

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
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# F 8a

## MEMORANDUM

Date: December 10, 2008

To: Commissioners and Interested Parties

From: Peter Douglas, Executive Director  
Robert S. Merrill, District Manager – North Coast District  
Tiffany S. Tauber, Coastal Planner – North Coast District

Subject: **Addendum to Commission Meeting for Friday, December 12, 2008  
North Coast District Item F 8a, Application No. A-1-FTB-05-053-A6  
(Georgia-Pacific Corporation)**

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### STAFF NOTE

This addendum includes correspondence received from the public since publication of the staff recommendation on November 26, 2008 concerning Permit Amendment No. A-1-FTB-05-053-A6. Among other things, the amendment would authorize on-site consolidation and capping of approximately 13,000 cubic yards of dioxin/furan-impacted soil at the former Georgia-Pacific California Wood Products Manufacturing Facility located in Fort Bragg, Mendocino County. The correspondence received is included in the attachments at the end of this addendum. In addition, this addendum contains additional findings for the staff recommendation dated November 26, 2008 regarding project alternatives to the proposed on-site consolidation and capping of approximately 13,000 cubic yards of dioxin/furan-impacted soil. This addendum supplements the staff report's response to public comments.

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**I. Addition to Findings of the Staff Recommendation**

The revisions to the staff report dated November 26, 2008 are shown below. Text to be deleted is shown in ~~bold strikethrough~~; text to be added appears in **bold double-underline**.

Replace Finding F., California Environmental Quality Act, found on page 45 of the staff report with the following revised finding:

**F. California Environmental Quality Act**

The Department of Toxic Substances Control (DTSC) is the lead agency for purposes of CEQA review. The DTSC prepared a Mitigated Negative Declaration for the proposed project and filed a Notice of Determination on August 28, 2008 (State Clearinghouse No. 2008032049).

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

**Analysis of Alternatives to the Proposed On-Site Capping/Sealing of Dioxin/Furan-Impacted Soils**

**The Commission has received a number of items of correspondence on the proposed permit amendment suggesting that alternatives to the proposed consolidation and capping remedial activities be considered. These alternatives include (a) removing, transporting, and disposing of the approximately 13,000 cubic yards of dioxin/furan-impacted soil offsite to a landfill facility capable of receiving such material, and (b) incorporating the use of bioremediation techniques, specifically fungal degradation, to treat the contaminated soil. The Commission has considered whether there are feasible alternatives available which would substantially lessen any significant adverse effect the proposed development may have on the environment. Four specific alternatives have been considered, including (1) No Action, (2) Land use Restriction/Controls, (3) Removal/Offsite Disposal, and (4) Bioremediation. These alternatives were also examined and considered by the**

**Department of Toxic Substances Control during its review and approval of the Final Operable Unit A Remedial Action Plan.**

**Evaluation Criteria**

**Alternatives to the proposed consolidation and capping remedial activities were evaluated based on criteria set forth by the Environmental Protection Agency (USEPA) and the Department of Toxic Substances Control (DTSC). According to USEPA and DTSC, the nine criteria listed below must be used to evaluate remedial alternatives. For an alternative to be selected, it must meet the first two threshold criteria, which are (1) overall protection of human health and the environment, and (2) compliance with Applicable or Relevant and Appropriate Requirement (ARARs). Criteria 3 through 7 are the five primary balancing criteria that provide comparisons between the alternatives and identify tradeoffs between them, and criteria 8 and 9 are the two modifying criteria that consider acceptance by the state and local community. The nine criteria used to evaluate project alternatives are summarized as follows:**

- 1. Overall Protection of Human Health and the Environment: whether or not a remedy provides adequate protection of human health and the environment.**
- 2. Compliance with ARARs: whether or not a remedy will meet all appropriate federal, state, and local environmental laws and regulations.**
- 3. Long-Term Effectiveness and Permanence: ability of a remedy to maintain reliable protection of human health and the environment over time, once cleanup goals have initially been met.**
- 4. Reduction of Toxicity, Mobility, and Volume through Treatment: ability of a remedy to reduce the toxicity, mobility, and volume of the hazardous substances or constituents present at the site.**
- 5. Cost – 30-Year Present Worth: estimated 30-year present worth capital and operation and maintenance costs. Level of accuracy of the costs estimated is “Order of Magnitude,” as defined by the American Association of Cost Engineers (i.e., plus 50 percent and minus 30 percent).**
- 6. Short-Term Effectiveness: period of time needed to complete the remedy and any adverse impact on human health and the environment that may be posed during the construction and implementation period, until the cleanup standards are achieved.**
- 7. Implementability: technical and administrative feasibility of a remedy, including the availability of materials and services needed to carry out a particular option.**

**8. State Acceptance: whether, based on current knowledge of regulations and agency mandates, the applicable regulatory agencies would agree with the preferred alternative. Actual assessment depends on comments received during the agency review and public comment periods**

**9. Community Acceptance: whether community concerns are addressed by the remedy, and whether the community has a preference for a remedy.**

### **Alternatives Analysis**

**Four alternatives in addition to the proposed consolidation and capping alternative were evaluated for the remediation of the dioxin/furan-impacted soils based on the nine evaluation criteria outlined above, including: (1) No Action, (2) Land Use Restriction/Controls, (3) Removal/Offsite Disposal, (4) and Bioremediation. As explained below, each of these alternatives is infeasible and/or does not result in a project that is less environmentally damaging than the proposed project. The Commission finds, as discussed below, that as conditioned, there are no other feasible alternatives available which would lessen any significant adverse impact that the proposed activity would have on the environment.**

#### **(1) No Action**

**The No Action alternative would involve leaving the dioxin/furan-impacted materials on-site in the current condition. This alternative would not meet the threshold criteria of protection of human health and the environment and compliance with ARARs, nor would the no action alternative be acceptable to the state or community. The no action alternative would provide no long-term risk reduction or reduction of toxicity, mobility, or volume of contaminated soils. The no action alternative also received a low ranking for the threshold and balancing criteria, except for short-term effectiveness. Short-term effectiveness received a high ranking because no remediation would be implemented, and therefore, there would be no short-term worker or environmental exposure. Additionally, the no action alternative would not be accepted by the Department of Toxic Substances Control (DTSC), the Regional Water Quality Control Board, and other state agencies with jurisdictional oversight. Therefore, the Commission finds that the no project alternative is not a feasible alternative to the proposed consolidation and capping which would lessen any significant adverse impact that the proposed activity would have on the environment.**

#### **(2) Land Use Restriction/Controls**

**The Land Use Restriction/Controls alternative involves administrative actions or institutional controls that would restrict the uses of and access to the site. The Land Use Restriction/Controls alternative by itself would not meet the threshold criteria**

**of protection of human health and the environment and compliance with ARARs, nor would it be acceptable to the state or community.**

**The future proposed land use of the subject site, Operable Unit A, is passive recreational use (i.e., coastal trail and parkland). Although land use restrictions/controls could potentially be used to reduce human exposure, land use restrictions alone would not reduce the risk to the environment. Thus, the land use restriction/controls alternative does not meet the criterion for protection of human health and the environment. Land use restrictions/controls also received low ranking for long-term risk reduction, reduction of toxicity and mobility through treatment, and state acceptance since the impacted material would remain in place. This alternative received a medium ranking for long-term effectiveness and permanence since it provides only limited risk reduction to human health and no risk reduction to the environment, but is permanent. The Land Use Restriction/Controls received a high ranking for short-term effectiveness and implementability because there would be no exposure to workers or the environment from implementing a remedy, and it is implementable.**

**Land use restrictions/controls would be used in conjunction with an active remedial alternative for the dioxin PRAs. According to the applicant, land use restrictions that would prevent sensitive uses (such as residences, hospitals, day care facilities, schools, etc.) would be imposed as part of the conditions placed on the land by the Coastal Conservancy and in the purchase and sale agreement. Such restrictions would be based on a determination by DTSC.**

**Given the reasons discussed above, the Commission finds that the Land Use Restriction/Controls alternative alone is not a feasible alternative to the proposed consolidation and capping which would lessen any significant adverse impact that the proposed activity would have on the environment.**

### **(3) Removal/Offsite Disposal**

**The Removal/Offsite Disposal alternative would involve excavation of the approximately 13,000 cubic yards of dioxin/furan-impacted soil and transporting and disposing of the excavated material as non-hazardous waste at the Allied Waste Services Keller Canyon Landfill in Pittsburg, California (Keller Canyon; a Class II, Subtitle D permitted landfill).**

**Removal and offsite disposal of the dioxin/furan-impacted material received a high ranking for protection of human health, compliance with ARARs, long-term effectiveness and permanence, implementability, and state acceptance. The analysis indicates that community acceptance of removal and offsite disposal was ranked as medium due to the large quantity of material that would be excavated and trucked offsite; however, the community desires public access to the coastal trail, and remediation of the site is necessary to support this goal. This alternative received a**

medium rank for short-term effectiveness due to the potential for short-term worker or environmental exposure during implementation, and a medium ranking for reduction in toxicity, mobility, or volume because the material would be landfilled rather than treated. Although this alternative has a relatively high cost (approximately \$2,500,000), removal and offsite disposal is an effective and implementable alternative that would be protective of human health and the environment. However, the Removal/Offsite Disposal alternative has significant potential adverse impacts associated with trucking the material off-site and the extended clean-up time that would be required. It is estimated that approximately 1,000 truck trips would be required to haul the dioxin/furan-impacted material off-site, which would result in a significant carbon footprint impact. Additionally, the amount of time necessary to load and unload approximately 1,000 truck trips greatly prolongs the amount of time necessary to conduct the remedial activities at the site and would increase the duration of exposure to humans and the environment.

Therefore, the Commission finds that the Removal/Offsite Disposal alternative is not a feasible alternative to the proposed consolidation and capping which would lessen any significant adverse impact that the proposed activity would have on the environment.

#### (4) Bioremediation

The applicant evaluated bioremediation (i.e., fungal degradation) as a potential remedial action. As described below, evaluation of the bioremediation remediation alternative determined that (1) the physical conditions (temperature, soil pH) are not favorable, (2) successful field trials are lacking, (3) concentration reductions are likely insufficient to meet remedial goals, (4) the time associated with implementation would not meet the requirements for property transfer, and (5) the cost is likely similar to or higher than other alternatives being evaluated.

Recalcitrant compounds such as PCBs and dioxins/furans degrade at an extremely slow rate and microbial degradation has been shown to be limited. According to the analysis contained in the RAP, fungal degradation of these and other recalcitrant compounds (such as pentachlorophenol) has been observed in controlled laboratory studies using the white rot fungus (Singh, 2006; Takada et al., 1996; Mori and Kondo, 2002; Kamei and Kondo, 2005). However, these studies were conducted on a small scale and in controlled laboratory conditions (30°C, pH of 4.5) in flasks where glucose (1-10%) was added, the dioxin compounds were added in dissolved form in liquid media, and the flasks were flushed with oxygen. Even under these optimal conditions, average degradation rates for studies conducted for 5 to 20 days have been shown to be 50% or less and the more highly substituted dioxin congeners (tetra- to octa-CDDs) had even lower degradation rates (as low as 6%).

Field studies using this technology have been largely untested or marginally successful. White rot fungus has an optimal growth temperature between 30 and 39°C, grows more slowly at temperatures below 25°C, and does not grow at temperatures less than 15°C (Kirk et al., 1992; Singh, 2006). High moisture and oxygen content, and presence of food (i.e., glucose), and low pH (4.5) conditions are also optimal conditions for growth. These conditions are difficult to achieve in the field. Furthermore, the availability of an effective delivery mechanisms for the fungus to soil is a barrier to practical implementation (Loomis et al., 1996) and the degree of degradation observed in the laboratory has not been observed in the field (Reddy, 1995).

Field studies that have been conducted have involved building bioreactor cells to which the soil was added along with wood chips colonized by the white rot fungus. A field study on pentachlorophenol (Kirk et al., 1992) showed a 9 to 14% decrease over 6.5 weeks (note that field conditions such as temperature, pH, etc. were not reported in this study). EarthFax ([www.earthfax.com/WhiteRot/Dioxin.htm](http://www.earthfax.com/WhiteRot/Dioxin.htm)) conducted a field trial using two aboveground constructed treatment cells holding 2 cubic yards (cy) of soil, each inoculated with 20 to 40% of the white rot fungus and utilizing air blowers at a site in North Carolina (other conditions such as temperature and pH were not reported). After 282 days, degradation ranged from 61 to 80% for dioxins and 51 to 80% for furans. As TEQs, degradation ranged from 63 to 69%.

Although this technique is promising, there is a lack of proven field methods and no successful large-scale field trials. The optimal temperature conditions of 30°C and minimum temperature conditions of 15°C would not be achieved in Fort Bragg where temperatures average 53 to 57°F (12 to 14°C). Additionally, degradation rates of 80 to 90% would be needed for dioxins/furans and PCBs, respectively, to meet remedial goals. Even in Weed, California, with average temperatures in the summer of approximately 85°F (30°C), a 282-day study resulted in an average degradation rate around 70%. Additionally, the cost to implement this technology is estimated to be \$75 per cy for the treatment alone (not including other costs such as excavation, backfilling, etc.), comparable to the costs for offsite disposal.

A number of individuals commenting on the project to the Commission have suggested that because bioremediation techniques involving the use of fungal degradation have not yet been perfected and are not yet ready to implement, that the Commission should consider allowing the dioxin/furan impacted soil to be consolidated and capped as proposed, but then required to be treated with such bioremediation techniques in the future when the techniques have been perfected for practical application. As discussed in Finding C, Protection of Water Quality, an Operation and Maintenance Plan and a Monitoring Plan will be prepared and submitted to the Department of Toxic Substances Control (DTSC) following completion of construction of the proposed consolidation cell. As a component of the on-going operation, maintenance, and monitoring of the consolidation cell,

failures of the consolidation cell, including evidence that subsurface dioxins/furans present in the soil at the consolidation cell are impacting resources must be reported to the Executive Director. The requirement for a coastal development permit amendment to conduct any corrective actions or repairs to address the failures would allow opportunity for new technologies and/or other alternatives to be evaluated, assessed, and potentially implemented given the site conditions at that time. Thus, as bioremediation techniques continue to improve in the near future, there would be a mechanism in place to reevaluate its potential application at the subject site.

Therefore, the Commission finds that, at this time, the Bioremediation alternative is not a feasible alternative to the proposed consolidation and capping which would lessen any significant adverse impact that the proposed activity would have on the environment.

#### (5) Proposed Consolidate and Cap Alternative

As described in the project description finding, the proposed consolidate and cap alternative would involve placing the 13,000 cubic yards of excavated dioxin/furan-impacted material in a cell approximately 6 feet in depth and 1.3 acres in size with a PVC liner on the bottom and a geosynthetic clay liner on top. The surface layer could include a vegetated soil cap. The cap/cell area would be surveyed and a deed restriction and land use covenants would be placed on that area to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials.

The proposed consolidation and capping of the dioxin-impacted material received a high ranking for protection of human health and compliance with ARARs. However, since the cap would require maintenance, it was ranked as having a medium long-term effectiveness and permanence. It received a medium rank for short-term effectiveness due to the potential for short-term worker or environmental exposure during implementation, and a medium ranking for reduction in toxicity, mobility, or volume because once placed in a cap, the dioxin would be less mobile but would have the same volume and toxicity. This alternative has a lower cost (approximately \$1,500,000) than the Removal/Offsite Disposal alternative discussed above.

The proposed capping and consolidation alternative is technically feasible and received a medium ranking for implementability due to operation and maintenance requirements. State acceptance was ranked as medium-to-high because capping has been shown to be effective. Additionally, the Department of Toxic Substances Control and the Regional Water Control Board have approved the consolidate and cap alternative. Community acceptance was ranked as low-to-moderate, because the dioxin-impacted material would remain onsite. Based on comments received during the public comment period on the RAP, it was clear that some community



**members dislike this approach; however, others have expressed a desire to reduce trucking, and thus, reduce the carbon footprint of the project.**

**As discussed above in the findings about LCP consistency, the Commission has imposed special conditions to avoid and mitigate all significant adverse impacts that the activity may have on the environment.**

The Commission incorporates its findings on conformity with the **Chapter 3** policies of the **City of Fort Bragg LCP as certified and the public access and recreation policies of the** Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed **amended** project as **amended conditioned** can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

City of Fort Bragg LCP as certified at the time of Commission action on the permit and permit amendments, and the public access and recreation policies of the Coastal Act.

## **II. Additional Correspondence Received**

Since publication of the staff recommendation on November 26, 2008, the Commission has received a number of items of correspondence on the proposed permit amendment from the public. Copies of the correspondence are included in the following attachments to this addendum.

North Coast District Office  
Bob Merrill, District Manager  
710 E Street, Ste 200  
Eureka, Ca. 95501

**RECEIVED**

DEC 08 2008

CALIFORNIA  
COASTAL COMMISSION

Karin Uphoff  
P.O. Box 978  
Mendocino, Ca  
95460

December 1, 2008

Dear Commissioner Merrill,

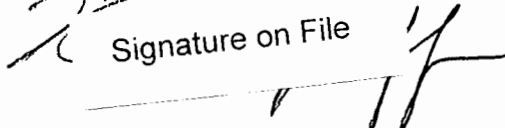
I am writing to you in regard to Permit No. A-1-FTB-05-53-A6, Georgia-Pacific Corp., Ft. Bragg. Georgia Pacific wants to modify this permit in ways that I, as a citizen of the coast, strongly object to. They wish bury and cap 13,000 cubic yards of dioxin-impacted soil on the site as a move towards remediation. The burying of dioxin-contaminated soil on the coast is not a Coastal Dependent Activity as stated in the Coast Act and is not cleaning it up in the long view.

Reports from other 'clean-up' sites that show that these containers break down very quickly (less than 30 years) and the contents slowly and steadily leak into the ground. We are concerned that the groundwater and ocean water will be contaminated in the future when the "cell" for the soil deteriorates and there is soil migration from the cell. As you know, this stretch of coast is subject to minor but frequent earth movement due to the off-shore fault and the "cell" is sure to shift.

There are new alternatives to dealing with deadly toxins in the environment, that, once they enter the ocean, would adversely effect ALL of us. Our community, along with internationally renowned mycologist Paul Stamets, have offered to research this and in fact, have begun that process. The best solution is to bury the contaminated soil for a designated period (5 years or less) until an alternative soil remediation is discovered. If there is no other alternative to transforming the contaminated soil, the soil needs to be removed completely to another, less fragile site, to insure a thorough clean-up.

Thank you for your careful regard to this important matter.

Sincerely,  
Karin Uphoff

Signature on File 

**ATTACHMENT B**

North Coast District Office  
Bob Merrill, District Manager  
710 E Street, Suite 200  
Eureka, CA 95501

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CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Merrill

As a long time property owner and resident of Fort Bragg CA. I am writing to oppose permit A-1-FTB-05-053-A6 submitted by Georgia-Pacific Corporation.

Landfilling dioxin contaminated soil in the coastal zone is not a legacy I would want to leave to my children. Landfills fail even in arid and stable locations. It took only eighteen months for Kettleman City's state of the art landfill to collapse and contaminate the surrounding water table.


Fort Bragg's winters are storm ridden. We have tsunami warnings most every year. Fort Bragg was severely impacted by the 1906 earthquake.

If this hazardous waste landfill was built right on the Coast what would happen if an tsunami hit Fort Bragg like the one that hit Crescent City? How about an earthquake?

There are good reasons why hazardous waste landfilling is not is not a Coastal Dependent Activity as defined in the California Coastal Act.

Please deny this permit.

Thank You

 Signature on File

Anna Marie Stenberg  
254 Wall Street  
Fort Bragg, CA 95437



ATTACHMENT C

God is too big to fit into just one religion.

Howard Ennes

• 160 Woodland Drive • Fort Bragg, California • 95437-4521 •  
• (707) 964 - 7860 • e-mail: [nsdusoir@mcn.org](mailto:nsdusoir@mcn.org) •

December 4, 2008

California Coastal Commission, North Coast District Office  
Bob Merrill, District Manager  
710 E Street, Suite 200  
Eureka, CA 95501

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CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Merrill:

I am a Naval Officer retired after service with the WWII Medical Department; also a Commissioned Officer in the US Public Health Service, a trained public health professional, past president of national and international professional societies, and a retired VP for health affairs of the Equitable Life Assurance Society of the U.S. Consequently, I feel I have some standing, even at age 91, to an opinion about handling of the Dioxin-contaminated soil at the Fort Bragg mill site. FYI I have been active, from my current residence, in discussions about clearing the site, having observed the circumstances firsthand.

I am concerned about the idea of encapsulating the contaminated material on a permanent basis. I am not satisfied that the current encapsulation plan will prevent contamination of ocean and ground water when, inevitably, the 'cell' deteriorates, is invaded by soil, and leaches into ground water and the nearby ocean.

Encapsulation temporarily, yes, for up to perhaps five years or so, in hopes that some effective way of decontaminating can be found — myco-remediation, for example. As a public health professional, that possibility is intriguing, but, of course, requires actual evidence of its effect. If that does not work out, then the contaminated material should be removed entirely from the Site — which is right in the midst of an active community. The public health hazards are simply too much to accept.

I would appreciate your considering my thoughts as you proceed with Commission proceedings.

Sincerely,

Signature on File

ATTACHMENT D

P.S.: Not being an attorney and even though I have read the provisions of the Coastal Act, I have difficulty in seeing how this encapsulation proposal fits into the Act's description of a "Coastal Dependent Activity".

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CALIFORNIA  
COASTAL COMMISSION

Loie Rosenkrantz  
North Coast Action  
17201 Franklin Rd  
Fort Bragg Ca  
95437

California Coastal Comm.  
North Coast District Office  
710 E Street, Suite 200  
Eureka Ca 95501

Re: Permit number  
A-1 FTB-05-053-A6  
Georgia Pacific Corp

Dear Commissioners,

As a concerned citizen of long standing I am writing to ask strongly that you deny Permit No. A-1 FTB-05-053-A6 as applied for by Georgia Pacific Corp.

The area is a hot point, is a coastal dependent Activity and should not be capped. The 1.5 acre area should be buried for 5 years or less while bio-remediation is explored. The community of concerned citizens has been working with Mycologist Paul Stamets towards the ~~the~~ end of possible myco remediation.

The 13,000 cu yds of dioxin impacted soil is very close to Fort Bragg City population center. The work window of 4/15-10/15 should be retained.

Thank you,  
Loie Rosenkrantz

ATTACHMENT E

Signature on File

Loie  
Rosenkrantz

**North Coast District Office**  
Bob Merrill, District Manager  
710 E Street, Suite 200  
Eureka, CA 95501

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CALIFORNIA  
COASTAL COMMISSION

December 4, 2008

Dear Mr. Merrill,

This letter is requesting that the California Coastal Commissioners **deny** permit A-1 FTB-05-053-A6 to the applicants Georgia-Pacific Corporation to excavate approximately 13,000 cubic yards of dioxin-impacted soil from several areas in nParcel 10 and construct a 1.5-acre consolidation cell with an engineered cap for onsite, subsurface management of excavated dioxin impacted soil.

The community is very concerned about the capping of 13,000 cubic yards of contaminated soil on 1.5 acres of land on the Georgia Pacific Corporation property **in the heart** of Fort Bragg and located in the Coastal Zone. The capping area will be right next to Cypress Street and HWY 1 and next to residential and commercial areas of Fort Bragg. Burying toxic soil along the coast of California is a quick fix, but not a long term solution.

Permitting a major corporation to bury toxic soil on the coast, contained or not contained, will leave a dangerous legacy for generations to come.

