. It would be irresponsible to assume that hypothetical, unknown, unapproved, unfunded, and unbuilt improvements would lead to a substantial increase in available surplus water from Luffenholtz Creek.

In conclusion, we urge the TCC to continue its thoughtful consideration of water policies and to better quantify the potential needs from Service Area C before it enters into an MOU with the Rancheria concerning development of options for providing water for a proposed Hyatt Place Hotel. Only when the water policies have been adopted and the needs of Service Area C have been determined could the TCC make an intelligent decision regarding whether it had sufficient surplus water to satisfy the Rancheria's additional request for 9,500 gpd. It would also need to determine whether or not a grant of water would be consistent with the tests required for water service under the City Council Exception of the current draft water policies assuming these are adopted.

David Hankin

On Behalf of the Humboldt Alliance for Responsible Planning (HARP)

To the Trinidad Mayor and City Council,

May 18, 2020

As a frequent visitor in a close relationship with a member of the Trinidad community, I feel committed to the future of the town's health and well-being. A long-term water supply is THE most important resource for the well-being of residents and visitors. Please cast your votes accordingly.

Richard Hansis  
Bayside, CA

**Richard H. Harris Jr., Esq.**  
**1370 Masonic Ave.**  
**San Francisco, CA. 94117**  
**Telephone: 415-290-5718**  
**Email: rharrisjr1@gmail.com**  
**License No. 76704**

May 21, 2020  
By e-mail

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

Re: City Council Meeting, Tuesday, May 21, 2020,  
Discussion Agenda Item #3  
Opposition: Proposed MOU is Premature

Dear Mayor Ladwig and Members of the City Council,

For the reasons stated in the letters submitted to you by J. Bryce Kenny and David Hankin on behalf of HARP (incorporated by this reference), this is precisely the wrong time for the proffered MOU<sup>1</sup> or any kind of substantive hotel water negotiations now being demanded by the Rancheria. In addition to Messrs. Kenny's and Hankin's excellent reasons, there is this.

**It now appears that the Rancheria's hotel proposal is "on pause," while the BIA decides whether to conduct an Environmental Impact Statement review, as the City and others have called for.**

On March 20, 2020, the City of Trinidad renewed its longstanding demand on the BIA and the Rancheria for full Environmental Impact Statement analysis, under federal law, of the Rancheria's hotel project – including but not limited to the water supply, drought, and climate change issues.<sup>2</sup> That letter said, in part:

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<sup>1</sup> Memorandum of Understanding, undated and unsigned, a copy of which is attached as the last page in the Council's May 21, 2020 Agenda Packet: <https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/05-21-2020%20scc%20packet.pdf>

<sup>2</sup> Letter, City of Trinidad City Manager Eli Naffah to Bureau of Indian Affairs, March 20, 2020, at page 2 <https://drive.google.com/open?id=1MdDsgybCZAObRRysTOCcKn4rh128D0E0> ; referencing Letter, City of Trinidad City Manager Daniel Berman to Bureau of Indian affairs, October 22, 2018: <https://drive.google.com/open?id=1MQ5p8-F23CEXgdmpZHRbyfwKKbgxhl2z>

“The City has serious concerns regarding the availability of water from Luffenholtz Creek which is greatly impacted by drought and climate change. How can the FONSI on page 5 conclude that impacts to water resources would be less than significant. Clearly a finding of no significant impact is not warranted. . . . The City has yet to adopt a policy for considering applications for out limited resource and is not able to effectively evaluate any requests should they be sent to the City at this time.”<sup>3</sup>

The published FONSI (Finding of No Significant Impact), publicly noticed on March 6, 2020<sup>4</sup> and posted on the Rancheria’s website (<https://trinidad-rancheria.org/>), is not a final version, but is rather an undated and unsigned draft, stamped “DRAFT--PENDING SIGNATURE”.<sup>5, 6</sup>

This means the BIA and its parent Department of the Interior are considering the arguments of the City (as contained in the City’s March 20, 2020 letter), HARP, and others challenging the draft FONSI, and have not made a decision whether the hotel project can proceed without a full Environmental Impact Statement – including scientific analysis of the very climate change, drought, water supply, and other issues of concern to the City and its residents. So the hotel matter now appears to be “on pause” at the BIA/Department of the Interior.

At its April 14 public meeting, the City Council was told by City Planner Trevor Parker that drought, climate change, and predicting the low flows on Luffenholtz Creek are “absolutely an issue that we don’t have a great handle on . . . it’s a level of risk and an unknown. . .”<sup>7</sup> The City has a 100% legitimate concern -- as stated in March 20, 2020 letter to the BIA -- that the City’s Luffenholtz Creek-based municipal water system may not be adequate as the

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<sup>3</sup> Letter, City of Trinidad etc. to Bureau of Indian Affairs, March 20, 2020, fn. 2, above, at page 2

<sup>4</sup> Notice of Availability, March 6, 2020: <https://trinidad-rancheria.org/wp-content/uploads/2020/03/Notice%20of%20Availability%20-%20Trinidad%20Rancheria%20Hotel.pdf>

<sup>5</sup> Bureau of Indian Affairs, FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED TRINIDAD RANCHERIA ECONOMIC DEVELOPMENT CORPORATION HOTEL PROJECT, at page 13: [https://trinidad-rancheria.org/wp-content/uploads/2020/03/FONSI%20TREDC%20Hotel\\_Final%20w-Exhibits\\_v3.pdf](https://trinidad-rancheria.org/wp-content/uploads/2020/03/FONSI%20TREDC%20Hotel_Final%20w-Exhibits_v3.pdf)

<sup>6</sup> The BIA’s most current (May 21, 2020) Nepatracker webpage for the Trinidad Rancheria hotel project contains no entry dated after February 17, 2020, and no link to a final, signed and dated FONSI: <https://bianepatracker2.doi.gov/printsummary.cfm?ID=39105>

<sup>7</sup> Testimony of City Planner Trevor Parker to City Council Meeting, April 14, 2020, Access Humboldt U-Tube: <https://www.youtube.com/watch?v=c9P5vtFmkOM>, at 1:08:37-1:10:06

climate changes and drought increases, for inside-City-limits residents and other users in high-priority areas including the Cal Fire Station.

In short, this is no time for the City to give-in to the Rancheria's demands for water negotiations – whether in the form of Chairman Sundberg's bullying May 13 letter,<sup>8</sup> or otherwise.

Rather, as Messrs. Kenny and Hankin argue, the City must carefully proceed with its Water Policies development process, including Drought Contingency component, and seek better knowledge and understanding of the climate change and drought issues and how they will affect the City's water supply. This may well include the Environmental Impact Statement process now under consideration at the BIA/ Department of Interior.

Thank you for your service to Trinidad, and for considering these comments.

Respectfully submitted,

*Richard Harris*

Richard H. Harris, Jr.

ccs:

Eli Naffah, City Manager, City of Trinidad  
Gabe Adams, City Clerk, City of Trinidad  
Supervisor Steve Madrone, Humboldt County Board of Supervisors  
Supervisor Mike Wilson, Humboldt County Board of Supervisors  
John Weber, California Coastal Commission  
Amy Dutschke, Regional Director, Bureau of Indian Affairs  
Jacque Hostler-Carmesin, CEO, Trinidad Rancheria  
David Hankin, Westhaven Community Services Dist.  
J. Bryce Kenny, Esq  
Richard Johnson  
Kelly Lindgren  
Jennifer Kalt  
Ted Pease

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<sup>8</sup> Letter, May 13, 2020 from Garth Sundberg, Tribal Chairman, to Steve Ladwig, Mayor, and Members of the Trinidad City Council: [https://drive.google.com/open?id=1TVez0JyoFJIVmhPNoc9Mit5wlsV\\_3Pq](https://drive.google.com/open?id=1TVez0JyoFJIVmhPNoc9Mit5wlsV_3Pq).

## Trinidad City Clerk

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**From:** billhazeleur <billhazeleur@yahoo.com>  
**Sent:** Tuesday, May 19, 2020 3:32 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Water to Hotel

I am a property owner in Trinidad (513 Trinity Street)

I urge the City Counsel to NOT PROVIDE WATER to the proposed Casino Hotel.

I The Trinidad Water system is GOLDEN GEM.TO THE CITY AND ITS RESIDENTS

Providing water to the Hotel will deteriorate the system and hurt Trinidad residents. If not today certainly in the future. I believe it will adversely change Beautiful. Trinidad

Again, please protect our valuable Water System and NOT PROVIDE WATER TO THE PROPOSED HOTEL.

Thank you for your consideration  
of this important matter.

