



COUNTY OF HUMBOLDT

For the meeting of: 4/21/2026

File #: 25-1413

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Memorandum of Understanding (MOU) with Cher-Ae Heights Indian Community of the Trinidad Rancheria for Contribution to the County's Fire Protection Agreement with California Department of Forestry and Fire Protection (CalFIRE) for Community Service Area No. 4 in an Amount Not to Exceed \$25,000

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize the Chair of the Board to execute the attached MOU with Cher-Ae Heights Indian Community of the Trinidad Rancheria for its contribution to county's fire protection agreement with CalFIRE for Community Service Area No. 4 in an amount not to exceed \$25,000 (Attachment 1); and
2. Authorize the County Administrative Officer, or designee thereof, to execute any amendments to the attached MOU after review and approval by County Counsel and Risk Management.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities

Strategic Plan Category: 1001 -Support and sustain partnerships between public safety and partner agencies to enhance public safety in our communities

DISCUSSION:

For many years, the County of Humboldt has contracted with the CalFIRE to provide fire protection services in County Service Area (CSA) No. 4 during the non-fire season through Cooperative Fire Programs - Fire Protection Reimbursement Agreement No. 1CA06883 (Amador Agreement). County Service Area No. 4 includes the community of Westhaven, the unincorporated area surrounding the City of Trinidad, and the unincorporated area adjacent to U.S. Highway 101 stretching approximately 10 miles north of Trinidad, including the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Rancheria).

The North Bay Study Area, which includes CSA #4, the City of Trinidad, the Trinidad Rancheria, and some small unincorporated areas not included in any local fire-related district, faces several interconnected challenges in fire service delivery that extend beyond the immediate needs of the Rancheria's hotel development.

The Amador Agreement funds the employment of three firefighters, including operating expenses, at the CalFIRE station located in Trinidad. While the agreement technically covers the non-fire season (as CalFIRE personnel must remain available to the state during fire emergencies elsewhere), in practice CalFIRE provides year-round mutual aid fire service to CSA #4 and the Rancheria.

Background on Rancheria Fire Protection Requirements:

The Rancheria is currently developing a five-story, 100-room Hyatt hotel on tribal land. In a tentative opinion issued on Oct. 31, 2024, the California Court of Appeal, First Appellate District found that the California Coastal Commission's approval of the hotel project lacked sufficient evidence of adequate fire protection services as required by Public Resources Code Section 30250, subdivision (a). Specifically, the court noted that while the City of Trinidad and volunteer fire departments in the area have cooperative agreements with CalFIRE, the closest hook-and-ladder equipment capable of serving a multi-story structure is located in Arcata, approximately 15 miles away. The court further noted that the Rancheria had only preliminary agreements, verbally, with CalFIRE and acknowledged that they "haven't circled back to CalFIRE."

The Coastal Commission's conditional concurrence with the federal Bureau of Indian Affairs' consistency determination for the hotel project is now subject to judicial reconsideration on the fire protection issue. The Rancheria must demonstrate adequate fire protection services to proceed with the hotel development.

Purpose of the Proposed Agreement:

The proposed MOU addresses both the Rancheria's immediate need to demonstrate fire protection efforts and the county's ongoing costs for fire service in CSA #4. Under the agreement, the Rancheria would reimburse the county for 20% of the costs associated with the Amador Agreement, not to exceed \$25,000 for Fiscal Year 2026-27.

County and Rancheria staff have mutually determined that approximately twenty percent of the services provided by CalFIRE pursuant to the Amador Agreement directly benefit the Rancheria. This cost-sharing arrangement is reasonable given that:

1. CalFIRE routinely responds to calls on Rancheria property
2. The Rancheria's planned hotel development will increase service demands
3. The Rancheria has been receiving fire protection services funded entirely by CSA #4 property assessments, to which the Rancheria does not contribute due to its sovereign status

Limitations and Long-Term Solutions:

It is important to note that while this agreement demonstrates the Rancheria's good faith effort to secure fire protection services, the current CalFIRE arrangement through the Amador Agreement has limitations:

1. **Insurance Requirements:** Due to CalFIRE's limited availability during fire season and the distance to specialized equipment, this service may not fully satisfy insurance company underwriting requirements for commercial properties.
2. **Judicial Requirements:** The Court of Appeal's tentative opinion specifically questioned the adequacy of preliminary, verbal agreements with CalFIRE and the lack of nearby ladder truck equipment for multi-story structures. While this MOU formalizes the Rancheria's participation in funding fire protection, it may not resolve the underlying service capability concerns raised by the court.
3. **Year-Round Service:** Although CalFIRE provides mutual aid throughout the year in practice, the Amador Agreement technically only guarantees service during the non-fire season (approximately seven months).

A Fire Services Working Group has been convened to evaluate strategies and options for providing the best possible fire and rescue services to the residents and visitors of the North Bay Study Area. Members of this Working Group include representatives from the County (on behalf of CSA 4 residents), Trinidad Rancheria, City of Trinidad, Westhaven Volunteer Fire Department (VFD), CalFIRE, Orick Volunteer Fire Department and Arcata Fire Protection District.

The Working Group has identified several key issues impacting effective fire service delivery in the area, including service provider response that is out of alignment with jurisdictional boundaries, the Westhaven VFD currently not receiving funding from CSA 4 despite operating within its service area, reliance on mutual aid from neighboring service providers to ensure prompt emergency services and the City of Trinidad and Trinidad Rancheria being non-paying beneficiaries of services provided through the Amador Agreement.