The storing of toxic contaminated soil under the ground in the Coastal Zone **is not a Coastal Dependent Activity** as defined in the California Coastal Act. Georgia Pacific Corporation has been asked by the Department of Toxic Substances Control to clean up the contaminated soil - burying it in the coastal zone is NOT a clean-up. In addition, there has not be an adequate study of alternatives. The community has presented Georgia Pacific with several alternative remediation options, including myco-remediation.

Here are some of our other concerns:

- 1) The capping area made up of 1.5 acres is directly across from a densely populated residential area and prime business locations in Fort Bragg. In the future, as redevelopment happens and the town grows westward toward the coast, this will be even more central withing Fort Bragg.
- 2) GP has set aside 9 other acres for future capping. Capping on the 1.5 acres is setting a precedence for capping other contaminated soil - and we do not want a hazardous waste dump in the middle of our town.
- 3) The polyurethane liner that will line the six foot deep pit 1.5 acres large has a life

span of approximately 30 years. There has been no report on what happens after that time in regards to human health risks or hazard to the environment.

4) The capping of the soil is a quick solution so that the city of Fort Bragg can acquire the trail that will run along the bluffs. However, there has been no investigation to date of the intertidal zone or the ocean bottom. In addition, historical evidence shows that GP dump trucks backed up to the bluffs on cement platforms and for years dumped solvents, including PCBs, heavy metals, fly ash from the power house among other refuse on to the beaches. GP had trenches leading from the power house and the machines shops out to the ocean where solvents were dumped ongoing.

It is our opinion that a full site investigation, including adjacent properties that have not been characterized, the intertidal zones and ocean bottom must be tested before a trail is even in place.

5) The city of Fort Bragg and GP need to slow down. The trail is a premature acquisition, since no one knows what we are really dealing with as far as toxins and human health hazards. We do know that the trail is slated to go from the north and from the south, ending at the mill ponds. Preliminary tests of the mill ponds (not a full test) have been done and results show dioxins, PCBs, heavy metals, hydrocarbons, arsenic - just to name a few - in over 12 feet of pond sediment. This is of great concern to us since the trail is leading the public to the mill ponds. Not only that, but the trail will give the public direct access to the intertidal zones (beaches) where toxins were dumped for years.

6) Culturally and sociologically, the locals in this area live off the ocean through abalone diving, fishing, surfing, sunbathing, kayaking and whale watching. This does not include the tourists (over a million a year) that visit Fort Bragg and take advantage of the coastal access. The community would love to see a trail, but we want a clean bill of health on the land first. We live on windy coast and soil is airborne all of the time. Opening up a public trail next to land that has not been fully characterized or remediated is a human health risk.

7) There is a tremendous watershed on the headlands of the GP mill site. After reviewing the RAP, we feel there has not been sufficient research to prove that the capped soil would not be disturbed by water flow and high water tables forcing the contaminated soil into the ocean.

8) We strongly feel the entire site needs to be fully characterized before a trail is built and opened to the public. I am sure you know the stats on dioxins being the most dangerous chemical known to life outside of radiation. The National Academy of Sciences 2006 Report states: "There are no safe levels of dioxin." The USEPA 1994

Report states: "There are no safe levels of dioxin." Creating a hazardous waste dump in the middle of a town with a liner that will last 30 years at best, is a bad idea.

9) Community members are concerned that the Draft RAP does not provide supporting documentation relative to the transfer/purchase of land from G/P to the City (Letter of agreement). Nor is there documentation from the Coastal Conservancy regarding the apparent deadline associated with the funding availability from the Coastal Conservancy to the City of Fort Bragg associated with the Coastal Trail area. In addition, community members have expressed concern that the City does not, in fact, have anything in writing from G/P as to an agreement to transfer the land associated with the Coastal Trail to the City. It is clear that the "driver" that is moving the Coastal Trail remediation efforts is the apparent deadline for the funding from the Coastal Conservancy and yet there is nothing in the Draft RAP that supports this rush to judgment. The above mentioned supporting documentation is missing from the Draft RAP and must be provided in order to legitimize the "push" that we are facing in commenting on a remediation activity, where, in the minds of many community members, there are so many unanswered questions and unresolved issues that must be addressed.

The community wants to see either on site bioremediation along the trail - which NCA is in the process of researching - or removal of the dioxin contaminated soil to a hazardous waste facility. If the coastal commissioners vote for capping the soil, then we ask that it be for a limited amount of time until another alternative solution is discovered and at that time, the soil would be remediated or removed from the cell depending on the solution.

On behalf of the coastal community of Fort Bragg, we ask you NOT grant this permit for capping 1500 cubic yards in the heart of Fort Bragg. If you have any questions, please call me at 707-964-7085. And please keep us updated as things proceed.

Sincerely,

Signature on File

Thais Mazur, North Coast Action



North Coast District Office  
Bob Merrill, District Manager  
710 E Street, Suite 200  
Eureka, CA 95501

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COASTAL COMMISSION

December 7, 2008

RE Georgia-Pacific, Fort Bragg CA,  
Application A-1-FTB-05-053-A6

Dear Mr. Merrill,

As a Mendocino Coast resident I am requesting that the California Coastal Commissioners deny permit A-1-FTB-05-053-A6.

The 400 ac in question represent a particularly beautiful stretch of California coast. The proposed consolidation cell for the dioxin-contaminated soil is located at the seam of coast and densely populated urban center. Tourism is Ft Bragg's main industry. The stigma of a huge toxic waste dump will damage the otherwise pristine image of California's North Coast. Burying toxic material in the Coastal Zone is **not a Coastal Dependent Activity** as defined by the California Coastal Act.

The FEDERAL HISTORIC PRESERVATION LAWS state :

"Because global warming may result in a substantial sea level rise with serious adverse effects in the coastal zone, coastal states must anticipate and plan for such an occurrence."

Concern over the vulnerability of the coast is one of the reasons why the local coastal community is overwhelmingly opposed to the proposed project.

ATTACHMENT G

Removing the contaminated soil from the immediate vicinity of the shore, and storing it a few hundred yards further inland, as described in application A-1-FTB-05-053-A6, seems valid as a **temporary** condition, but not as a permanent solution.. The consolidation cell should be designed to allow for easy access, to allow for on-site bioremediation in the near future. Remediation techniques are being developed. A temporary storage permit with a **5 to 10 year limit** seems conceivable. Ft Bragg should be given a chance to become a clean coastal community, rather than a place famous for a huge toxic waste site in its city center.

The community is asking the Coastal Commission for help in protecting our beautiful coast, and in laying the groundwork for the healthy and clean future our children deserve.

Thank you.

Antonio Wuttke  
Community member  
antonin@mcn.org  
tel 707.357.0653

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
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# F 8a

Date Filed: September 9, 2008  
49th Day: October 28, 2008  
180<sup>th</sup> Day: March 8, 2009  
Staff: Tiffany S. Tauber  
Staff Report: November 26, 2008  
Hearing Date: December 12, 2008  
Commission Action:

## **STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NO.: **A-1-FTB-05-053-A6**

APPLICANT: **Georgia-Pacific Corporation**

AGENT: **Arcadis BBL**

PROJECT LOCATION: **At the former Georgia-Pacific California Wood Products Manufacturing Facility, 90 West Redwood Avenue, Fort Bragg; APNs 008-010-26, 008-020-09, 008-151-22, 008-053-34, 008-161-08, 018-010-67, 018-020-01, 018-030-42, 018-040-52, 018-120-43, 018-120-44, 018-430-01, 018-430-02, 018-430-07, 018-430-08.**

DESCRIPTION OF PROJECT  
PREVIOUSLY APPROVED: **Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project – Entailing: (1) removal of building foundations, additional investigation, and if necessary, interim remedial measures (IRMs) at the following areas: (a) Compressor House, (b) Former Sawmill #1, (c) Powerhouse and associated buildings, (d) Fuel Barn, (e) Chipper Building, (f) Water Treatment Plant, (g) Powerhouse Fuel**

Storage Building, (h) Sewage Pumping Station, (i) Dewatering Slabs, (j) Water Supply Switch Building, (k) Former Mobile Equipment Shop, and (l) associated subsurface structures; (2) removal of debris from Glass Beaches #1 through #3; and (3) removal of geophysical anomalies on Parcels 3 and 10 of the former Georgia-Pacific Sawmill site.

DESCRIPTION OF  
AMENDMENT REQUEST:

(1) Excavate approximately 13,000 cubic yards of dioxin-impacted soil from several areas in Parcel 10 (within the area referred to as Operable Unit A [OU-A South]; (2) construct an approximately 1.5-acre consolidation cell with an engineered cap for onsite, subsurface management of the excavated dioxin-impacted soil described in Item 1 above; (3) modify Special Condition No. 3(A)(1) of the original permit regarding the protection of sensitive bird species; and (4) allow construction activities to be conducted outside of the previously authorized work window (April 15 - October 15).

SUBSTANTIVE FILE DOCUMENTS:

(1) *Final Operable Unit A Remedial Action Plan and Feasibility Study, Former Georgia-Pacific Wood Products Facility*, prepared for Georgia-Pacific, LLC by ARCADIS BBL, August 2008;  
(2) City of Fort Bragg certified LCP

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**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the interim remedial measures being undertaken at the former Georgia-Pacific Wood Products Manufacturing Facility in Fort Bragg.

The proposed amendment involves additional remediation activities, including (1) excavation of approximately 13,000 cubic yards of dioxin-impacted soil from four areas in Parcel 10 (within the area referred to as OU-A South), and (2) placement of the excavated dioxin-impacted soil within an approximately 1.5-acre subsurface consolidation cell with an engineered cap. The proposed amendment also involves changes to Special Condition No. 3(A)(1) of the original permit pertaining to the protection of sensitive bird species. Lastly, the proposed amendment requests

authorization to allow construction activities to be conducted outside the previously imposed construction window (April 15 - October 15).

The remediation activities included as part of the proposed amendment are intended to remove dioxin-impacted soils from various locations throughout the site and consolidate the contaminated soils in an engineered, lined, subsurface cell to prevent exposure to humans and wildlife. The applicant prepared an “*Operable Unit A (OU-A) Remedial Action Plan and Feasibility Study*” (RAP), dated August 2008, that outlines the proposed remediation activities at the OU-A portion of the site and contains the implementation plan, including design features and best management practices (BMPs), for the remedial activities proposed under this permit amendment. The RAP was reviewed and approved by the Department of Toxic Substances (DTSC) and by the Regional Water Quality Control Board (RWQCB). In addition, the Coastal Commission’s water quality unit staff reviewed the RAP and determined that the proposed construction of the consolidation cell with liners and cap would minimize the chances for migration of contaminants and would be adequate to prevent significant adverse impacts to water quality.

The applicant indicates that the DTSC requires a “Consolidation Cell Design Document” to be submitted and approved by DTSC prior to implementation of the cell portion of the proposed amended project that would include the particular engineering and construction details for the siting and design of the proposed consolidation cell. To ensure that the final engineered design of the proposed consolidation cell approved by DTSC does not differ from the project as amended and approved by the Commission, or result in otherwise unanticipated impacts to coastal resources, staff recommends Special Condition No. 11 that requires the applicant to submit, prior to commencement of construction of the consolidation cell, evidence that the DTSC has reviewed and approved the Consolidated Cell Design Document.

The applicant further indicates that an Operation and Maintenance Plan and a Monitoring Plan will be prepared and submitted to the Department of Toxic Substances Control (DTSC) following completion of construction of the proposed consolidation cell. To ensure that the consolidation cell is properly monitored and maintained to minimize the potential for significant adverse impacts to water quality or other coastal resources, staff recommends Special Condition No. 10 that requires the applicant to (a) submit to the Executive Director, a copy of (1) the Operation and Maintenance Plan, and (2) the Monitoring Plan as reviewed and approved by DTSC, and (b) report immediately to the Executive Director, any failure(s) of the consolidation cell determined by the Department of Toxic Substances Control (DTSC) based on the review by DTSC of the maintenance and monitoring reports submitted to DTSC pursuant to the approved Operation and Maintenance Plan and Monitoring Plan referenced in (a) above, including, but not limited to, evidence that subsurface dioxins/furans present in the soil at the consolidation cell are impacting groundwater or other environmental resources. The condition further requires that any corrective actions and/or repairs shall not be performed until the applicant

obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

As part of the proposed amendment, the applicant is requesting changes to the requirements of Special Condition No. 3(A)(1) of the original permit regarding the protection of sensitive bird species. The changes in part request that required surveys for nesting birds be allowed to be conducted closer to the time of development and, in part, request that limitations against working in the vicinity of the nests when fledglings are present be relaxed under certain prescribed conditions. Staff recommends that the Commission approve only those portions of the proposed modified condition language to Special Condition No. 3(A)(1) that pertains to imposing more stringent limitations on the timing of required pre-construction avian surveys to require that surveys be performed no more than 14 days prior to commencement of construction. Staff recommends that the Commission not approve the portions of the applicant's requested changes to Special Condition No. 3(A)(1) that would (1) allow a reduction of the 100-foot exclusionary buffer, and (2) eliminate the requirement for submittal of survey reports to the Executive Director for review and approval. Staff believes such relaxation of the permit condition requirements has not been demonstrated to provide sufficient protection for the environmentally sensitive avian nesting habitat on the site and would not conform with the minimum 30-foot buffer requirement of the certified LCP.

Lastly, the applicant seeks authorization to allow certain construction activities to be conducted outside of the previously imposed construction work window (April 15<sup>th</sup> to October 15<sup>th</sup>). Allowing a slightly expanded seasonal work window to allow certain work to be conducted between April 1 and October 31<sup>st</sup> would be consistent with the seasonal limitations on grading and excavation work imposed by recently amended provisions of the certified LCP. Therefore, staff recommends that Special Condition No. 1 of the original permit be further amended to provide an exception to the provisions in the Stormwater Pollution Prevention Plans (SWPPPs) referenced therein that all excavation and Interim Remedial Measure (IRM) activities shall be conducted during the non-rainy season as defined from April 1 through October 31.

None of the other project limitations and performance standards established under the original permit and determined adequate for reducing the effects of the development in and on adjoining ESHA, coastal water quality, geologic hazards, and archaeological resources would be reduced or otherwise altered by the proposed amendment.

As conditioned, the project as amended would be consistent with the policies contained in the City's certified LCP and the Coastal Act public access and recreation policies.

**The motion to adopt the staff recommendation of approval with conditions is found on page 7.**

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**STAFF NOTES:**

**1. Procedural Note**

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

The Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the conditionally approved permit. On May 12, 2006, Coastal Permit No. A-1-FTB-05-053 (Georgia-Pacific Corporation, Applicant) was approved by the Commission with nine special conditions intended to assure consistency with the provisions of the Fort Bragg LCP and the public access and recreation policies of the Coastal Act. The proposed amendment to the authorized development involves additional remediation measures as part of the overall site decommissioning and clean-up activities that were anticipated, but were not included in the original CDP. In addition, the proposed amendment involves modifications to the requirements of Special Condition No. 3(A)(1) of the original permit regarding the protection of sensitive bird species. The changes, in part, request that required surveys for nesting birds be allowed to be conducted closer to the time of development and, in part, request that limitations against working in the vicinity of the nests when fledglings are present be relaxed under certain prescribed conditions. As performing the surveys closer to the time of development will reduce the chances that nesting birds would be identified and protected from the adverse effects of the development, and as the Commission can modify the applicant's proposed changes to the special condition in a manner that does not reduce protections for nesting birds, the Executive Director accepted this portion of the amendment as consistent with the intent of the Commission in its action on the original permit to prohibit development near nests of sensitive bird species during the nesting season that would disturb the nesting birds.

The applicant also seeks authorization to allow certain construction activities to be conducted outside of the previously imposed construction work window (April 15<sup>th</sup> to October 15<sup>th</sup>). As allowing a slightly expanded seasonal work window to allow certain work to be conducted between April 1 and October 31<sup>st</sup> would be consistent with the seasonal limitations on grading and excavation work imposed by recently amended provisions of the certified LCP, and as the Commission can modify the applicants proposed changes to the special condition in a manner that would conform to the seasonal grading and excavation windows of the recently amended LCP, the Executive Director accepted this portion of the amendment as consistent with the intent of the Commission

in its action on the original permit to minimize the impacts of erosion and sedimentation on water quality consistent with the certified LCP.

None of the other project limitations and performance standards established under the original permit and determined adequate for reducing the effects of the development in and on adjoining ESHA, coastal water quality, geologic hazards, and archaeological resources would be reduced or otherwise altered. Accordingly, the development as amended and conditioned would conform to the policies and standards of the LCP with respect to the protection of environmentally sensitive habitat areas and water quality.

Therefore, for the reasons discussed above, the Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the conditionally approved permit and has accepted the amendment request for processing.

## **2. Commission Jurisdiction and Standard of Review**

The City's approval of the original project was appealed to the Commission in 2005. The Commission found the appeal raised a substantial issue and approved the project with conditions *de novo* in May 2006. After approving a coastal development permit, the Commission retains jurisdiction over all permit amendments. Pursuant to Section 30604(b) of the Coastal Act, after effective certification of an LCP, the standard of review for all coastal permits and permit amendments within a certified area is the certified LCP and, for areas located between the first through public road and the sea, the public access and recreation policies of the Coastal Act. Thus, the standard of review for the original permit (A-1-FTB-05-053) and all subsequent permit amendments previous to the subject amendment (A-1-FTB-05-053-A6) was the City of Fort Bragg LCP as certified at the time of Commission action on the permit and permit amendments, and the public access and recreation policies of the Coastal Act.

In February 2008, the Commission certified with suggested modifications, a comprehensive update to the City of Fort Bragg's LCP, including the City's Land Use Plan (Coastal General Plan) and implementing ordinance (Coastal Land Use and Development Code). The City later adopted the suggested modifications and adopted the necessary implementing measures, and the update amendment was effectively certified in July 2008. Therefore, the applicable standard of review for the subject permit amendment (filed in September 2008) is the City of Fort Bragg LCP as effectively certified in July 2008.

## **3. Scope**

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the certified LCP and the public access and recreation policies of the Coastal Act, and provides findings for



conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by this proposed permit amendment and addressed herein, remain as stated within the findings for the original development adopted by the Commission on May 12, 2006 and all subsequent permit amendments, and included as Exhibit No. 7 of this report.

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**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve Coastal Development Permit Amendment No. A-1-FTB-05-053-A6 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve with Conditions:**

The Commission hereby approves the proposed permit amendment and adopts the findings set forth below, subject to the conditions below, on the grounds that the development with the proposed amendment, as conditioned, will be in conformity with the City of Fort Bragg Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

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**II. STANDARD CONDITIONS: See attached Appendix A.**

### **III. SPECIAL CONDITIONS:**

**Note:** Special Condition Nos. 2, 4, and 6 through 9 of the original permit, and Special Condition No. 5 as modified and reimposed by Permit Amendment No. A-1-FTB-05-053-A2 are reimposed as conditions of this permit amendment without any changes and remain in full force and effect. Special Condition No. 1 of the original permit, and Special Condition No. 3 of the original permit as modified and reimposed by Permit Amendment No. A-1-FTB-05-053-A2 are modified and reimposed as conditions of Permit Amendment No. A-1-FTB-05-053-A6. Special Condition Nos. 10 and 11 are added as new conditions of Permit Amendment No. A-1-FTB-05-053-A6. Deleted wording within the modified special condition is shown in ~~strike through~~ text, and new condition language appears as **bold double-underlined** text. For comparison, the text of the original permit conditions is included in Exhibit No. 7 and the text of Special Condition Nos. 3 and 5 as modified and reimposed by Permit Amendment No. A-1-FTB-05-053-A2 is included as Exhibit No. 8.

#### **1. Scope of Approved Development**

A. This Coastal Development Permit authorizes: (a) the removal and stockpiling of concrete and reinforcement steel building foundation materials from a 26 structure complex of former industrial buildings; (b) the excavation, stockpiling, and/or disposal of underlying soil with COPC concentrations exceeding cleanup levels; (c) the excavation and extraction of buried “geophysical anomalies” from Parcels 3 and 10; and the extrication of visible debris and excavation and removal for stockpiling and/or disposal of any underlying, near-surface soil with COPC concentrations exceeding cleanup levels from Glass Beaches 1, 2 and 3, **and (d) excavation of dioxin/furan-impacted soils from Parcel 10 and construction of a subsurface consolidation cell within Parcel 8,** at Georgia-Pacific Corporation’s former California Wood Products Manufacturing Facility, situated at 90 West Redwood Avenue, Fort Bragg, as further detailed and conditioned, in the following documents:

- *Workplan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., March 21, 2005;
- *Addendum #1 to Workplan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., May 6, 2005;
- *Addendum #2 to Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., August 19, 2005;

- *Response to RWQCB Comments on Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 22, 2005;
- *Revised Appendix D for Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 28, 2005;
- *Clarification and Modification to Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures Dated March 21, 2005, Addenda #1 and #2 to the Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures Dated May 6 and August 19, 2005, Respectively, and Response to RWQCB Comments Dated July 18, 2005 Former Georgia Pacific California Wood Products Manufacturing Facility Fort Bragg, California*, Acton Mickelson Environmental, Inc., March 28, 2006; and
- *Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 28, 2005.
- ***Stormwater Pollution Prevention Plan - Georgia-Pacific Wood Products Manufacturing Facility, Fort Bragg, California, BBL Sciences, September 2006.***
- ***SWPPP Addendum - Georgia-Pacific Wood Products Manufacturing Facility, Fort Bragg, California, Arcadis, May 2008.***

B. All revegetation planting identified in any of the above-enumerated documents shall utilize native plants obtained from local genetic stocks.

**C. All excavation and Interim Remedial Measure (IRM) activities shall be conducted during the non-rainy season from April 1 through October 31 except as further restricted by Special Condition No. 3(A)(3)(a) below.**

**CD.** The permittee shall undertake the removal, excavation, stockpiling, and disposal activities as proposed in accordance with the above-listed plans as modified by sub-section B **and C** above, and shall implement all collection and testing of soil samples for COPCs and all mitigation measures contained and described therein. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**3. Protection of Marine and Coastal Biological Resources**

A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Jurisdiction Determination and Habitat*

*Assessment* (TRC Companies, Inc., August 2003); (2) *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated); (3) *Late Season Botanical Survey for the GP Mill Site Bluffs* (Teresa Scholars, Biological Consultant, August 16, 2005); (4) *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006); (5) *Rocky Intertidal Environmentally Sensitive Habitat Area Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc. and WRA Environmental Consultants, February 2006); (6) *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 22, 2005); and (7) *Conceptual Revegetation Plan Former Georgia-Pacific California Wood Products Manufacturing Facility* (Circuit Rider Productions, Inc., September 22, 2005), and shall implement all mitigation measures contained therein including but not limited to the following measures as modified below:

- 1) For the Protection of Coastal Bluff Avian Resources:
  - **Sensitive Avian Species Nesting Survey - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10 AND EXCAVATION OF DIOXIN-IMPACTED SOILS ON PARCEL 10,** and consistent with the applicant's proposed project description, the permittee shall submit for review and approval of the Executive Director, a survey of the associated coastal bluff face and blufftop margin areas, conducted by a qualified biologist or resource ecologist with specific knowledge of threatened, endangered, species of special concern, or treaty-protected migratory birds ("sensitive avian species") which fully evaluates any and all indications of the presence or absence of these species, and which demonstrates compliance with all of the following:
    - a) No less **more** than 14 days ~~and no more than 30 days~~ prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for any sensitive avian species nesting in the coastal bluff face and blufftop margin areas. If the survey finds any indication that nesting sensitive avian species with unfledged young are present on the bluff face and blufftop margins, project work shall be limited consistent with the mitigation measures identified in the *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006), including the imposition of exclusionary buffer areas identified therein, however, in no case shall the exclusionary buffer be less than 100 horizontal feet from the affected nesting site. Work within the exclusionary buffers shall not proceed until a subsequent bird survey has been conducted by a qualified biologist

or resource ecologist that demonstrates that the young have fledged and are not nesting in the area for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director;

- b) If no indications of nesting sensitive avian species are found during the initial survey, no additional surveys or mitigation is required, provided the project commences within ~~30~~14 days of completion of the survey, and provided the project does not extend into the commencement of the nesting season of the sensitive avian species;
- c) If more than ~~30~~14 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the nesting seasons of the various sensitive avian species (see *Avian Habitat Utilization and Impact Assessment*, Tables A1, A2, and A3) a new survey shall be conducted and submitted for the review to the Executive Director, no more than ~~30 days and no less than~~ 14 days prior to the start of the nesting-season or the start of work, and submit a report to the Executive Director for review and approval. If any survey discovers indications of sensitive avian species nesting in the coastal bluff face and blufftop margin areas, human activity in the affected area(s) shall be minimized and construction shall cease until a sensitive avian species survey has been conducted by a qualified biologist or resource ecologist that demonstrates that all young have fledged and are not nesting in the coastal bluff face and blufftop margins for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director; and
- d) Following completion of restoration activities and revegetation, the botanist shall prepare a follow-up report that identifies all measures taken to protect rare plant species in each location and that evaluates the success of the mitigations in protecting and/or re-establishing the rare plant populations. The report shall be submitted to the Executive Director.

