

MIKE THOMPSON

1ST DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON HEALTH

SUBCOMMITTEE ON SELECT  
REVENUE MEASURES

PERMANENT SELECT

COMMITTEE ON INTELLIGENCE

CHAIRMAN, SUBCOMMITTEE ON TERRORISM,  
HUMAN INTELLIGENCE, ANALYSIS AND  
COUNTERINTELLIGENCE

SUBCOMMITTEE ON INTELLIGENCE COMMUNITY  
MANAGEMENT



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

DISTRICT OFFICES:  
1040 MAIN STREET, SUITE 101  
NAPA, CA 94559  
(707) 226-9898  
317 THIRD STREET, SUITE 1  
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(707) 269-9595  
POST OFFICE BOX 2208  
FORT BRAGG, CA 95437  
(707) 962-0933  
712 MAIN STREET, SUITE 101  
WOODLAND, CA 95695  
(530) 662-5272  
CAPITOL OFFICE:  
231 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3311  
WEB: <http://mikethompson.house.gov>

August 13, 2012

Douglas Bosco, Chair  
State Coastal Conservancy  
1330 Broadway, 13<sup>th</sup> Floor  
Oakland, California 94612

RE: City of Fort Bragg's grant request for the Fort Bragg Coastal Trail and Restoration Project

Dear Chairman Bosco:

I am writing in strong support of the City of Fort Bragg's application for funding for the Fort Bragg Coastal Trail and Restoration Project. These funds will enable the City to open an 82 acre portion of Fort Bragg's coastline to public access for the first time in more than 100 years. This access will provide exceptional walking, bicycling, ocean viewing, and other recreational opportunities for the local residents and the million annual visitors to Fort Bragg. Additionally, it will be a great boost to the health of the local economy.

The City of Fort Bragg has obtained funding for this project from a wide variety of sources, including \$750,000 from the U.S. Department of Transportation, and has proactively engaged local agencies and businesses to assist with the project to reduce costs. Fort Bragg has a proven track record of managing projects that serve the public interest in a fiscally responsive way.

Thank you for your consideration of this proposal and for your ongoing support of public access and coastal preservation in California.

Sincerely,

A handwritten signature in black ink that reads "Mike Thompson". The signature is written in a cursive, flowing style.

MIKE THOMPSON  
Member of Congress

MT:ca

CARMEL J. ANGELO  
Chief Executive Officer  
Clerk of the Board



CONTACT INFORMATION  
501 Low Gap Road • Room 1010  
Ukiah, California 95482  
TELEPHONE: (707) 463-4221  
FAX: (707) 463-7237  
Email: bos@co.mendocino.ca.us  
Web: www.co.mendocino.ca.us/bos

**COUNTY OF MENDOCINO  
BOARD OF SUPERVISORS**

August 28, 2012

Coastal Conservancy Board  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

Dear Coastal Conservancy Board Members:

We are writing to express our unanimous support for the City of Fort Bragg's grant request for the Fort Bragg Coastal Trail and Restoration Project. The Mendocino County Board of Supervisors strongly supports this project because it will:

1. Open Fort Bragg's coastline to public access for the first time in over 100 years;
2. Improve the local economy by opening up this very scenic and beautiful coastal resource for public access;
3. Restore over 18 acres of paved areas to native coastal landscape and provide habitat opportunities to rare plants and to native plants, birds and animals;
4. Provide exceptional bicycling, walking, bird watching, tide-pooling, beach combing, baby-strolling, sightseeing, ocean viewing, and other recreational activities to our local residents and the over one million annual visitors to Fort Bragg;
5. Provide opportunities for school children to participate in and learn about ecological restoration; and
6. Jump start the redevelopment of the adjacent 320 acre Georgia-Pacific (GP) Mill Site, which is currently undergoing a specific plan process to make it a sustainable extension of Fort Bragg.

The City of Fort Bragg has obtained funding from a wide variety of sources for this project including a Federal Appropriation, Prop 84 funds through State Parks, the City's General Fund, and a Bicycle Transportation Account Grant. The City has also enlisted the assistance of local agencies and businesses to assist with the project and reduce costs: most notably the Noyo Harbor District, North Coast Brewing Company, and GP.

The City of Fort Bragg has undertaken a careful and comprehensive planning process which has included input from a wide variety of stake-holders and the public in the formulation of the project. The City will build the project next year, with the additional generosity of the Coastal Conservancy.

We support the award of grant funding from the Coastal Conservancy for this project will transform the community of Fort Bragg and benefit Mendocino County and the entire North Coast region.

Sincerely,

  
John McCowen, Chair  
Mendocino County Board of Supervisors

**THE BOARD OF SUPERVISORS**

CARRE BROWN  
First District

JOHN MCCOWEN  
Second District

JOHN PINCHES  
Third District

KENDALL SMITH  
Fourth District

DAN HAMBURG  
Fifth District



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin St.

