

Paoli, Diana

From: Kathy Westfall <westfallservices@gmail.com>
Sent: Friday, June 13, 2025 12:34 PM
To: City Clerk
Subject: Hello friends

I respectfully want to let you know that they're about 100 + people that I know of that are the silent majority that would like you to do the following. I know you are doing your best, but these are our requests : Please finalize negotiations on Part Two of the MOU (Memorandum of Understanding). We also ask that this comes with a development plan that prioritizes housing that is affordable and the creation of local jobs. We also urge swift action to remove the remaining barriers to tunnel clearing and begin long-overdue restoration. This bottleneck has already cost us valuable time and taxpayer dollars.

If we don't make a change now, the economic failure of our town is inevitable. It's time to wake up and allow growth to happen here .

Kathy Westfall

Paoli, Diana

From: Marc Tager <marcatager@gmail.com>
Sent: Friday, June 13, 2025 1:53 PM
To: City Clerk
Subject: City Council

Dear Council Members

I am writing you this letter to ask you to continue the stay of the lawsuit hopefully at least until the end of the year. I also would like you to continue pushing forward on the MOU setting the parameters of an enforceable deal.

If we consider the above 1a, allowing the tunnel to be cleared is 1b.

With Respect,

Marc
Sent as if by magic from my iPhone

Paoli, Diana

From: johnrmredding@gmail.com
Sent: Friday, June 13, 2025 3:18 PM
To: City Clerk
Cc: Norcalmom4@gmail.com
Subject: Millsite Development

Greetings,

I was pleased to read that the City of Fort Bragg and the owners of the millsite have resumed deliberations. I write to support this effort which I hope will culminate in a development from which all segments of our community take benefit.

I was on the hospital Board when I first realized that the Coastal economy was, to use a popular term, in a Doom Loop that threatened the viability of the hospital. There are many intertwined reasons for this but the most fundamental is what we call the Payor Mix. Of all the patients, 85% use Medicare or Medi-Cal and only 15% use private insurance. In a time when Medicare and Med-Cal are facing budget cuts, a hospital like ours can only survive if that Payor Mix starts to include more private insurance. Which of course translates to new, better paying jobs. (I was told that the hospital was flush with cash when the fishing and lumber industries were strong.)

For this and other reasons, we must focus on economic development in our community. There are competing needs, such as the environment and new development, but previous decisions have not taken the latter into serious consideration. Those residents who prioritize preserving our coastal character have had significant influence on these decisions but there are an equal number who see economic development as critical for our future.

I am optimistic that this will be the case. The present City Council seems to have a better perspective on these matters. I wish you the best when it comes time to make the tough decisions.

Best Regards,

John Redding
Mendocino
Former Treasurer
Mendocino Coast Health Care District

From: Kathy Westfall <westfallservices@gmail.com>
Sent: Monday, June 16, 2025 1:49 PM
To: City Clerk
Subject: Skunk Train Property Extension of MOU

To: Isaac Whippy, City Manager and City Council Members

I would like to express my support to extend part 2 of the MOU for the Skunk Train. I agree with Council members Rafanan, Hockett and Godeke to continue with the negotiations. This issue has been studied and re-examined long enough. Hiring more consultants is not going to change the issue. I think there is general knowledge of a certain level of pollution on the property, there is no amount of studying the issue that will make it go away. There have been many proposals to mitigate the problem, I think the best one is to fence off the area and Move on!

The mill closed 2002, since then this community has suffered through a severe economic slowdown. Lack of effective leadership has left it struggling for economic survival. We need to have a balanced vision of viable, sustainable and well paying jobs that provide a future for our younger generations so they do not have to move out of the area. We can maintain the natural beauty of the area and create a robust housing and job market. Both are possible at the same time.

Housing is a critical issue that has plagued this area for many years. Again due lack of leadership, indecisiveness and the constipated building and planning process, many local people have had to move out of the area for better opportunity and affordability.

Please move forward to provide affordable housing to those who would like to stay here.

The Skunk Train has been an asset to this community, we should support it. I just rode the Skunk last week and they provide a narrative for local knowledge and historical facts. I was quite impressed.

I urge the city council and mayor to support the Skunk Train business and move forward with a vision of our community that provides jobs and housing while maintaining our natural beauty.

Thank you,

Jeanette Colombi

Paoli, Diana

From: City of Fort Bragg <granicus@fortbragg.com>
Sent: Tuesday, June 17, 2025 5:54 AM
To: Paoli, Diana
Subject: Skunk Train matters

Message submitted from the <Fort Bragg, CA> website.

Site Visitor Name: Stephen Dunlap
Site Visitor Email: sdunlap@mcn.org

I just an email to the City Clerk but it did not go thru I think ? so here you go :

I think the single most important matter the city can do right now to bring tourist traffic to Fort Bragg is to get the Skunk Train tunnel open & the tracks open for the train to connect to Willits.