2) For the Protection of Rare Plant Biological Resources:

- **Final Plant Restoration Monitoring Program - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10**, the applicant shall submit for review and written approval of the Executive Director, a

final detailed restoration monitoring program designed by a qualified wetland biologist for monitoring of the plant restoration site. The monitoring program shall at a minimum include the following provisions:

- a) Performance standards that will assure achievement of rare plant species replacement at coverages, densities, and associative compositions, as applicable, that existed in the areas prior to development;
- b) Surveying the relative cover and density of each plant species of special concern found in the proposed development area prior to the commencement of construction;
- c) Monitoring and restoration of the affected areas in accordance with the approved final monitoring program for a period of five years;
- d) All revegetation planting shall utilize native plants obtained from local genetic stocks;
- e) Submission of annual reports of monitoring results to the Executive Director by November 1 each year for the duration of the required monitoring period, beginning the first year after completion of the project. Each report shall include copies of all previous reports as appendices. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of recolonization of the affected plant species in relation to the performance standards;
- f) Submission of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report must be prepared in conjunction with a qualified botanist or wetlands biologist. The report must evaluate whether the restoration sites conform with the goals, objectives, and performance standards set forth above. The report must address all of the monitoring data collected over the five-year period. If the final report indicates that the success standards have not been achieved, the applicant shall submit a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success standards. The revised enhancement program shall be processed as an amendment to this coastal development permit;
- g) Monitoring and restoring the plan restoration sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No changes to the approved monitoring program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines no amendment is legally required;

- h) Flagging of the locations of the rare plant species by a qualified botanist prior to commencement of the grading in bluff face and blufftop areas. Work shall only be permitted to occur within 100 feet of the outer perimeter of the rare plant populations if such work is necessary to perform the required environmental remediation activities on the property;
  - i) No storage of equipment or stockpiling of materials within 100 feet of the outer perimeter of the rare plant populations;
  - j) If debris or soil removal is necessary within the rare plant sites and/or the 100-foot buffer zones, the following measures shall be required:
    - (1) If a rare species cannot be avoided, the botanist shall make a determination as to the feasibility of whether the species can be removed for the affected area prior to waste removal activities within the area and transplanted back to the affected area after work activities are completed.
    - (2) If possible, work shall be conducted after seed set at locations where rare species are identified.
    - (3) The botanist shall make a determination at each work location as to whether removal of the surface soil (containing the seed bank) for stockpiling is warranted. If warranted, and contingent upon analytical test results for the presence of chemicals of potential concern, stockpiled soil containing the seed bank shall be placed at the location (laterally and vertically) from which it was removed following completion of work activities. The permittee shall follow the recommendations for increasing the likelihood for survival of transplanted rare species as made by the botanist; and
    - (4) Following completion of restoration activities and revegetation, the botanist shall prepare a follow-up report that identifies all measures taken to protect rare plant species in each location and that evaluates the success of the mitigations in protecting and/or re-establishing the rare plant populations. The report shall be submitted to the Executive Director.
- 3) For the Protection of Rocky Intertidal Marine Biological Resources:
- a) Bluff face and blufftop margin grading activities shall only be conducted during the dry season, from April 15 through October 15;
  - b) Excavation activities shall be initiated leaving a 4-foot-thick strip of fill/topsoil at the sea cliff to prohibit any sediment or water falling onto the rocky intertidal area. Upon completion of excavation activities to the east,

- the remaining 4-foot-thick strip shall be excavated in a manner to minimize soil or debris dropping onto the rocky intertidal area;
- c) Manual methods shall be used to remove any material that falls onto the rocky intertidal area;
  - d) Excavated soil and debris shall be segregated and stockpiled on heavy-duty plastic at designated locations to the east of the work areas. These storage locations are paved with asphalt and are greater than 300 feet from the sea cliff;
  - e) Holes and imperfections in the asphalt surface cover of the proposed stockpile areas shall be repaired prior to stockpile placement to prevent surface water infiltration;
  - f) If necessary, both storage areas can be expanded onto existing paved surface to accommodate any additional storage requirements. Alternatively, excavated soil and debris may be transported to the central debris and soil stockpile areas as specified in the Excavation and Stockpile Quantification Estimate and Site Plan Map;
  - g) Berms or ditches shall be constructed upslope of the work areas to intercept surface water runoff and redirect it to engineered locations away from the work areas;
  - h) Test pits will be backfilled with acceptable soil material, compacted, and covered to minimize rainfall or runoff infiltration; and
  - i) All revegetation planting shall utilize native plants obtained from local genetic stocks.
- 4) For the Protection of Offshore Rocky Marine Biological Resources:
- a) Baseline observations of pinnipeds in the project area shall be conducted prior to initiating project activities. The baseline study shall be submitted to the Executive Director prior to commencement of development in coastal bluff face and blufftop margin areas. A morning and afternoon count shall be conducted the day prior to work activities are scheduled to commence. Observations shall also be made every morning work is scheduled to occur;
  - b) Surveying and monitoring for behavioral changes shall be conducted by a qualified biologist using minimum 8x42 magnification power binoculars or a spotting scope;
  - c) Survey data shall include type of marine mammals present, numbers, age class, sex (if possible), location, time, tide, type of development activity being conducted, and whether animals respond to the activity. Rates of departure and arrival of animals to and from the haul-out shall be noted;
  - d) If seals flush for a work-related reason, the portion of the project that caused the seals to flush shall be delayed until the animals leave the area;
  - e) If a marine mammal shows behavioral changes that are potentially related to restoration activities all work shall be stopped immediately;



- f) Project work in areas in proximity to sensitive haul-out areas shall only be performed during daylight hours when visibility allows detection of marine mammals within 200 meters (656 feet) of the project area to lessen the chance of harassment;
  - g) Project work shall only be conducted when no marine mammals are present within 100 meters (328 feet) of the project areas;
  - h) If marine mammals wander within 100 meters (328 feet) of the work area, work activities within the area shall be postponed until the animal(s) leaves the project area;
  - i) Additional counts shall be conducted every two days for one week after all work is terminated to compare the use of haul-out sites without work-related disturbances pursuant to the pre- and post-activity behavior-specific monitoring recommendations of the National Marine Fisheries Service (NMFS); and
  - j) All surveying data shall be compiled and submitted to the Executive Director at the end of the construction season.
- B. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities in accordance with the above-listed biological mitigation measures. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**10. Consolidation Cell Maintenance and Monitoring**

- A. Within 180 days following completion of construction of the consolidation cell, or within such additional time as the Executive Director may grant for good cause, the applicant shall submit to the Executive Director, a copy of (1) the Operation and Maintenance Plan, and (2) the Monitoring Plan as reviewed and approved by the Department of Toxic Substances Control (DTSC).**
- B. The applicant shall report immediately to the Executive Director, any failure(s) of the consolidation cell determined by the Department of Toxic Substances Control (DTSC) based on the review by DTSC of the maintenance and monitoring reports submitted to DTSC pursuant to the approved Operation and Maintenance Plan and Monitoring Plan referenced in (a) above, including, but not limited to, evidence that subsurface dioxins/furans present in the soil at the consolidation cell are impacting groundwater or other environmental resources; and**
- C. Any corrective actions and/or repairs shall not be performed until the applicant obtains a Commission amendment to this coastal development**

**permit, unless the Executive Director determines that no amendment is legally required.**

**11. Consolidated Cell Design Document**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION of the Consolidation Cell, the applicant shall submit evidence that the Department of Toxic Substances Control (DTSC) has reviewed and approved the Consolidated Cell Design Document required by DTSC. The applicant shall inform the Executive Director of any changes to the project required by the DTSC. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.**

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

**A. Project Background**

On February 11, 2005, the City of Fort Bragg Community Development Department filed a coastal development permit application from the Georgia-Pacific Corporation for the removal of concrete foundation materials, additional investigation, and if warranted, interim remedial measures to remove underlying soil with Constituents of Particular Concern (COPC) concentrations exceeding cleanup levels at eleven building site locations within the 435-acre property of the applicant's former lumber mill complex located between Highway One the Pacific Ocean, and Noyo Bay, on the western shoreline of the City of Fort Bragg in west-central Mendocino County. The application also sought authorization to excavate and remove debris from three coastal bluff areas above so-called "Glass Beaches Nos. 1-3." In addition, the applicants requested permission to excavate numerous locations on two of the mill site bluff top parcels to ascertain the composition of various metallic "geophysical anomalies" discovered in the area and to similar remove the materials if COPC concentrations exceed cleanup levels.

The purpose of the project is to provide further information regarding the extent of COPCs in soil and groundwater and allow areas on the mill site where initial soil borings have indicated the presence of COPCs to be uncovered so that they may be further assessed to provide data for a risk assessment and comprehensive remediation plan. Interim remediation measures, including the excavation of exposed soil with COPC concentrations exceeding cleanup levels, and temporary stockpiling for future *in-situ* treatment or removal to a appropriate disposal facility, and back-filling the excavations, would be implemented depending upon the presence, composition, and concentrations of any COPCs encountered. In addition, the applicants requested authorizations to remove

refuse and debris materials at the coastal bluff sites to reduce the liability associated with possible injuries to humans and wildlife from the presence of these materials, especially with regard to the on-going efforts by the Coastal Conservancy and the City to acquire and develop a public blufftop trail in these areas.

Following completion of the Community Development Department staff's review of the project, and the requisite preparation and circulation of environmental review documentation, on August 10, 2005, the Fort Bragg Planning Commission approved with conditions Coastal Development Permit No. CDP 3-05 for the subject development.

The decision of the Planning Commission was locally appealed to the Fort Bragg City Council. On October 11, 2005, the Council upheld its planning commission's conditional approval of the development, and the City's approval was appealed to the Commission on October 27, 2005.

At its meeting of December 14, 2005, the Commission found that the appeal raised a substantial issue of conformance of the project as approved with the certified LCP regarding protection of marine biological resources, protection of environmentally sensitive habitat areas, namely rocky intertidal areas and coastal bluffs, and the avoidance and minimization of geologic instability. The Commission also found that additional information was required to allow for a full analysis of the proposed development's consistency with the policies and standards of the City's LCP. These requisite informational items entailed: (1) an assessment of potential avian habitat utilization of the project site's coastal bluff areas; (2) engineering and biological analyses of the project's potential effects on rocky intertidal areas; (3) a geo-technical evaluation of the coastal bluff face and blufftop margins; (4) an estimation of foundation material and soil removal volumes and stockpile quantities; and (5) an alternatives analysis of other characterization and assessment logistics, including sampling via the use of low-angle horizontal directional drilling with the foundation materials retained in place.

During the period from January through early March 2006, the requested supplemental information items were prepared by the applicant's consultants and forwarded to the Commission staff for review. Throughout March 2006, both Commission and Regional Water Quality Control Board staff members conferred over the various concerns relating to coastal resources and identified a set of project changes that if accepted by the applicant and incorporated into the project description would resolve many of the identified concerns. The suggested project modifications included: (1) provisions for pre-demolition testing for COPCs at perimeter areas around select building foundations; (2) requirements for the use of appropriately low-permeable capping back-fill in the areas where materials would be excavated and it is determined that soil with COPC concentrations exceeding cleanup levels would have to remain until full remediation of the site at a later date; and (3) further specification to the scope of the debris removal and confirmation testing to be performed on the site's coastal bluff face and blufftop margins to minimize disruption of bluff stability and bluff face and intertidal habitat.

On March 28, 2006, the applicant amended the project description for purposes of the Commission's *de novo* review of the appeal to incorporate the suggested changes.

On May 12, 2006, the Commission approved with conditions Coastal Development Permit No. A-1-FTB-05-053 with nine special conditions attached to the permit. Five of the conditions required that finalized biological surveys and rare plant restoration monitoring plans be approved, and evidence that all authorizations from other permitting and review agencies had been secured prior to work commencing in certain environmentally sensitive areas.

During the summer and fall of 2006, the building foundation removal portions of the project were undertaken and largely completed, while work on the blufftop and bluff face areas of Glass Beaches 1, 2, and 3, and the Parcel 3 and 10 geophysical anomaly sites deferred until all necessary studies were completed for the areas and related approvals secured.

On August 11, 2006, the Department of Toxic Substances Control (DTSC) assumed from the North Coast Regional Water Quality Control Board (NCRWQCB) the lead agency oversight role for future site investigation and remedial activities at the former mill site.

#### Original Project Description

The originally authorized development consists of foundation and debris removal, additional site investigation, and interim remedial measures, if necessary, associated with the voluntary site assessment of the former Georgia-Pacific Corporation sawmill complex. Since October 2002, when the mill ceased production and closed, the site has undergone a series of assessments for reuse of the site. Preliminary evaluations as part of the Georgia-Pacific Mill Site Reuse Study and Specific Plan projects were performed to assess the presence of COPCs resulting from past operations on the mill properties, including numerous soils and groundwater samples taken from the network of surface-grab, auger-bored and trench-excavated and monitoring well sample points on the site. In addition, to eliminate the source of any identified COPCs, much of the industrial machinery has been previously removed from the site as were many of the former industrial buildings (see City of Fort Bragg Coastal Development Permit Nos. CDP 1-03 and 2-04).

The original development authorized *de novo* by the Commission entails the removal of concrete building foundations from the 26 structure complex of former industrial buildings clustered on the central portion of the mill site inland of Soldier's Bay / Fort Bragg Landing and at the site of the mobile equipment shops to the northeast of the sawmill complex. Heavy tractored and rubber-tired construction equipment including excavators, backhoes, dump trucks, and hand and power tools were utilized to perform the concrete break-out, material excavation/extrication, and transportation to stockpile

areas located along the eastern side of the sawmill / powerhouse / water treatment complex and equipment shop buildings, and inland of the Glass Beach and Parcel 3/10 sites.

Once the concrete foundation rubble and refuse materials had been removed from the building sites and bluff areas and secured at the designated storage locations, the exposed areas were examined for the presence and extent of any underlying COPCs. A soils sampling grid was established over and around the exposed foundation areas. An adaptive management approach was undertaken with respect to the specific spacing and number of sampling points. Soil samples were then collected and analyzed for a variety of chemical constituents, including Total Petroleum Hydrocarbons as gasoline, diesel, diesel with silica gel cleanup, and motor oil (TPHg, TPHd, TPHdsgc, TPHo), solvents in the form of Volatile and Semi-Volatile Organic Compounds (VOCs), Polynuclear Aromatic Hydrocarbons (PAH), Polychlorinated biphenyls (PCBs), Organochlorine pesticides, Dioxins and furans, site-specific pesticides/herbicides, certain heavy metals subject to California water quality regulations, Hexavalent chromium, and tannins and lignin compounds.

The appealed project was amended, for purposes of the Commission's *de novo* review, to include provisions for collecting soil samples from select areas adjacent to the foundation perimeters (outside the foundation footprint) prior to removal of the foundations; however, removal of the foundations was not conditioned on whether these samples are collected or the analytical results of the samples. In the event physical constraints preclude collection of specific perimeter samples prior to foundation removal (e.g., personnel or equipment access were impeded by foundation layout), these samples were to be collected following removal of the foundations. Based on the results of the analysis of the perimeter samples, additional pre- or post-foundation removal perimeter samples were collected as specified in the Work Plan.

As warranted by field conditions determined by the work site supervisor to be subject to criteria enumerated within the work plan, further "interim remedial measures," including the further excavation of soils containing COPC concentrations exceeding cleanup levels to unspecified depths for either direct removal from the sites to an appropriate disposal facility or stockpiling of the materials on the mill property for in-place treatment or eventual transport and disposal, were implemented. Additional soil column testing for COPCs was also performed as warranted by site conditions and the determination of the site supervisor and/or regional water board staff.

The excavation and stockpiling activities were performed pursuant to certain water quality best management practices and performance standards, including provisions for covering the excavation and stockpiles with plastic sheeting, constructing berms, placing stormwater and soil debris interception barriers, discontinuing work during windy periods, site watering from furtive dust abatement, and conducting the excavation to minimize further introduction of COPCs in groundwater. Excavated areas were then to

be back-filled with appropriately low-permeable earthen, geo-textile fabric, or paving materials to stabilize the excavation sites.

#### Previous Permit Amendments

The Commission has reviewed and approved five previous amendments to the original permit, including one material amendment (A-1-FTB-05-053-A2) and four immaterial amendments attached as Exhibit No. 7 of this staff report for reference. These amendments addressed cultural resources monitoring, a bioremediation pilot study conducted in 2007, additional excavation and bioremediation of petroleum-impacted soil, in situ bioremediation of groundwater, and building demolition.

### **B. Proposed Amendment Description and Project Setting**

#### Project Setting

The project site consists of portions of the approximately 435-acre Georgia-Pacific Corporation lumber mill complex situated on the uplifted marine terrace that spans a roughly four-mile-long stretch of open ocean coastline to the west of Highway One and the city center of Fort Bragg. Immediately to the south of the site lies the mouth embayment of the Noyo River. The project area is bounded on the north by low-density single-family residential housing (see Exhibit Nos. 1 and 2). The property consists of a generally flat, heavily graded industrial site with scattered thickets of brushy vegetation along its western coastal bluff face, and within and around the various log curing and fire suppression ponds developed on the site.

The project site properties are situated within the incorporated boundaries and the coastal development permit jurisdiction of the City of Fort Bragg. The site is planned and zoned in the City's LCP (certified in 2008) as "Timber Resources Industrial." The property is not situated within any viewpoint, view corridor, or highly scenic area as designated in the visual resources inventory of the LCP's Land Use Plan. Due to the elevation of the project site relative to the beach and ocean, and, until recently, the presence of intervening industrial structures and timber products processing and storage areas, no public views of blue water across the property from Highway One to and along blue-water areas of the ocean and designated scenic areas exist. The views that are afforded across the property are limited to either glimpses of distant horizon vistas from Highway One, or lateral views of the coastal bluff areas as viewed from the public-accessible areas at Glass Beach to the north and from the beach areas to the west of Ocean Front Park at the mouth of the Noyo River.

The portion of the property that is the subject of the proposed amendment is referred to as "Operable Unit A" (OU-A). The total acreage of OU-A is approximately 87 acres and includes two geographically separate units referred to as OU-A North (22 acres) and OU-A South (65 acres). The western boundary of OU-A is the mean high tide line and

includes an approximately 100- to 110-foot-wide area that traverses the top of the coastal bluff and an approximately 30-acre parkland area. (See Exhibit No. 3.) As part of the former timber mill operation, areas within OU-A were used for log and untreated lumber storage. Portions of OU-A were also used for surface disposal activities, open burning, scrap storage, and landfill. The remedial site investigations determined elevated concentrations of dioxins/furans within the areas that are the subject of this permit amendment.

#### Proposed Amendment Description

As part of the proposed amendment application, Georgia-Pacific LLC (applicant) submitted a proposed “*Operable Unit A Remedial Action Plan and Feasibility Study*” (RAP) dated August 2008 prepared pursuant to requirements of the California Department of Toxic Substances Control (DTSC). The remedial action plan and feasibility study present the measures required to address contaminated soils within OU-A that pose a potential risk to human health and/or the environment. The proposed RAP was developed separately from plans for other portions of the site to expedite remediation of OU-A, which is expected to be purchased by the City with funds granted through the Coastal Conservancy for the future use of the area for public access and recreation.

The proposed amendment involves additional remediation activities, including (1) excavation of approximately 13,000 cubic yards of dioxin-impacted soil from four areas in Parcel 10 (within the area referred to as OU-A South), and (2) placement of the excavated dioxin-impacted soil within an approximately 1.5-acre subsurface consolidation cell with an engineered cap. The proposed amendment also involves changes to Special Condition No. 3(A)(1) of the original permit pertaining to the protection of sensitive bird species. Lastly, the proposed amendment requests authorization to allow construction activities to be conducted outside the previously imposed construction window (April 15 - October 15). These various elements of the proposed amendment are described in further detail below.

#### **1. Excavation of Dioxin-Impacted Soil in Parcel 10 Fill Area**

The proposed amendment involves additional remedial measures within the project area known as Operable Unit A South (OU-A). OU-A South contains most of Parcel 10, which occupies approximately 50 acres along the southwestern portion of the former GP mill site. Although remedial measures at this site were previously anticipated, these specific areas and activities were not included in the original CDP. The majority of this parcel had no structures associated with sawmill operations. According to the applicant, scrapings from the log storage area in Parcel 10 were apparently pushed to an area north of the Blowhole (a natural feature located on the southwestern portion of this parcel). Other areas in Parcel 10 were also used as fill areas. Sampling in the Parcel 10 Fill Area found elevated levels of dioxins/furans in four areas with concentrations greater than the target cleanup level (53 pg/g).

The proposed amendment involves excavating approximately 13,000 cubic yards of dioxin-contaminated soil from four impacted areas (“Presumptive Remedy Areas”) to a depth ranging from 2 to 5 feet below ground surface (bgs) (dioxins/furans concentrations below these depths are less than the target cleanup level). The excavation locations are shown on Exhibit No. 4. All excavation locations are located more than 20 feet from the edge of the shoreline bluff. The excavated soil is proposed to be placed in a subsurface “consolidation cell” constructed on-site as described in Item 2 below. All excavated areas would be backfilled with clean soil from the consolidation area to match existing grade and the areas would be revegetated with a native plant seed mix using a hydroseeder.

## **2. Construction of Consolidation Cell for Dioxin-Impacted Soil**

The proposed amendment involves constructing an on-site, subsurface consolidation cell (cell) within which to place and cap the approximately 13,000 cubic yards of dioxin-impacted soil that would be excavated as described in Item 1 above. Consolidation of the contaminated soil limits the areal extent of impacted soil and capping provides an effective engineered barrier to prevent direct contact with, and mitigate potential infiltration of, precipitation (rain water) into the contaminated material.

The proposed cell would be generally located within a 9-acre area situated at the southeastern portion of the property within Parcel 8, just south of the pond and west of the former nursery/greenhouse area (see Exhibit No. 3). Within this 9-acre area, the cell itself would be only approximately 1.5 acres in size. The precise location of the cell would be selected based on (1) the final volume of the excavated material (which may be slightly higher or lower depending on actual field confirmation sample results), and (2) consultation with the City of Fort Bragg.