Fort Bragg, CA 95437

Phone: (707) 961-2823

Fax: (707) 961-2802

<http://city.fortbragg.com>

August 13, 2012

Chairman Bosco and Board of Directors  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

**SUBJECT:** Fort Bragg Coastal Trail & Restoration Project

Dear Chairman Bosco & Members of the State Coastal Conservancy Board:

The Fort Bragg City Council would like to express our enthusiastic support for the City's grant request for the Fort Bragg Coastal Trail & Restoration Project. The Fort Bragg City Council strongly supports this project because it will:

1. Open Fort Bragg's coastline to public access for the first time in over 100 years;
2. Improve our economy by opening up this very scenic and beautiful coastal resource for public access;
3. Restore over 18 acres of paved areas to native coastal landscape and provide habitat opportunities to rare plants and to native plants, birds and animals;
4. Provide exceptional bicycling, walking, bird watching, tide-pooling, beachcombing, baby-strolling, sightseeing, ocean viewing, and other recreational activities to our local residents and more than one million annual visitors to Fort Bragg;
5. Provide 4.2 miles of walking/bicycling trails, 14 interpretive panels, benches and picnic tables, two parking areas, three restrooms, a two acre passive recreation field, and countless other amenities making it a first class coastal experience for families, the elderly, low income, and everyone;
6. Connect to the adjacent Haul Road at MacKerricher State Park and to Pomo Bluffs Park for an additional seven miles of walking/bicycle trails, making it a total of 11.2 miles of the Coastal Trail and the Pacific Bikeway;
7. Provide protected habitat in the form of a reserve for rare plants and marine mammals;

8. Provide opportunities for school children to participate in and learn about ecological restoration; and
9. Jump-start the redevelopment of the adjacent 320-acre Georgia-Pacific Mill Site, which is currently undergoing a specific plan process to make it a sustainable extension of Fort Bragg.

The City of Fort Bragg has obtained funding from a wide variety of sources for this project including a Federal Appropriation, Prop 84 funds through State Parks, the City's General Fund, and a Bicycle Transportation Account Grant. The City is deeply grateful for the Conservancy's generosity and help in the acquisition of the 82-acre park property in 2010. The City has also enlisted the assistance of local agencies and businesses to assist with the project and reduce costs: most notably the Noyo Harbor District, North Coast Brewing Company, and Georgia-Pacific.

The City of Fort Bragg has undertaken a careful and comprehensive planning process which has included input from a wide variety of stake-holders and the public in the formulation of the plan, completion and certification of the Environmental Impact Report, and obtaining all required permits for the project.

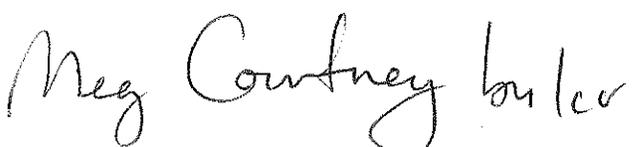
The City is prepared to construct this project next year but has a gap in funding. With additional funds from the Coastal Conservancy, the project will be completed as envisioned and will provide an exceptional habitat and recreational amenity to the people of California and the residents of Fort Bragg. Absent this funding, the project will either be put on hold or critical aspects of the restoration, stormwater management and trail amenities will be reduced in scope. The requested funding would also fund the acquisition of a 4-acre private in-holding in the park. The parcel encompasses Soldier's Point - a truly stunning peninsula that is the jewel of this project.

Again, the Fort Bragg City Council strongly supports the award of grant funding from the Coastal Conservancy. We believe that the Fort Bragg Coastal Trail & Restoration project will transform our town and our community.

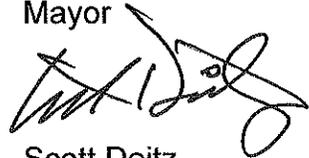
Sincerely,



Dave Turner  
Mayor



Meg Courtney  
Vice Mayor



Scott Deitz  
Councilmember



Dan Gjerde  
Councilmember



Doug Hammerstrom  
Councilmember



**MENDOCINO COAST DISTRICT HOSPITAL**

August 14, 2012

Coastal Conservancy Board  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

Dear Coastal Conservancy Board Members,

I am writing to express my enthusiastic support for the City of Fort Bragg's grant request for the Fort Bragg Coastal Trail and Restoration Project. As Chief Executive Officer of the Mendocino Coast District Hospital, I strongly support this project because it will:

1. Open Fort Bragg's coastline to public access for the first time in over 100 years;
2. Improve our economy by opening up this very scenic and beautiful coastal resource for public access;
3. Provide exceptional bicycling, walking, bird watching, tide-pooling, beach combing, baby-strolling, sightseeing, ocean viewing, recreational activities to our local residents and the over one million annual visitors to Fort Bragg;
4. Provide 4.2 miles of walking/bicycling trails, 14 interpretive panels, benches and picnic tables, two parking areas, three restrooms, a two acre passive recreation field, and countless other amenities making it a first class coastal experience for families, the elderly, low income, and everyone;

The City of Fort Bragg has obtained funding from a wide variety of sources for this project including a Federal Appropriation, Prop 84 funds through State Parks, the City's General Fund, and a Bicycle Transportation Account Grant. The City has also enlisted the assistance of local agencies and businesses to assist with the project and reduce costs: most notably the Noyo Harbor District, North Coast Brewing Company, and GP.

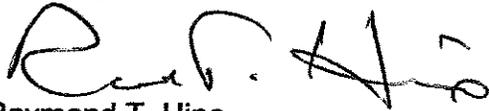
The City will build this project next year. With the additional generosity of the Coastal Conservancy the project will be completed as envisioned and will provide an exceptional habitat and recreational amenity to the people of California and

Coastal Conservancy Board  
Letter of Support  
August 14, 2012  
Page 2

the residents of Fort Bragg. The requested funding would also fund the acquisition of Soldier's Point - a truly stunning peninsula that is the jewel of this project.

I strongly support the award of grant funding from the Coastal Conservancy. This project will transform our town and our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond T. Hino". The signature is fluid and cursive, with a large initial "R" and a distinct "H".

Raymond T. Hino  
Chief Executive Officer



*Chamber of Commerce*  
M E N D O C I N O C O A S T

REC'D AUG 13 2012

August 8, 2012

Coastal Conservancy Board  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

Dear Coastal Conservancy Board Members,

I am writing to express my enthusiastic support for the City of Fort Bragg's grant request for the Fort Bragg Coastal Trail and Restoration Project. As Chief Executive Officer of the Mendocino Coast Chamber of Commerce, I strongly support this project because it will:

1. Open Fort Bragg's coastline to public access for the first time in over 100 years;
2. Improve our economy by opening up this very scenic and beautiful coastal resource for public access;
3. Provide exceptional bicycling, walking, bird watching, tide-pooling, beach combing, baby-strolling, sightseeing, ocean viewing, recreational activities to our local residents and the over one million annual visitors to Fort Bragg;
4. Provide 4.2 miles of walking/bicycling trails, 14 interpretive panels, benches and picnic tables, two parking areas, three restrooms, a two acre passive recreation field, and countless other amenities making it a first class coastal experience for families, the elderly, low income, and everyone;
5. Connect to the adjacent MacKerricher Haul Road and Pomo Bluffs Park for an additional seven miles of walking/bicycle trails, making it a total of 11.2 miles of the Coastal Trail and the Pacific Bikeway;

The City of Fort Bragg has obtained funding from a wide variety of sources for this project including a Federal Appropriation, Prop 84 funds through State Parks, the City's General Fund, and a Bicycle Transportation Account Grant. The City has also enlisted the assistance of local agencies and businesses to assist with

the project and reduce costs: most notably the Noyo Harbor District, North Coast Brewing Company, and GP.

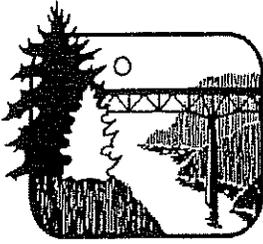
The City will build this project next year. With the additional generosity of the Coastal Conservancy the project will be completed as envisioned and will provide an exceptional habitat and recreational amenity to the people of California and the residents of Fort Bragg. The requested funding would also fund the acquisition of Soldier's Point - a truly stunning peninsula that is the jewel of this project.

Again, the Chamber of Commerce strongly supports the award of grant funding from the Coastal Conservancy. This project will transform our town and our community and draw scores of visitors to the Mendocino Coast.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra DeGraw", with a long horizontal flourish extending to the right.

Debra DeGraw  
Chief Executive Officer



**FORT BRAGG UNIFIED SCHOOL DISTRICT**

**Superintendent**  
Donald F. Armstrong, Ed.D.

**Board of Trustees**  
Wendy S. Boise  
Gerald A. Matson  
Michelle Norvell  
Jennifer A. Owen, President  
Ryan F. Perkins, Vice President

---

312 South Lincoln Street, Fort Bragg, California 95437-4416

Telephone (707) 961-2850 Fax (707) 964-5002

August 9, 2012

Coastal Conservancy Board  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

Dear Coastal Conservancy Board Members,

I am writing to express my enthusiastic support for the City of Fort Bragg's grant request for the Fort Bragg Coastal Trail and Restoration Project. As Superintendent of Fort Bragg Unified School District, I strongly support this project because it will:

1. Provide opportunities for school children to participate in and learn about ecological restoration;
2. Improve Fort Bragg's economy by opening up this very scenic and beautiful coastal resource for public access;
3. Provide 4.2 miles of walking/bicycling trails, 14 interpretive panels, benches and picnic tables, two parking areas, three restrooms, a two acre passive recreation field, and countless other amenities making it a first class coastal experience for families, the elderly, low income, and everyone; and
4. Connect to the adjacent MacKerricher Haul Road and Pomo Bluffs Park for an additional seven miles of walking/bicycle trails, making it a total of 11.2 miles of the Coastal Trail and the Pacific Bikeway.