William C. Hazeleur

Sent from my Samsung Galaxy smartphone.

## Trinidad City Clerk

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**From:** thuff@reninet.com  
**Sent:** Monday, May 18, 2020 9:44 AM  
**To:** cityclerk@trinidad.ca.gov

Would you please forward this message on to members of the City Council.

I just read in the local news that the Trinidad Rancheria is trying to play hardball or bully the City of Trinidad for water.

I have lived in town since 1972 and there has "always" been a question about the amount of water available for domestic consumption.

- We don't have the water to give away, according to the engineers.
- The limited supply and quality of water in Luffenholtz creek, over the years, has resulted in many water projects or proposed water projects.
- There are other water rights properties above and below the Trinidad pump Station, including fish. These have a "potential large" impact on the amount of available water in the future.
- The Coastal Commission has already placed others, on Patricks' Point Drive, in line for the water ahead of the Rancheria.
- The City has rejected requests for water connections in the past for the above reasoning.

If my information is correct and until some new information or concept comes along, I would expect the council to be responsible, do the right thing and reject this request for a memorandum of understating that puts the City's water rights at risk.

Respectfully



## Trinidad City Clerk

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**From:** Willard Hunter <whunter@opendoorhealth.com>  
**Sent:** Sunday, May 17, 2020 5:43 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** council meeting Thursday

City clerk:

Sharon and I have been Trinidad residents for the last 7 years and we plan to stay here. We live on Underwood Lane. We would like to express our concern about using Trinidad city water for the development of a new hotel at the Rancheria in Cherae Heights. We feel the risk to our city water supply is too great – especially in the projected drought years. We worry about the entire infrastructure being able to support such a development. But our immediate concern is for the integrity of our water supply.

Thank you for passing our concern on to the council members. We plan to listen in to the meeting remotely on Thursday.

Thank you,

Bill and Sharon Hunter

Willard Hunter, MD

Medical Director

### **Open Door Community Health Centers**

Eureka Community Health and Wellness Center

2200 Tydd Street, Eureka, Ca 95501

Tel: 707.441-1624, ext 3130 | Fax: 707.441.1253

[www.opendoorhealth.com](http://www.opendoorhealth.com)

## Trinidad City Clerk

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**From:** Trinidad Retreats~Vacation Rentals on the Redwood Coast <info@trinidadretreats.com>  
**Sent:** Wednesday, May 20, 2020 11:29 AM  
**To:** Trinidad City Manager; City of Trinidad; Steve ladwig  
**Subject:** Save the Water

Please enter this letter into the public record for the city council meeting.

5/20/20

Dear Honorable City Council:

I am a Trinidad resident and business owner of Trinidad Retreats. I manage 11 vacation homes in the city limits of Trinidad. As a resident and business owner I am against the city of Trinidad giving ANY of our precious drinking water to the Rancheria for their proposed hotel project. I believe the water needs to be protected and allocated to the residents and businesses that have already invested in living and doing business within the city as well as for any vacant lots within the city that may provide additional future residential housing or businesses. Water is by far our most precious resources, one we cannot live without. We cannot set the dangerous precedent of giving this water right away or we will never be able to get it back. If this pandemic teaches us anything it teaches us that life is full of uncertainty. Sadly there may come a time when we experience extensive droughts and struggle with the ability of the city to provide enough water to the residents and businesses within the city alone. If the Rancheria cannot provide enough water on their property to support their hotel project then it is time to rethink the size and scope of their project. PLEASE protect our water.

**Respectfully,**

**Jonna Kitchen**  
**Resident - 56 Berry Rd.**  
**Owner - Trinidad Retreats**

## Trinidad City Clerk

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**From:** Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com>  
**Sent:** Thursday, May 21, 2020 11:44 AM  
**To:** Trinidad City Clerk  
**Subject:** PUBLIC COMMENT for Special CC meeting May 21, 2020

May 21, 2020

Dear Trinidad City Council Members:

The City of Trinidad must provide OPEN PUBLIC MEETINGS regarding all conversation with the Rancheria. The ongoing "Government to Government Meetings" over the past year have already included discussions regarding the City of Trinidad's water, with NO report out to the public, as to the nature or topics of discussions that have already occurred. These conversations impact every resident in town. These ongoing meeting topics and outcomes have NOT been provided to the public despite multiple requests for the information. These meetings appear to have been "standing committee" meetings that have occurred in violation of and outside of any public process or open public meeting laws. (*Standing committees of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction, or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.*<sup>9</sup> Even if comprised of less than a quorum of the governing body, a standing committee is subject to the Brown Act.

[https://www.cacities.org/Member-Engagement/Professional-Departments/City-Attorneys-Department/Publications/Open-Public-IV\\_-A-Guide-to-the-Ralph-M-Brown-Act-\(.aspx\)](https://www.cacities.org/Member-Engagement/Professional-Departments/City-Attorneys-Department/Publications/Open-Public-IV_-A-Guide-to-the-Ralph-M-Brown-Act-(.aspx))

Two City Councilmembers and the City Manager meeting in "secret" closed sessions over the past year does not provide the constituents of Trinidad with transparency or follow sound government processes or best practices. NO MOU with the Rancheria should be considered and all discussions regarding City of Trinidad water and water policies/ordinances and agreements must be conducted in open meetings, as per the open meeting laws. Why is the Rancheria letter that spearheaded this Special City Council meeting not included in the public meeting packet? This is NOT a "neighborly" letter, nor is it a way to propose a business deal. Transparency is the City's obligation to its constituents and the omission of this letter from the packet is suspicious.

Another question is: has the Rancheria given the City of Trinidad a limited waiver of sovereign immunity? Has a limited waiver occurred with the Hyatt Hotel Corporation? There are many issues that the residents would like to understand and without open public meetings and conversations that are transparent the process of this discussion appears to be a "done deal" based on the "secret Government to Government meetings" that have occurred over the past year.

***How has the City of Trinidad considered the fact that a Tribe cannot be sued (or an agreement with a Tribe enforced) without a limited waiver of sovereign immunity? The Rancheria has a past and current history questionable law suits and non payments with other local businesses. Entering into any contract with the Rancheria without a clear method for the City to protect its agreement is not sound business. The citizens of the City of Trinidad have the right to sound business practices. The Rancheria can provide a limited waiver of sovereign immunity—either by limiting the available legal relief, assets, or the enforcement mechanism (e.g., arbitration, courts, mediation). But such decisions without a limited waiver directly impact the City of Trinidad's ability to assure it's future compliance with our water.***

The City does not have sufficient information about its own system and reliability of its water supply to make the determination that it can provide 9,600 gallons per day to the Rancheria (note that 9,600 gallons represents what the hotel needs at 70% capacity, not 100%). In fact the reports and data clearly show that the water situation in Trinidad has dipped into dangerously low levels already during the past few years. Considerations of watershed rights, water diversions and other issues continue to be unclear and will significantly impact the future of the limited water in Trinidad.

The Rancheria appears to be attempting to force our public officials to meet outside the public process over our most precious commodity, our City's water availability. This must not continue in the future. Using theoretical data about the processing plant's capacity appears to be manipulating the actual data to achieve results that benefit profits over people. Planning must also include the worst case water scenarios such as drought or disaster.

**Vote NO MOU.”**

Assure that ALL conversation and discussion of potential Trinidad water ‘options” remain in the public process and keep in mind that your first priority is to the residents of our City of Trinidad.

Thank you,

Kathleen Lake  
Trinidad Resident

## Trinidad City Clerk

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**From:** kelly lindgren <klindgren69@gmail.com>  
**Sent:** Thursday, May 21, 2020 1:06 PM  
**To:** tdavies@trinidad.ca.gov; dgrover@trinidad.ca.gov; jwest@trinidad.ca.gov; dmiller@trinidad.ca.gov; Steve Ladwig; City of Trinidad; Madrone, Steve; Wilson, Mike@Coastal; Richard Harris; jbrycekenny@gmail.com; tedpease@gmail.com  
**Subject:** Public Comment

May 21, 2020

Trinidad City Council  
409 Trinity Street  
Trinidad, CA. 95570

RE: Trinidad City Council Special Meeting May 21, 2020  
Discussion agenda item 3  
Proposed MOU with Trinidad Rancheria regarding Hotel Water Demand

Dear City Council Members,

I'm writing to you as a City Water Policy, Priority Service Area A. property owner adjacent to the Trinidad Rancheria's Hotel and Casino Project.

I object to any development of an MOU, contract or any letter of intent expressing agreement from the City of Trinidad to provide water to the Rancheria's Hotel and Casino Project. Such an agreement at this time would be inappropriate due to the absent of an approved Water Policy with the Drought Contingency Plan Component. I further object to the holding of private meetings with the Rancheria to discuss their demands and or policies. All discussions should be held in public meetings in accordance with the Brown Act.