The proposed site of the cell was relocated from the location described in a previous version of the RAP (December 2007) following discussions between the applicant and Coastal Commission staff. The cell location was moved further inland to a location more than 1,000 feet from the edge of the bluff to reduce potential geologic and erosion hazards while still meeting the criteria to provide effective and appropriate capping and consolidation (i.e., appropriate elevation to meet groundwater separation requirements).

The consolidation cell would be approximately 6.5 feet in depth and would be lined with a 40 mil polyvinyl chloride (PVC) liner on the bottom and sides, and with a geosynthetic clay liner (GCL) on top (see Exhibit No. 5). A simple leachate collection system (i.e., an engineered control to deal with liquids that might accumulate in the cell such as a sloped design with collection pipe) would also be installed. A layer of crushed rock would be placed along the sides, over the top of the cell liner, and below the final cover layer to prevent rodents from burrowing into the capped cell and to provide proper drainage. The surface layer would be composed of a vegetated soil cap and would be graded to provide



positive drainage from the surface of the capped area. The material excavated from the cell location would be used to backfill the source areas and/or the areas would be graded to provide an even, relatively flat surface. The capped area would be revegetated with seed mix consisting of native coastal plants from a “clean” source (i.e., a seed mix that is as free as possible from non-native plant seeds). To the extent possible, seeds from local sources will be utilized.

### **3. Allow Selected Earthmoving Activities before April 15 and after October 15**

The applicant requests authorization to allow excavation and grading activities to occur outside of the construction work window that, as originally authorized, is limited to the non-rainy season between April 15<sup>th</sup> and October 15<sup>th</sup>. The applicant proposes that some planned remedial activities at the site - in particular, bioremediation of impacted soil - require up to five months for completion and that extending the construction work window would allow greater flexibility in planning and carrying out the various components of the site remediation work. The applicant proposes that certain remediation activities, including construction of the land treatment unit, asphalt and foundation removal, and excavation of the consolidation cell, could be accomplished prior to April 15<sup>th</sup> without generating runoff through use of best management practices (BMPs) described in the SWPPP (BBL, 2006) and SWPPP addendum (ARCADIS, 2008). The applicant proposes that should rainfall sufficient to cause runoff (e.g., over 1 inch in 24 hours) be predicted after foundation/asphalt removal or consolidation cell construction has begun, work would be suspended and hay bales and/or straw wattle would be placed around the work area to prevent transport of asphalt, concrete, or soil away from the pavement or foundation location. Work would resume after heavy rain ended.

In addition to allowing work prior to April 15, the applicant proposes that rainfall conditions in late fall, after October 15, are normally mild enough to conduct earth-moving activities with the implementation of appropriate BMPs. The applicant indicates that extending the work window beyond October 15 would allow additional treatment time for bioremediation, if needed, or final site closure activities such as backfilling, final grading and revegetation, etc. The additional time would also allow for further treatment of groundwater in the excavations by biosparging to reduce petroleum hydrocarbon concentrations prior to backfilling.

### **4. Modifications to Special Condition No. 3(A)(1) Regarding Protection of Sensitive Avian Species**

The applicant is requesting modifications to Special Condition No. 3(A)(1) of the original permit and as previously modified by Permit Amendment No. A-1-FTB-05-053-A2 that sets forth mitigation measures to ensure the protection of sensitive avian species. The proposed changes would (1) restrict the timing of pre-construction bird surveys to occur no more than 14 days prior to commencement of construction, (2) allow for reduction of

the 100-foot exclusionary buffer area around identified nests, and (3) eliminate provisions for submittal of survey reports to the Executive Director for review and approval. The applicant's proposed changes to the text of Special Condition No. 3(A)(1) are shown below [language proposed to be added is shown in **bold double underline**; language proposed to be deleted is shown in ~~strikethrough~~]:

3. Protection of Marine and Coastal Biological Resources

A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Jurisdiction Determination and Habitat Assessment* (TRC Companies, Inc., August 2003); (2) *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated); (3) *Late Season Botanical Survey for the GP Mill Site Bluffs* (Teresa Scholars, Biological Consultant, August 16, 2005); (4) *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006); (5) *Rocky Intertidal Environmentally Sensitive Habitat Area Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc. and WRA Environmental Consultants, February 2006); (6) *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 22, 2005); and (7) *Conceptual Revegetation Plan Former Georgia-Pacific California Wood Products Manufacturing Facility* (Circuit Rider Productions, Inc., September 22, 2005), and shall implement all mitigation measures contained therein including but not limited to the following measures as modified below:

1) For the Protection of Coastal Bluff Avian Resources:

- **Sensitive Avian Species Nesting Survey - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10**, and consistent with the applicant's proposed project description, the permittee shall submit for review and approval of the Executive Director, a survey of the associated coastal bluff face and blufftop margin areas, conducted by a qualified biologist or resource ecologist with specific knowledge of threatened, endangered, species of special concern, or treaty-protected migratory birds ("sensitive avian species") which fully evaluates any and all indications of the presence or absence of these species, and which demonstrates compliance with all of the following:
  - a) No less **more** than 14 days ~~and no more than 30 days~~ prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for any sensitive avian species nesting in the coastal bluff face and blufftop margin

areas. If the survey finds any indication that nesting sensitive avian species with unfledged young are present on the bluff face and blufftop margins, project work shall be limited consistent with the mitigation measures identified in the *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006), including the imposition of exclusionary buffer areas identified therein. The exclusionary buffer may be less than 100 horizontal feet from the affected nesting site if the biologist works in concert with work crews and monitors the nest site to confirm that there is no disturbance. In addition, the 100 foot buffer may be reduced if avian species become acclimated to disturbance associated with ongoing construction activities and choose to nest within 100 feet of ongoing construction activities or if the biologist determines that the level of background disturbance is equal to or greater than the proposed construction disturbance, such as those sites adjacent to heavily trafficked roads. however, in no case shall the exclusionary buffer be less than 100 horizontal feet from the affected nesting site. Work within the exclusionary buffers shall not proceed until a subsequent bird survey has been conducted by a qualified biologist or resource ecologist that demonstrates that the young have fledged and are not nesting in the for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director;

- b) If no indications of nesting sensitive avian species are found during the initial survey, no additional surveys or mitigation is required, provided the task project commences within 30—14 days of completion of the survey, and provided the task project does not extend into the commencement of the nesting season of the sensitive avian species;
- c) If more than 30—14 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the nesting seasons of the various sensitive avian species (see *Avian Habitat Utilization and Impact Assessment*, Tables A1, A2, and A3) a new survey shall be conducted and submitted for the review to the Executive Director, no more than 30—14 days and no less than 14 days prior to the start of the nesting season or the start of work, and submit a report to the Executive Director for review and approval. If any survey discovers indications of sensitive avian species nesting in the coastal bluff face and blufftop margin areas, human activity in the affected area(s) shall be minimized and

construction shall cease until a sensitive avian species survey has been conducted by a qualified biologist or resource ecologist that demonstrates that all young have fledged ~~and are not nesting in the coastal bluff face and blufftop margins for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director;~~ and

...

**C. Protection of Coastal Water Quality**

LCP Provisions:

Policy OS-9.1:

*Minimize Introduction of Pollutants. Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes) to the extent feasible.*

Policy OS-9.2:

*Minimize Increases in Stormwater Runoff. Development shall be designed and managed to minimize post-project increases in stormwater runoff volume and peak runoff rate, to the extent feasible, to avoid adverse impacts to coastal waters.*

Policy OS-9.3:

*Maintain Biological Productivity and Quality of Coastal Waters. Development shall be designed and managed to maintain, and restore where feasible, the biological productivity and quality of coastal waters, consistent with sections 30230, 30231, and other relevant sections of the California Coastal Act. The Coastal Act sections set forth below are incorporated herein as policies of the Land Use Plan:*

Policy OS-9.4:

*Maintain, Enhance, and Restore Marine Resources. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Policy OS-9.5.

*Maintain and Restore Biological Productivity and Water Quality. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Policy OS-10.1:

*Construction-phase Stormwater Runoff Plan. All development that requires a grading permit shall submit a construction-phase erosion, sedimentation, and polluted runoff control plan. This plan shall evaluate potential construction-phase impacts to water quality and coastal waters, and shall specify temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials.*

Policy OS-10.3:

*Emphasize Site Design and Source Control BMPs. Long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff flow shall be incorporated in the project design of development that has the potential to adversely impact water quality in the following order of emphasis:*

- A) Site Design BMPs: Any project design feature that reduces the creation or severity of potential pollutant sources, or reduces the alteration of the project site's natural flow regime. Examples include minimizing impervious surfaces, and minimizing grading.*
- B) Source Control BMPs: Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution. Examples include covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.*
- C) Treatment Control BMPs: Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples include vegetated swales, and storm drain inserts.*

*Site Design BMPs may reduce a development's need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control*

*BMPs. Therefore, all development that has the potential to adversely affect water quality shall incorporate effective post-construction Site Design and Source Control BMPs, where applicable and feasible, to minimize adverse impacts to water quality and coastal waters resulting from the development. Site Design and Source Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program.*

Policy OS-10.4:

*Incorporate Treatment Control BMPs if Necessary. If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policy OS-9.3, as determined by the review authority, development shall also incorporate post-construction Treatment Control BMPs. Projects of Special Water Quality Concern (see Policy OS-12.1) are presumed to require Treatment Control BMPs to meet the requirements of OS-9.3. Treatment Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program, including biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inserts, wet vaults, or hydrodynamic separator systems.*

Policy OS-13.1:

*Municipal Activities to Protect and Restore Water Quality. The City shall promote both the protection and restoration of water quality and coastal waters. Water quality degradation can result from a variety of factors, including but not limited to the introduction of pollutants, increases in runoff volume and rate, generation of non-stormwater runoff, and alteration of physical, chemical, or biological features of the landscape.*

Policy OS-14.4:

*Stabilize Soil Promptly. Development shall implement soil stabilization BMPs (including, but not limited to, re-vegetation) on graded or disturbed areas as soon as feasible.*

Policy OS-14.5:

*Grading During Rainy Season. Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the review authority determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations. (emphasis added)*

LUDC Section 17.62.030:

***Erosion, Sediment, and Other Construction Pollution Control***

*Erosion, sediment, and other polluted runoff generated during construction shall be controlled by temporary construction-phase Best Management Practices (BMPs) as provided by this Section.*

- A. ***Best Management Practices for projects under construction.*** *The following Best Management Practices which address the problem of polluted runoff from construction sites shall apply to all development and proposed land uses. The following requirements shall apply at the time of demolition of an existing structure or commencement of construction and until receipt of a Certificate of Occupancy.*
1. ***Minimize Runoff and Pollution from Construction.*** *All development shall minimize construction site runoff and erosion, and eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, concrete truck wash-out, and litter), to the extent feasible, through implementation of Best Management Practices. Sediment and construction waste from construction sites and parking areas shall not leave the site.*
  2. ***Minimize Land Disturbance During Construction.*** *Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.*
  3. ***Minimize Disturbance of Natural Vegetation.*** *Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which are important for preventing erosion and sedimentation.*
  4. ***Grading during the rainy season.*** *Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the City Engineer determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations. Should grading be permitted during the rainy season (see Section 17.62.050), the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.*
  5. ***Slope surface stabilization.*** *Temporary mulching, seeding, or other suitable soil stabilization measures approved by the City Engineer shall be used to protect exposed erodible areas during construction. Soil stabilization BMPs shall be implemented on graded or disturbed areas as soon as feasible. Earth or paved interceptors and diversions shall be*

*installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.*

6. ***Use of plastic covering.*** *On an emergency basis only, plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.*
  7. ***Placement of excavated soil.*** *Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street, adjoining properties, and/or storm drain facilities and waterways. Soil piles shall be covered and contained until the soil is either used or removed.*
  8. ***Removal of off-site sediments.*** *Any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary, by the City Engineer, a temporary sediment barrier shall be installed. Removal shall be by scraping, collecting, and properly disposing of debris. Street washing is prohibited unless performed in the presence of a City Inspector.*
  9. ***Prohibition against washing construction vehicles.*** *No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on the construction site shall be allowed to leave the site.*
  10. ***Erosion control devices.*** *In order to prevent polluting sediment discharges, erosion and sediment control devices shall be installed as required by the City Engineer for all grading and filling. Control devices and measures that may be required include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water, detention ponds, sediment ponds, or infiltration pits, or downdrains, chutes or flumes.*
- B. Final erosion control measures.*** *All disturbed areas shall be stabilized prior to October 15th, or as soon thereafter as feasible, and in all cases before November 1, to provide sufficient time for seed germination prior to the rainy season. All surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, shall be revegetated to control erosion as provided by Section 17.62.070 (Revegetation and Slope Surface Stabilization) unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical, chemical, or vegetative measures, including those described*

LUDC Section 17.62.050:

***Grading During the Rainy Season.*** *Grading may only be permitted during the period from November 1 through March 30 if the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.* (emphasis added)



Discussion:

The City's LCP sets forth extensive provisions and criteria for the review of development projects to prevent adverse impacts to water quality from stormwater runoff, sedimentation, natural landform alterations, or changes to site drainage. In general, the LCP directs that development be designed to protect and maintain the biological productivity and quality of coastal waters and marine resources, and that optimum population of marine organisms be maintained by, in part, incorporating water quality best management practices to minimize erosion and sedimentation during construction, and prevent stormwater runoff from leaving the site.

As described above, the remediation activities included as part of the proposed amendment are intended to remove dioxin-impacted soils from various locations throughout the site and consolidate the contaminated soils in an engineered, lined, subsurface cell to prevent exposure to humans and wildlife. The consolidation cell would be constructed in a location and manner that would avoid contact with groundwater, as the maximum depth of the cell would be approximately 10 feet below ground surface (bgs) and the depth to groundwater at the cell site is approximately 20 feet bgs. Given that the distance between the cell and depth to groundwater would exceed the requirement of five feet of separation between the highest anticipated elevation of underlying groundwater and the waste material, consolidation and capping of the dioxin-impacted soils would not result in significant adverse impacts to groundwater at the site. The dioxins/furans contained in the soils proposed to be excavated are not present at concentrations or to a degree that would cause these soil materials to be deemed a federal or California hazardous waste upon excavation (ARCADIS BBL 2007).

The applicant prepared an "*Operable Unit A (OU-A) Remedial Action Plan and Feasibility Study*" (RAP), dated August 2008, that outlines the proposed remediation activities at the OU-A portion of the site and contains the implementation plan, including design features and best management practices (BMPs), for the remedial activities proposed under this permit amendment. The Commission's Water Quality unit staff reviewed the proposed amended project described in the Remedial Action Plan (RAP) and determined that the proposed method of excavation and subsurface management of dioxin-impacted soils is generally acceptable and, as conditioned as described herein, would not result in significant adverse impacts to coastal water quality.

Special Condition No. 1 of the original permit requires the applicant to undertake the removal, excavation, stockpiling, and disposal activities authorized under the original permit in accordance with various plans prepared for the project, including the *Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures* (SWPPP), prepared by Acton Mickelson Environmental, Inc., dated September 28, 2005. Subsequent to the approval of the

original permit, the applicant prepared a September 2006 revision to the 2005 SWPPP, and a May 2008 SWPPP Addendum that set forth additional mitigation measures and best management practices to be employed to address potential water quality impacts from additional remediation activities proposed at the site, including the remedial activities proposed as part of the subject amendment.

The applicant proposes that the remediation activities proposed as part of this permit amendment would be conducted consistent with the Stormwater Pollution Prevention Plans (SWPPP) referenced above to insure appropriate management of stormwater during proposed excavation, stockpiling, and capping activities. The plans include BMPs and monitoring provisions to ensure that stormwater does not result in the discharge of any contaminated soil or other hazardous substances remaining at the site. Best Management Practices (BMPs) identified in the SWPPPs to control sediment and other polluted runoff include, for example, the use of berms to divert runoff around exposed areas; use of other sediment control measures including filtration devices, barriers (e.g., fiber rolls, silt fences, straw bale barriers, gravel inlet filters, storm drain inlet protection, and gravel bag dikes) and settling devices (i.e., sediment traps) or other controls, as appropriate; and inspection of stormwater drains in close proximity to any ongoing excavation activities on a daily basis for evidence of erosion causing settlement, blockage, or damage resulting in standing water. To ensure that the applicant implements the water quality protection measures set forth in the 2006 SWPPP revision and the 2008 SWPPP Addendum, Special Condition No. 1 of the original permit is modified to include reference to these SWPPPs that were prepared subsequent to the original permit authorization. Given that the excavation and capping activities proposed as part of this permit amendment would be implemented in accordance with the SWPPPs and the BMPs contained therein, the project as amended would not result in uncontrolled erosion, sediment, or other polluted runoff.

The SWPPPs referenced above and required to be implemented pursuant to Special Condition No. 1, contain a provision requiring that excavation and Interim Remediation Measure (IRM) activities be conducted during the non-rainy season from April 15 through October 15. As part of the permit amendment, the applicant requests authorization to allow excavation and grading activities to occur outside of the construction work window that is otherwise set forth in the SWPPPs and thus, required by Special Condition No. 1. The applicant proposes that some planned remedial activities at the site - in particular, bioremediation of impacted soil - require up to five months for completion and that extending the construction work window would allow greater flexibility in planning and carrying out the various components of the site remediation work. The applicant proposes that certain remediation activities, including construction of the land treatment unit, asphalt and foundation removal, and excavation of the consolidation cell, could be accomplished prior to April 15<sup>th</sup> without generating runoff through use of best management practices. For example, the applicant proposes that should rainfall sufficient to cause runoff (e.g., over 1 inch in 24 hours) be predicted after foundation/asphalt removal or consolidation cell construction has begun, work would be suspended and hay bales and/or straw wattle would be placed around the work

area to prevent transport of asphalt, concrete, or soil away from the pavement or foundation location. In addition to allowing work two to four weeks prior to April 15, the applicant proposes that rainfall conditions in late fall, after October 15, are normally mild enough to conduct earth-moving activities with the implementation of appropriate BMPs. The applicant indicates that extending the work window two to four weeks beyond October 15 would allow additional treatment time for bioremediation, if needed, or final site closure activities such as backfilling, final grading and revegetation, etc. The additional time would also allow for further treatment of groundwater in the excavations by biosparging to reduce petroleum hydrocarbon concentrations prior to backfilling.

As part of the proposed permit amendment, the applicant has not explicitly proposed alternative work window start and ending dates, but rather, generally requests that the work window be extended from two to four weeks on either end of the work period. Fort Bragg LCP OS-14.5 and LUDC Section 17.62.050 prohibit grading during the rainy season, which is defined by the policies as November 1 to March 30. Stated another way, the LCP essentially requires that grading be conducted between April 1 and October 31 during the dry season when the potential for stormwater runoff is minimized. Policy OS-14.5 and LUDC Section 17.62.050 provide an exception to allow grading during the rainy season (from November 1 to March 30) if the City Engineer determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations. LUDC Section 17.62.030 requires that, should grading be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized. The areas that would be graded and excavated under the proposed amendment are significant in size, including the 1.5-acre consolidation cell and large areas where asphalt and foundations would be removed and other grading would occur. Thus, the exposure of soil to erosion and sedimentation from stormwater runoff is significant. In addition, at this time, the applicant has not provided evidence from the City Engineer that proposed grading during the rainy season would be acceptable at the project site.

The Commission finds that because the standard of review for the subject amendment is the updated Fort Bragg LCP that was certified by the Commission after the original permit was approved, the currently certified grading work window set forth in Policy OS-14.5 and LUDC Section 17.62.050 is applicable to the proposed permit amendment. Policy OS-14.5 and LUDC Section 17.62.050 would allow the grading work window to be extended from the originally authorized period of April 15<sup>th</sup> through October 15<sup>th</sup> to April 1<sup>st</sup> through October 31<sup>st</sup>, which would provide some additional time and flexibility for scheduling and conducting remediation activities at the site as generally requested by the applicant while still providing equivalent, or greater, water quality protective measures as set forth in the SWPPPs. Therefore, Special Condition No. 1 of the original permit is further amended to provide an exception to the provisions in the SWPPPs referenced therein that all excavation and Interim Remedial Measure (IRM) activities

shall be conducted during the non-rainy season as defined from April 1 through October 31.

The Commission notes that Special Condition No. 3(A)(3)(a) of the original permit explicitly requires that grading activities along the bluff face and blufftop margin shall only be conducted during the dry season, from April 15 through October 15 to protect adjacent rocky intertidal habitat. This condition would not change as a result of the proposed amendment. The changes to the construction window discussed above apply only to activities located in project areas other than the bluff face and blufftop margin, as the applicant has indicated that it is not necessary to extend the timing of the proposed work in the bluff face and blufftop margin areas beyond the work window limitations set forth in Special Condition No. 3(A)(3)(a) as originally approved by the Commission.

The “*Operable Unit A Remedial Action Plan and Feasibility Study*” prepared for Georgia-Pacific LLC by ARCADIS BBL (OU-A RAP) was reviewed by the Department of Toxic Substances Control (DTSC) pursuant to Section 5.11 of the Site Investigation and Remediation Order (“Order” Docket No. HSA-RAO 0607- 150) for the former Georgia-Pacific Wood Products Facility, and by the Regional Water Quality Control Board (RWQCB). An Implementation Plan is included as Appendix C of the OU-A RAP pursuant to the requirements set forth in Section 5.12 of the Order. The OU-A RAP was released for a 45-day public comment period from March 13, 2008 to April 28, 2008 and the comments received are addressed in the Responsiveness Summary included in the Final OU-A RAP. In reviewing the OU-A RAP, the DTSC and the RWQCB considered potential impacts of the proposed remediation measures on water quality at and surrounding the site. On August 28, 2008, DTSC issued a letter to the applicant approving the OU-A RAP (Exhibit No. 6). In addition, as noted above, the Coastal Commission’s water quality unit staff have reviewed the RAP and determined that the proposed construction of the consolidation cell with liners and cap would minimize the chances for migration of contaminants and would be adequate to prevent significant adverse impacts to water quality.

The Remedial Action Plan (RAP) submitted by the applicant indicates that the Department of Toxic Substance Control (DTSC) requires a “Consolidation Cell Design Document” to be submitted and approved by DTSC prior to implementation of the cell portion of the proposed amended project. The Consolidation Cell Design Document would include the particular engineering and construction details for the siting and design of the proposed consolidation cell. To ensure that the final engineered design of the proposed consolidation cell approved by DTSC does not differ from the project as amended and approved by the Commission, or result in otherwise unanticipated impacts to coastal resources, the Commission attaches Special Condition No. 10 that requires the applicant to submit, prior to commencement of construction of the consolidation cell, evidence that the DTSC has reviewed and approved the Consolidated Cell Design Document. The condition further requires the applicant to inform the Executive Director of any changes to the project required by the DTSC, and any such changes shall not be

incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

The applicant further indicates that an Operation and Maintenance Plan and a Monitoring Plan will be prepared and submitted to the Department of Toxic Substances Control (DTSC) following completion of construction of the proposed consolidation cell. As described by the applicant, the Operation and Maintenance Plan would include a Soil Management Plan and financial assurances to address future operation and maintenance responsibilities for the cell (i.e., annual inspections and necessary repairs) and to ensure that soil handling activities onsite in the future will be performed safely and appropriately. The Monitoring Plan will be prepared to ensure that the dioxins/furans present in the soil do not impact groundwater or other environmental resources. The proposed design of the consolidation cell includes installation of a monitoring well downgradient of the capped area. The Commission finds that failure to properly monitor and maintain the consolidation cell could result in potential adverse impacts to water quality and other coastal resources. Therefore, to ensure that the consolidation cell is properly monitored and maintained, the Commission attaches Special Condition No. 11. Special Condition No. 11 requires the applicant to (a) submit to the Executive Director, a copy of (1) the Operation and Maintenance Plan, and (2) the Monitoring Plan as reviewed and approved by DTSC, and (b) report immediately to the Executive Director, any failure(s) of the consolidation cell determined by the Department of Toxic Substances Control (DTSC) based on the review by DTSC of the maintenance and monitoring reports submitted to DTSC pursuant to the approved Operation and Maintenance Plan and Monitoring Plan referenced in (a) above, including, but not limited to, evidence that subsurface dioxins/furans present in the soil at the consolidation cell are impacting groundwater or other environmental resources. The condition further requires that any corrective actions and/or repairs shall not be performed until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

The Commission thus finds that as conditioned, the proposed amended development is consistent with the policies of the certified LCP regarding the protection of coastal water quality, as best management practices to minimize erosion and polluted stormwater runoff would be implemented, grading would not occur outside during the rainy season, and the site would be monitored and maintained to ensure the protection of groundwater.