The City of Fort Bragg has obtained funding from a wide variety of sources for this project and enlisted the assistance of local agencies and businesses. With the additional generosity of the Coastal Conservancy the project will be completed as envisioned and will provide an exceptional habitat and recreational amenity to the people of California and the residents of Fort Bragg.

Again, I strongly support the award of grant funding from the Coastal Conservancy. I love this project; it will transform our town and our community.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Donald F. Armstrong, Ed.D.  
Superintendent



## *Mendocino Coast Clinics, Inc.*

*205 South Street, Fort Bragg, CA 95437*

*707-964-1251 - [www.mccinc.org](http://www.mccinc.org)*

August 16, 2012

Coastal Conservancy Board  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

Dear Coastal Conservancy Board Members,

I am writing this letter to support the City of Fort Bragg's grant request to fund the Fort Bragg Coastal Trail and Restoration Project. As Executive Director of Mendocino Coast Clinics, whose purpose is to build a healthy community, I enthusiastically endorse this project because it will:

1. Open Fort Bragg's coastline to public access for the first time in over 100 years;
2. Improve our economy by opening up this very scenic and beautiful coastal resource for public access;
3. Provide exceptional bicycling, walking, bird watching, tide-pooling, beach combing, baby-strolling, sightseeing, ocean viewing, recreational activities to our local residents and the over one million annual visitors to Fort Bragg;
4. Provide 4.2 miles of walking/bicycling trails, 14 interpretive panels, benches and picnic tables, two parking areas, three restrooms, a two acre passive recreation field, and countless other amenities making it a first class coastal experience for families, the elderly, low income, and everyone;
5. Provide opportunities for school children to participate in and learn about ecological restoration; and

The City of Fort Bragg has obtained funding from a wide variety of sources for this project including a Federal Appropriation, Prop 84 funds through State Parks, the City's General Fund, and a Bicycle Transportation Account Grant. The community is deeply grateful for the Conservancy's generosity and help in the acquisition of the 82-acre site in 2010. The City has also enlisted the assistance of local agencies and businesses to assist with the project and reduce costs: most notably the Noyo Harbor District, North Coast Brewing Company, and GP.

The City of Fort Bragg has undertaken a careful and comprehensive planning process which has included input from a wide variety of stake-holders and the public in the formulation of the plan, completion and certification of the Environmental Impact Report, and obtaining all required permits for the project.

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*Mission*

*To provide quality medical, dental and behavioral health care  
Services to all coastal residents regardless of their ability to pay.*



SAFE PASSAGE  
Family Resource Center

208 Dana Street • Post Office Box 1718  
Fort Bragg, CA 95437

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*Strengthening our community by strengthening the families that live here.*

Coastal Conservancy Board  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

August 15, 2012

Dear Coastal Conservancy Board Members,

I am writing to express my enthusiastic support for the City of Fort Bragg's grant request for the Fort Bragg Coastal Trail and Restoration Project. As Executive Director of Safe Passage Family Resource Center, I strongly support this project because it will coincide with our agency's mission to "strengthen our community by strengthening the families that live here." The Coastal Trail will:

1. Provide exceptional bicycling, walking, bird watching, tide-pooling, beach combing, baby-strolling, sightseeing, ocean viewing, recreational activities to our local residents
2. Provide 4.2 miles of walking/bicycling trails, 14 interpretive panels, benches and picnic tables, two parking areas, three restrooms, a two acre passive recreation field, and countless other amenities making it a first class coastal experience for families
3. Connect to the adjacent MacKerricher Haul Road and Pomo Bluffs Park for an additional seven miles of walking/bicycle trails
4. Provide opportunities for school children to participate in and learn about ecological restoration
5. Enhance the availability of healthful, cost-free experiences for families, regardless of income

The City will build this project next year. With the additional generosity of the Coastal Conservancy the project will be completed as envisioned and will provide an exceptional habitat and recreational amenity to the residents of Fort Bragg.

Again, I strongly support the award of grant funding from the Coastal Conservancy. This project will transform our town and our community.

Sincerely,

A handwritten signature in cursive script that reads "Laura Welter".