Thank you,  
Kelly Lindgren

## Trinidad City Clerk

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**From:** tonimagyar <tonimagyar@comcast.com>  
**Sent:** Thursday, May 21, 2020 10:46 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Water

Water, water everywhere and not a drop to spare. I'm not against progress but we don't have enough to share.

Antoinette "Toni" Magyar  
Resident

Sent via the Samsung GALAXY S® 5, an AT&T 4G LTE smartphone

## Trinidad City Clerk

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**From:** Gary manka <garymankaconstruction@gmail.com>  
**Sent:** Wednesday, May 20, 2020 6:15 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Water Allocation Concern

Dear Trinidad Mayor and City Council,  
I am a Westhaven resident, and son of a former owner of Sylvan Harbor trailer park. Water shortage was always an issue at the trailer park. I am concerned by the amount of water that would be used to service the proposed hotel at the Trinidad Rancheria. If water is to be allocated from a finite source (Luffenholtz creek) I think thorough consideration should be given to the trailer parks and CalFire north of Trinidad, even though that is not the current issue. Patrons of those trailer parks are an important part of the Trinidad economy. Please consider this during your deliberations regarding future water allocations.

Sincerely,  
Gary Manka

## Trinidad City Clerk

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**From:** Don Morris <mocamber@gmail.com>  
**Sent:** Wednesday, May 20, 2020 8:58 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Hyatt Hotel water supply

Dear Council members,

Please vote to deny an expanded water supply volume for the proposed Hyatt Hotel/Trinidad Rancheria project. I have lived in the North Trinidad area for nearly 50 years. My wife and I raised a family here. Never have we had even the possibility of access to City water. The ability to supply the quantity and quality of water to residents outside the city limits has always been in question. Most of our neighbors rely on well water of questionable quality with inadequate supply that usually runs dry in the late summer. Others have devised catchment systems that require enough rainfall to provide their needs. Most have to buy water at some point and have it delivered. We have all seen our water supply diminished in recent years as drought conditions have given us less rainfall. Scientists have told us this trend will continue. Given these facts it seems like it would not be responsible to commit water for a project that would benefit a select few in the area and be consumed by non residents. If hydrologists and engineers determine there is adequate water source supply for the city to expand service I would hope Council members would advocate for current residents of the greater Trinidad area and not succumb to threats from business and monied interests. Please vote NO on Hotel water.

Thank you,

Don Morris  
379 Stumptown Road  
Trinidad, CA 95570

## Trinidad City Clerk

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**From:** Penne Ogara <penne.ogara@gmail.com>  
**Sent:** Wednesday, May 20, 2020 12:16 PM  
**To:** City of Trinidad  
**Subject:** Trinidad City Council: 21 May 2020 MOU Water for Trinidad Rancheria; Luffenholtz Creek

Dear Honorable Trinidad City Council Members,

I am strongly against the City of Trinidad (City) completing a Memorandum of Understanding (MOU) with the Trinidad Rancheria (Rancheria) for the supply of water to the Rancheria's hotel development.

I have been a resident of the Trinidad general area and a teacher locally since the 1970's, been active in the City's community, and friend to the City's and Rancheria's community members. In addition, I own properties which a major part of Luffenholtz Creek flows through. The City's water treatment plant sits on what used to be my right of way.

Any unduly additional extraction of water from Luffenholtz Creek, which is the lifeline of Trinidad, without considering the environmental impact on the entire watershed is beyond unconscionable. At certain times of the year, there is barely any water in Luffenholtz. Is draining so much more water from our keystone creek morally and environmentally correct? The rushed development of a 100 room hotel will irreparably damage and change our beloved Trinidad. We live here because we love Trinidad. This development with its insatiable appetite for Trinidad's natural resources will cause great loss to all.

Trinidad may not even have enough water for all its citizens in a major drought year. We still have many empty lots in the city that are undeveloped now and may need the water in the future. We need more data. To rush this project through without giving serious thought to the environment, people, and the uniqueness of Trinidad will forever be a black mark on us in the eyes of future generations.

The people of Trinidad and the surrounding area have been working very hard to build a sense of community here. Why did we have a moratorium on vacation rentals, remember? Rushing this project through and taking water from current and future individuals who have and will make Trinidad the one place on earth we choose to be will destroy all that we have created and love.

I fully support tribes to be self sufficient and independent. Initially, we were told that the Rancheria had enough water to go ahead with their development (which is just the 100 room hotel for now, but may include a minimart, gas station, and RV park etc. later). It is great for the Rancheria to be able to generate wealth for its members if done in a responsible and considerate manner. More power to them! Unfortunately, now the Rancheria demands, with duress, the City to provide them with the water they want after touting that they have the water. I am truly saddened and baffled by this unreasonable action.

Trinidad and the Rancheria have been working cooperatively for many years to keep Trinidad Bay clean and healthy for the benefit of all. Now the Rancheria wants to hold ransom the long term health of our environment for some short term gain. Withholding support for safe storm water disposal by the Rancheria is detrimental to all who live here and to our beloved flora and fauna. What else will the city be forced to give up in the future?

This MOU may create legal liabilities for Trinidad which the city will not be able to recover from. Show us the data before you do anything rash and cause us all harm.

I hope that you will vote against the MOU. Think of your responsibilities to the environment and to future generations. Think of Trinidad!

Thank you for reading and considering my letter.

Sincerely And With A Heavy Heart,

Penne O'Gara

## Trinidad City Clerk

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**From:** Ted Pease <ted.pease@gmail.com>  
**Sent:** Thursday, May 21, 2020 1:53 PM  
**To:** Trinidad City Clerk  
**Cc:** Steve Ladwig; Dwight Miller; Jack West; tdavies@trinidad.ca.gov; Tom Davies & Kathleen Lake; dgrover@trinidad.ca.gov; Trinidad City Manager  
**Subject:** Comments to Trinidad City Council & Public

Dear Trinidad City Council members:

This has been a rough week for the city, and you (volunteer) city leaders have my thanks and sympathy for the difficult position Garth Sundberg's letter has placed you and the rest of us in.

In a way, however, it may be a good thing that Sundberg has threatened the city and tried to bully you into agreeing to provide water for the hotel project in exchange for doing what the Rancheria is committed to do anyway on stormwater runoff.

In framing this as a *quid pro quo*, Sundberg raises the possibility of really making some kind of deal that both residents and the Rancheria can live with. What might the city ask for in return for water?

What if the Rancheria put a smaller hotel of, say, three stories on the table, in a design that is not such an affront to our natural beauty? That might be something that Trinidad residents would be willing to discuss in exchange for water.

Or how about ditching the plan for a full-blown Highway 101 interchange, in favor for a less disruptive overpass linking Rancheria residents on either side of the highway? The impacts of all the development that will accompany the hotel — the interchange, the RV park, minmart/gas station, etc., will be enormous on both the environment and the Trinidad economy.

My point is that perhaps the Rancheria will make some significant concessions if they really water Trinidad's water.

The bottom line regarding water, however, is that there simply isn't enough of it to support everything people might want to do. The engineering reports, Planning Commission and city planner are agreed on this. Priority for the limited amount of water the system can reasonably and safely be expected to generate should go to residential customers (full disclosure: our household is on the Trinidad water system), with new commercial customers far down the line.

Finally, let me endorse the detailed, rational and sane analysis submitted by HARP in opposition of any discussions over allocation of Trinidad water that does not take place in full public view. These decisions are not just your responsibility, as a City Council, but all of ours as Trinidad residents. The implications for Trinidad, as I know you are all painfully aware, will be significant and will last generations.

Please include this in the public record.

Sincerely,

—  
Ted Pease  
PO Box 996  
Trinidad, California 95570  
707-677-5222; 707-502-5806 cell  
[ted.pease@gmail.com](mailto:ted.pease@gmail.com)



## Trinidad City Clerk

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**From:** Star Place <starplace44@gmail.com>  
**Sent:** Wednesday, May 20, 2020 11:14 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Trinidad and water

Hello Gabe,

Just adding my two cents...

I am opposed to an agreement to simply "give" Trinidad town water to the new hotel. I see that as being irresponsible to the current residents. What could you possibly do to remedy the situation if, indeed, there is not enough water?

I truly believe Trinidad will already have water problems in the near future. The climate is already changing to be drier.

Can there be a kinder way for both sides to come to an agreement? Smaller hotel? Plans for emergency water situations??

What happened to the plan for the hotel to use it's own well water???