Period.

The Skunk Train is clearly a unique offering we can offer as a draw to our town in addition to many other reasons folks come to visit us here.

Of course affordable housing is an ongoing concern, including my 25+ employees who need a place to live.

Please move all efforts forward to help the train get fully operational once again.

You can discuss Mill Site matters later. There will never be any unanimous community support for ANY Mill Site plan. Get the train line open to Willits ASAP !

thank you 

From: Jerry C <jerryfchilds@gmail.com>
Sent: Tuesday, June 17, 2025 5:00 PM
To: City Clerk
Subject: Skunk Train

Skunk Train

Dear City of Fort Bragg:

I am writing to provide some input from a member of the community regarding the lengthy impasse between the City of Fort Bragg and the Skunk Train.

My understanding is that the the City of Fort Bragg has had persistent issues regarding: (1) lack of housing; (2) lack of jobs.

I request the City consider the following: (1) request to continue the stay of the lawsuit while the matter is being negotiated; (2) allow the tunnel restoration to resume forthwith; and (3) continue to negotiate in good faith with Skunk Train and involve a mediator as opposed to collaborating.

I see from my review of recent history that the Skunk Train operated for generations between Fort Bragg and Willits. During that time it transported passengers, lumber and other cargo. With the death of the lumber industry the Skunk Train became more of a tourist attraction.

Following the collapse of a Tunnel at about the 3.5 mile mark in 2016, the Skunk Train is now a purely local thing. In the meantime, the Skunk Train has secured a loan to reconstruct and reopen the tunnel to restore service between Willits and Fort Bragg.

Also, Skunk Train purchased the old mill site and took on liability for remediation of environmental issues from its prior use. Skunk Train seeks to develop the old Mill site into what looks to be a resort of sorts, with a hotel.

Fort. Bragg has been clear about its needs. It wants the revenue base. Skunk Train is also in the business of making money. People wanting jobs want money and want more housing that is less expensive.

This can be accomplished by working with Skunk Train. It will add revenues to the City coffers and provide a further boost for all who support the tourists coming in.

Because let us keep it real: tourism is the only industry keeping this wonderful area alive and viable. Fort Bragg can either work with what it has or it can continue on the road to becoming the next Cayucos.

Regards:

The Childs Family

From: Adele Horne <adelehorne@gmail.com>
Sent: Thursday, June 19, 2025 12:24 PM
To: City Clerk; Jason Godeke; Albin-Smith, Tess; Peters, Lindy; noyofish@gmail.com; Rafanan, Marcia
Cc: northcoast@coastal.ca.gov
Subject: Public Comment on proposed MOU between City of Fort Bragg and the Skunk Train

June 19, 2025

To: Fort Bragg City Council
cc: California Coastal Commission

RE: June 26, 2025 Public Comment Meeting on proposed MOU between City of Fort Bragg and the Skunk Train

It's apparent to a casual observer, by common sense, that The Skunk Train is a tourist excursion train. They have claimed to be a public utility and common carrier, in order to circumvent local control and oversight. They do not want to be bound by local zoning rules or to be subject to Coastal Act review. So far, the courts have agreed with the City of Fort Bragg that the train is not a public utility or common carrier. The railroad continues to make legal appeals, costing the citizens of Fort Bragg money. In addition, the reason for the original City Council and Coastal commission lawsuit was that the Skunk Train repeatedly refused to comply with local permit and oversight rules. Why would the City of Fort Bragg want to enter into any agreement with an entity that has already demonstrated a consistent pattern of flouting the law?

Now is not the time for the city to abandon its principled stance on this matter. By moving forward with the current Memorandum of Understanding, it appears that the city is conceding that the train is a public utility or common carrier. Why are we giving up, when we are winning the legal battle so far? The future of our city is too important to abandon now. The Skunk Train wants to turn the headlands into a tourist hub that will benefit their bottom line and that of the parent corporation, Sierra Energy. The community wants it to be an educational, environmental, and marine biology magnet and hub that will provide sustainable jobs, be inclusive of the indigenous community, and benefit the City of Fort Bragg and our children and future residents. The city must retain local control and oversight of the Noyo Headlands area, working to represent the public interest on these major issues:

1. A full and thorough remediation of the site, that will withstand the test of time, including projections of sea-level rise. For example, Millpond 8 should not just be capped. It needs full remediation. Follow through with what was already initiated. Finish the job.
2. No train or trolley on this beautiful expanse of land—this should be a space for pedestrians and bicycles only.
3. Create a solid plan for daylighting creeks and creating an adequate wildlife corridor.
4. The site should have a significant portion devoted to Pomo cultural purposes.
5. Create an ongoing public planning committee to provide input on how the public would like to see this land used.
6. The railroad is not a public utility or common carrier. It is a tourist excursion train, and must be subject to city and Coastal Act zoning rules and inspections.