Laura Welter  
Executive Director at Safe Passage

# Parents & Friends Inc.

*Creatively Serving People with Developmental Disabilities for over 50 Years*

*President*

Jackie Bazor

*Vice President*

Mike Hall

*Treasurer*

Dan Godeke

*Secretary*

Betty Gross

*Client Representative*

Chris Cottle

*Executive Director*

Rick Moon

*Board Members*

Bradley Gardner

Laurel Effen

Melissa Schlafer

Sage Statham

*Emeritus Members*

Lotte Moise

Dolores Scott

Marion Roden

George Griffith

*Programs & Businesses of  
Parents and Friends, Inc.*

The Community  
Connection

L.L.F.E on the Coast

Coastal Support Services

The Job Connection

The Paul Bunyan  
Furniture Annex

Paul Bunyan Thrift Store

P.O. Box 656,

350 Cypress St.,

Fort Bragg, CA, 95437

August 6, 2012

Coastal Conservancy Board  
State Coastal Conservancy  
1330 Broadway, 13th floor  
Oakland, CA 94612

Dear Coastal Conservancy Board Members:

I am writing to express my enthusiastic support for the City of Fort Bragg's grant request for the Fort Bragg Coastal Trail and Restoration Project. As Executive Director of Parents & Friends, I strongly support this project because it will:

1. Improve the local economy by opening up this very scenic and beautiful coastal resource for public access;
2. Provide exceptional bicycling, walking, bird watching, tide-pooling, beach combing, baby-strolling, sightseeing, ocean viewing, recreational activities to our local residents and the over one million annual visitors to Fort Bragg;
3. Provide 4.2 miles of walking/bicycling trails, 14 interpretive panels, benches and picnic tables, two parking areas, three restrooms, a two acre passive recreation field, and countless other amenities making it a first class coastal experience for families, the elderly, low income, and everyone;
4. Connect to the adjacent MacKerricher Haul Road and Pomo Bluffs Park for an additional seven miles of walking/bicycle trails, making it a total of 11.2 miles of the Coastal Trail and the Pacific Bikeway;
5. Provide opportunities for school children to participate in and learn about ecological restoration; and

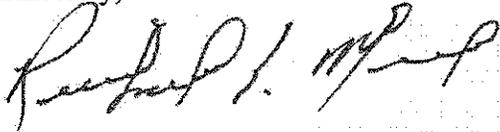
The City of Fort Bragg has obtained funding from a wide variety of sources for this project including a Federal Appropriation, Prop 84 funds through State Parks, the City's General Fund, and a Bicycle Transportation Account Grant. The City is deeply grateful for the Conservancy's generosity and help in the acquisition of the 82-acre site in 2010. The City has also enlisted the assistance of local agencies and businesses to assist with the project and reduce costs: most notably the Noyo Harbor District, North Coast Brewing Company, and Georgia-Pacific.

The City will build this project next year. With the additional generosity of the Coastal Conservancy the project will be completed as envisioned and will provide an exceptional habitat and recreational amenity to the people of California and the residents of Fort Bragg. Absent this funding the project will have to be value engineered and critical aspects of the restoration, storm water management and trail amenities will be reduced in scope. The requested funding would also fund the acquisition of Soldier's Point - a truly stunning peninsula that is the jewel of this project.

Parents and Friends has supported individuals with Developmental and other disabilities on the Coast for over fifty-five years. We currently support over sixty adults. Of primary importance is finding opportunities for our clients to participate fully in our community and have access to normal community attractions and affairs. The fruition of this project on the Coast will afford our clients opportunities to experience the ecological and environmental diversity here on the Coast in a way that, with their disabilities, is not available to them today. They will be able to better experience the unique scenery and habitat that is a major attraction of the Coast to both residents and visitors.

Again, I strongly support the award of grant funding from the Coastal Conservancy. This project will transform our town and our community in many ways that are not necessarily intuitively obvious to all.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Moon". The signature is fluid and cursive, with a large initial "R" and "M".

Rick Moon  
Executive Director  
(707) 964-4940 ext. 101  
Email: [rmoon@parentsandfriends.org](mailto:rmoon@parentsandfriends.org)

## Exhibit 4: Project Letters

### TELEPHONE CONVERSATION RECORD

Date: 10/3/2012

Time: Approximately 3 PM

Subject: Fort Bragg Coastal Trail

Conversation between Harriet Rhodes, resident of Fort Bragg, and Joel Gerwein, Coastal Conservancy Project Manager

Notes: Ms. Rhodes explained that she lives in one of four houses on the south end of the old GP Mill Site (Noyo Point Rd), and that she is opposed to the construction of the coastal trail on the site. She said that her concern is the construction of the road and parking lot in the South Parkland. She is concerned about health effects from the parking lot, and said that she is ill. She also explained that she is Native American. She said that she would send an email with a more detailed description of her concerns.