Thank you for listening!

Star Place

## Trinidad City Clerk

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**From:** Trinidad City Manager <citymanager@trinidad.ca.gov>  
**Sent:** Wednesday, May 20, 2020 9:27 AM  
**To:** Gabe Adams  
**Subject:** FW: Hotel and water issues in Trinidad

Gabe:

Public comment.

Eli  
Eli Naffah  
City Manager  
City of Trinidad  
(707) 677-3876  
P. O. Box 390  
Trinidad, CA 95570

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**From:** Glory Ralston [mailto:gloryralston@wildblue.net]  
**Sent:** Wednesday, May 20, 2020 8:32 AM  
**To:** 'Trinidad City Manager'  
**Subject:** Hotel and water issues in Trinidad

I am very concerned that adding a hotel the size of the one proposed by the Rancheria to the city's water district has not been studied fully. Now is the time to do the research on how this additional pull on the city's water system will affect the city's ability to provide adequate and clean water, especially in times of extreme drought or during excessive rainfall that challenges the city's ability to clean and filter the water. I strongly encourage the city council to take the time now to do these studies. Trying to deal with this after the hotel is in place will be close to impossible.

Thank you for your time and attention. Glory Ralston  
1528 Fox Farm Road  
Trinidad, CA  
707-677-3865

## Trinidad City Clerk

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**From:** Sally Renlund <sarenlund@gmail.com>  
**Sent:** Wednesday, May 20, 2020 3:58 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Trinidad hotel

I am opposed to the Trinidad Rancheria Hyatt hotel. I expect the city council to listen and abide by the wishes of our community. Vote NO to this endeavor.

Water shortage is a real and current danger.

Jon and Sally Renlund

Trinidad, CA

## Trinidad City Clerk

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**From:** Jason Rau <raujason@gmail.com>  
**Sent:** Tuesday, May 19, 2020 9:53 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** hyatt

To whom it may concern,  
I am writing this email because I think it is a bad idea to build a hotel on Trinidad Rancheria, that may compromise the water supply for local citizens. In these times of decreasing rainfall totals, the public's supply of water should not be infringed upon by a for profit business. That is all. -Trinidad resident

TO: City Clerk, Mayor, Members of Trinidad City Council

May 21, 2020

RE: Comments for Agenda topic regarding City provision of water to Rancheria hotel project:  
Special Meeting May 21, 2020

Dear Trinidad City Council,

We are the owners of the private residence at 385 Wagner Street, Trinidad. We ask that you DO NOT APPROVE any plan to provide City-owned water to the proposed hotel development at the Rancheria's Cherae Heights facility. It is vital for the City to protect its already-limited water supply for the current and future needs of the City, especially considering the possibility for drought stresses. This year is the driest rain year we have experienced in the 45 years we have lived in Humboldt County, and projected climate issues do not afford any reason to think drought is not an ongoing serious problem. An additional concern regarding water is that water IN is only half the issue – water OUT is possibly even more important, as the facility is already located on fragile geology, and the entire Scenic Drive ecosystem would suffer from runoff and drainage issues with the excessive water being disposed of. The existing casino itself has already experienced land collapse issues, as evidenced by the giant sag in the parking lot, and more water through the facility can only make the current situation far worse.

Besides the water issues you are considering at this meeting, we also have many grave concerns about other factors in the plan to build a giant hotel on Scenic Drive. Traffic access to the property is badly congested as it is now, with safety threats to both vehicular and pedestrian/bicycle users. There needs to be a new, separate road access from highway 101. The proposed hotel is far too big for the essential character of the scenic values of our region, and would create a huge visual blight on the landscape both in physical presence and in light pollution at night.

We feel that the California Coastal Commission failed in its responsibility to protect our coast when they determined that the City of Trinidad should have the discretionary decision to allow the hotel development on this property. It would be entirely appropriate for the City of Trinidad to send this matter back to them, with the expectation that they will step up to their part of the responsibility and make the necessary right decision to protect our coast, our community, and our bioregion from the consequences of permitting this project to proceed.

Thank you for this opportunity to express our grave concerns regarding this proposed development.

Sincerely,

Gordon and Karen Schatz



## Trinidad City Clerk

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**From:** azetter@trinidad.ca.gov  
**Sent:** Wednesday, May 20, 2020 10:34 AM  
**To:** Gloria Speigle; Trinidad Clerk  
**Subject:** RE: Casino Hotel Project

Your comment has been received and forwarded to the City Clerk for distribution.

Sincerely,

Angela Zetter  
Administrative Support  
City of Trinidad  
PO Box 390  
409 Trinity Street  
Trinidad, CA 95570  
707.677.0223  
[www.trinidad.ca.gov](http://www.trinidad.ca.gov)

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

Subject: Casino Hotel Project  
From: Gloria Speigle <[gloriaspeigle@yahoo.com](mailto:gloriaspeigle@yahoo.com)>  
Date: Wed, May 20, 2020 10:22 am  
To: [azetter@trinidad.ca.gov](mailto:azetter@trinidad.ca.gov)  
Cc: Jaques Beaupre <[jcqs.beaupre@gmail.com](mailto:jcqs.beaupre@gmail.com)>, Maria Trinidad  
<[Maria.Bartlett@humboldt.edu](mailto:Maria.Bartlett@humboldt.edu)>, John Waskiewicz <[flyingrancher@aol.com](mailto:flyingrancher@aol.com)>

To whom it may concern:

I am a resident and property owner in Trinidad.

I am opposed to the city of Trinidad providing water to the hotel project.

I feel it's way to large of a project for our town. It will ruin the natural beauty and scenery of this area.

Please do not sign the Memorandum of Understanding.

I have been a long time supporter of the tribe but find myself very disappointed in their approach to this project.

Thank You  
Gloria Speigle  
Sent from my iPhone

## Trinidad City Clerk

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**From:** Kimberly Tays <kimkat067@gmail.com>  
**Sent:** Wednesday, May 20, 2020 9:08 PM  
**To:** City of Trinidad  
**Subject:** Follow-up comment re: Trinidad Rancheria MOU

Hi Gabe,  
Please forward this follow-up email to the City Council.  
Thanks, Kim

\*\*\*\*\*

Dear Trinidad Mayor and City Councilmembers:

I am asking the City Council to continue their thoughtful deliberations on water policies for the City and vote “No” on an MOU with the Trinidad Rancheria.

In addition, all meetings with the Rancheria concerning water for the hotel should be done in public and not behind closed doors.

Thank you,  
Kimberly Tays  
Arcata, CA  
Email: [kimkat067@gmail.com](mailto:kimkat067@gmail.com)

## Trinidad City Clerk

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**From:** Kimberly Tays <kimkat067@gmail.com>  
**Sent:** Wednesday, May 20, 2020 5:43 PM  
**To:** City of Trinidad; Eli Naffah  
**Subject:** MOU with Trinidad Rancheria re: Water

Hi Gabe,

Please forward my public comments to the City Council and also include my comments on the City's website re: this agenda item. Thanks, Kim

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Dear Trinidad Mayor and Councilmembers:

I am writing to express my concerns about the City of Trinidad entering into any agreements to supply water to the Trinidad Rancheria for their 5-story hotel. In fact, I am not sure how much water the Rancheria really needs for their hotel, as that number has been a moving target. I am also concerned that the 100-room hotel is not the only development the Rancheria is considering for their Scenic Drive property. I have several questions that are posed below:

- 1) Is the Rancheria willing to waive its sovereign immunity so the City can retain its rights to limit the amount of water supplied in times of drought or with the unknowns of Climate Change? If the Rancheria is not willing to waive its sovereign immunity, the City should see this as a red flag. It seems with such a vital resource that the relationship between the Rancheria and City could quickly deteriorate if there are disagreements over water rights and supplies.
- 2) Is the City talking to the Rancheria about their other development plans (aside from the hotel), so the City is fully informed about the true water needs of the Rancheria if they proceed with a full build-out on their Scenic Drive property?
- 3) If the Rancheria constructed the gas station/mini mart, RV park, etc., would they need to enter into a new water agreement with the City, or would the Rancheria be allowed to extend the water lines to those new developments without the City's consent?
- 4) If the City entered into a water agreement with the Rancheria and needed to limit the amount of water delivered to the Rancheria at some future date, how would the courts view established water rights or sovereign immunity?
- 5) How would the City, with little money or resources, protect itself from lawsuits should there be disputes with the Rancheria over water rights and supplies?
- 6) Are there other situations in which a small village like Trinidad, with limited water resources, provides water to a sovereign tribal entity? If those situations exist, I would like to know where and how those entities dealt with water agreements or arrangements.