**D. Development Adjacent to Environmentally Sensitive Habitat Areas (ESHAs)**

LCP Provisions:

Policy OS-1.1:

*Definition of ESHA. "Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

*Protection of environmentally sensitive habitat areas is one of the essential aspects of the Coastal Act. Fort Bragg has several environmentally sensitive habitat areas including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, wetlands, riparian habitats, and rare, threatened, or endangered plants or plant communities. (emphasis added)*

...

Policy OS-1.6:

*Development within Other Types of ESHA shall protect ESHA against any significant disruption of habitat values and shall be limited to the following uses:*

- a. Resource Dependent Uses. Public nature trails within riparian ESHA are considered a resource dependent use provided that: (1) the length of the trail within the riparian corridor shall be minimized; (2) the trail crosses the stream at right angles to the maximum extent feasible; (3) the trail is kept as far up slope from the stream as possible; (4) trail development involves a minimum of slope disturbance and vegetation clearing; and (5) the trail is the minimum width necessary. Interpretive signage may be used along permissible nature trails accessible to the public to provide information about the value and need to protect sensitive resources.*
- b. Restoration projects where the primary purpose is restoration of the habitat.*
- c. Invasive plant eradication projects if they are designed to protect and enhance habitat values.*
- d. Pipelines and utility lines installed underneath the ESHA using directional drilling techniques designed to avoid significant disruption of habitat values.*

Policy OS-1.7:

*Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Policy OS-1.8:

*Development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this*

*buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, other relevant resource agencies, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width. (emphasis added)*

Policy OS-1.9:

*Utilize the following criteria to establish buffer areas: (emphasis added)*

*a. Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).*

*Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.*

*b. Sensitivity of Species to Disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:*

- (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;*
- (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;*
- (iii) An assessment of the impact and activity levels of the proposed development on the resource.*

*c. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential,*

*and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.*

*d. Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.*

*e. Use existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.*

*f. Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.*

*g. Type and Scale of Development Proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.*

...

Policy OS-1.10:

*Permitted Uses within ESHA Buffers. Development within an Environmentally Sensitive Habitat Area buffer shall be limited to the following uses:*

...

*c. Other types of ESHA Buffer.*

- i. Uses allowed within the adjacent ESHA pursuant to Policy OS-1.6.*
- ii. Buried pipelines and utility lines.*
- iii. Bridges.*
- iv. Drainage and flood control facilities.*

NOTE: Land Use and Development Code (LUDC) Section 17.50.050(H) & (I) reiterate and implement the provisions of Policy OS-1.8 and Policy OS-1.10.



Discussion:

Although extensively modified since the late 1800s when the property was first cleared and graded for use as a shipping and rail terminus and for related forest products processing, the project site still contains a variety of environmentally sensitive habitat areas of varying biological integrity. These areas include impounded aquatic and emergent wetlands in the form of a series of lumber storage and fire suppression “log ponds,” riparian corridor remnants along original or re-aligned watercourses, uplifted marine terrace blufftop margins populated with rare plants, coastal bluff face areas containing potential nesting sites to a variety of shoreline avian species, and intertidal rocky habitat providing substrate for intermittently exposed tidepool and persistently submerged littoral flora and fauna. In addition, adjoining the site are offshore sea stack areas used as nesting, holding, and foraging habitat for a variety of marine mammals and waterfowl.

The special conditions imposed under the original permit set forth various mitigation measures to protect wetlands, rare plants, marine mammal habitat, and rocky intertidal ESHAs present at the site. The proposed amendment would not change or lessen any of the previously imposed conditions intended to protect these types of ESHA. However, as discussed below, the applicant is requesting revisions to Special Condition No. 3(A)(1) pertaining to the protection of sensitive avian species of the original permit, portions of which, as proposed, would lessen the intent of the mitigation measures set forth in the condition.

According to a habitat assessment prepared for the original project, it was determined that the site contains potential nesting habitat for sensitive avian species including the western snowy plover, tri-colored blackbird, tufted puffin, raptors (including osprey), waterfowl, and other migratory species. All migratory bird species are protected by the Migratory Bird Act of 1918. The nesting and breeding season for raptors is February through September. Most other migratory birds nest and breed from March through September.

An Avian Habitat Utilization and Impact Assessment was prepared for the bluff face, intertidal, and offshore areas on and adjoining the project property that included recommendations that specific measures be taken in the interest of avoiding and minimizing significant impacts to bird nesting habitat. These measures include conducting pre-construction breeding bird surveys, establishing buffer areas around any such nests discovered during the surveys, and postponing clean-up and remedial work until all young in the nest(s) have fledged. Special Condition No. 3(A)(1) of the original permit requires implementation of these mitigation measures.

The applicant is requesting several changes to Special Condition No. 3(A)(1), including revising the timing of pre-construction avian surveys from being performed between 14 and 30 days prior to the beginning of construction to no more than 14 days prior to construction. This portion of the proposed amendment to the condition would effectively

require that avian surveys be conducted closer to the proposed start of construction, while still providing time (14 days) to plan for and implement any necessary protective measures and construction modifications. The Commission finds this particular change to Special Condition No. 3(A)(1) proposed by the applicant regarding the timing of avian surveys relative to the commencement of construction would provide equivalent, or greater, protection of nesting sensitive bird species potentially present at the site.

Special Condition No. 3(A)(1) of the original permit also requires that if the avian surveys described above find any indication that nesting sensitive avian species with unfledged young are present on the bluff face and blufftop margins, project work shall be limited consistent with the mitigation measures identified in the Avian Habitat Utilization and Impact Assessment prepared for the project (WRA Environmental Consultants, January 2006), including the imposition of exclusionary buffer areas that in no case shall be less than 100 horizontal feet from the affected nesting site. The condition further requires that work within the exclusionary buffers shall not proceed until a subsequent bird survey has been conducted by a qualified biologist or resource ecologist that demonstrates that the young have fledged and are not nesting in the area for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director. The applicant is requesting a change to these requirements of Special Condition No. 3(A)(1) to allow a reduction of the required 100-foot exclusionary buffer under certain circumstances. The proposed amended condition would also eliminate the requirement that surveys be submitted to the Executive Director for review and approval. The applicant's proposed condition language regarding the exclusionary buffer is as follows [proposed language is shown in bold underline; existing language proposed to be deleted is shown in strikethrough]:

- ...
- (a) No ~~less~~ **more** than 14 days ~~and no more than 30 days~~ prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for any sensitive avian species nesting in the coastal bluff face and blufftop margin areas. If the survey finds any indication that nesting sensitive avian species with unfledged young are present on the bluff face and blufftop margins, project work shall be limited consistent with the mitigation measures identified in the *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006), including the imposition of exclusionary buffer areas identified therein; **The exclusionary buffer may be less than 100 horizontal feet from the affected nesting site if the biologist works in concert with work crews and monitors the nest site to confirm that there is no disturbance. In addition, the 100 foot buffer may be reduced if avian species become acclimated to disturbance associated with ongoing construction activities and choose to nest within 100 feet of ongoing construction activities or if the biologist determines that the level of background**

disturbance is equal to or greater than the proposed construction disturbance, such as those sites adjacent to heavily trafficked roads. ~~however, in no case shall the exclusionary buffer be less than 100 horizontal feet from the affected nesting site. Work within the exclusionary buffers shall not proceed until a subsequent bird survey has been conducted by a qualified biologist or resource ecologist that demonstrates that the young have fledged and are not nesting in the for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director;~~

Fort Bragg Policy OS-1.8 and LUDC Section 17.50.050(H) require that development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. Policy OS-1.8 and LUDC Section 17.50.050(H) require that the width of the buffer area be a minimum of 100 feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, other relevant resource agencies, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area from significant disruption caused by the proposed development. Policy OS-1.8 and LUDC Section 17.50.050(H) further require that in no event shall the buffer area be less than 30 feet in width.

Policy OS-1.9 requires that the ESHA buffer may only be reduced from 100 feet to a minimum of 30 feet based on several standards for determining the appropriate width of the buffer area, including (a) the biological significance of adjacent lands, (b) sensitivity of species to disturbance, (c) susceptibility of parcel to erosion, (d) use of natural topographic features to locate development, (e) use of existing cultural features to locate buffer zones, (f) lot configuration and location of existing development, and (g) the type and scale of the development proposed. The applicant has not provided an analysis based on the standards set forth in Policy OS-1.9 to demonstrate that a reduction of the required 100-foot exclusionary buffer area as proposed would continue to protect sensitive avian species to an equivalent or greater extent than the requirements of the original condition, nor has the applicant provided evidence of consultation with the California Department of Fish and Game, other relevant resource agencies, and the City to demonstrate that a 100-foot buffer is not necessary to protect sensitive avian species. Thus, the Commission finds that allowing the 100-foot exclusionary buffer to be reduced to an unspecified minimum in the manner requested by the applicant would be inconsistent with LUP Policies OS-1.8 and OS-1.9 and LUDC Section 17.50.050(H).

Furthermore, submittal of avian survey reports to the Executive Director for review and approval as required by Special Condition No. 3(A)(1) is necessary to ensure that the

project approved by the Commission is conducted and implemented consistent with all required mitigation measures imposed to ensure the protection of the ESHA. Therefore, the Commission does not approve the portions of the applicant's requested changes to Special Condition No. 3(A)(1) that would (1) allow a reduction of the 100-foot exclusionary buffer, and (2) eliminate the requirement for submittal of survey reports to the Executive Director for review and approval. As conditioned by this permit amendment, the Commission approves only the portion of the proposed amendment to Special Condition No. 3(A)(1) that pertains to imposing more stringent limitations on the timing of required pre-construction avian surveys to require that surveys be performed no more than 14 days prior to commencement of construction.

Thus, the Commission finds that only as conditioned is the proposed amendment consistent with the LCP provisions regarding the protection of ESHA and the establishment of adequate ESHA buffer areas.

**E. Locating New Development**

**LCP Provisions:**

Policy LU-5.1:

*Additional Sites for Visitor-Serving Commercial: Continue to provide for and encourage additional visitor-serving commercial facilities.*

Policy LU-5.2:

*Ensure that there are adequate sites for visitor-serving land uses by:*

- a) Maintaining existing areas designated for Highway-Visitor Commercial uses;*
- b) Maintaining the Highway Visitor Commercial land use designation as one allowing primarily recreational and visitor-serving uses; and*
- c) Reserving adequate infrastructure capacity to accommodate existing, authorized, and probable visitor serving uses.*

Policy LU-5.3:

*Lower Cost Facilities: Protect, encourage, and, where feasible, provide lowcost visitor and recreational facilities for persons and families of low and moderate income. If and when average annual occupancy rates at Fort Bragg visitor facilities exceed 70%, removal or conversion of existing lower cost facilities shall be prohibited unless the use will be replaced with another facility offering comparable visitor serving or recreational facilities.*

Policy LU-5.4:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Policy LU-5.5:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Policy LU-5.6:

*The use of private lands suitable for visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Policy LU-5.8:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Policy LU-10.7:

*Priority for Coastal Dependent Uses. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

Discussion:

The Coastal Act gives priority to recreational, visitor-serving, and coastal dependent uses in the coastal zone by, in part, requiring protection of an adequate amount of oceanfront and shoreline land for recreational and coastal dependent uses, and protecting existing and encouraging new low cost visitor-serving and recreation facilities. As cited above, the City's LCP incorporates numerous provisions to ensure the protection of Coastal Act priority land uses.

The proposed permit amendment involves additional remediation measures as part of the on-going decommissioning activities being undertaken at the former 435-acre Georgia-Pacific Wood Products Manufacturing Facility for the future reuse of the site. Following successful completion of remediation activities, the City of Fort Bragg intends to purchase the portion of the site that is the subject of this permit amendment (referred to as area OU-A) for conversion to public parkland and a segment of the California Coastal Trail using grant funds from the State Coastal Conservancy. Future uses of the remainder of the site will be determined through a specific planning process currently being undertaken by the City and Georgia-Pacific in consultation with regulatory agencies with jurisdiction in the project area, including the Coastal Commission.

As described above, the proposed amendment involves excavating approximately 13,000 cubic yards of dioxin-contaminated soil and placing it in an approximately 1.5-acre subsurface consolidation cell in the southeast portion of the site located over 1,000 feet inland from the edge of the shoreline bluff. The consolidation cell would be capped and managed to avoid exposure to humans and wildlife. The applicant proposes that deed restrictions would be recorded to limit the future uses of the land at the site of the consolidation cell. Such land use restrictions are necessary to protect human health and safety, and to protect the environment from potential adverse impacts from the presence of buried contaminated soils (e.g., to prohibit residential use of the consolidation cell area). The applicant indicates that necessary land use restrictions would be determined in consultation with the Department of Toxic Substances Control (DTSC) based on remediation standards. In addition, the applicant indicates that deed restrictions will be recorded to require financial assurances from the landowner for the proper maintenance and monitoring of the capped consolidation cell, including yearly inspection by DTSC and monitoring of groundwater.

The Commission notes that any deed restrictions that the applicant may choose to record at the site and/or that DTSC may require, are separate from any land use requirements or restrictions that the Commission may impose pursuant to its jurisdiction over the site. Regardless of any deed restrictions that the applicant may record, any proposed future change in the density or intensity of use of the land would require a coastal development permit amendment and/or an LCP amendment. For example, as the site is currently planned and zoned in the City's certified LCP as Timber Resources Industrial, no residential use of the site could occur without Commission certification of an LCP Amendment and subsequent coastal development permits.

Due to the presence of subsurface soils containing dioxin/furans, future development on the 1.5-acre consolidation cell site would be limited to uses that would not pose a human health and safety hazard. As a result, such land use restrictions may preclude the future development of priority uses, such as visitor-serving facilities, at the particular site of the consolidation cell. However, the consolidation cell area represents only 1.5 acres of the total 435-acre former mill site that is subject to specific planning for future reuse. Therefore, although priority uses may not be allowed to be developed on the 1.5-acre

consolidation cell area, the proposed amendment would not otherwise preclude priority uses from the remainder of the property. Additionally, as noted above, the remediation activities proposed as part of the proposed amendment involving excavation and consolidation of dioxin-impacted soils are intended to prepare portions of the property for transfer to the City and future use for public access and recreation, which is a priority use under the Coastal Act.

Therefore, the Commission finds that the proposed amendment, as conditioned, would be consistent with LCP provisions regarding locating new development and protecting priority uses.

**F. California Environmental Quality Act**

The Department of Toxic Substances Control (DTSC) is the lead agency for purposes of CEQA review. The DTSC prepared a Mitigated Negative Declaration for the proposed project and filed a Notice of Determination on August 28, 2008 (State Clearinghouse No. 2008032049).

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on conformity with the Chapter 3 policies of the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project as amended can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

**EXHIBITS:**

1. Regional Location Map
2. Vicinity Map
3. OU-A Location Map
4. Map of Dioxin/Furan Concentrations In Soil (South)
5. Capping and Consolidation Cross Section
6. Correspondence from DTSC Approving RAP
7. A-1-FTB-05-053 Adopted Findings
8. A-1-FTB-05-053-A2 Adopted Findings
9. Immaterial Permit Amendments



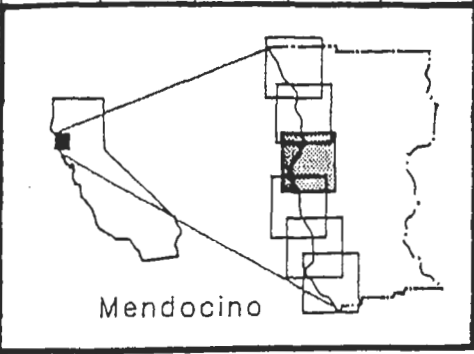
## APPENDIX A

### STANDARD CONDITIONS

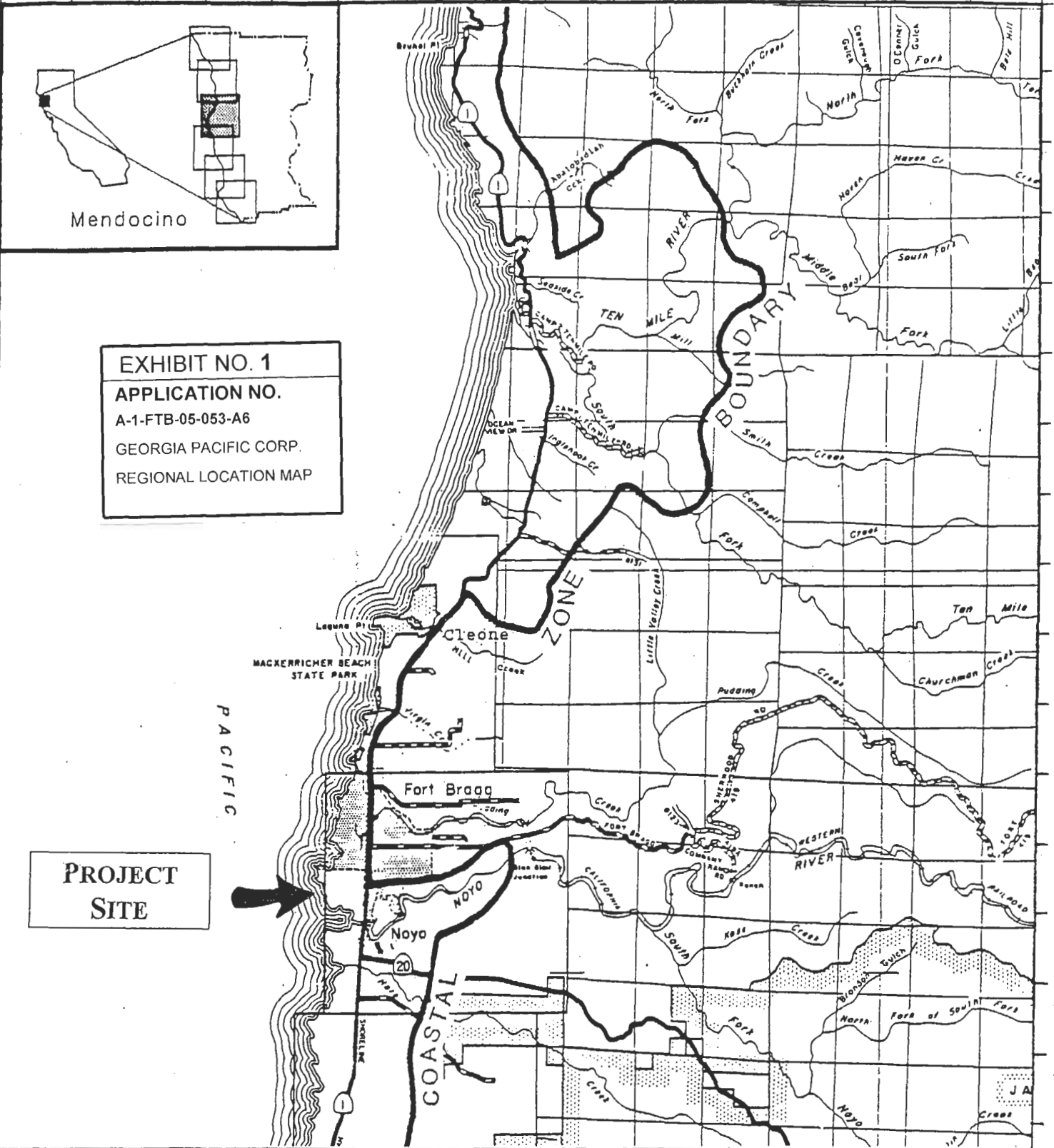
1. Notice of Receipt and Acknowledgement. The permit amendment is not valid and development shall not commence until a copy of the permit amendment, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit amendment will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit amendment may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 A-1-FTB-05-053-A6  
 GEORGIA PACIFIC CORP.  
 REGIONAL LOCATION MAP



**PROJECT SITE**



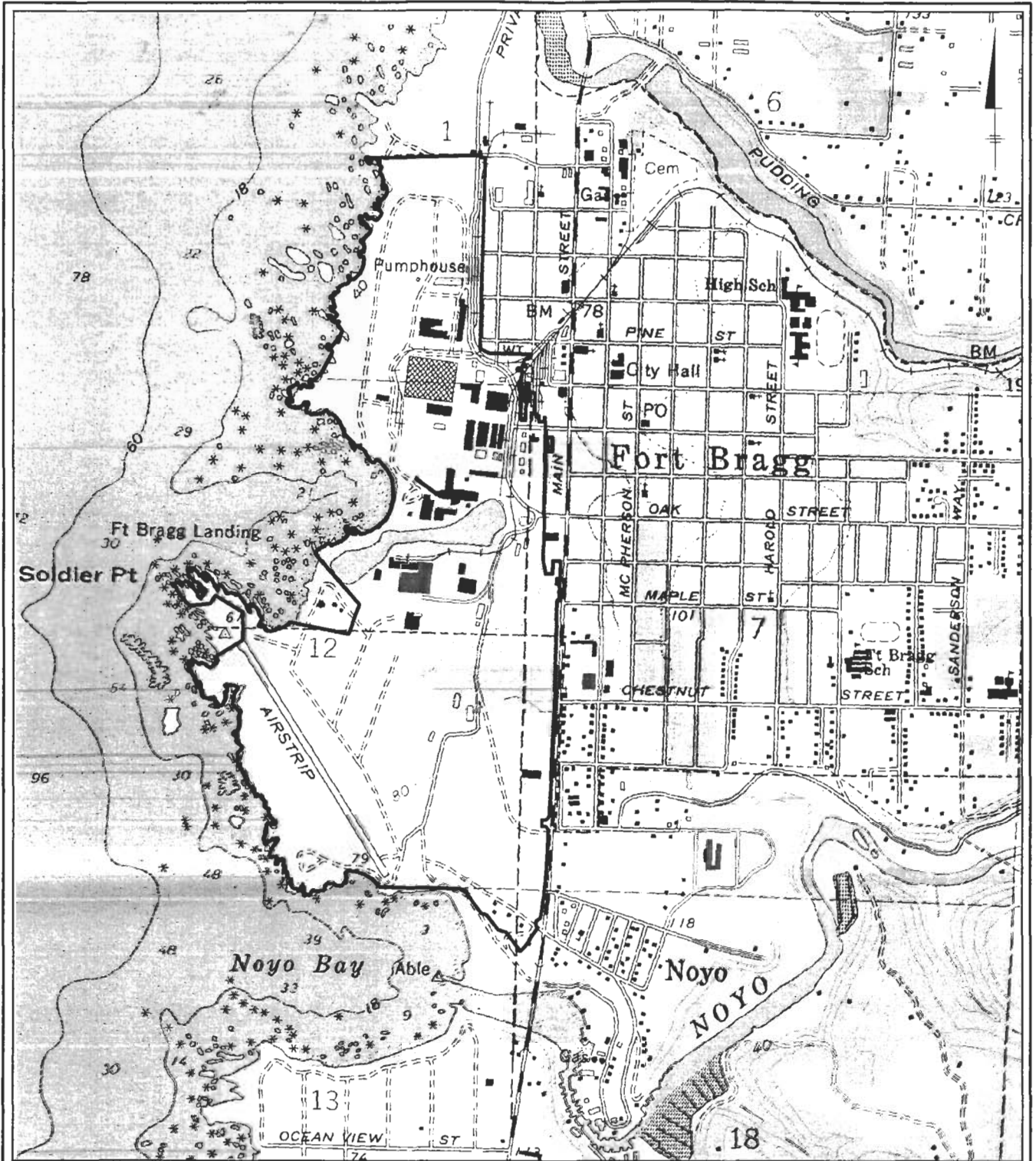
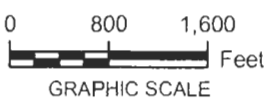


fig 1-1 SiteLocation.mxd - 11/21/2007 @ 3:32:55 PM

LEGEND:  
 SITE BOUNDARY

FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY  
 FORT BRAGG, CALIFORNIA  
**OPERABLE UNIT A REMEDIAL ACTION PLAN**