### TELEPHONE CONVERSATION RECORD

Date: 10/3/2012

Time: Approximately 3:15 PM

Subject: Fort Bragg Coastal Trail

Conversation between Marie Jones, Fort Bragg Community Development Director, and Joel Gerwein, Coastal Conservancy Project Manager

Notes: Mr. Gerwein called Ms. Jones to ask about the concerns raised by Harriet Rhodes described above. Ms. Jones said that she was aware of Ms. Rhodes' concerns. She said that the City has incorporated the following design features into the project to minimize impacts to the four adjacent residences:

1. The project will include a six foot high redwood privacy fence immediately adjacent to the property line;
2. An earthen berm will be installed on the City project side of the privacy fence to help deaden sound from the project site;
3. The earthen berm will be planted with native shrubs and trees to further reduce sound and provide visual screening above the 6 foot fence;
4. The restroom and welcome center was re-located as far as possible from the homes to reduce sound impacts;

## Exhibit 4: Project Letters

5. The multi-use trail is located as far as possible from the property line in order to minimize the possibility that noise from trail users will impact the residents; and

6. A gate will be installed at the park entrance limiting access from dawn to dusk.

The City's architect explored the feasibility of moving the parking area further out into the park in order to further reduce impacts to the four homes. However this alternative was rejected because:

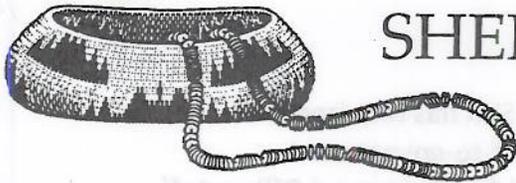
1. It would have resulted in significant additional cost to the project as the parking would have to be located 1,300 feet from Highway 1 thereby requiring a 1,300 foot access road in place of the proposed 100 foot access road;

2. The 1,300 foot long road would be located adjacent to the Noyo Point Homes and would result in traffic noise;

3. The multi-use trail would be located adjacent to vehicular traffic for the length of the 1,300 feet and thereby reduce the trail experience for all visitors;

4. Establishment of the parking area further out on the bluff would have resulted in significant visual impacts to the site and to the views of the bluff from the public right of ways and highway 1; and

5. Construction of the parking lot further from Highway 1 would have necessitated installation of additional sewer and water mains and a new sewer pump station, which would also have added significant cost to the project.



# SHERWOOD VALLEY RANCHERIA

October 4, 2012

Mr. Vincent P. Mammano  
Federal Highways Administration-California Division  
ATTN: HAD-CA  
650 Capitol Mall, Suite 4-100  
Sacramento CA 95814

RE: Response to FHWA-CA Letter about Status and Pending Consultation for the Fort Bragg Coastal Trail Project Dated September 19, 2012

Dear Mr. Mammano:

The Sherwood Valley Rancheria (SVR) has received the afore-referenced letter and would, by this communication, like to provide comment regarding the content and intent of that missive. At the outset, let it be understood that SVR does not take lightly FHWA's threat of consultation termination. We also take issue with FHWA's disrespectful list of demands and dictates regarding the timeline for continued consultation and its related deliverables. SVR finds both statements to be particularly disconcerting considering that the City of Fort Bragg verbally issued similar dictates in July 2012. When SVR then expressed concerns about such, it was FHWA's official position that government-to-government consultation with SVR concerning the Fort Bragg Trail Project was not to be placed on a strict schedule, nor would FHWA support the City of Fort Bragg's thinly veiled suggestions that the project would simply move forward without further involvement from SVR. Thus, we can only surmise given the nature and tone of FHWA's most recent communication with SVR on the Fort Bragg Coastal Trail Project (which inappropriately and inexplicably came to us via an e-mail attachment from the City of Fort Bragg's Community Development Director) that FHWA has been cavalier and disingenuous in their communications with SVR, and, as a result, has not consulted with us in good faith, or with any due and proper transparency.

The list of items to be completed by SVR also indicate a complete lack of effective government-to-government consultation on behalf of both FHWA and Caltrans, as the deliverables and their associated due dates do not reflect with any accuracy or understanding the conversations between the consulting parties to date. Specifically, with regard to:

1. The SVR Focus Group: SVR is a sovereign, federally-recognized Indian Tribe with culturally-dictated internal processes by which decisions affecting our people are made. We are not the general public and we are not a focus group. We have attempted, apparently with little effect, to educate FHWA, Caltrans, and the City of Fort Bragg concerning SVR's internal decision-making structure and process--one which requires the full elucidation and concurrence of our Tribal Council. In order to reflect this reality, in an act of good faith and effort to make our

government-to-government consultation as effective as possible, SVR has required the presence of two Tribal Council members at each of the government-to-government consultation meetings. Our Tribal Historic Preservation Office and Environmental Office staff have also consistently attended the meetings, along with myself. As such, we continue to bring the full measure of our expertise to the table and have attempted to illustrate via the presence of these individuals that the Fort Bragg Coastal Trail Project is of great concern and high priority to SVR.