To protect the interests of the City of Trinidad, I believe the City Council has no choice but to deny the Rancheria's request for water for their hotel (and other developments), due to the enormous risk such an agreement would present for the stability and wellbeing of Trinidad and its residents.

Regards,  
Kimberly Tays  
Arcata, CA

Email: [kimkat067@gmail.com](mailto:kimkat067@gmail.com)

## Trinidad City Clerk

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**From:** Sean & Lindsey Thomas <hosts@sylvanharbor.com>  
**Sent:** Tuesday, May 19, 2020 2:35 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Proposed Rancheria Hotel and Sylvan Harbor RV Park future water...

Dear City Council Members,

My name is Sean Thomas. My wife Lindsey Thomas and I are owners of Sylvan Harbor RV Park and Cabins, located at 875 Patrick's Pt Dr. We took the ownership of this park from my wife's parents Ray and Sherry Manka, both residents of Trinidad, in June, 2015.

It is our understanding that the proposed extension of Trinidad City water to the California Department of Forestry Fire Station on Patrick's Pt Dr has been approved and that our park has been given preferential status to potentially connect to this water source in the future. I believe this approval came through the powers that be, including the California Coastal Commission, and has been incorporated into the City of Trinidad's Land Use Plan or similar document. The fact that we share the same water resource scarcity issues that our neighbors face makes this development very promising for the health of our business and related entities into the future.

We've been informed that there will be a meeting this Thursday 5/21/20 with regard to the potential allocation of Trinidad City water to the proposed Trinidad Rancheria Hotel complex, and that this might be in conflict with the preferential status to connect to city water determined for our park and neighbors. We will be unable to attend this meeting because of a previous engagement. In lieu of our attendance at this meeting, please use this email as our input to any discussion with regard to future Trinidad City water allocations. Also, we would like to be included in any future meetings that will deal with this issue.

We cannot over state our desire to retain any status that has been officially determined with regard to a potential future water connection for our park, and oppose any circumstance that would retract or lessen this determination and potential to connect to City of Trinidad water. This does not necessarily mean that we are opposed to the Rancheria Hotel development, especially if it is considered beneficial to the local environment, tribes, and economy. We do hope that any decision about these developments would fully protect our potential to connect to Trinidad City water in the future.

Please feel free to contact me with any questions you might have. Also, please keep us in the loop of any future discussions about these issues.

Thank you!

Sean and Lindsey Thomas  
Sylvan Harbor RV Park and Cabins  
707-677-9988 business  
707-677-3970 home  
707-382-6857 cell

TO: Trinidad City Council

FR: Anita and Norman Thompson

840 Van Wycke Street, Trinidad, CA

RE: Trinidad Rancheria using Trinidad city water for their hotel project

DATE: May 21, 2020

Please submit this letter as a public comment at May 21, 2020 special meeting of the Trinidad City Council.

We wish to make a statement regarding the Trinidad Rancheria request to provide Trinidad City water for their proposed hotel project.

We stand in opposition to this proposal.

While we understand the desire and the right of our neighbors to develop their business, we fear that taxing our City's limited water system could prove catastrophic. In this time of climate change crisis and a yearly threat of drought, we believe that adding the water demands of a large hotel to our modest resources is ill-advised and potentially dangerous. A house fire of substantial size could be capable of draining our water storage. Good stewardship of our scant resources is needed if the City of Trinidad is to continue without hardship.

Norman and Anita Thompson

TO: Trinidad City Council

FR: Anita and Norman Thompson

840 Van Wycke Street, Trinidad, CA

RE: Fire Safety Issue

DATE: May 21, 2020

Please submit this letter as a public comment at the May 21, 2020 special meeting of the Trinidad City Council.

We wish to make an inquiry regarding the repairs needed to a damaged water pipe that runs from Edwards Street west down Van Wycke Street to supply the fire hydrant in front of our home. The GHD water report dated October 29, 2019 indicated on page 5 that this is the only fire hydrant in Trinidad that did not meet the fire flow requirement. The report indicated that this situation could be resolved by repairing the broken/capped pipeline.

As survivors of the Camp Fire, in 2018, which decimated our small towns of Paradise and Magalia last year, we are greatly concerned about this issue. Please tell us the City's steps planned in 2020 to repair the broken/capped pipeline.

Thank you for your attention to this important matter.

Respectfully,

Norman and Anita Thompson

## Trinidad City Clerk

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**From:** Frank Topolewski <franktopo@gmail.com>  
**Sent:** Wednesday, May 20, 2020 5:59 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Water

We are Frank and Pamela Topolewski. We live at 495 ocean avenue. We strongly oppose the proposed building of a large hotel in our small community! We moved here to enjoy the serene atmosphere Trinidad offers. Water is crucial to our lives. Allowing a large hotel to be built here seems so selfish for the people wanting this done. The possibility of losing our water and the most definite increase in humans in Trinidad makes me sad. Also very upset! Leave our beautiful village as it was meant to be.

## Trinidad City Clerk

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**From:** larryanddonna@larryulrich.com  
**Sent:** Thursday, May 21, 2020 8:46 AM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Hotel water issues

Dear fellow Trinidadians

Opposition to the Rancheria hotel project has gone beyond the fact that the hotel is way too big and not fitting into the landscape. It is ironic that the Westhaven water district had a big leak and residents were forced to conserve and boil water just this week. The support of the City Council should not be blackmailed by the Rancheria, this nonsense has to stop. As almost 50-year residents of this fine town we know that water issues have and will continue to plague all of us. We all know there is not a "surplus of water" here.

If you have 100 toilets, 200 people flushing on average 3 times a day at 3.6 gallons/flush that's 2160 gallons/day just for toilets. At one point they told us the hotel only needed 1500 gallons a day. Really?

We urge the council to deny the permit to divert water from all of its citizens for the benefit of the few. The impact on the citizenry could be devastating when the hotel, increased traffic, and water usage all collide.

Sincerely

Donna and Larry Ulrich  
220 Raven Ridge Road  
Trinidad

We urge the council to 😊

## Trinidad City Clerk

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**From:** audi hjerpe <audiannh@gmail.com>  
**Sent:** Tuesday, May 19, 2020 2:27 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** City of Trinidad, Water System, Opposition to Proposed Memorandum of Understanding

Dear City Council and City Planning Department:

I am writing this letter to express my concern over giving water rights to the proposed hotel.

I want to state that these concerns would be the same no matter who was building the hotel.

I have been a resident of Trinidad for 44 years. I worked at City Hall as an assistant in the late 70's and early 80's. I witnessed the water shortage at that time. It was a real issue. I saw them doing the routine flush of fire hydrants and there was so little water pressure that they did not know how they would be able to fight a fire. Tom Nelson was in charge of the water plant and I overheard several phone conversations expressing his fears of the creek being so low and the problem of having no having water. The City discontinued all new hookups and the whole town was asked to conserve. That was before they were so many users and without the burden of a large hotel on the system.

The unexpected can happen. Droughts happen. Now there is the threat of an extended PG&E shutoff and of having no electricity, gasoline or propane to run the reserve generators. Wildfires have become a real threat. There are so many reasons to not tax our water system to this extent - to it's very limits.

I am also worried about the estimates of how much water they say the hotel will need. I worked in the hotel industry for over 20-years. I've seen how much water is used and how much is wasted. I think they will need more than double what they are estimating.

Giving so much of our water away puts us all at risk.

I am hoping the city will not give away our water by agreeing to the Memorandum of Understanding. We need to plan for the unexpected, as we are realizing today. You never can predict the future.

Audi Voss

## Trinidad City Clerk

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**From:** azetter@trinidad.ca.gov  
**Sent:** Wednesday, May 20, 2020 2:29 PM  
**To:** flyingrancher; Trinidad Clerk  
**Subject:** RE: MOU for hotel

Your comment has been received and forward to the City Clerk for distribution.

Sincerely,

Angela Zetter  
Administrative Support  
City of Trinidad  
PO Box 390  
409 Trinity Street  
Trinidad, CA 95570  
707.677.0223  
[www.trinidad.ca.gov](http://www.trinidad.ca.gov)

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

Subject: MOU for hotel  
From: flyingrancher <[flyingrancher@aol.com](mailto:flyingrancher@aol.com)>  
Date: Wed, May 20, 2020 2:24 pm  
To: [azetter@trinidad.ca.gov](mailto:azetter@trinidad.ca.gov)

To Trinidad city council

I am writing you regarding recent demands on our local natural resource base and existing infrastructure by commercial expansion

Living in Trinidad for almost two years now, I applaud your efforts at keeping this small coastal village community environmentally safe and economically sound. I'm sure, not an easy task nowadays, with ever increasing demands.