The city has engaged in extensive public engagement projects about the Noyo Headlands in the past. A survey conducted by the city revealed that respondents prioritized restoration of open space which also creates jobs and is compatible with a 'higher' vision of development. Still, several years have elapsed, with many new residents arriving in the city. Circumstances have also changed substantially, now that the railroad holds the title to the land and has engaged in lawsuits with the city. The people of Fort Bragg want to be heard and to have a stronger voice in planning the future of the front 1/3 of our city. We strongly urge the City Council to represent our interests. We will not be railroaded!

Sincerely,
Adele Horne
resident of Fort Bragg

Paoli, Diana

From: mdouglas@mcn.org
Sent: Thursday, June 19, 2025 4:19 PM
To: City Clerk
Cc: tagwestfb@gmail.com
Subject: Yes, it's the same letter but I added my two cents as well

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

Subject: Yes, it's the same letter but I added my two cents as well

Date: 2025-06-19 4:10 pm

From: mdouglas@mcn.org

To: cityclerk@fortbragg.gov

Hello, members of the FB City Council,

My friend, Kathy Westfall, encouraged me to write a letter to support the current members to move forward for the future for our community.

But I want to add my involvement in Ft. Bragg for my whole life, from age 6 when I moved here from Nebraska and five years in college. I returned to Ft. Bragg in 1974 and have lived here ever since. I taught kindergarten, first grade, art/music, and second during 34 years so I am very familiar with Ft. Bragg traditions, culture, activities and economy.

I was raised during a time prosperity - the lumber industry was booming, fishermen were making a good living, towns and shops were occupied and thriving, families were building a stable future for themselves and their offspring, and crime was rare. My dad was the local, trusted banker and my mom was an Avon lady and homemaker. Those were the good ol' days.

It breaks my heart to see our town slowly disintegrate - empty storefronts, few jobs or a hopeful future for children and adults alike, the population dwindling as workers can't make it anymore. Something MUST BE DONE to reinvigorate our area for new businesses, more growth, shops filling up again, innovation and new possibilities.

Please consider the great responsibility you have in your hands - make YOUR time on the board beneficial to ALL. OUR FUTURE DEPENDS ON YOU.

Thank you sincerely,
Marcia Douglas, a Ft. Bragg resident for 65 years

"Greetings! We are writing this letter to ask for your help and make a dynamic impact on our town for the better. The future of the Mill Property and tunnel have for too long been extended by lawsuits, delays and endless personal congestion. Currently, we see an opportunity with this new incarnation of our City Council. They have shown a renewed potential to move forward, together, with a shared commitment to Fort Bragg's future. We know we don't all agree on everything, though I'm asking that we put aside our divisions and come together to help shape the next chapter of our town.

How we can make a change is two-fold: First, we ask that all of us please email the Fort Bragg City Clerk. The good news is that we will be bringing a copy of every email to the meeting, assuring that the entire City Council will also see so it cannot be ignored or swept under the rug. The purpose of the email is to tell the board that we support a continued stay of the current lawsuit to allow time for meaningful negotiations. Second, please finalize negotiations on Part Two of the

MOU (Memorandum of Understanding). We also ask that this comes with a development plan that prioritizes affordable housing and the creation of local jobs. We also urge swift action to remove the remaining barriers to tunnel clearing and begin long-overdue restoration. This bottleneck has already cost us valuable time and taxpayer dollars.

As you know, tourism is all we have to sustain our economy at this point. Hundreds of thousands of tourists come through our town annually and we must shift with this change. Almost half come for the Skunk Train, making it a cornerstone of our economy. Moving forward on the development will provide benefits to our entire community, so let us let our voices be heard. This isn't just a tourist attraction; it's a cornerstone of our identity.

We will be attending the meeting on the 26th of June, feel free to join us, in fact, we strongly encourage it. The last meeting held was disappointing and only had 20 people show up and all of them opposed to growth. It will be held at 6:00 pm and these letters need to be in by the 25th, no later.

Let's ensure Fort Bragg's future is shaped by unity, inclusivity, vision, and primarily action for the benefit of all residents, not just a select few.