Despite our efforts, your letter implies that FHWA, Caltrans, and the City of Fort Bragg remain frustrated with the decision-making process of SVR. Moreover, FHWA makes it clear that its annoyance and dissatisfaction with our process necessitates a change in the inner-workings of SVR. This project has been planned long before tribal consultation was attempted and now we have been blindsided by urgent demands. We find your demand that we bend our culturally-prescribed and culturally-appropriate way of working to suit your preferences and schedule to be the height of arrogance and the result of unbridled ethnocentrism. Such a requirement does not remotely approach regulatory dictates or best practices with regard to government-to-government consultation under any Federal, state, or internal guidance on the subject.

2. The Priorities and Deadlines for Comments on the Monitoring Agreements, Curation MOU, Historic Property Treatment Plan (HPTP), and MOA: At the close of our last consultation meeting on September 6, 2012, I clearly stated that we would need to provide the above-referenced documents to the Tribal Council in order to discuss priorities and deliverable dates. I clarified that the next Council meeting was to occur on October 9, 2012. I then planned the next Fort Bragg Coastal Trail consultation meeting scheduled for October 10, 2012, to provide FHWA, Caltrans, and the City of Fort Bragg with the results of the Tribal Council deliberations regarding the review of these documents.

Then, in what can only be considered a complete dismissal of my position and plan on this matter, FHWA produced a unilaterally-developed list of priorities and arbitrary due dates for SVR with regard to the documents listed above on September 19, 2012. Such a perfunctory action can only be described as a wholly disrespectful and thoroughly demeaning circumvention of our current government-to-government consultation efforts. After all, at no time did the consulting parties discuss such a schedule, much less reach a consensus about priorities or review/comment due dates.

As troubling as this list of demands is, SVR would be remiss if we did not point out that such behavior is actually part of a much larger and far more disturbing pattern. As SVR has repeatedly indicated in both written and verbal communication, proper government-to-government consultation under the NHPA and its implementing regulations (see Section 101(d)(6)(A); Section 101(d)(6)(B); 36 CFR Section 800.2(c)(2)(ii)(A); and Executive Orders 13175, 13007, and 12898) has been woefully late and thoroughly lacking in reason and good faith. Additionally, the Council on Environmental Quality (CEQ) regulations and guidance with regard to NEPA and the requirement of agencies to contact Indian tribes and provide them with opportunities to participate at various stages in the preparation of an environmental assessment or EIS has been wholly ignored.

To be clear, government-to-government consultation on the Fort Bragg Coastal Trail Project, which is the responsibility of Caltrans under the watchful oversight of FHWA, did not begin until July 2012. Prior to this date, SVR was simply on the receiving end of a few letters from an independent cultural resources contractor with no authority to conduct consultation under 36 CFR 800 and a few e-mails from either a Caltrans representative or City of Fort Bragg representative simply notifying us of the existence of various project documents and requesting our concurrence and signature on a hastily-drafted and incorrectly written MOA for a project about which Caltrans had never entered into consultation with SVR.

Specifically, at no time has SVR received formal communication from the agency responsible for consultation (Caltrans and FHWA) informing us of the initiation of a Section 106 review for the Fort Bragg Coastal Project. Furthermore, SVR was not properly contacted by Caltrans to provide information concerning tribal resources of concern in the Area of Potential Effect (APE)- of which there are many with great significance and continued importance and use by the membership of SVR. Moreover, Caltrans did not provide SVR with a formal opportunity (and deadline by which) to review and comment on the Historic Properties Survey Report for this project or Caltrans and the State's Office of Historic Preservation's (OHP) assessment of effect and National Register of Historic Places eligibility assessments for the historic properties identified within the APE. SVR also was not invited to be a cooperating party in the development of appropriate mitigation (treatment) for the numerous NRHP-eligible historic resources in the project area.

SVR realizes that the vast majority of the NHPA and NEPA-mandated research and documentation regarding the cultural resources within the Fort Bragg Coastal Trail APE have been concluded and that draft mitigation (treatment plans) has also been developed. However, all of this was completed under the direction and guidance of the City of Fort Bragg and Caltrans for several months, and in some instances years, prior to Caltrans entering into a proper government-to-government consultation relationship with SVR regarding the Fort Bragg Coastal Trail Project. Moreover, SVR is on record as noting our concern with this project and our desire to initiate consultation regarding the Fort Bragg Coastal Trail as early as July 2010, and again in October 2011, November 2011, February 2012, and March 2012. As previously noted, Caltrans and FHWA did not agree to enter into government-to-government consultation on this project until July 2012.