Specifically the Trinidad water situation with the new hotel(s) seems to be one of great concern and so it should be, there are other California communities facing very similar predicaments. Napa Valley is one that comes to mind, and might be worth taking a look at for possible solutions, before agreeing to any MOU.

Regards,

John Waskiewicz

## Trinidad City Clerk

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**From:** Jim & Virginia Waters <jwwaters@suddenlink.net>  
**Sent:** Wednesday, May 20, 2020 7:02 PM  
**To:** cityclerk@trinidad.ca.gov

Please forward this to all concerned. Thank you.

To the Trinidad Mayor and City Council, May 18, 2020

The Casino's demand for more Trinidad water is completely unacceptable.

1) Where will this water come from ? The Trinidad area already uses all the available water. Remember the times when the town has had to ration water. Local wells often run dry, in prolonged summers. Water shortages will get much worse as global temperature rises..

2) Where will all this water go ? The drains and sewage disposal are already marginal. Trinidad Bay is Federally protected against pollution with sewage and chemicals.

3) If you give in to these demands, there will be no end. Caving in to blackmailers guarantees more blackmail.

Deny and ignore the Rancheria's demands for more water. It is merely for their profit anyway, at our expense.

Thank you for your attention.

/s/ James and Virginia Waters  
residents of North Trinidad since 1966



May 21, 2020

To Esteemed City of Trinidad Elected Officials, Staff, & Stakeholders,

Thank you for the opportunity to speak on behalf of the needs of our citizenry and community regarding the allocation of water access to our residential and business interests in Trinidad. As new owners of Trinidad Extended-Stay and Emerald Forest Cabins & RV, we are eager to assist in facilitating an amenity level to ensure a quality of life in keeping with the values of the local community. It is imperative that we work together to establish safe drinking water to all residents, as well as guests who choose to visit Trinidad.

In viewing the memorandum of understanding between the City of Trinidad and the Trinidad Rancheria, the implication of mutual valuation is clear. Conventional wisdom involving city planning, coupled with the engineering of associated infrastructure within our community relates to the size of the system in relation to the number of users. Additionally, we understand that retention of the current quality of life is also a priority, and one that is not our intention to change. Our only intent is to be included as citizens & taxpayers into a system that we are paying into to ultimately become utility customers. As this collaboration with City of Trinidad stakeholders unfolds, we request inclusion within this process to secure water service along the Patricks Point Drive corridor.

Current plans call for a water line to be installed along the frontage of both of our properties to secure service to CalFire, our neighbor to the north along Patricks Point Drive. Since our ownership in April of 2019, we have worked diligently to find ways to determine the best manner as to how to make this concept a reality. Ultimately, we understand that this project will impact all of us and our quality of life. We request that you prioritize the safety of drinking water for residents as a priority.

We also ask you to consider the revenue increases that will pay for these enhancements if added to your customer base. The addition of seventy-three (73) additional lots associated at Trinidad Extended-Stay would add revenues through utility billing that will contribute towards funding the needed enhancements of the water system. To secure this infrastructure, we would also be willing to provide additional financial (or in-kind) assistance to make this happen. Both BoaVida RV properties, like all commercial properties along this corridor, are incumbent upon surface water for drinking water. Certainly, this presents its own set of challenges that could be alleviated with sound and responsible management and reduce the amount of needed oversight by other forms of monitoring by local and state officials.

We have often heard the term, “we’re all in this together” of late. In keeping with this sentiment, we understand that this project will impact each citizen of Trinidad and the quality of life that we each hold dear. BoaVida RV stands ready to do our due diligence to safeguard the interests of our stakeholders’ drinking water, and those of our neighbors. Thank you for your time today, and we look forward to taking this journey from concept to certification with each of you!

Sincerely,

Woody Hemphill,  
BoaVida RV  
(912) 257-9890(m)  
[woody@boavidarv.com](mailto:woody@boavidarv.com)

## Trinidad City Clerk

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**From:** Ron Zemel <rzemel3@gmail.com>  
**Sent:** Wednesday, May 20, 2020 12:39 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Trinidad Rancherias Hyatt hotel

Submitted on Wednesday, May 20, 2020 - 12:39pm Submitted by anonymous user:  
[47.208.114.231] Submitted values are:

Name: Ron Zemel  
Email: rzemel3@gmail.com  
Phone: 7076773577  
Subject: Trinidad Rancherias Hyatt hotel

Message:

Dear mayor Ladwig and city council members, I'm writing in regards to the proposed Hyatt hotel. I have been a resident in the Trinidad area for over 30 years. I've closely monitored my wells during that period of time. Several times during that period one of my wells would go dry. According to the Pacific Northwest drought early warning system our community is presently in a moderate to severe drought condition. I have worked for the city of Trinidad and fortuna as a building inspector and can appreciate the need to expand and improve the quality of life in our community, but when a vast Majority of the residents in Trinidad and its outlying areas oppose this project, the elected officials need to adhere to there oath to the residents of Trinidad and support there wishes not to have this monstrosity of a hotel take away from the natural beauty of our community and drain one of our most precious resources, which is our finite water supply. I implore you to vote against this project.

The results of this submission may be viewed at:  
<https://trinidad.ca.gov/node/19/submission/409>



Tsurai Ancestral Society

PO Box 62

Trinidad, CA 95570

05/20/2020

City of Trinidad

409 Trinity St

Trinidad, CA 95570

**RE: Trinidad City Council Special Meeting 5/21/20: Discussion Item 3: Proposed MOU for Trinidad Rancheria Regarding Hotel Water Demand**

Dear City Council,

The Tsurai Ancestral Society is a 501(c)3 non-profit made up of direct lineal descendants of the Yurok Tribal village of Tsurai. We are the southernmost village within the Yurok Tribes ancestral territory. Our traditional boundaries are from Little River to the south, west into the ocean, including Trinidad Head, the sea stacks and other landscape features within the viewshed of the village; north to Patrick's Point; and east approximately five miles inland. The nucleus of our village is located along the bluff in Trinidad.

The Tsurai Ancestral Society is a committed steward of the Tsurai Village. We participate in local, state, and federal government processes when advocating for protection, management, and restoration of the Tsurai Village. We work closely with the Yurok Tribe as our village is a Yurok Tribal village. We are not affiliated with any other Tribe or the Trinidad Rancheria.

Trinidad as part of the greater Pacific North West coast and associated habitats, fisheries, shellfish, marine mammals, and seaweeds have been central to the life of the Yurok Tribe's village of Tsurai since time immemorial. These traditional resources continue to fulfill subsistence, economic, cultural, and ceremonial needs of the Tsurai people within our ancestral territory, and Yurok Tribal people within the greater Yurok Tribal ancestral territory.

The Rancheria's use of its role in the ASBS Storm Drain Management Plan to create leverage over the City to obtain water for their hotel and casino project is despicable. Along with disregarding their previous claims as environmental stewards, it also disregards the negative impact to marine life and Indigenous people from this area.

The Tsurai Ancestral Society would like to express our objection to the development of an MOU, contract, or letter of intent expressing agreement from the City of Trinidad to provide water to the Trinidad Rancheria's hotel and casino project. The City has yet to adopt a water policy with a Drought Contingency Plan component. The Tsurai respectfully recommend this be completed before any work toward the Rancheria's request for City water begins. Once completed, the Rancheria would be able to apply for City water through the normal public process like other corporations are expected to do.

The Tsurai Ancestral Society further objects to the use of government to government meetings as a way for the Rancheria to secure public resources from the City outside of the normal public process. The reporting out of these meetings is lacking in detail and does not adequately demonstrate compliance with the Brown Act.

The Tsurai Ancestral Society further requests all meetings regarding the hotel and casino project as well as response to the Rancheria's letter dated 5/13/20 be held in public meetings.

The outcome of this work is important to our Village and we hope the City does not give in to such brute tactics that harm our coastal resources.

Sincerely,

Tsurai Ancestral Society

## Trinidad City Clerk

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**From:** Julie Fulkerson <juliefulkerson@mac.com>  
**Sent:** Wednesday, May 20, 2020 9:19 AM  
**To:** jwest@trinidad.ca.gov; Grover Dave; Davies Tom; sladwig@trinidad.ca.gov; dmiller@trinidad.ca.gov  
**Cc:** Adams Gabe; Fulkerson Julie  
**Subject:** Current Challenge

Honorable Mayor and Council,

I have nothing but empathy for your difficult decision regarding water resources in the Trinidad region.

I am no longer in the middle of these situations but am very familiar with the content, context and history.

It is a tough situation.