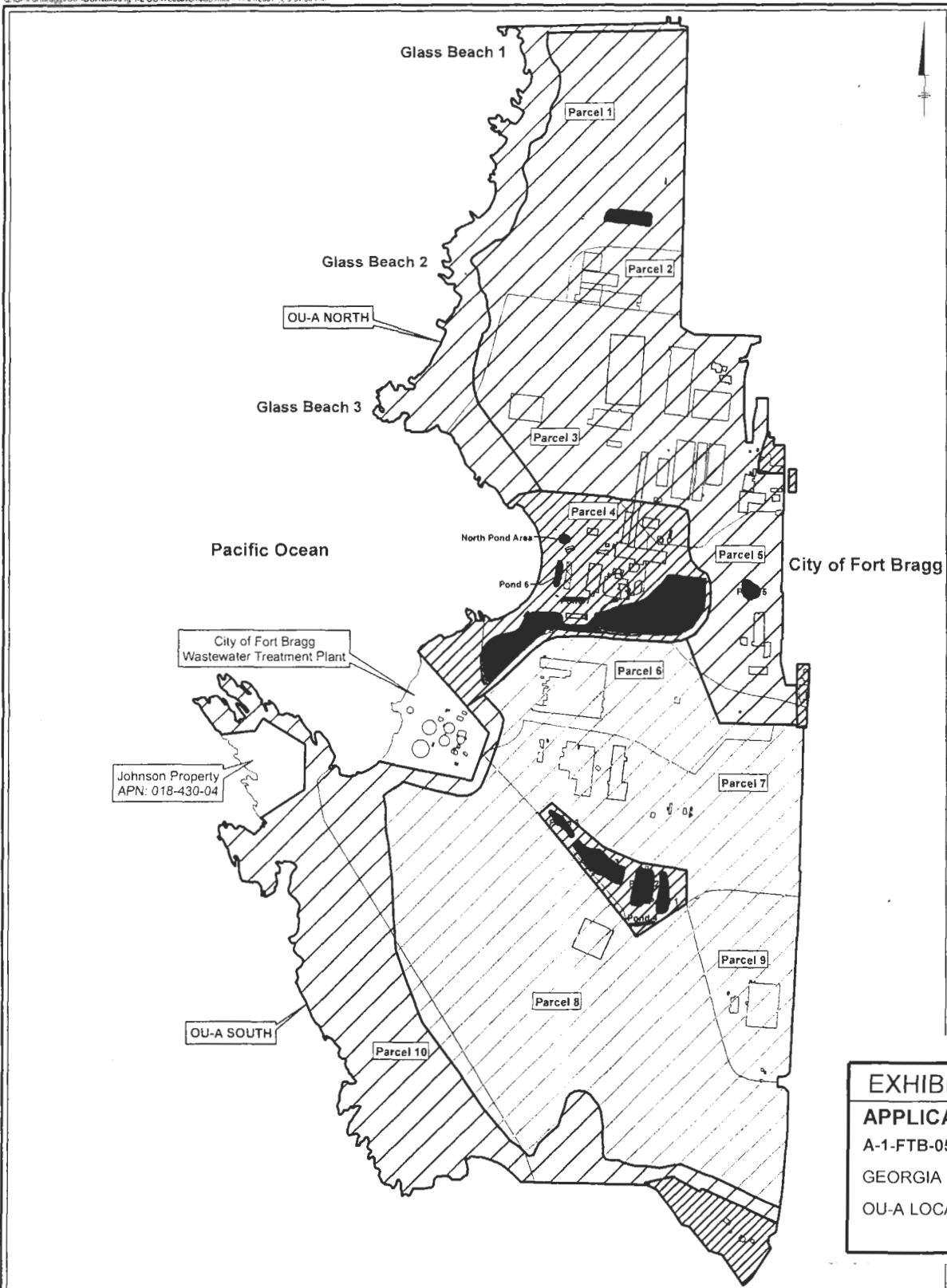
**EXHIBIT NO. 2**  
**APPLICATION NO.**  
 A-1-FTB-05-053-A6  
 GEORGIA PACIFIC CORP.  
 VICINITY MAP



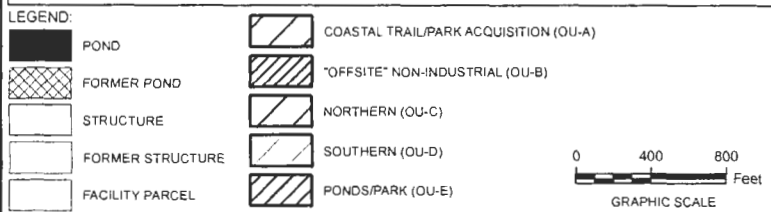
**SITE LOCATION MAP**



FIGURE  
**1-1**



**EXHIBIT NO. 3**  
**APPLICATION NO.**  
 A-1-FTB-05-053-A6  
 GEORGIA PACIFIC CORP.  
 OU-A LOCATION MAP



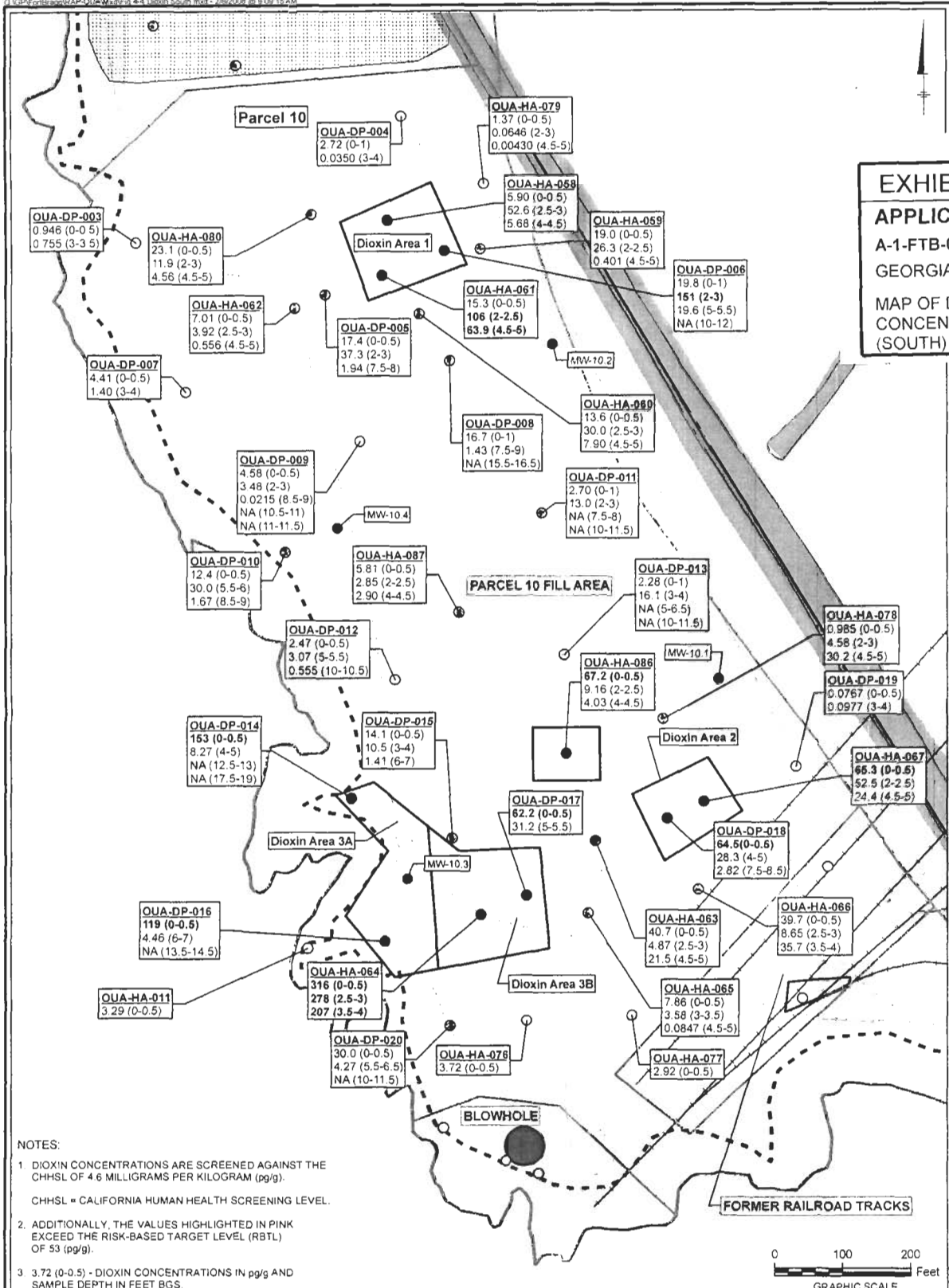
FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY  
 FORT BRAGG, CALIFORNIA  
**OPERABLE UNIT A REMEDIAL ACTION PLAN**

**OU-A LOCATION MAP**

**ARCADIS** ENVIRONMENTAL & INFRASTRUCTURE

**FIGURE**  
1-2

**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**A-1-FTB-05-053-A6**  
**GEORGIA PACIFIC CORP.**  
**MAP OF DIOXIN/FURAN**  
**CONCENTRATIONS IN SOIL**  
**(SOUTH)**



**NOTES:**

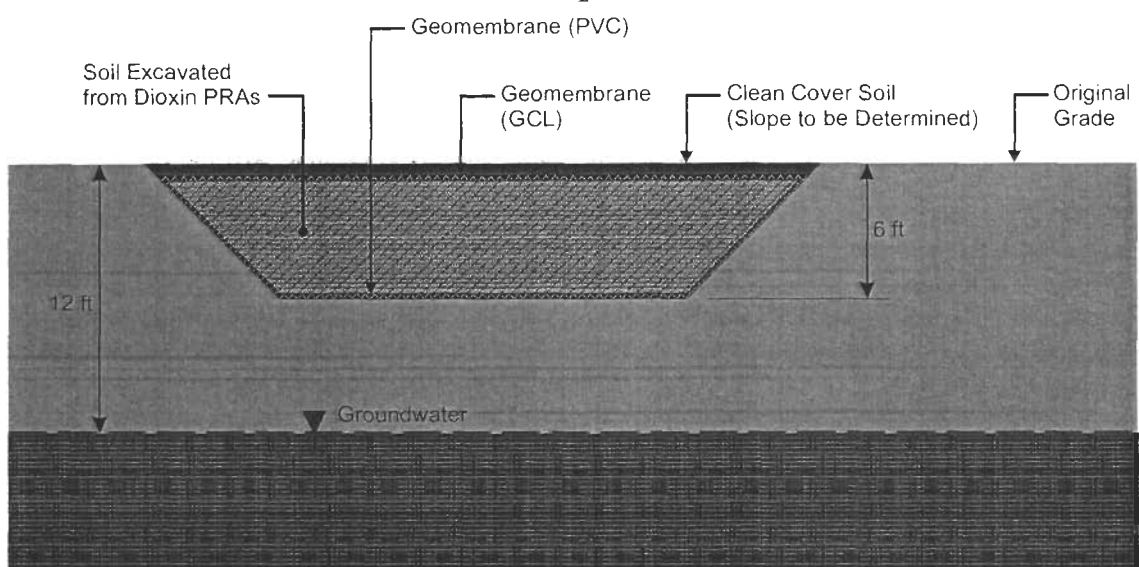
- DIOXIN CONCENTRATIONS ARE SCREENED AGAINST THE CHHSL OF 4.6 MILLIGRAMS PER KILOGRAM (pg/g).  
 CHHSL = CALIFORNIA HUMAN HEALTH SCREENING LEVEL.
- ADDITIONALLY, THE VALUES HIGHLIGHTED IN PINK EXCEED THE RISK-BASED TARGET LEVEL (RBTL) OF 53 (pg/g).
- 3.72 (0-0.5) - DIOXIN CONCENTRATIONS IN pg/g AND SAMPLE DEPTH IN FEET BGS

LEGEND	
● NOT DETECTED	--- UNPAVED ROADWAY
○ DETECTED < SCREENING VALUES	— PAVED ROADWAY
○ DETECTED > SCREENING VALUES	— RAILROAD TRACK (INCLUDES APPROXIMATE LOCATION OF HISTORIC TRACKS)
● DETECTED > 10 x SCREENING VALUES	- - - APPROXIMATE TOP OF BLUFF
● MONITORING WELL	▭ PRESUMPTIVE REMEDY AREA
	▭ NEW PRESUMPTIVE REMEDY AREA
	▭ ELEVATED PAH LOCATION
	▨ HISTORICAL GEOPHYSICAL AREA
	▨ PAVED AREA (APPROXIMATE)
	▨ AREA OF INTEREST
	▭ FACILITY PARCEL

FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY  
 FORT BRAGG, CALIFORNIA  
**OPERABLE UNIT A REMEDIAL ACTION PLAN**  
**DIOXIN/FURAN CONCENTRATIONS**  
**IN SOIL - SOUTH**

ARCADIS BBL  
environmental remediation solutions

FIGURE  
**4-4**



## CROSS SECTION

NOT TO SCALE


**LEGEND:**

PVC = polyvinyl chloride  
 GCL = geosynthetic clay liner

**NOTE:**

A simple leachate collection system will be installed.

<b>EXHIBIT NO. 5</b>
<b>APPLICATION NO.</b> A-1-FTB-05-053-A6
GEORGIA PACIFIC CORP.
CAPPING & CONSOLIDATION CROSS SECTION

FORMER FORT BRAGG SAWMILL FORT BRAGG, CALIFORNIA	
<b>OPERABLE UNIT A REMEDIAL ACTION PLAN</b>	
<b>CAPPING AND CONSOLIDATION ALTERNATIVE CROSS SECTION</b>	
	FIGURE <b>4-5</b>

08/22/08 SYR-D85-DJH  
 B0066111000000002/CDR/6511G01.CDR



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

August 28, 2008

Mr. Chip Hilarides  
General Manager, Bellingham Operations  
Georgia-Pacific LLC  
300 West Laurel St.  
Bellingham, WA 98225

Ms. Bridgette DeShields  
Vice President/Principal Scientist  
ARCADIS BBL  
1670 Corporate Circle, Suite 200  
Petaluma, CA 94954

**EXHIBIT NO. 6**

**APPLICATION NO.**

A-1-FTB-05-053-A6  
GEORGIA PACIFIC CORP.  
CORRESPONDENCE FROM  
DTSC APPROVING RAP  
(1 of 3)

Dear Mr. Hilarides and Ms. DeShields:

The document entitled *Draft Final Operable Unit A Remedial Action Plan and Feasibility Study* dated March 2008, and prepared for Georgia-Pacific LLC by ARCADIS BBL ("OU-A RAP") was received and has been reviewed by the Department of Toxic Substances Control (DTSC). The OU-A RAP has been submitted pursuant to Section 5.11 of the Site Investigation and Remediation Order ("Order" Docket No. HSA-RAO 06-07-150) for the former Georgia-Pacific Wood Products Facility located at 90 West Redwood Avenue, Fort Bragg, Mendocino County, California ("Site"). An Implementation Plan is included as Appendix C of the OU-A RAP. This section satisfies the requirements set forth in Section 5.12 of the Order.

In accordance with Chapter 6.8 of the California Health and Safety Code (H&SC), the DTSC is notifying you that the OU-A RAP has been approved. The OU-A RAP was released for a 45-day public comment period from March 13, 2008 to April 28, 2008. The comments received are addressed in the Responsiveness Summary which will be included in the Final OU-A RAP. DTSC had previously adopted the Mitigated Negative Declaration for the project on June 3, 2008.

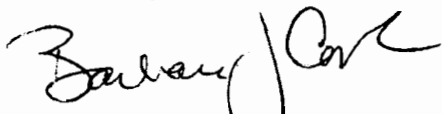
Pursuant to Health and Safety Code (HSC) Section 33459.3 (b), DTSC acknowledges that upon proper completion of the work in accordance with the approved OU-A RAP, the immunity provided by HSC section 33459.3 shall apply to the City of Fort Bragg Redevelopment Agency, and any other entities as specified and limited in that section. However, in the event of the failure of the courts to uphold this determination, this

Mr. Hilardes & Ms. DeShields  
August 28, 2008  
Page 2

determination shall not create any additional rights against DTSC by the City of Fort Bragg Redevelopment Agency or by any third party.

We look forward to the implementation of the OU-A RAP and appreciate your cooperation in achieving our mutual cleanup objectives. If you have any questions, you may contact Mr. Edgardo Gillera of my staff at (510) 540-3826 or via e-mail at [EGillera@dtsc.ca.gov](mailto:EGillera@dtsc.ca.gov).

Sincerely,



Barbara Cook, P.E., Performance Manager  
Brownfields and Environmental Restoration Program  
Berkeley Office

cc: US Fish and Wildlife Service  
Attn.: Ms. Sonce De Vries  
Division of Environmental Quality  
75 Hawthorne Street  
SFD-8-B  
San Francisco, California 94105

Mr. Roger W. Foote  
Mendocino County Environmental Health Department  
501 Low Gap Road – Room 1326  
Ukiah, California 95482

Ms. Linda Ruffing, City Manager  
Fort Bragg Community Redevelopment Department  
416 N. Franklin Street  
Fort Bragg, California 95437

California Department of Fish and Game  
Attn: Ms. Jane Vorpapel  
601 Locust Street  
Redding, California 96001

2 of 3



Mr. Hilardes & Ms. DeShields  
August 28, 2008  
Page 3

cc: (continued)

California Department of Fish  
and Game  
Attn: Ms. Vicki S. Frey,  
Environmental Scientist  
Marine Region  
619 2nd Street  
Eureka, California 95501

California Department of Fish  
and Game  
Attn: Michael J. Anderson,  
Ph.D., Senior Toxicologist  
Office of Spill Prevention and  
Response  
1700 K Street  
P.O. Box 944209  
Sacramento, CA 94244-2090

Mr. James Baskin  
California Coastal Commission  
North Coast District Office  
710 E Street, Suite 200  
Eureka, California 95501

Mr. Al Wanger  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105-  
2219

North Coast Regional Water  
Quality Control Board  
Attn.: Mr. Craig Hunt  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California 95403

California Integrated Waste  
Management Board  
Attn.: Mr. Gino Yekta  
1001 "I" Street  
P.O. Box 4025  
Sacramento, California 95812

Ms. Denise Klimas  
National Oceanic and  
Atmospheric Administration  
California State CRC  
8800 Cal Center Drive  
Sacramento, California 95826

Mr. Matt Gerhart  
California Coastal Conservancy  
1330 Broadway, 13th Floor  
Oakland, CA 94612

Ms. Vivian Murai  
Office of Legal Affairs  
Department of Toxic Substances  
Control  
1001 I Street, MS-23A  
P.O. Box 806  
Sacramento, California 95812

3 of 3

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877

MAILING ADDRESS:  
P. O. BOX 4908  
EUREKA, CA 95502-4908



Date: May 17, 2006  
Hearing Date: May 12, 2006  
Commission Action: May 12, 2006

**ADOPTED FINDINGS****EXHIBIT NO. 7****APPLICATION NO.****A-1-FTB-05-053-A6**

GEORGIA PACIFIC CORP.

A-1-FTB-05-053 ADOPTED  
FINDINGS (1 of 45)

**APPEAL NO.:** **A-1-FTB -05-053**

**APPLICANT:** **Georgia-Pacific Corporation**

**LOCAL GOVERNMENT:** City of Fort Bragg

**DECISION:** Approval with Conditions

**PROJECT LOCATION:** At the former Georgia-Pacific California Wood Products Manufacturing Facility, 90 West Redwood Avenue, Fort Bragg; APNs 008-010-26, 008-020-09, 008-151-22, 008-053-34, 008-161-08, 018-010-67, 018-020-01, 018-030-42, 018-040-52, 018-120-43, 018-120-44, 018-430-01, 018-430-02, 018-430-07, 018-430-08.

**PROJECT DESCRIPTION:** *Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project* – Entailing: (1) removal of building foundations, additional investigation, and if necessary, interim remedial measures (IRMs) at the following areas: (a) Compressor House, (b) Former Sawmill #1, (c) Powerhouse and associated buildings, (d) Fuel Barn, (e) Chipper Building, (f) Water Treatment Plant, (g) Powerhouse Fuel Storage Building, (h) Sewage Pumping Station, (i) Dewatering Slabs, (j) Water Supply Switch Building, (k) Former Mobile Equipment Shop, and (l) associated subsurface structures; (2) removal of debris from Glass Beaches #1 through #3; and (3) removal of geophysical anomalies on Parcels 3 and 10 of the former Georgia-Pacific Sawmill site.

**APPELLANTS:** (1) North Coast Action; and

(2) Sierra Club – Redwood Chapter, Mendocino Group.

SUBSTANTIVE FILE DOCUMENTS:

- (1) Staff Report and Environmental Review Documentation for City of Fort Bragg *Coastal Development Permit CDP 3-05* and Local Appeal;
- (2) *Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*; including appendices (Acton-Mickelson Environmental, Inc., March 21, 2005 with subsequent revisions and addenda);
- (3) *Excavation and Stockpile Quantification Estimation and Site Plan Map* (Acton-Mickelson Environmental, Inc., February 2006);
- (4) *Hazardous Materials Assessment Logistics Analysis* (Acton-Mickelson Environmental, Inc., March 2006);
- (5) *Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures* (Acton-Mickelson Environmental, Inc., September 28, 2005);
- (6) *Jurisdiction Determination and Habitat Assessment* (TRC Companies, Inc., August 2003);
- (7) *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated);
- (8) *Late Season Botanical Survey for the GP Mill Site Bluffs* (Teresa Scholars, Biological Consultant, August 16, 2005);
- (9) *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006);
- (10) *Rocky Intertidal Environmentally Sensitive Habitat Area Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc. and WRA Environmental Consultants, February 2006);
- (11) *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 22, 2005);
- (12) *Conceptual Revegetation Plan Former Georgia-Pacific California Wood Products Manufacturing Facility* (Circuit Rider Productions, Inc., September 22, 2005);
- (13) *Engineering Geologic Reconnaissance Report – Planned Blufftop Access Trail Georgia-Pacific*

- Property Fort Bragg, California* (Brunsing Associates, Inc., September 29, 2004);  
(14) *Geotechnical Evaluation – Bearing Support for Heavy Equipment Loads*, Blackburn Consulting, Inc., February 2006);  
(15) *Assessment Alternatives Analysis – Removal vs. Retention of Industrial Building Foundations*, Acton-Mickelson Environmental, Inc., (February 2006);  
(16) *Clarification and Modification to the Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc. (March 28 2006);  
(17) *Draft, Site Specific Treatment Plan for Cultural Resources Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., undated);  
(18) *Archaeological Survey of the Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., March 2003); and  
(19) City of Fort Bragg Local Coastal Program.
- 

**I. STAFF NOTES:**

**1. Adopted Findings.**

The Commission held a public hearing and approved the permit at the meeting of May 12, 2006. The adopted conditions for approval of the development defer slightly from those contained in the written staff recommendation dated April 27, 2006. At the hearing, staff orally amended the staff recommendation to make an additional specification to require that all revegetation plantings utilize native plant species obtained from local stock. This change adopted by the Commission is reflected in: (1) Special Condition No. 1, sections B and C; (2) Special Condition No. 2, sections A and B; (3) the Sensitive Avian Species Nesting Survey, Rare Plant, and Rocky Intertidal Marine Biological Resources requirements and protective measures of Special Condition No. 3; and (4) Special Condition No. 4, section A. In addition, many of the bulleted sub-points of the special conditions have been renumbered for greater ease of citation.