Regards,
Marcia Douglas, retired RW Elementary School teacher

From: Susana hennessey lavery <shennesseylavery@gmail.com>
Sent: Thursday, June 19, 2025 6:43 PM
To: City Clerk; Jason Godeke; Albin-Smith, Tess; Peters, Lindy; noyofish@gmail.com; Rafanan, Marcia
Cc: northcoast@coastal.ca.gov
Subject: Public Comment on proposed MOU between City of Fort Bragg and the Skunk Train

June 19, 2025

To: Fort Bragg City Council
cc: California Coastal Commission

RE: June 26, 2025 Public Comment Meeting on proposed MOU between City of Fort Bragg and the Skunk Train

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Now is not the time for the city to abandon its principled stance on this matter. By moving forward with the current Memorandum of Understanding, it appears that the city is conceding that the train is a public utility or common carrier. Why are we giving up, when we are winning the legal battle so far? The future of our city is too important to abandon now. The Skunk Train wants to turn the headlands into a tourist hub that will benefit their bottom line and that of the parent corporation, Sierra Energy. The community wants it to be an educational, environmental, and marine biology magnet and hub that will provide sustainable jobs, be inclusive of the indigenous community, and benefit the City of Fort Bragg and our children and future residents. The city must retain local control and oversight of the Noyo Headlands area, working to represent the public interest on these major issues:

1. A full and thorough remediation of the site, that will withstand the test of time, including projections of sea-level rise. For example, Millpond 8 should not just be capped. It needs full remediation. Follow through with what was already initiated. Finish the job.
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6. The railroad is not a public utility or common carrier. It is a tourist excursion train, and must be subject to city and Coastal Act zoning rules and inspections.

The city has engaged in extensive public engagement projects about the Noyo Headlands in the past. A survey conducted by the city revealed that respondents prioritized restoration of open space which also creates jobs and is compatible with a 'higher' vision of development. Still, several years have elapsed, with many new residents arriving in the city. Circumstances have also changed substantially, now that the railroad holds the title to the land and has engaged in lawsuits with the city. The people of Fort Bragg want to be heard and to have a stronger voice in planning the future of the front 1/3 of our city. We strongly urge the City Council to represent our interests. We will not be railroaded!

Sincerely,
Susana Hennessey Lavery
Fort Bragg resident

Paoli, Diana

From: Hannah-Leigh Bull <llamadeara@gmail.com>
Sent: Friday, June 20, 2025 6:34 AM
To: City Clerk; Jason Godeke; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy, Isaac
Subject: Item 8A of Agenda for City Council Meeting 6/23/25: 25-245 Progress Update on the Mill Site Planning Program
Attachments: Noyo-Harbor-SLRRS-VRA-2025_Admin-Draft-5.20.25.pdf

Dear Fort Bragg City Council Members, City Clerk, and City Manager:

Thank you for the dedicated service you give our community. I apologize for being unable to attend City Council meetings in recent times, now that my work schedule is extending into evening hours.

The Mendocino Voice published an article on 6/11/25 stating that the Council voted to move ahead with preparation of a memorandum of understanding (MOU) between the City of Fort Bragg and Mendocino Railway about the development of the Noyo Headlands.

The Economic & Planning Systems, Inc. Mill Site Development Strategy document intended to support the creation of an MOU does not seem to address environmental and health impacts of expanding train business onto the headlands. This may be planned for future documents. Perhaps the concern about toxic impact I voice in this comment can be addressed in those future documents or announcements to the public.

As a healthcare provider, I monitor many factors that may be impacting the health and wellbeing of my Fort Bragg patients. In the last few years, I have written a couple of letters to the California Coastal Commission describing my concerns about the toxic contamination that the mill ponds provide and will not go into the detail of my letters to the CCC. Arsenic above allowable levels, polychlorinated biphenyls (PCBs), dioxins, and other contaminants have been discovered in the mill pond area.

These toxins can result in liver damage, endocrine disruption, and immune disorders. Auto-immune disorders are especially harmful to the physical body, as most people know. However, mental health is also substantially impacted, as seen in the generalized fear and anxiety of individuals presenting with toxic exposure symptoms and immune disorders, with the attendant repercussions on families, work, and society. Endocrine disruption can result in depression and swings in energy levels, as well.

In addition to the mill ponds, the Environmental Science Associates in its attached draft report of Harbor Sea Level Rise states:

“The two census tracts in the City of Fort Bragg have a moderate environmental justice burden, with CalEnviroScreen percentiles in the 47th and 49th percentiles. These two tracts, as well as the tract bordering the city on the north and the east, all have higher incidences of asthma—in the 79th percentile. Low birth weight is in the 80th percentile for the southern tract within the city.”

It mentions other factors and percentiles, but I want to focus on asthma and low birth rate. People who develop airway inflammation from asthma and air pollution exposure during their formative years are at three times increased risk to develop mental disorders, such as anxiety and depression, than those without such conditions as they are developing.

Additionally, babies born with low birth weight are at risk for physical problems, developmental delays, and are more likely to experience mental illness later in life, according to an American Psychological Association analysis of research conducted over nearly 30 years.

Any agreement about how to proceed with development of the headlands must not only explicitly address how and when the toxic contamination of the existing mill ponds will be eliminated, but must also study why these high-percentile occurrences of asthma and low birth weight are occurring in our city and how to mitigate them before we pursue new development.