When I put myself in your seats, I think of the Native history, the natural and ancient environment, and the resources Trinidad must protect.

I still walk local beaches and love the moments when I can imagine that coastline before ANYONE inhabited the coast.

Standing in many spots, it is possible to see land and see without utility poles, structures, roads, people.

It is a deeply emotional experience to be in a place where civilization has not made a mark or destroyed a piece of the planet.

It is worth preserving what can still be saved.

I know you can do this with respect to your neighbors AND to those who come after us.

with gratitude,

Julie Fulkerson

Public comments for May 21 Trinidad Council Meeting:

The draft MOU to be considered at the May 21 meeting of the Trinidad City Council appears thorough and reasonable in the current proposed form. Especial attention should be given to point 5.

My personal comments on the water situation:

We have been Trinidad City water customers for 34 years. In that time there have been a couple of significant droughts during which I recall folks had to forgo green lawns, car washing, vegetable gardens and daily showering [even flushing the toilet with regularity]. We all cut back significantly so that there would be enough water for everybody.

Currently, it might appear that there is sufficient water to offer unfaltering service to a large development, but taking the historical perspective, I would want to make sure. This is California. We will have droughts. I do not believe it is a waste of time to make certain that there is enough water delivery capacity for everyone.

Visitors from afar cannot be depended upon to conserve water or to appreciate severe restrictions on its use. A hotel cannot guarantee a certain percent of occupancy or that occupants will show up when there is plenty of water. A town cannot guarantee water that it might not be able to provide. Priority must go to current water system customers; Noel Ponniah once told me that we should get a water storage tank. He knew what he was talking about.

May I offer the suggestion that we not rush into any decisions. Let's see how things pan out economically and socially as the pandemic abates. The scale of the current Rancheria project is big. Even with their most excellent water conservation methods in place, lots of water will be needed. The city could most likely provide enough water for a smaller hotel under normal conditions. But let's not pretend these are normal times and that everything is going to go back to how it was.

Thank you for the opportunity to comment.

Carol Moné

99 Langford Road

May 20, 2020

RECEIVED

MAY 21 '20

CITY OF TRINIDAD

Dear City Council,

We appreciate the time and effort you have put in to making a decision about the water for the Rancheria Hotel. As property owners and business owners within the city of Trinidad we encourage and ask you not to sign the MOU with them.

Please listen to your constituents, the majority ~~do~~ not want water rights granted to the Rancheria for the Hotel.

We have been here for 45 years as property and business owners in Trinidad.

Thank you

Sincerely,

Maïorie Kyselhorst Eckart  
Richard H Kyselhorst

RECEIVED

MAY 21 '20

CITY OF TRINIDAD

May 21, 2020

150 Quail Trail Lane,  
Trinidad, Ca 95570

To the Trinidad City Council/Planners,

Please do not give/sell water to the Cher-Ae Heights Casino for their proposed 100 bed hotel. Water for people, not corporations! Do not give in to the blackmail by Chairman Garth Sundberg.

Besides being a Las Vegas style eyesore on Scenic Drive, the hotel will bring too much traffic, crime, drugs, and prostitution. It is too big a project for our small community and environmentally fragile area,

Yours sincerely,  
Tina Cunliffe

RECEIVED

MAY 21 '20

TO: TRINIDAD CITY COUNCIL  
RE: TRINIDAD RANCHERIA HOTEL / WATER

IS THIS 'HURRY UP OR ELSE'  
TACTIC THE TRINIDAD RANCHERIA  
IS USING TO TRY TO GET WATER  
LUFFENHOLTZ MAY OR MAY NOT HAVE;  
AND WATER TREATMENT FACILITY  
THAT MAY NOT BE ABLE TO KEEP  
UP WITH CAPACITY EVEN IF THE  
WATER IS THERE; IS THIS TACTIC  
REALLY GOING TO WORK? WHAT  
DOES THE DISCHARGE PLAN LOOK  
LIKE? (FOR THE WATER?)

LUFFENHOLTZ CREEK DOES  
NOT UNDERSTAND SOVEREIGN  
NATION. LET'S ALL BE  
RESPONSIBLE TO THE WATER SHED  
WE LIVE IN, LOVE; FOR THE  
PLANTS, ANIMALS, PEOPLE AND  
WATER.

THANK YOU

DIANNE ROSSER  
1571 FOXFARM RD

Dianne Rosser

5/20/2020

City of Trinidad CA City Council

Comment concerning proposed Rancheria Hotel Project for hearing on 5/21/2020

Dear City Council Members:

I am writing in response to the proposed Rancheria hotel project. My address is 381 Ocean Avenue Trinidad.

From 1998 through the end of 2006, I owned and lived at 80 Fox Farm. My property was immediately next to the Trinidad City water intake and water treatment plant on Luffenholz Creek.

I had water rights to water from the creek and I went down to the creek most days. The water level varied dramatically through the year. A couple of times the water level got very low-during normal years, not drought years. During the time I lived there, city water staff and I discussed our concerns about the City having enough water for the future. I am making no assertion about the current level of the water flow, but my historical experience is relevant when put into the context of predicting future flows.

To predict future flows, we must consider the following three issues: 1. Intermittent droughts, using historical information, 2. Very long term geographic rain cycles of the west coast and 3. Effect of climate change.

1. Intermittent droughts using historical information. The Humboldt County General Plan draft Water Resources Technical EIR report of 2007 is instructive here. The report cites 1996-1997 as being the single year of most severe impact on county water supplies, and 1989-1992 as the 3 year period of greatest water stress. The report warned that except for 1940-1960, every decade of the past hundred years has seen multiyear droughts and we should expect this. "The biggest impact in the County during drought conditions will likely be on one or more of the smaller water systems outside of the Humboldt Bay Municipal Water District including.... Trinidad". Their concern about recurring droughts was justified with the 2014-2016 drought.

In 2015, the State of California Department of Water Resources released the report Significant Droughts: Comparing History and Recent Conditions. The 2012-2014 drought was the worst in history, worse than 1996-7 or 1989-92. This report stresses that looking forward, we should be much more concerned about droughts, with the greatest danger being for small water systems.

2. We are entering a drier period in a long time cycle. According to Dr. Lynn Ingram, author of the book is The West Without Water: What Past Floods, Droughts, and Other Climatic Clues Tell us About Tomorrow, the whole century of the 1900s was a time of abnormally high rainfall in the entire western United States compared with the historical record, leading us to believe that what we experienced during the past century was "normal". Rather, during the 1000 years previously, the entire west was much drier, with multiple periods of severe drought lasting a century or more. Her conclusions have been confirmed by other water historians, who predict that we are returning to the real "normal" condition of less rainfall.

3. The effects of climate change are becoming more apparent. Even 13 years ago, when the 2007 Humboldt General Plan was written, the county warned that “Managers must determine if existing facilities can handle the impacts that will occur under future climate change, and at what economic cost. Precise information on future climate impacts is unavailable, so water managers must explore the sensitivity of their system to a wider range of conditions, and ... determine quantitative impacts from climate change on water supply....Demand Management... is critical to mitigate loss of water supply.”

Now, according to a major study published a month ago in Nature, (“Large Contribution from Anthropogenic Warming to an Emerging North American Megadrought by Park Williams), we have already entered into a megadrought cycle not seen since the 1600s in California. He agrees with other researchers that we are returning to a past period of prolonged drought anyway, and his research shows that this is already being intensified by climate change.

Will this affect our water supply in Trinidad? Yes, according to a report entitled California’s Fourth Climate Change Assessment by Theodore Grantham of UC Berkeley (and a Humboldt native) which was presented to the Humboldt County Board of Supervisors a year ago. According to this report, the North Coast will experience lower stream flows as a result of 5-9 degree higher temperature and disrupted precipitation patterns of more intense rain over a shorter time period. His report says that we will experience increased droughts even if total precipitation does not change! Dr. Grantham’s report also emphasized that we can expect heightened fire danger in the future so having adequate water will be even more critical.

Because of my own experience as well as the expected decrease in streamflow and increase in drought, I am concerned about the City of Trinidad having sufficient water in the future for the needs of its own citizens and think it foolhardy to assume that there will be water left for an additional high need commercial use.

In addition, upgrading and maintaining a water system is expensive. The City is prohibited by state law from charging any current users for system upgrades. And given the sudden state of California financial crisis, we can not expect the State to be able to provide any support. It is not apparent- especially in the current environment-that the hotel will be financially viable and able to generate funds for the water system. This is not the time to undertake an expansion of city services!

Marilyn Sterling

## Water Decisions

To the Mayor and City Council:

As you approach your special meeting tomorrow night, we would like to bring a few points/comments/thoughts to bear.