To address these challenges, the Working Group has engaged the Matrix Consulting Group, administered through the Local Agency Formation Commission (LAFCo), to conduct a comprehensive Fire Planning Study for North Coastal Humboldt County. This study, currently underway with an anticipated six-month timeline, will include:

- Evaluation of existing and needed service levels
- Development of appropriate operational models, including cost estimates and financial projections
- Development of appropriate organizational and governance models to support the best possible service within the study area
- Analysis of revenue options to support the recommended operational and organizational models
- Assessment of current fire stations and apparatus, including identification of facility deficiencies and equipment needs
- Implementation plan to achieve recommended changes, including timelines, targets and associated costs

The Fire Planning Study will also examine broader service delivery challenges identified by the Working Group, including that service provider responses are currently out of alignment with jurisdictional boundaries (exceeding what would be expected under typical mutual aid agreements), and that the Westhaven Volunteer Fire Department currently does not receive funding from CSA #4 despite operating within its service area.

Financial Relief for CSA #4:

This agreement will provide meaningful financial relief to the county. Currently, all costs for the Amador Agreement are split between CSA #4 property assessments and the General Fund. The Rancheria's contribution of up to \$25,000 annually will help offset these costs while permanent solutions are being developed. Given the Rancheria's significant land holdings and development within the service area, staff believe this cost-sharing arrangement is equitable and appropriate.

Therefore, staff recommends that the Board authorize the Chair to execute the attached MOU with the Cher-Ae Heights Indian Community of the Trinidad Rancheria.

SOURCE OF FUNDING:

County Service Area #4 Property Assessment Fund (3970); General Fund (1100);

FINANCIAL IMPACT:

<i>Expenditures (1100281)</i>	FY25-26	FY26-27 Projected*	FY27-28 Projected*
<i>Budgeted Expenses</i>	\$331,261	\$347,842	\$365,234
<i>Total Expenditures</i>	\$331,261	\$347,842	\$365,234

*Projected amounts are estimates and are subject to change.

<i>Funding Sources (1100281)</i>	FY25-26	FY26-27 Projected*	FY27-28 Projected*
<i>Fees/Other (CSA#4 Property Assessment)</i>	\$223,328	\$230,027	\$236,928
<i>Fees/Other (Rancheria Revenue)</i>		\$25,000	
<i>General Fund</i>	\$82,933	\$92,815	\$128,306
<i>Total Funding Sources</i>	\$331,261	\$347,842	\$365,234

*Projected amounts are estimates and are subject to change.

Narrative Explanation of Financial Impact:

The proposed MOU will provide up to \$25,000 in reimbursement revenue for Fiscal Year 2026-27 to help offset the county's costs under the Amador Agreement with CalFIRE. This represents approximately 20% of the annual cost of fire protection services in CSA #4.

Currently, costs for the Amador Agreement are funded through a combination of CSA #4 property assessments and General Fund contributions. The Rancheria's contribution will reduce the General Fund subsidy by approximately \$25,000 annually, providing meaningful budget relief while long-term fire service solutions are developed.

The maximum payable amount under the Amador Agreement for FY 2024-25 through FY 2026-27 is \$994,571. However, historically the county has not reached the maximum payable amount in any year for at least the past decade, as actual expenses are based on seven months of service (CalFIRE covers its own staffing costs during fire season, which typically extends longer than the contract assumes).

No additional appropriation is required as the Rancheria's contribution will be received as revenue to offset existing budgeted expenses.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

The County Administrative Office currently manages the Amador Agreement with CalFIRE and will manage the proposed MOU with the Rancheria. This includes quarterly invoicing to the Rancheria and ongoing coordination on fire service issues affecting CSA #4.

Staff within the County Administrative Office and the Public Works - Natural Resources division continue to work on exploring alternatives to fire service within County Service Area No. 4, including coordination with the Rancheria, City of Trinidad, local volunteer fire departments and other invested parties. This work is partially funded through Measure Z.

The County of Humboldt does not operate any fire departments; fire protection services in CSA #4 are provided entirely through the agreement with CalFIRE.

OTHER AGENCY INVOLVEMENT:

California Department of Forestry and Fire Protection (CalFIRE), Cher-Ae Heights Indian Community of the Trinidad Rancheria, City of Trinidad, Trinidad Volunteer Fire Department, Westhaven Volunteer Fire Department, California Coastal Commission, Local Agency Formation Commission (LAFCo), Orick Volunteer Fire Department and Arcata Fire Protection District

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to execute the proposed MOU with the Rancheria. However, this alternative is not recommended as:

1. The agreement provides equitable cost-sharing for fire services from which the Rancheria currently benefits
2. It demonstrates the county's willingness to partner with the Rancheria on public safety matters
3. It provides financial relief to CSA #4 and the General Fund
4. It supports the Rancheria's efforts to satisfy court requirements for fire protection related to their hotel development

ATTACHMENTS:

MOU with Cher-Ae Heights Indian Community of the Trinidad Rancheria for Fiscal Years 2025-2026 Through 2026-27

PREVIOUS ACTION/REFERRAL:

Meeting of: July 23, 2024

File No.: 24-1069