Such delayed, eleventh-hour consultation always results in great consternation and difficulty on behalf of all parties involved. However, based on the information provided herein, it is SVR's formal position that it is not the responsibility of our Tribe to now meet the project's unyielding scheduling demands with regard to the completion of the EA when proper consultation was not initiated by Caltrans early in the project planning stages.

Lastly, it is the position of SVR that due to the complete lack of timely, appropriate, reasonable, and good faith consultation concerning the Fort Bragg Coastal Trail Project prior to July 2012, FHWA and Caltrans should permit review and comments on all elements of resource identification, assessment of effect, NRHP eligibility, and historic properties treatment. In other

words, FHWA and Caltrans once again failed to comply with the normal order of the process. SVR cannot in good conscience discuss treatment plans and concur with an MOA (and its ancillary agreements regarding monitoring and curation) for a project in which multiple tribal cultural resources of great significance and continued use were wholly ignored in the resources identification portion of the Section 106 and NEPA processes. To do so, as you have so forcefully required, would make SVR complicit in the destruction of its own ancestral sites and continued cultural practices.

3. Additional Items for Consultation: In a final cavalier, indiscriminate, and imperceptive statement, FHWA has unilaterally deemed certain issues to not be related to Section 106 and therefore, not worthy of continued consultation under the auspices of that section of the NHPA. SVR respectfully disagrees, as we are of the opinion that, and have been consulting to date based on the understanding that, the following should be considered mitigative strategies under 36 CFR 800 to be included in the MOA for the Fort Bragg Coastal Trail Project:

- Trail signage;
- Access to/protection of coastal resources, which may include issues of trail security;
- Educational programs and;
- Museum exhibit creation.

We do agree that discussions related to the GP Mill Site Specific Plan are not related to the Section 106 process. However, let it be noted that SVR has previously, in face-to-face consultation meetings, made it abundantly clear that we are gravely concerned with the GP Mill Site Specific Plan and indeed, wish to be a fully-cooperating consulting party with regard to the Plan. By this communication, you have our formal written request to continue discussions regarding the GP Mill Site Specific Plan under SB 18 and, as appropriate under additional state and federal law should such be triggered in the future.

In conclusion, we would strongly urge FHWA and Caltrans to continue to fulfill its regulatory requirement to involve the SVR in government-to-government consultation on the Fort Bragg Coastal Trail Project and to make all due effort to create consultation that, hereafter, is respectful, flexible, reasonable, and appropriate. After all, FHWA's and Caltrans' continued unwillingness to permit SVR to fully and equally participate in the review of this project under Section 106 of the NHPA, will result in a foreclosure on our opportunity to comment--an act that could only be described as pernicious, heedless and in purposeful non-compliance with Section 106 of the NHPA and its implementing regulations.

As stewards of the land, resources, and ancestral remains within the Fort Bragg Coastal Trail Project APE, it is incumbent upon SVR to continue government-to-government consultation with FHWA and the other parties. And, we believe that such consultation can indeed be mutually-beneficial as we move forward together. To reach that desired end, however, SVR requests that you seek to correct the disrespect, denigration, and discord sown by your letter of September 19, 2012 and the agency-level attitudes toward tribal consultation that bred it.

If we do not hear from your office in the interim, we will continue to plan to meet with FHWA, Caltrans, and the City of Fort Bragg, as scheduled, on October 10, 2012. We, too, look forward to working with FHWA to resolve all of these outstanding issues and create a more agreeable consultation climate. Please contact Scarlett Carmona, Tribal Administrator, at (707) 459-9690 or by e-mail at svradministrator@sbcglobal.net should you have any questions.

Sincerely,



Michael Fitzgerral  
Tribal Chairman  
Sherwood Valley Rancheria

Cc:

Charlene Dwin Vaughn, Assistant Director, FPLAS Section, ACHP  
Carol Legard, FHWA Liaison, ACHP  
Najah Duvall-Gabriel, ACHP  
Maryann Naber, Federal Preservation Officer, FHWA  
Shawn Oliver, CA FHWA  
Tim Keefe--Caltrans  
Brandon Larsen--Caltrans, Senior Environmental Planner  
Kathleen Sartorius--Caltrans, District 1 Native American Liaison  
Tina Biorn--Caltrans, Statewide Native American Coordinator  
Anmarie Medin-Caltrans, Chief of Caltrans Cultural Studies  
Milford Wayne Donaldson, CA State Historic Preservation Officer  
Marie Jones--Fort Bragg Community Development Director  
Linda Ruffing--Fort Bragg City Manager  
Sarah Christie, California Coastal Commission

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OCT 09 2012

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OAKLAND, CALIF.