As many of you may know, since moving to Trinidad, we have tried to integrate ourselves as a part of this wonderful community and be engaged as much as we can in the runnings and going ons of our town. We have attended numerous city council meetings, several planning commission meetings and we have even spoken on a few occasions.

We have been impressed at the incredible passion shown by both residents of the city as well as the council members who were elected by and are sworn to serve the interests of those very same citizens. We ask all of you to remember that as you make your decisions. That you, along with our city manager and planner are making decisions and recommendations on all of our behalf, representing our interests collectively. Your decisions will have lasting impacts on the character of our community and its ability to survive and weather economic and climate changes for decades to come.

Relative to the issue of water rights and expansion of service.

1) The summary report issued and presented recently from the planning commission/city planner, discussing how to prioritize potential expansion of water service, very clearly states that our current capacity and production from our water system falls short of our existing projected needs for areas already approved for development within the city limits.

It seems that at this point the decision about expanding/increasing/authorizing additional service outside of the city limits is moot. We have no extra water above potential needs already approved/planned. Why are we considering expansion outside the city at the potential cost of limiting development within or even being able to meet existing needs during times of drought?

2) We are facing another drought year and have not recovered adequately from recent years, nor do we have an adequate data set or understanding that the impact of low water years has on our system nor the potential impacts of climate change.

The Mayor and several council members acknowledged that the city does not have an adequate plan in place to mitigate/ration/address drought situations for our existing customers and said that it would be added to the to-do list. Has that been developed and vetted? If not it would seem that should be developed in concert with our capacity before any consideration of expansion/increase of water use.

I've anecdotally spoken with many long term residents of Humboldt county as well as Trinidad (just in the course of conversation) and all state that while it may seem rainy to a recent arrival like myself, that we are far below our normal - that's cause for concern isn't it?

What is the status of our watershed and likely future status with drought and climate changes? How will future wells and demand on new and existing wells change the hydrology and

associated models? Was the new well, purported to meet half the proposed needs included in modeling? As a trained scientist, one thing I know to be true, is that Nature abhors an imbalance and will always seek equilibrium. If something is removed from one area it will seek equalization from another source.

3) Have the issues of fire protection needs been adequately addressed or studied by experts in the field? Not only would adding service for a large commercial occupancy take away from existing daily operating capacity of our system, but should an incident of consequence occur (e.g. fire) or even an accidentally sheared fire sprinkler head, that could cause a significant drain on water storage while it free flowed until the incident has been stabilized.

Additionally, while the storage capacity has been increased since this last occurred, is it now so robust that we no longer need to worry about notices to the Fire Department that we are at low levels of storage reserves during sustained drought years?

4) We have heard discussion and seen written comments that due to the age of our water distribution system it is old and in need of upgrade.

Have adequate studies/evaluations been performed to understand the impact that the significant additional daily flow, along with peak demand surges in the morning and evenings, would likely have on increasing the failures/leaks/reliability issues would have if approved? How will it affect the remaining service life?

5) We freely acknowledge that we are not fully integrated nor privy to the historical discussions/politics surrounding the request for the proposed water usage.

With that in mind, we do find it concerning that a tit-for-tat attitude towards projects already underway/proposed (stormwater) is the course of action that is being taken.

Personally and professionally we would be very hesitant to partner or work with anyone that behaves that way.

As a final point of comment, we know that running government services is an expensive proposition in our world and that sources of revenue are always a concern. That's what makes partners in infrastructure repair/upgrades appealing at times, but we urge the council to take a cautious, unhurried, fact/science based and balanced approach - stopping to check in with your constituents along the way to ensure you are truly representing us.

In closing, we have no objections to good faith, non-binding, interest based discussions occurring. We do however, have concerns about the transparency of government surrounding this issue, that conversations will not always take place in an open forum, keeping all interested parties involved and informed.

We are concerned that there is some sense of urgency surrounding this issue that we believe to be misplaced given the myriad of variables that are unknown and inadequately understood.

Thank you for your time.

Aaron & Jennifer Hakenen

View Ave  
Trinidad, Ca

## Trinidad City Clerk

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**From:** Lore Snell <loresnell@gmail.com>  
**Sent:** Thursday, May 21, 2020 6:50 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** Casino hotel

Greetings, I am a business and property owner in Trinidad. I am very concerned about the development of the casino hotel and it's impact on the water supply needed for our community. I urge the council to deny water access to the development proposed. Thank you, Lore Snell

## Trinidad City Clerk

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**From:** alohamurmaid@yahoo.com  
**Sent:** Thursday, May 21, 2020 5:21 PM  
**To:** cityclerk@trinidad.ca.gov  
**Subject:** City Water for the Hotel Prject

As a resident of the City of Trinidad, I am very concerned about the limited supply of water for current Trinidad residents and businesses. Our community continues to be affected by drought conditions every year. Trinidad water users continue to monitor water use and encourage modest consumption of our water resources. Summer months can be particularly alarming as the water table lowers. The addition of a large hotel being supported by our current water supply does not portend a positive outcome to the already existing demand for water. Trinidad cannot depend on nature to heed the emergent necessity of providing increased rainfall. Water is essential for drinking, bathing and maintaining our diminishing green spaces. Luffenholtz Creek is not a limitless bounty as a water source. Protect our existing proven water consumption, honor the community who continues to conserve and respect our limited essential resource. Adding hundreds of new users to a limited water supply does not bode well for the future of the City of Trinidad. Current residents, and visitors are a large enough contingent of Luffenholtz Creek consumers. Do not throw caution to the wind. Our current state of global affairs is an example of unplanned pandemic.

Respectfully, Michelle McHenry. City Resident Trinidad, Ca

Sent from my iPad

## Trinidad City Clerk

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**From:** David G Hankin <david.hankin@humboldt.edu>  
**Sent:** Friday, May 22, 2020 9:06 AM  
**To:** Trinidad City Clerk  
**Cc:** Trinidad City Manager; Dave Grover; Dwight Miller; Dwight Miller; Jack West; Jack West; Steve Ladwig; Tom Davies; Tom Davies; Bryce Kenny; David G Hankin; Don Allan; Ken Miller; Richard Johnson; Steve Madrone; Ted Pease  
**Subject:** Re: HARP Comments Re Item 3 of Special Mtg; MY WORD submission

I am very sorry that I was unable to comment on last evening's rather baffling proceedings. My laptop has no issues with Zoom, but apparently WEBEX does not approve of it. Next time I will ask Gabe to see if he would be willing to check me out before I participate.

The comment that I had wished to make was a simple one:

"What is the necessity of developing a formal MOU? And what is the explicit purpose of the MOU?" I did not hear any clear answers to either of these questions last night and that seems rather critical to me.

That same point was made by the Yurok (?) attorney, Sherri, and I think she was right on point. All that matters is that there is genuine honest dialog between the Rancheria and the City on the issue of whether or not the City has adequate surplus to provide water for the hotel. Jacque and/or Shirley have been attending all of the TCC meetings and they surely know by now that the answer to that question is: "maybe, during, normal years, but probably not if the City first honors its apparent commitment (in the LCP and to the CCC) to the north of Trinidad businesses; and "definitely not during dry years when the GHD calculated surplus does not apply". Dwight said as much, yet he remained in favor of the MOU. But what was the intended purpose of the MOU if there is a recognition that there is no extra water to squeeze out of the Trinidad system?

So as you contemplate next steps, I ask you to consider just what it is that you were hoping to accomplish with an MOU and why one was developed that excluded any mention of application of water policies that should be adopted before any serious discussions are initiated.

Finally, I encourage you to post Garth Sundberg's letter as it appears to have precipitated the interest in developing an MOU. I have never seen anything like it in my life and I find it hard to put a "cooperative spin" on it. Trinidad area citizens need to read it and make their own judgment. And, to correct the record, HARP is absolutely NOT opposed to the concept of a Rancheria hotel and I have spoken directly to Jacque that the local community would be "just fine" with a 3 story hotel. But we remain opposed to a 5.5-story 100-room Hyatt Place hotel and a new freeway interchange, as for many of us that kind of development would eliminate our joy in living in this beautiful area. Impossible to imagine that the Rancheria folks don't understand that. We are also very frightened to learn that the Rancheria's casino will be reopening soon.

Let's try to work with the Rancheria to develop a 3 story hotel of reduced size, with a reduced water demand and a freeway overpass rather than a freeway interchange. I can see that as an exceptionally value basis for G to G discussions. That result probably be acceptable to most local residents and all parties know that. Only Ted Pease seems to talk about it.

Dave

Dave  
Dave