The following resolution, conditions, and findings were adopted by the Commission on May 12, 2006 upon conclusion of the public hearing.

**Resolution to Approve Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development, as conditioned will be in conformity with the certified City of Fort Bragg LCP, is located between the sea and the nearest public road to the sea and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. **STANDARD CONDITIONS:** See attached.

III. **SPECIAL CONDITIONS:**

1. **Scope of Approved Development**

A. This Coastal Development Permit authorizes: (a) the removal and stockpiling of concrete and reinforcement steel building foundation materials from a 26 structure complex of former industrial buildings; (b) the excavation, stockpiling, and/or disposal of underlying soil with COPC concentrations exceeding cleanup levels; (c) the excavation and extraction of buried "geophysical anomalies" from Parcels 3 and 10; and the extrication of visible debris and excavation and removal for stockpiling and/or disposal of any underlying, near-surface soil with COPC concentrations exceeding cleanup levels from Glass Beaches 1, 2 and 3 at Georgia-Pacific Corporation's former California Wood Products Manufacturing Facility, situated at 90 West Redwood Avenue, Fort Bragg, as further detailed and conditioned, in the following documents:

- *Workplan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., March 21, 2005;
- *Addendum #1 to Workplan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., May 6, 2005;
- *Addendum #2 to Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., August 19, 2005;
- *Response to RWQCB Comments on Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 22, 2005;

- *Revised Appendix D for Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 28, 2005;
  - *Clarification and Modification to Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures Dated March 21, 2005, Addenda #1 and #2 to the Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures Dated May 6 and August 19, 2005, Respectively, and Response to RWQCB Comments Dated July 18, 2005 Former Georgia Pacific California Wood Products Manufacturing Facility Fort Bragg, California*, Acton Mickelson Environmental, Inc., March 28, 2006; and
  - *Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 28, 2005.
- B. All revegetation planting identified in any of the above-enumerated documents shall utilize native plants obtained from local genetic stocks.
- C. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities as proposed in accordance with the above-listed plans as modified by sub-section B above, and shall implement all collection and testing of soil samples for COPCs and all mitigation measures contained and described therein. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**2. Performance Standards for Development Adjacent to Wetlands**

- A. The permittee shall undertake the remediation development proposed for areas adjacent to the wetlands on the project site as delineated in *Jurisdictional Waters and Wetlands Delineation* (TRC Companies, Inc., August 2004) and shall implement all mitigation measures contained therein, including but not limited to the following measures as modified below:
1. Solid board-on-board fencing shall be erected to protect the Log Pond from erosion and siltation at all locations less than 50 feet from the Powerhouse or any other location where subsurface disturbance is to occur;
  2. Temporary fencing shall be erected around the two industrial processing ponds located west and southwest of the Fuel Barn to prevent the encroachment of heavy equipment into the environmentally sensitive habitat areas;
  3. No equipment, materials or stockpiles shall be located within 50 feet of the ponds;

4. To the maximum extent feasible, foundation removal and IRM activities in the vicinity of the Fuel Barn and Powerhouse structures shall be staged from the north side of the structures. No materials may be stockpiled on the berm/roadway that is located between these structures and the Mill Pond;
5. All stockpiles areas, including hazardous waste storage areas and non-hazardous soil, debris and concrete storage areas shall be located a minimum of 50 feet from delineated wetlands and other Environmentally Sensitive Habitat Areas;
6. Prior to initiation of removal and excavation activities in the vicinity of the Boiler Fuel Building foundation, the permittee shall have the boundary of the wetland staked by a qualified wetlands biologist. If the removal/excavation activities would occur within 50 feet of the wetland, the boundary shall be fenced with temporary construction fencing. The operation of construction equipment and storage of materials and equipment shall be prohibited within the wetland area; and
7. All revegetation planting shall utilize native plants obtained from local genetic stocks.

**3. Protection of Marine and Coastal Biological Resources**

- A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Jurisdiction Determination and Habitat Assessment* (TRC Companies, Inc., August 2003); (2) *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated); (3) *Late Season Botanical Survey for the GP Mill Site Bluffs* (Teresa Scholars, Biological Consultant, August 16, 2005); (4) *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006); (5) *Rocky Intertidal Environmentally Sensitive Habitat Area Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc. and WRA Environmental Consultants, February 2006); (6) *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 22, 2005); and (7) *Conceptual Revegetation Plan Former Georgia-Pacific California Wood Products Manufacturing Facility* (Circuit Rider Productions, Inc., September 22, 2005), and shall implement all mitigation measures contained therein including but not limited to the following measures as modified below:

- 1) For the Protection of Coastal Bluff Avian Resources:
  - **Sensitive Avian Species Nesting Survey - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10**, and consistent with the applicant's proposed project description, the permittee shall

submit for review and approval of the Executive Director, a survey of the associated coastal bluff face and blufftop margin areas, conducted by a qualified biologist or resource ecologist with specific knowledge of threatened, endangered, species of special concern, or treaty-protected migratory birds (“sensitive avian species”) which fully evaluates any and all indications of the presence or absence of these species, and which demonstrates compliance with all of the following:

- a) No less than 14 days and no more than 30 days prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for any sensitive avian species nesting in the coastal bluff face and blufftop margin areas. If the survey finds any indication that nesting sensitive avian species with unfledged young are present on the bluff face and blufftop margins, project work shall be limited consistent with the mitigation measures identified in the *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006), including the imposition of exclusionary buffer areas identified therein, however, in no case shall the exclusionary buffer be less than 100 horizontal feet from the affected nesting site. Work within the exclusionary buffers shall not proceed until a subsequent bird survey has been conducted by a qualified biologist or resource ecologist that demonstrates that the young have fledged and are not nesting in the for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director;
- b) If no indications of nesting sensitive avian species are found during the initial survey, no additional surveys or mitigation is required, provided the project commences within 30 days of completion of the survey, and provided the project does not extend into the commencement of the nesting season of the sensitive avian species;
- c) If more than 30 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the nesting seasons of the various sensitive avian species (see *Avian Habitat Utilization and Impact Assessment*, Tables A1, A2, and A3) a new survey shall be conducted and submitted for the review to the Executive Director, no more than 30 days and no less than 14 days prior to the start of the nesting-season or the start of work, and submit a report to the Executive Director for review and approval. If any survey discovers indications of sensitive avian species nesting in the coastal bluff face and blufftop margin areas, human activity in the affected area(s) shall be minimized and construction shall cease until a sensitive avian species survey has been conducted by a qualified biologist or resource ecologist that demonstrates that all



young have fledged and are not nesting in the coastal bluff face and blufftop margins for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director; and

- d) Following completion of the excavation, all areas that are excavated or otherwise left with exposed soils shall be revegetated with native plant species. Revegetation of disturbed areas in Glass Beaches 1 through 3 and in the geophysical survey areas of Parcels 3 and 10 shall be performed in accordance with the Conceptual Revegetation Plan. The permittee shall provide irrigation, maintenance and replacement of revegetated areas, as needed, to ensure the long-term viability of the plants.

2) For the Protection of Rare Plant Biological Resources:

- **Final Plant Restoration Monitoring Program - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10,** the applicant shall submit for review and written approval of the Executive Director, a final detailed restoration monitoring program designed by a qualified wetland biologist for monitoring of the plant restoration site. The monitoring program shall at a minimum include the following provisions:
  - a) Performance standards that will assure achievement of rare plant species replacement at coverages, densities, and associative compositions, as applicable, that existed in the areas prior to development;
  - b) Surveying the relative cover and density of each plant species of special concern found in the proposed development area prior to the commencement of construction;
  - c) Monitoring and restoration of the affected areas in accordance with the approved final monitoring program for a period of five years;
  - d) All revegetation planting shall utilize native plants obtained from local genetic stocks;
  - e) Submission of annual reports of monitoring results to the Executive Director by November 1 each year for the duration of the required monitoring period, beginning the first year after completion of the project. Each report shall include copies of all previous reports as appendices. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of recolonization of the affected plant species in relation to the performance standards;
  - f) Submission of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report must be prepared in conjunction with a qualified botanist or wetlands

biologist. The report must evaluate whether the restoration sites conform with the goals, objectives, and performance standards set forth above. The report must address all of the monitoring data collected over the five-year period. If the final report indicates that the success standards have not been achieved, the applicant shall submit a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success standards. The revised enhancement program shall be processed as an amendment to this coastal development permit;

- g) Monitoring and restoring the plan restoration sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No changes to the approved monitoring program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines no amendment is legally required;
- h) Flagging of the locations of the rare plant species by a qualified botanist prior to commencement of the grading in bluff face and blufftop areas. Work shall only be permitted to occur within 100 feet of the outer perimeter of the rare plant populations if such work is necessary to perform the required environmental remediation activities on the property;
- i) No storage of equipment or stockpiling of materials within 100 feet of the outer perimeter of the rare plant populations;
- j) If debris or soil removal is necessary within the rare plant sites and/or the 100-foot buffer zones, the following measures shall be required:
  - (1) If a rare species cannot be avoided, the botanist shall make a determination as to the feasibility of whether the species can be removed for the affected area prior to waste removal activities within the area and transplanted back to the affected area after work activities are completed.
  - (2) If possible, work shall be conducted after seed set at locations where rare species are identified.
  - (3) The botanist shall make a determination at each work location as to whether removal of the surface soil (containing the seed bank) for stockpiling is warranted. If warranted, and contingent upon analytical test results for the presence of chemicals of potential concern, stockpiled soil containing the seed bank shall be placed at the location (laterally and vertically) from which it was removed following completion of work activities. The permittee shall follow the recommendations for increasing the

likelihood for survival of transplanted rare species as made by the botanist; and

- (4) Following completion of restoration activities and revegetation, the botanist shall prepare a follow-up report that identifies all measures taken to protect rare plant species in each location and that evaluates the success of the mitigations in protecting and/or re-establishing the rare plant populations. The report shall be submitted to the Executive Director.
- 3) For the Protection of Rocky Intertidal Marine Biological Resources:
    - a) Bluff face and blufftop margin grading activities shall only be conducted during the dry season, from April 15 through October 15;
    - b) Excavation activities shall be initiated leaving a 4-foot-thick strip of fill/topsoil at the sea cliff to prohibit any sediment or water falling onto the rocky intertidal area. Upon completion of excavation activities to the east, the remaining 4-foot-thick strip shall be excavated in a manner to minimize soil or debris dropping onto the rocky intertidal area;
    - c) Manual methods shall be used to remove any material that falls onto the rocky intertidal area;
    - d) Excavated soil and debris shall be segregated and stockpiled on heavy-duty plastic at designated locations to the east of the work areas. These storage locations are paved with asphalt and are greater than 300 feet from the sea cliff;
    - e) Holes and imperfections in the asphalt surface cover of the proposed stockpile areas shall be repaired prior to stockpile placement to prevent surface water infiltration;
    - f) If necessary, both storage areas can be expanded onto existing paved surface to accommodate any additional storage requirements. Alternatively, excavated soil and debris may be transported to the central debris and soil stockpile areas as specified in the Excavation and Stockpile Quantification Estimate and Site Plan Map;
    - g) Berms or ditches shall be constructed upslope of the work areas to intercept surface water runoff and redirect it to engineered locations away from the work areas;
    - h) Test pits will be backfilled with acceptable soil material, compacted, and covered to minimize rainfall or runoff infiltration; and
    - i) All revegetation planting shall utilize native plants obtained from local genetic stocks.
  - 4) For the Protection of Offshore Rocky Marine Biological Resources:
    - a) Baseline observations of pinnipeds in the project area shall be conducted prior to initiating project activities. The baseline study shall be submitted

to the Executive Director prior to commencement of development in coastal bluff face and blufftop margin areas. A morning and afternoon count shall be conducted the day prior to work activities are scheduled to commence. Observations shall also be made every morning work is scheduled to occur;

- b) Surveying and monitoring shall be conducted by a qualified biologist using minimum 8x42 magnification power binoculars or a spotting scope;
  - c) Survey data shall include type of marine mammals present, numbers, age class, sex (if possible), location, time, tide, type of development activity being conducted, and whether animals respond to the activity. Rates of departure and arrival of animals to and from the haul-out shall be noted;
  - d) If seals flush for a work-related reason, the portion of the project that caused the seals to flush shall be delayed until the animals leave the area;
  - e) As harbor seals are more likely to use haul-outs at low tide, work in areas in proximity to sensitive haul-out areas shall only be performed during the time period beginning and ending one and one-half hours before and following high tides to lessen the chance of harassment;
  - f) If a Steller sea lion is observed, work activities within the immediate blufftop edge area shall be postponed until the animal(s) leaves the project area;
  - g) Additional counts shall be conducted every two days for one week after all work is terminated to compare the use of haul-out sites without work-related disturbances pursuant to the pre- and post-activity behavior-specific monitoring recommendations of the National Marine Fisheries Service (NMFS); and
  - h) All surveying data shall be compiled and submitted to the Executive Director at the end of the construction season.
- B. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities in accordance with the above-listed biological mitigation measures. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Avoidance of and Minimization of Exposure to Geological Instability**

- A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in *Geotechnical Evaluation – Bearing Support for Heavy Equipment Loads*, Blackburn Consulting, Inc., February 2006), and all mitigation measures contained therein shall be implemented, including but not limited to the following:

1. Heavy mechanized equipment operations shall be staged at locations a minimum of 20 feet landward from the blufftop edge;
2. Pickup trucks, rubber-tired backhoes may be operated within the 20-foot setback provided the ground in such locations is firm and non-yielding;
3. Conditions along the base of the bluffs shall be inspected by a California Certified Engineering Geologist (CEG) prior to mobilizing all heavy mechanized equipment conducting work at bluff face and blufftop margin locations. If recent sea cave formation or other significant slope undercutting is observed, the light and heavy mechanized equipment operational and staging setbacks shall be adjusted accordingly; and
4. All revegetation planting shall utilize native plants obtained from local genetic stocks.

B. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities in accordance with the above-listed geotechnical evaluations. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**5. Protection of Archaeological Resources**

A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Draft Site Specific Treatment Plan for Cultural Resources Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., undated); and (2) *Archaeological Survey of the Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., March 2003), and all mitigation measures contained therein shall be implemented, including but not limited to the following mitigation measures as modified below:

1. Pre-construction surficial and shallow subsurface testing and evaluations shall be conducted in all areas proposed for excavation and the outer extent of known cultural resource areas shall be delineated by survey staking;
2. In the event prehistoric archaeological resources (marked by shellfish remains, flaked and ground stone tools, fire affected rock, human bone, or other related materials) are unearthed during site excavation and grading activities, all work in the vicinity of the site shall cease immediately, the Executive Director shall be notified, and the proper disposition of resources shall be accomplished as required by City of Fort Bragg Land Use Development Code Section 18.50.030.D;
3. If cultural resource artifacts or human remains are incidentally discovered within designated low site potential rated areas, all project work shall be

- halted in the affected area until an archaeologist and/or coroner has assessed the significance of the discovered materials; and
4. Subsurface disturbances at the Former Sawmill #1, the Powerhouse, Glass Beaches 1 and 2 and on Parcel 10 shall be monitored by an archaeologist and Native American representative.
- B. If an area of cultural deposits is discovered during the course of the project:
1. All construction shall cease and shall not recommence except as provided in subsection 2. hereof;
  2. Within 90 days after the date of discovery of such deposits, the permittee shall submit for the review and approval of the Executive Director, an Archaeological Plan, prepared by a qualified professional, that describes the extent of such resources present and the actions necessary to protect any onsite Archaeological resources;
  3. If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after the Executive Director receives evidence of recordation of the deed restriction required below;
  4. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission and the Executive Director receives evidence of recordation of the deed restriction required below; and
  5. Within 90 days after the date of discovery of such deposits, the permittee shall provide evidence to the Executive Director of an execution and recordation of a deed restriction, in a form and content acceptable to the Executive Director, stating that, in order to protect archaeological resources, development can only be undertaken consistent with the provisions of the Archaeological Plan approved by the Executive Director. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit approved by the Coastal Commission.
- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.
1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation

measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director; and

2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

- D. The permittee shall undertake the demolition, excavation, stockpiling, and disposal activities in accordance with the above-listed archaeological resource evaluations. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. **National Marine Fisheries Service Approvals**

**PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10**, permittee shall provide to the Executive Director a copy of all permits, letters of permission, and/or authorizations to proceed as issued by the National Marine Fisheries Service (NMFS), or evidence that no permits or permissions are required. The applicant shall inform the Executive Director of any changes to the project required by the NMFS. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

7. **U.S. Fish and Wildlife Service Approvals**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, permittee shall provide to the Executive Director a copy of all informal technical assistance consultations, permits, letters of permission, and/or authorizations to proceed as issued by the U.S. Fish and Wildlife Service (USFWS), or evidence that no permits or permissions are required. The applicant shall inform the Executive Director of any changes to the project required by the USFWS. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

8. **Conformance with Mendocino County Air Quality Management District Requirements**

**PRIOR TO COMMENCEMENT OF OPERATIONS AUTHORIZED UNDER THIS COASTAL DEVELOPMENT PERMIT**, the permittee shall submit to the Executive Director for review, a copy of all permits, licenses, grants of authority as required to be secured from the Mendocino County Air Quality Management District

(MCAQMD), or evidence that no MCAQMD permit or authorization is necessary. The applicant shall inform the Executive Director of any changes to the project required by the MCAQMD. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**9. Conditions Imposed By Local Government.**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares as follows:

**A. Incorporation of Substantial Issue Findings.**

The Commission hereby incorporates by reference the Substantial Issue Findings contained in the Commission staff report dated December 14, 2005.

**B. Limitations on Commission's Actions Regarding Water Quality.**

Article Two, Chapter Five of the Coastal Act (California Public Resources Code Sections 30410-30420) establishes specific limitations on the actions of the Commission in relation to the authority of other state regulatory agencies. With respect to the administration of water quality, Section 30412(b) directs that the Commission shall not "...modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights." Exceptions to these limitations are provided to permit the Commission to exercise its authority to regulate development as granted by the Coastal Act, and certain aspects of publicly owned wastewater treatment works located within the coastal zone. As to the former exception, under Section 30230 and 30231 of the Coastal Act, the Commission is charged with assuring that marine resources, with particular emphasis on the productivity, health, and population levels of its biological components, are maintained, enhanced, and where feasible restored. The Commission notes that to date the subject site investigation project has been undertaken voluntarily by the applicants with the proposed investigation activities having been reviewed and consented to at the Regional Water Quality Control Board staff level. Consequently, no formal determination has specifically been made by a regional water quality control board or state water resources board proper for which the Commission's actions on the related coastal development permit might conflict.



The state and regional water control boards have direct and/or delegated authority to regulate the chemical and thermal characteristics of surface and groundwater resources, specifically in controlling the presence and concentrations of chemical constituents within the aqueous environment, in the interest of protecting human health, biological resources, and other “beneficial uses” of the waters of the state and the nation. The Commission acknowledges the distinctions in these responsibilities and limits its actions accordingly to preclude conflicts in instances where a water board has made determinations on a development project that is also subject to the Commission’s authority, particularly with regard to the setting of quantitative limitations on point and non-point source pollutants through the issuance of National Pollution Discharge Elimination Permits, waste discharge requirements, cease and desist directives, and cleanup and abatement orders.

The Commission’s hearing *de novo* of the proposed development is undertaken pursuant solely to the authority duly granted to the Commission by the Coastal Act, is limited to ensuring the approved development’s conformance with the standards of the certified Local Coastal Program of the City of Fort Bragg (including those related to the qualitative protection of coastal waters) and the access policies of the Coastal Act, and in no way represent actions which modify, supplant, condition, or otherwise conflict with a determination of either the state or any regional water quality control board in matters relating to water quality or the administration of water rights. The Commission notes that staff members of the Commission and the North Coast Regional Water Quality Control Board have consulted with one another and developed coordinated and mutually agreed upon measures for ensuring that both agencies concerns are met in the review and administration of the subject remediation project.

**C. Project History / Background.**

On February 11, 2005, the City of Fort Bragg Community Development Department filed a coastal development permit application from the Georgia-Pacific Corporation for the removal of concrete foundation materials, additional investigation, and if warranted, interim remedial measures to remove underlying soil with COPC concentrations exceeding cleanup levels at eleven building site locations within the 435-acre property of the applicant’s former lumber mill complex located between Highway One the Pacific Ocean, and Noyo Bay, on the western shoreline of the City of Fort Bragg in west-central Mendocino County. The application also sought authorization to excavate and remove debris from three coastal bluff areas above so-called “Glass Beaches Nos.1-3.” In addition, the applicants requested permission to excavate numerous locations on two of the mill site bluff top parcels to ascertain the composition of various metallic “geophysical anomalies” discovered in the area and to similar remove the materials if COPC concentrations exceed cleanup levels.

The purpose of the project is to provide further information regarding the extent of COPCs in soil and groundwater and allow areas on the mill site where initial soil borings have indicated the presence of COPCs to be uncovered so that they may be further

assessed to provide data for a risk assessment and comprehensive remediation plan. Interim remediation measures, including the excavation of exposed soil with COPC concentrations exceeding cleanup levels, and temporary stockpiling for future *in-situ* treatment or removal to a appropriate disposal facility, and back-filling the excavations, would be implemented depending upon the presence, composition, and concentrations of any COPCs encountered. In addition, the applicants requested authorizations to remove refuse and debris materials at the coastal bluff sites to reduce the liability associated with possible injuries to humans and wildlife from the presence of these materials, especially with regard to the on-going efforts by the Coastal Conservancy and the City to acquire and develop a public blufftop trail in these areas.

Following completion of the Community Development Department staff's review of the project, and the requisite preparation and circulation of environmental review documentation, on August 10, 2005, the Fort Bragg Planning Commission approved with conditions Coastal Development Permit No. CDP 3-05 for the subject development (see Exhibit No. 4). The planning commission attached fifty-eight special conditions. Principal conditions included requirements that: (1) the project be conducted in conformance with the excavation and stockpiling, performance standards set forth in the work plan and stormwater pollution prevention plan; (2) all other applicable permits be obtained prior to commencement and copies thereof be provided to the City; (3) a final dust prevention and control plan be submitted for the review and approval of the City Engineer; (4) temporary fencing be erected around the impounded wetlands at the site and no equipment or stockpiling be placed within 50 feet of wetland areas or within 100 feet from the outer perimeter of rare plant areas; (5) a copy of the finalized rare plant mitigation and monitoring plan approved by the California Department of Fish and Game be submitted to the City; (6) a final revegetation plan be submitted for the review and approval of the Community Development Director; (7) additional rare plant surveys be conducted for those plants which were not in their blooming cycle at the time preceding botanical reports had been prepared; and (8) if evidence of cultural resource materials are uncovered, all work cease and a qualified archaeologist be consulted as to the significance of the materials and appropriate disposition and/or mitigation measures.