Also, the disposal of any waste from the creation of the industrial enterprises expected to provide jobs to the anticipated influx of humans to Fort Bragg must be addressed. A nightmare scenario could unfold if the City of Fort Bragg dives into new development with Mendocino Railway without first ensuring that Mendocino Railway has eliminated the toxic contamination from its former operations.

Thank you so much for your attention to my concerns and for your continued service to our communities.

Hannah-Leigh Bull, LMFT

Attachment:

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Hannah-Leigh Bull, LMFT

llamadeara@gmail.com

505-901-1476

This email and any files transmitted with it are confidential and intended solely

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Draft

SEA LEVEL RISE, TSUNAMI HAZARDS, AND EROSION RESILIENCE STRATEGY FOR NOYO HARBOR

Vulnerability and Risk Assessment

Prepared for
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

May 2025



Paoli, Diana

From: Row Boats <rowboats@gmail.com>
Sent: Friday, June 20, 2025 7:13 AM
To: City Clerk; Jason Godeke; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy, Isaac
Subject: Mill site concerns

Dear City Council:

What ever happened to all the input from community members? I remember attending those events to gather input and it feels so disappointing to not have our input listened to. Also, how do the local Tribes feel about these plans involving the Skunk train and trolley line? Has there been adequate communication with the Tribes and process to get their input and approval? This is very concerning.

I've been interested in the plans for the former mill site here in Fort Bragg. I have also followed the news about the Skunk Train claiming that they are a public utility and therefore didn't have to follow local zoning/planning rules in developing the land, and an ensuing lawsuit where they were ruled against. I recently learned that the City Council is currently negotiating with the Skunk Train and is about to vote on whether to sign a Memorandum of Understanding with them about moving forward with plans to develop the site. My concern is that the current map shows an electric trolley going parallel to the Coastal Trail, and the Railroad doing a circle around a Hotel/Conference Center on the headlands. Looking at the public comments that have been logged over the years, most people want to preserve as much open space as possible, and most people at the March 2025 meeting objected to the train and trolley they saw on the map of the headlands. Why is that map showing the rail and trolley line still part of the planning document?

I feel strongly that we need to ensure that a full remediation of the site occurs, to make sure that the dioxins in the mill ponds don't harm current and future generations as the sea level rises. I am concerned that in readying the site for development, the City will be pressured to accept a scenario with minimal remediation. The community is very clear that we want a full cleanup of the toxins in the millpond. I urge you to vote "no" on moving ahead with the Memorandum of Understanding as it currently stands. It doesn't incorporate the public's concerns, and it cedes too much power to the railroad.

Respectfully,

Leu Leung

June 19, 2025

Dear Jason,

I have attached a copy of the City of Fort Bragg lawsuit with Mendocino / Sierra Northern Railway, it is the basis for the "Stay" of the lawsuit . It is a less than a six page read.

I am sending it to all City Council members, and the mayor as the deliberations regarding the lawsuit have been hijacked away from the specific issues stated in the suit.

I know teaching, being a family member, mayor and so much civic involvement takes more than 24 hours a day! I am a big fan of actually having paper copies in hand, is more convenient to read carry home and digest than spending hours on the computer or a miniature phone screen.

The lawsuit is short and spells out very clearly what the legal and development issues are, I think it's important to know the specific issues in the law suit and then ask oneself what is the stay, and resolution of the suit really about?

This is legal question they can only be resolved with knowledge of the legal issues. I will email this letter and a PDF of the complaint/lawsuit as well as bring a hard copy to the city for each one of you.

Thank you for your time and your service to the citizens and the future of Fort Bragg.

Sincerely,

Patrice Opatz

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

MENDOCINO RAILWAY AND DOES 1-10, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CITY OF FORT BRAGG, a California municipal corporation

ELECTRONICALLY FILED
10/28/2021 3:14 PM
Superior Court of California
County of Mendocino

By: 
D. Jess
Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO - TEN MILE BRANCH
700 South Franklin Street, Fort Bragg, CA 95437

CASE NUMBER: (Número del Caso):
21CV00850

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Russel A. Hildebrand (SBN 191892)

Krista MacNevin Jee (SBN 198650) JONES MAYER - 3777 N. Harbor Boulevard, Fullerton, CA 92835; 714-446-1400

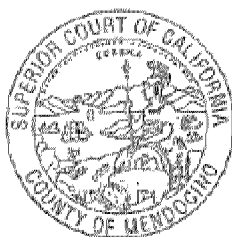
DATE:
(Fecha) 10/28/2021

Clerk, by
(Secretario) Kim Turner, Deputy
(Adjunto) 

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)). D. Jess

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

By: 
D. Jess
Deputy Clerk

JONES & MAYER
Russell A. Hildebrand (SBN 191892)
rah@jones-mayer.com
Krista MacNevin Jee, Esq. (SBN 198650)
kmj@jones-mayer.com
3777 North Harbor Boulevard
Fullerton, CA 92835
Telephone: (714) 446-1400
Facsimile: (714) 446-1448

Attorneys for Plaintiff
CITY OF FORT BRAGG

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MENDOCINO

CITY OF FORT BRAGG, a
California municipal corporation,

Plaintiff,

vs.

