

Exhibit 3: Approval of Issuance of Emergency Coastal Development Permit

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Trinidad City Clerk

From: Trever A. Parker [trever@streamlineplanning.net]
Sent: Monday, November 19, 2007 4:37 PM
To: 'Trinidad City Clerk'
Cc: 'Chi-Wei Lin'; 'Steve Allen'
Subject: Sebring
Attachments: Sebring Emergency Permit Memo.doc; Sebring Memo.doc

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The attached memo constitutes staff approval of an emergency coastal development permit. I understand there are still some administrative issues to work out (e.g. funding source(s)), but as far as planning is concerned, work can begin at any time. Let me know if you have any questions.

Gabe, please place copies of this in Councilmembers' boxes. I have also attached the previous memo that this new one references. Thanks.

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MEMORANDUM

TO: Trinidad City Council
Mike Sebring
Tsurai Ancestral Society

FROM: Trever Parker, City Planner

DATE: November 19, 2007

RE: Emergency Permit for Tsurai Study Area drainage improvements.

I received an application for a drainage improvement project at 20 Scenic Dr. (APN: 042-131-07). The application included a bid proposal for the proposed project. I sent a memo dated November 1, 2007 stating that the application was incomplete and that I would need additional information in order to process the Coastal Development Permit. I then had an opportunity to visit the site and view the drainage problems along with some members of the City Council, Tsurai Ancestral Society, Yurok Tribe and City Engineer's office on November 7, 2007. Members of the Tsurai Ancestral Society requested that an Emergency Permit be granted pursuant to §17.72.080 of the City's Zoning Ordinance at the November 14, 2007 City Council meeting.

The City's certified Local Coastal Plan allows the City ("a local official designated by the City for projects normally requiring a coastal development permit approval") to grant an emergency permit for work that "must be undertaken as emergency measures to prevent loss of or damage to life, health or property..." The nature of the emergency is that increased amounts of groundwater flowing out of the bluffs above the Village site and Sebring property have been increasing the saturation of the toe of the bluff. The proposed work involves installation of inlets and drainage pipes on the Sebring driveway that would route water away from the Village site and back towards Parker Creek. Other work may include minor ditch / channel maintenance and vegetation clearing to help direct the water over the Village site and into Pepperwood Creek.

A report prepared by LACO and Associates in 2004 entitled: Engineering Geologic Assessment of Tsurai Village with Recommendations for Future Management stated that "addition of groundwater to the subsurface is likely to be the single greatest factor contributing to the destabilization of the coastal bluff. High groundwater conditions coupled with strong earthquake ground shaking has the highest probability of producing a mass wasting landslide event." The report found evidence that the bench of the slope on which the village was located has retreated over the past few decades, but that it had been

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generally stable prior to that time based on aerial photography and the fact that a long-term, permanent village was located there. Wave erosion at the toe of the slope in this location has resulted in exposure of artifacts and human remains over the past few years. Although the report found that under current circumstances there is not a significant risk for catastrophic bluff failure, there is potential for localized instability. The report specifically describes the Sebring drainage issue as follows:

As stated above, the most notable contributor of surface runoff to Tsurai Village is the Sebring property located due east of the Tsurai Village. The inboard ditch that captures and redirects surface runoff, originating from this neighboring property to the east, consists of a cut bank that has intercepted the groundwater surface. Seepage from the cut bank and surface runoff from the driveway is captured by the inboard ditch and delivered across the residence's western property boundary directly onto the village site. Saturation of the village grounds, in conjunction with wave and tidal action undermining the toe slope, is, in our opinion, accelerating the rate of downslope soil creep resulting in exhumation of ancestral human remains and middens.

A project very similar to the one currently proposed is basically the first recommendation of the LACO report:

1) Sebring property (assessor's parcel number 042-131-007): The inboard ditch located alongside the lower driveway accessing this residence is directing significant volumes of surface runoff directly onto the village grounds. It appears that a majority of the driveway is located within the Coastal Conservancy access easement. It is recommended that a drop inlet be constructed at the residence's western property line. The drop inlet should be drained via a minimum 8-inch pipe that delivers the surface runoff back into Parker Creek or a suitable outlet point well below the residence. The use of a small excavator will be required to install the drop inlet and piping.

Although there may not be an imminent hazard of a major slope failure and a natural disaster has not already occurred, there is a significant risk of instability of the Village Site. The exposure of artifacts and human remains from erosion is a major problem. Were the bluff to fail, not only the Village site would be in jeopardy, but the houses and infrastructure above the bluff would be at significant risk. This is a chronic problem that could be exacerbated by high rainfall events, large storm wave events or seismic events in the upcoming winter. Based on the above analysis, as the City Planner, designated by the City to evaluate Coastal Development Permit applications, I am hereby issuing an Emergency Coastal Development Permit for the proposed work, including the installation of two inlets and two six inch drainage pipes on the Sebring property and other minor maintenance activities to help direct drainage off the Village site and away from the bluff.

Per the requirements of Zoning Ordinance §17.72.080, the emergency work authorized under this approval shall be limited to activities necessary to protect bluff stability, and the Village site. Also, within 30 days of the issuance of this emergency permit, a full application for a Coastal Development Permit shall be submitted to the City by the applicant. The submittal requirements are outlined in my November 1, 2007 memo which I have attached for reference.

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