MENDOCINO RAILWAY AND
DOES 1-10, inclusive

Defendants.

Case No. 21CV00850

**VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(GOV. CODE, § 11350; CODE CIV. PROC., §
1060)

JUDGE: CLAYTON BRENNAN
DEPT.: TEN MILE

Plaintiff CITY OF FORT BRAGG, CA (“City” or “Plaintiff”) files this action seeking judicial declaration regarding the validity of the Mendocino Railway’s status as a public utility pursuant to Code of Civil Procedure section 1060 and/or injunctive relief, alleging as follows:

1. The operations of the Mendocino Railway have been reduced over time and now consist of only the operation of out and back excursion trips starting in either Fort Bragg, California or Willits, California and therefore the Mendocino Railway is no longer entitled to status as a public utility, is in fact an excursion only railroad, and therefore is subject to the jurisdiction of the City of Fort Bragg and all ordinances, codes and regulations set forth in the City of Fort Bragg Municipal Code.

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE SECTION 6103

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2. At all relevant times herein, Plaintiff City of Fort Bragg was and is a

3. Defendant Mendocino Railway is currently listed as a class III railroad by

4. Plaintiff is currently unaware of the true names and capacities of Does 1

18

5. The Mendocino Railway, aka the “Skunk Train,” does in fact have a long

6. In 1998, the Public Utilities Commission issued an opinion that the

1 7. Although the rail lines of the Mendocino Railway and/or the trains it was
2 operating thereafter apparently did or may have had the capacity to carry freight and
3 passengers from point-to-point, no rail lines presently have any such capacity. Moreover,
4 the excursion train, even when it was running previously between Fort Bragg and Willits
5 was exclusively a sightseeing excursion, was not transportation, was not essential, and did
6 not otherwise constitute a public utility function or purpose.

7 8. On April 11, 2013, Defendant's operations were disrupted following the
8 partial collapse of Tunnel No. 1, which buried nearly 50 feet of its 1,200 feet of track
9 under rocks and soil, the third major collapse in the over 100-year-old tunnel's history.
10 The collapse of the tunnel eliminated the ability of rail operations temporarily to continue
11 between Fort Bragg and Willits. On June 19, Save the Redwoods League announced an
12 offer to pay the amount required to meet the fundraising goal for repair work, in exchange
13 for a conservation easement along the track's 40-mile (64 km) right-of-way. The
14 acceptance of the offer allowed the railroad to resume full service of the whole sightseeing
15 line in August 2013.

16 9. Tunnel No. 1 was once again closed in 2016 after sustaining damage from
17 the 2015–16 El Niño, but Defendant had equipment at the Willits depot to allow the
18 running of half-routes to the Northspur Junction and back (which had not been the case
19 during the 2013 crisis), as well as trains running loops from Fort Bragg to the Glen Blair
20 Junction and back.

21 10. Plaintiff is informed and believes the estimates for the repair to reopen the
22 tunnel are in the area of \$5 Million, and that Defendant has stated the tunnel repair will
23 happen in 2022, but there are currently no construction contracts in place for that repair.

24 11. Current operations of the Defendant consist of a 3.5 mile excursion out and
25 back trip from Fort Bragg to Glen Blair Junction, and a 16 mile out and back trip
26 originating in Willits to Northspur Junction – both of which are closed loop sightseeing
27 excursions.
28

1 12. In June, 2017, City staff deemed the roundhouse as so dilapidated that it
2 may be necessary to demolish the building and rebuild instead of repairing. The City even
3 offered to assist with funding to assist with those costs. Attempts to inspect the
4 roundhouse by the County Building Inspector were refused and rebutted with a message
5 from the Defendant that the City has no authority over a railroad. In 2019, when the City
6 red tagged Defendant's work on a storage shed on the Skunk Train's property for failure
7 to obtain a City building permit, the Defendant removed the tag and proceeded with the
8 work. More recently in August, the City sent an email to Defendant to inform them that
9 they needed a Limited Term Permit for a special event after 10pm that would create
10 additional noise in the neighborhood surrounding the Defendant's property. Defendant's
11 response was that they are "outside the City's jurisdictional boundaries and thus not
12 subject to a permit".

13 13. Defendant is directly responsible for the activities occurring as set forth
14 herein in connection with operation of the Skunk Train and the condition of real property
15 in violation of law as alleged herein. Defendant is thus responsible for continuing
16 violations of the laws and public policy of the State of California and/or local codes,
17 regulations and/or requirements applicable to such operations and activities and/or have
18 permitted, allowed, caused, or indirectly furthered such activities/operations in a manner
19 in violation of law, and Defendant's use of and activities in connection with the Skunk
20 Train and the condition of real property relating thereto, including the allowance or
21 maintenance of such activities, operations and conditions in violation of law are inimical
22 to the rights and interests of the general public and constitute a public nuisance and/or
23 violations of law.

24 **FIRST CAUSE OF ACTION**

25 **Declaratory and/or Injunctive Relief**

26 **[Cal. Civil Proc. Code §§ 1060, 526]**

27 14. Plaintiff realleges and incorporates by reference the allegations in
28 paragraphs 1 through 13 as if fully set forth herein.

1 15. An actual controversy has arisen and now exists between Plaintiff and
2 Defendant. Defendant has failed to comply with City's code enforcement efforts to have
3 Defendant repair a dangerous building on their property. Defendant also claims its status
4 as a public utility preempts local jurisdiction and provides immunity from the City's Land
5 Use and Development Codes. City disagrees and maintains that, as an excursion-only
6 railroad, Defendant is not a public utility, is not a common carrier, and/or does not provide
7 transportation, and therefore Defendant is subject to the City's ordinances, regulations,
8 codes, local jurisdiction, local control and local police power and other City authority.
9 City is entitled to a declaration of its rights and authority to exercise local
10 control/regulation over the property and Defendant and Plaintiff City has the present right,
11 obligation and need to exercise such control, power and authority for the public interest,
12 benefit and safety.

13 16. A judicial determination of these issues and of the respective duties of
14 Plaintiff and Defendant is necessary and appropriate at this time under the circumstances
15 because the Defendant continues to resist compliance with City directives to repair and
16 make safe the dangerous building on its property, and to comply with the City Land Use
17 and Development Codes, and/or other valid exercise of City governing authority.

18 17. No other adequate remedy exists by which the rights and duties at issue
19 herein between the parties can be determined.

20 18. The City and the public will suffer irreparable injury if the nature of
21 Defendant's conduct, as alleged herein, is not determined by the Court and/or enjoined.

22 19. Plaintiff City also, or in the alternative, seeks injunctive relief against
23 Defendant and thus brings this action pursuant to California Civil Code Section 526 in
24 order to enjoin or require Defendant to refrain from engaging in the conduct alleged here,
25 cease violations of law, and/or to require Defendant to bring its property and operations
26 into compliance with the law, as applicable.

27 20. Unless and until restrained and enjoined by this Court's issuance of
28 injunctive relief as requested herein, Defendant will continue to maintain nuisance

1 conditions and violations of law as alleged, to the substantial harm and risk to the health,
2 safety and welfare of the public, and directly contrary to the lawful and valid authority of
3 Plaintiff City to regulate such nuisance and dangerous conditions, and to compel
4 compliance with applicable law.

5 21. Unless and until the activities alleged herein are restrained and enjoined by
6 this Court, as requested herein, they will continue to cause great and irreparable injury to
7 Plaintiff City's lawful exercise of jurisdiction and authority over Defendant's operations,
8 activities, and its real property, and the conditions thereof, as well as allowing the
9 continuation of injury and risk to the public.

10 **PRAYER**

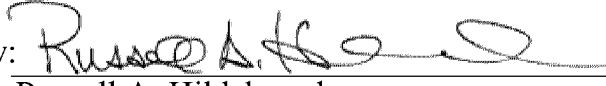
11 WHEREFORE, Plaintiff prays for relief as follows:

- 12 1. For a declaration that the Mendocino Railway is not subject to regulation as
13 a public utility because it does not qualify as a common carrier providing
14 "transportation.";
- 15 2. For a stay, temporary restraining order, preliminary injunction, and
16 permanent injunction commanding the Mendocino Railway to comply with
17 all City ordinances, regulations, and lawfully adopted codes, jurisdiction and
18 authority, as applicable;
- 19 3. For costs of the suit; and
- 20 4. For such other and further relief as the Court deems just and proper.
- 21
- 22

23 Dated: October 28, 2021

JONES & MAYER

24

25 By: 
26 Russell A. Hildebrand
27 Krista MacNevin Jee
28 Attorneys for Plaintiff
CITY OF FORT BRAGG

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Russell A. Hildebrand, SBN 191892; Krista MacNevin Jee, SBN 198650

JONES MAYER - 3777 N. Harbor Boulevard, Fullerton, CA 92835

TELEPHONE NO.: 714-446-1400

FAX NO. (Optional): 714-446-1448

E-MAIL ADDRESS: rah@jones-mayer.com; kmi@jones-mayer.com

ATTORNEY FOR (Name): CITY OF FORT BRAGG

FOR COURT USE ONLY

ELECTRONICALLY FILED
10/28/2021 3:14 PM
Superior Court of California
County of MendocinoBy: 
D. Jess
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

STREET ADDRESS: 700 South Franklin Street

MAILING ADDRESS: Same

CITY AND ZIP CODE: Fort Bragg, 95437

BRANCH NAME: Ten Mile Branch

CASE NAME:

CITY OF FORT BRAGG v. MENDOCINO RAILWAY

CIVIL CASE COVER SHEET

☒ **Unlimited** ☐ **Limited**
(Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder
Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

21CV00850

JUDGE: CLAYTON BRENNAN

DEPT.: TEN MILE BRANCH

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400–3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☒ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 28, 2021

Russell A. Hildebrand

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Paoli, Diana

From: Lavender Ranch <info@lavenderranch.com>
Sent: Monday, June 23, 2025 2:50 PM
To: City Clerk
Cc: Kathy Westfall; Donna B
Subject: Skunk Train Property Extension of MOU
Attachments: Skunk Train Letter.pdf

I would like to express my support to extend part 2 of the MOU for the Skunk Train by the attached letter.

Thank you!

Donna Bayles

BAYLISS RANCH

To: Isaac Whippy, City Manager and City Council Members

I would like to express my support to extend part 2 of the MOU for the Skunk Train. I agree with Council members Rafanan, Hockett and Godeke to continue with the negotiations. This issue has been studied and re-examined long enough. Hiring more consultants is not going to change the issue. I think there is general knowledge of a certain level of pollution on the property, there is no amount of studying the issue that will make it go away. There have been many proposals to mitigate the problem, I think the best one is to fence off the area and MOVE on!

The mill closed 2002, since then this community has suffered through a severe economic slowdown. Lack of effective leadership has left it struggling for economic survival. We need to have a balanced vision of viable, sustainable and well-paying jobs that provide a future for our younger generations, so they do not have to move out of the area. We can maintain the natural beauty of the area and create a robust housing and job market. Both are possible at the same time.

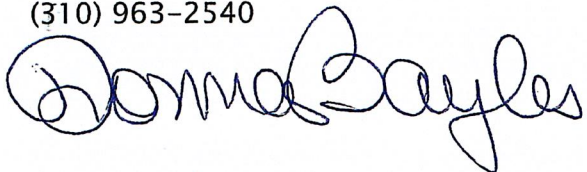
Housing is a critical issue that has plagued this area for many years. Again, due lack of leadership, indecisiveness and the constipated building and planning process, many local people have had to move out of the area for better opportunity and affordability.

Please move forward to provide affordable housing to those who would like to stay here.

The Skunk Train has been an asset to this community, we should support it. I just rode the Skunk last week and they provide a narrative for local knowledge and historical facts. I was quite impressed.

I urge the city council and mayor to support the Skunk Train business and move forward with a vision of our community that provides jobs and housing while maintaining our natural beauty.

Thank you,
Donna Bayles
(310) 963-2540



Mendocino Resident

Paoli, Diana

From: Kathy Westfall <westfallservices@gmail.com>
Sent: Monday, June 23, 2025 5:24 PM
To: Lavender Ranch
Cc: City Clerk; Donna B
Subject: Re: Skunk Train Property Extension of MOU

Thank you for your support!

On Mon, Jun 23, 2025 at 2:49 PM Lavender Ranch <info@lavenderranch.com> wrote:

I would like to express my support to extend part 2 of the MOU for the Skunk Train by the attached letter.

Thank you!

Donna Bayles

From: max@mcn.org
Sent: Monday, June 23, 2025 8:35 PM
To: Lemos, June; Godeke, Jason; Rafanan, Marcia; Peters, Lindy; Albin-Smith, Tess; Hockett, Scott; Ahulani McAdam
Subject: Fort Bragg Headlands comments

To The Fort Bragg City Council, and to the community,

I've lived here for 40 years and watched as Georgia Pacific closed the mill and the smoke-spewing chimneys stopped sending that plume up Oak Street...

lo and behold, we had blue skies!

We also had 400 toxic acres which took many years to remediate somewhat, and still there is a toxic brownfield left behind.

It is unthinkable that the people of Fort Bragg might lose control of this land again.

It was taken from the indigenous who cared for it for many years,

and now with community planning and cooperation we can bring it back into harmony with its beautiful environs.

Fort Bragg does not need a tourist train outfit occupying and developing our headlands for their profit and by their design. The community needs to be involved and to be provided with an area clean of all remaining contaminants, with planning to preserve the natural beauty and environmental values. we will attract more long term value by staying environmentally focussed and non-commercial. The Skunk train is pulling a fast one on us and we can't let them get away with it. Their attempt to portray themselves as a public utility is ludicrous.

Planning for the development of the Fort Bragg Headlands **MUST** must include community input, review of proposals, and stakeholder participation whose voice is heard and considered.

Thank you,

Merry Winslow