The decision of the planning commission was locally appealed to the Fort Bragg City Council. On October 11, 2005, the Council upheld its planning commission's conditional approval of the development, affecting no changes to the permit scope or conditions, and denied the appeal. The City then issued a Notice of Final Local Action that was received by Commission staff on October 17, 2005. The appellants filed their appeals to the Commission on October 27, 2005, within 10 working days after receipt by the Commission of the Notice of Final Local Action (see Exhibit No. 5).

At its meeting of December 14, 2005, the Commission found that the appeal raised a substantial issue of conformance of the project as approved with the certified LCP regarding protection of marine biological resources, protection of environmentally sensitive habitat areas, namely rocky intertidal areas and coastal bluffs, and the avoidance and minimization of geologic instability. The Commission also found that additional

information was required to allow for a full analysis of the proposed development's consistent with the policies and standards of the City's LCP. These requisite informational items entailed: (1) an assessment of potential avian habitat utilization of the project site's coastal bluff areas; (2) engineering and biological analyses of the project's potential effects on rocky intertidal areas; (3) a geo-technical evaluation of the coastal bluff face and blufftop margins; (4) an estimation of foundation material and soil removal volumes and stockpile quantities; and (5) an alternatives analysis of other characterization and assessment logistics, including sampling via the use of low-angle horizontal directional drilling with the foundation materials retained in place.

During the period from January through early March 2006, the requested supplemental information items were prepared by the applicant's consultants and forwarded to the Commission staff for review. Throughout March 2006, both Commission and Regional Water Quality Control Board staff members conferred over the various concerns relating to coastal resources and identified a set of project changes that if accepted by the applicant and incorporated into the project description would resolve many of the identified concerns. The suggested project modifications included: (1) provisions for pre-demolition testing for COPCs at perimeter areas around select building foundations; (2) requirements for the use of appropriately low-permeable capping back-fill in the areas where materials would be excavated and it is determined that soil with COPC concentrations exceeding cleanup levels would have to remain until full remediation of the site at a later date; and (3) further specification to the scope of the debris removal and confirmation testing to be performed on the site's coastal bluff face and blufftop margins to minimize disruption of bluff stability and bluff face and intertidal habitat.

On March 28, 2006, the applicant amended the project description for purposes of the Commission's *de novo* review of the appeal to incorporate the suggested changes (see Exhibit No. 6, pages 1 through 13).

**D. Project and Site Description.**

1. Project Setting

The project site consists of portions of the approximately 435-acre Georgia-Pacific Corporation lumber mill complex situated on the uplifted marine terrace that spans a roughly four-mile-long stretch of open ocean coastline to the west of Highway One and the city center of Fort Bragg. Immediately to the south of the site lies the mouth embayment of the Noyo River. The project area is bounded on the north by low-density single-family residential housing (see Exhibit Nos. 1 and 2). The property consists of a generally flat, heavily graded industrial site with scattered thickets of brushy vegetation along its western coastal bluff face, and within and around the various log curing and fire suppression ponds developed on the site.

The project site properties are situated within the incorporated boundaries and the coastal development permit jurisdiction of the City of Fort Bragg. The site is designated in the

City's Land Use Plan as "Heavy Industrial" (HI), implemented through a Heavy Industrial with Coastal Zone combining zoning designation (HI-CZ). The property is not situated within any viewpoint, view corridor, or highly scenic area as designated in the visual resources inventory of the LCP's Land Use Plan. Due to the elevation of the project site relative to the beach and ocean, and, until recently, the presence of intervening industrial structures and timber products processing and storage areas, no public views of blue water across the property from Highway One to and along blue-water areas of the ocean and designated scenic areas exist. The views that are afforded across the property are limited to either glimpses of distant horizon vistas from Highway One, or lateral views of the coastal bluff areas as viewed from the public-accessible areas at Glass Beach to the north and from the beach areas to the west of Ocean Front Park at the mouth of the Noyo River.

## 2. Project Description

The development consists of foundation and debris removal, additional site investigation, and interim remedial measures, if necessary associated with the voluntary site assessment of the former Georgia-Pacific Corporation sawmill complex. Since October 2002, when the mill ceased production and closed, the site has undergone a series of assessments for reuse of the site. Preliminary evaluations as part of the Georgia-Pacific Mill Site Reuse Study and Specific Plan projects have been performed to assess the presence of COPCs resulting from past operations on the mill properties, including numerous soils and groundwater samples taken from the network of surface-grab, auger-bored and trench-excavated and monitoring well sample points on the site. In addition, to eliminate the source of any identified COPCs, much of the industrial machinery has been removed from the site and many of the former industrial buildings have been demolished (see City of Fort Bragg Coastal Development Permit Nos. CDP 1-03 and 2-04).

Notwithstanding whatever mix of uses may eventually be provided for under the specific planning process, the applicants acknowledge that thorough remediation and clean-up of the property will facilitate reuse of the property. Accordingly, the current owner/applicant is voluntarily pursuing the current site assessment, and the specific planning efforts to enhance the marketability of the property.

The current round of assessments authorized by the City's coastal development permit approval entail the removal of concrete building foundations from the 26 structure complex of former industrial buildings clustered on the central portion of the mill site inland of Soldier's Bay / Fort Bragg Landing and at the site of the mobile equipment shops to the northeast of the sawmill complex. The work to be performed at Glass Beaches 1-3 is located along the northwestern bluff face of the mill property, while the exploratory and material removal activities slated to be conducted on Parcels "3" and "10" are situated on the upper bluffs flanking the north and south sides of the Soldier Bay / Fort Bragg Landing inlet (see Exhibit Nos. 1-3). Heavy tractored and rubber-tired construction equipment including excavators, backhoes, dump trucks, and hand and power tools would be utilized to perform the concrete break-out, material

excavation/extrication, and transportation to stockpile areas located along the eastern side of the sawmill / powerhouse / water treatment complex and equipment shop buildings, and inland of the Glass Beach and Parcel 3/10 sites (see Exhibit Nos. 6 and 8).

Once the concrete foundation rubble and refuse materials are removed from the building sites and bluff areas and secured at the designated storage locations, the exposed areas would be examined for the presence and extent of any underlying COPCs. A soils sampling grid would be established over and around the exposed foundation areas. An adaptive management approach would be taken with respect to the specific spacing and number of sampling points. Soil samples would then be collected and analyzed for a variety of chemical constituents, including Total Petroleum Hydrocarbons as gasoline, diesel, diesel with silica gel cleanup, and motor oil (TPHg, TPHd, TPHdsgc, TPHo), solvents in the form of Volatile and Semi-Volatile Organic Compounds (VOCs), Polynuclear Aromatic Hydrocarbons (PAH), Polychlorinated biphenyls (PCBs), Organochlorine pesticides, Dioxins and furans, site-specific pesticides/herbicides, certain heavy metals subject to California water quality regulations, Hexavalent chromium, and tannins and lignin compounds.

The project as amended includes provisions for collecting soil samples from select areas adjacent to the foundation perimeters (outside the foundation footprint) prior to removal of the foundations; however, removal of the foundations is not conditioned on whether these samples are collected or the analytical results of the samples. In the event physical constraints preclude collection of specific perimeter samples prior to foundation removal (e.g., personnel or equipment access is impeded by foundation layout), these samples will be collected following removal of the foundations. Based on the results of the analysis of the perimeter samples, additional pre- or post-foundation removal perimeter samples may be collected as specified in the Work Plan.

As warranted by field conditions to be determined by the work site supervisor subject to criteria enumerated within the work plan, "interim remedial measures," including the further excavation of soils containing COPC concentrations exceeding cleanup levels to unspecified depths for either direct removal from the sites to an appropriate disposal facility or stockpiling of the materials on the mill property for in-place treatment or eventual transport and disposal would be implemented. Additional soil column testing for COPCs would be performed as warranted by site conditions and the determination of the site supervisor and/or regional water board staff.

The excavation and stockpiling activities would be performed pursuant to certain water quality best management practices and performance standards, including provisions for covering the excavation and stockpiles with plastic sheeting, constructing berms, placing stormwater and soil debris interception barriers, discontinuing work during windy periods, site watering from furtive dust abatement, and conducting the excavation to minimize further introduction of COPCs in groundwater (see Exhibit Nos. 6 and 7). Excavated areas would then be back-filled with appropriately low-permeable earthen, geo-textile fabric, or paving materials to stabilize the excavation sites.

The information derived from this round of assessment activities would then be reviewed by the North Coast Regional Water Quality Control Board to determine appropriate follow-up characterization and clean-up goals and activities to be carried out in a subsequent Remedial Action Plan (RAP). Additional coastal development permits will be needed for those activities within the finalized RAP that meet the definition of “development” under the Coastal Act.

**E. Protection of Coastal Water Quality and Marine Resources.**

**1. LCP Provisions**

Policy VI-3 of the City’s LUP states:

*Special Review of Runoff Prone and Runoff Sensitive Areas. The city shall require all development occurring in the runoff (‘RO’) special review areas on the Coastal Environment Map to undergo the special review process set out in Chapter XVII, Section E. Permitted development in these areas will be designed to protect and maintain the biological productivity and quality of coastal waters, marine resources, and riparian habitats, and to maintain optimum populations of marine organisms.*

Policy VI-4 of the City’s LUP states:

*Changes in Runoff Patterns. Changes in runoff patterns which result from new development, either by virtue of changes in land forms or from increases in impervious surfaces, shall not cause increases in soil erosion or stream sedimentation, nor shall they disturb environmentally sensitive riparian or wetland habitats. Such changes may be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided.*

LUP Policy VI-5/XI-2 further provides:

*Alteration of Landforms. The alteration of cliffs, bluff tops, faces or bases, and other natural land forms shall be minimized in the Coastal Zone and especially in runoff (‘RO’) special review areas. Such changes may be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result: of the proposed development have been provided.*

Section 18.61.022 of the City of Fort Bragg Zoning Code states, in applicable part:

*Water and marine resources shall be maintained, enhanced and where feasible restored pursuant to the following specific standards: ...*

*B. Runoff and soil erosion.*

*New development located in the (RO) Runoff Special Review Areas shall undergo the review process set out in Section XVII (E) of the Land Use Plan and as subject to the following standards:*

*1. Runoff shall be controlled in new developments such that biological productivity and quality of coastal waters, marine resources and riparian habitats is protected, maintained and where appropriate restored. New development shall not cause increases in soil erosion nor disturb wetland or riparian habitats.*

*2. Where there is the threat of such harm associated with new development, report or reports shall be prepared by a soils engineer, biologist and/or other qualified professionals to assess such threats and to recommend measures to eliminate or minimize harm.*

*3. The approving authority shall require that appropriate mitigation measures be adopted prior to project approval. Mitigation measures must be sufficient to intercept any eroded material and provide for disposal.*

*4. Among specific mechanisms or measures which shall be utilized where appropriate to minimize harm are the following:*

*a. Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.*

*b. Whenever feasible, natural vegetation shall be retained and protected.*

*c. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.*

*d. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.*

*e. Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or disturbance. Such provisions shall be in addition to all existing requirements.*

*f. Water runoff shall be minimized and retained on site whenever possible to facilitate water recharge.*

*g. Sediment should be contained on site when feasible.*

*h. Diversions, sediment basins and similar required structures shall be installed prior to any on site grading or disturbance.*

*i. Any drainage systems required shall be completed and made operational at the earliest possible time during construction.*

*j. Interceptor ditches shall be established above all cut and fill slopes and the intercepted water conveyed to a stable channel or drainageway with adequate capacity.*

- k. Soil erosion and sediment control measures installed under this chapter shall be adequately maintained for one year after completion of the approved plan, or until such time as the soil is permanently stabilized to the satisfaction of the municipal engineer.*
- l. Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, roads) shall be collected and transported to natural drainage channels with sufficient capacity to accept the discharge without undue erosion.*
- 5. New development shall minimize the alteration of cliffs, bluff tops, faces or bases and other natural landforms. Such changes may be permitted by the approving authority only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided.*

## 2. Discussion

The City's LCP sets forth criteria for the review of development projects proposed for areas delineated as being prone to impacts from stormwater runoff, sedimentation, and siltation from associated ground disturbances, natural landform alterations, or changes to site drainage. In general, the land use policies direct that the development be designed to protect and maintain the biological productivity and quality of coastal waters, marine resources, and riparian habitats, that optimum populations of marine organisms be maintained, that no increases in soil erosion or stream sedimentation result, nor disturbances environmentally sensitive riparian or wetland habitats occur, and that such changes be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided. Furthermore, the alteration of cliffs, bluff tops, faces or bases, and other natural land forms are to be minimized and any such changes be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided.

To implement these policies, the City's Zoning Code at Section 18.62.022.B.4 enumerates a variety of water quality best management practices and mitigation measures to be incorporated into the design of any development being proposed in a run-off impact prone area. These practices and measures include the temporal and spatial minimization of vegetation removal and ground disturbances, retention of the greatest amount of native vegetative cover practicable, use of various barriers and impoundments to control stormwater entry into or discharges from denuded/disturbed sites, and the mulching and revegetation of disturbed areas following completion of construction activities.

As detailed in the building foundation removal additional investigation, interim remediation measures, and stormwater pollution prevention plans, the project has incorporated a suite of the water quality best management practices and mitigation measures identified in Zoning Code Section 18.62.022.B.4 (see Exhibits 6 and 7). To



ensure that significant impacts to water quality and sensitive coastal resources do not result from the development, the Commission attaches Special Condition No. 1. Special Condition No. 1 requires the applicant to implement the various proposed water quality control measures identified in the work plans. Therefore, as conditioned, the Commission finds the development to be consistent with the Water and Marine Resources policies and standards of the LCP.

**F. Development within and Adjacent to Environmentally Sensitive Habitat Areas (ESHAs).**

**1. LCP Provisions**

Sections A and G of Chapter IX of the City of Fort Bragg's Land Use Plan incorporates by reiteration the Coastal Act's definition of "environmentally sensitive habitat area," stating in applicable part:

*'Environmentally sensitive habitat area' means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments.'* (Section 30107.5)... [Parenthetic in original.]

LUP Policy IX-1 of the City of Fort Bragg's Land Use Plan states:

*General Policy. Environmentally sensitive habitat areas in the city's Coastal Zone include: Intertidal and marine areas, coastal bluffs, wetlands, and riparian habitats. Such areas shall be protected against any significant disruption of habitat values, and only uses dependent upon such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

*Intertidal and marine areas, coastal bluffs, wetlands, and riparian habitats shall be protected against any significant disruption of habitat values and only uses dependent upon such resources shall be allowed within such areas.*

The City's ESHA inventory, as set forth in Sections H.1 and H.2 of the Land Use Plan states the following with regard to the environmentally sensitive coastal bluff and rocky intertidal marine areas along the project site's western ocean frontage:

*Coastal bluff environments are sensitive habitats because endemic vegetation is often rare or uncommon and because, if the bluffs are*

*denuded, the potential for erosion of the bluffs is significant. Erosion of coastal bluffs could impact rocky intertidal areas at the base of the cliffs...*

*The rocky intertidal areas along the coast south of Glass Beach to Noyo Bay contain extremely biologically rich tide pools, rocks, nesting grounds, bluffs and kelp beds. The bluffs and adjacent industrial activity form an effective buffer protecting these habitats from human disruption. They are presently in a relatively pristine condition and biologically quite productive. In addition to limiting public access, the adjacent industrial land use should be closely monitored to assure these areas are not impacted, e.g., via water runoff. Rocky intertidal areas exist south of Noyo Bay which also must be protected, e.g., via setbacks for development on bluffs and close monitoring and mitigations to assure no significant increase in water runoff to these areas...*

Section 18.61.025 of the City of Fort Bragg Zoning Code states, in applicable part:

A. The city shall protect all environmentally sensitive habitat areas against any significant disruption of habitat values.

1. Development in areas adjacent to environmentally sensitive areas shall be sited and designed to prevent impacts which would significantly degrade such areas.
2. Development shall be compatible with the protection and continuance of environmentally sensitive habitat areas...

B. *Specific Criteria.*

*The following standards provide guidelines for development occurring near a sensitive habitat area:*

1. Sensitive habitat areas. Environmentally sensitive habitat areas shall include, but not be limited to the following:
  - a. Intertidal and marine areas.
  - b. Coastal bluffs
  - c. Wetlands...
- 3. Buffer areas. A buffer area shall be established for permitted development adjacent to environmentally sensitive habitat areas based on the standards enumerated in Appendix D of the Coastal Land Use Plan. The width of a buffer area may vary depending upon specific conditions. The buffer area should be a minimum of fifty (50) feet unless it is demonstrated that fifty (50) feet is unnecessary to protect the resources of the habitat area. Where substantial improvements or increased human impacts are involved, a much wider buffer area should be required. For a wetland, the buffer area should be measured from the landward edge of the wetland. For a stream or river, the buffer area should be measured landward from the landward edge of riparian vegetation or from the top edge of the bank (e.g., in channelized*

*streams). Maps and supplemental information should be used to determine these boundaries. Standards for determining the appropriate width of the buffer area are contained in Chapter XVIII of the Coastal Land Use Plan.*

4. *Bluff/riparian vegetation (BRV) areas. Developments proposed within the area designed bluff/riparian vegetation (BRV) on the Coastal Environmental Map shall be reviewed pursuant to the special review process set out in Section XVII (E) of the Land Use Plan and the provisions of this section.*
  - a. *Prior to the issuance of a coastal development permit in BRV areas, the approving authority shall require an assessment of the impact on bluff and riparian vegetation, to be undertaken by a qualified biologist.*
  - b. *Where the assessment reveals the existence of an environmentally sensitive habitat area pursuant to the definitions contained in Chapter IX of the Coastal Land Use Plan, the necessary buffers and/or mitigation measures shall be imposed to assure habitat protection or restoration.*
  - c. *Standards for determining the appropriate width of required buffer zones are contained in this section and Section XVIII of the Coastal Land Use Plan... [Emphasis added.]*

## 2. Discussion

Although extensively modified since the late 1800s when the property was first cleared and graded for use as a shipping and rail terminus and for related forest products processing, the project site still contains a variety of environmentally sensitive habitat areas of varying biological integrity. These areas include impounded aquatic and emergent wetlands in the form of a series of lumber storage and fire suppression "log ponds," riparian corridor remnants along original or re-aligned watercourses, uplifted marine terrace blufftop margins populated with rare plants, coastal bluff face areas containing potential nesting sites to a variety of shoreline avian species, and intertidal rocky habitat providing substrate for intermittently exposed tidepool and persistently submerged littoral flora and fauna. In addition, adjoining the site are offshore sea stack areas used as nesting, holding, and foraging habitat for a variety of marine mammals and waterfowl.

### Wetlands

A wetlands delineation and habitat assessment was prepared for the project site pursuant to Coastal Act definitions (see Exhibit Nos. 10 and 11). Although currently in a highly degraded state, the impounded areas on the terrace portions of the project site are

recognized as ESHA under the City's LCP and are subject to the policies and standards therein for protecting and restoring these areas in association with any development occurring within or adjacent to these areas.

### Coastal Bluffs

As observed in the foregoing quoted LUP sections and documented in recent studies,<sup>1</sup> the offshore rocks, rocky intertidal area and their immediate landward coastal bluff environs where the Glass Beach and Parcel 3/10 clean-up and investigations would be performed are coastal marine resources of particularly high ecological value. Adjacent to these areas are the various vegetation communities and component species on the coastal bluffs in proximity to the sawmill complex, Glass Beaches 1-3 and the headland areas flanking Soldier's Bay where the exaction work on Parcels 3 and 10 would be performed. Several listed rare and sensitive plant species, including Mendocino coast Indian paintbrush (*Castilleja mendocinensis*), Blasdale's bent-grass (*Agrostis blasdalei*), and short-eared evax (*Hesperevax sparsifolia* var. *brevifolia*) were found in this area during botanical surveys conducted in March and May 2005 (see Exhibit No. 12). From these data, recommendations were developed in subsequently prepared mitigation and monitoring programs and conceptual revegetation plans to reduce the potential significant adverse impacts of the proposed work activities to less-than-significant levels through a combination of impact avoidance strategies restoration actions (see Exhibit Nos. 13 and 14). These actions included the performance of follow-up botanical surveys for certain rare plant species which were not in bloom at the time the majority of the botanical assessment work was conducted.<sup>2</sup>

With regard to potential bird nesting uses in the coastal bluff and rocky intertidal areas where the work activities would be performed, the habitat assessment prepared for the terrestrial portions of the project site (see Exhibit No. 10) noted:

Potential nesting for migratory bird species including passerines, waterfowl, and raptors exists in a variety of habitats within the project area including industrial ponds, non-native grasslands, the nursery, and riparian areas to the north, Fort Bragg Landing Beach and the cliffs along the coast...

The tuffed puffin (*Fratercula cirrhata*) is an open ocean bird that nests along the coast on islands, islets, or (rarely) mainland cliffs... They require sod or earth to create burrows in which they nest on cliffs and grassy slopes. There is potential habitat for these species to nest in the cliffs along the western margin of the Facility...

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<sup>1</sup> "Field Report for A Marine Biological Survey of the Proposed Pacific Marine Farms Mariculture Facility at Fort Bragg, California," Applied Marine Sciences, Inc., September 2001

<sup>2</sup> A late-season botanical survey conducted in August 2005 subsequently found no late-blooming rare plants of concern, including supple fleabane (*Erigeron supplex*).

The federally threatened western snowy plover (*Charadrius alexandrinus novosus*) inhabits sandy beaches, salt pond levees, and shores of large alkali lakes and requires sandy, gravelly or friable soils for nesting. Potential nesting habitat, although degraded, exists for these species on the beach at Fort Bragg Landing...

Nesting habitat exists on the Facility for sensitive avian species including the western snowy plover, tri-colored blackbird, tufted puffin, raptors (including osprey), waterfowl, and other migratory species. All migratory bird species are protected by the Migratory Bird Act of 1918. The nesting and breeding season for raptors is February through September. Most other migratory birds nest and breed from March through September.

To avoid disturbance of areas that may provide habitat for sensitive plant and wildlife species, the following recommendations should be followed:

- Limit construction activities to previously disturbed areas within the Facility to avoid potential habitat for sensitive species along the outer margins of the property.
- Schedule ... all construction operations ... outside of the nesting and breeding season of raptors (February through September) and other migratory birds including western snowy plover (March through September)
- If construction operations are required during these months, a qualified biologist should conduct pre-construction surveys to identify active nests in the project area. Should nests be found, a determination will be made in consultation with the CDFG and USFWS whether or not construction will impact the nests...  
[Parenthetics in original; emphases added.]

A supplemental Avian Habitat Utilization and Impact Assessment was also prepared for the bluff face, intertidal, and offshore areas on and adjoining the project property (see Exhibit No. 15). This document reiterated many of the findings of the earlier habitat assessment and included recommendations that specific measures be taken in the interest of avoiding and minimizing significant impacts to bird nesting and marine mammal haul-out habitat use in these areas. These measures include the conducting of pre-construction breeding bird surveys, provisions for establishing fifty-foot-wide buffer areas around any such nests discovered during the surveys, and that clean-up and remedial work be postponed until all young in the nest(s) have fledged.

#### Rocky Intertidal and Offshore Rocks

An analysis of the rocky intertidal and offshore rock habitat areas was also prepared for the project (see Exhibit No. 16). Particular focus was made on identifying mitigation measures for avoiding and minimizing potential impacts to sensitive coastal resources in these areas, especially as relates to the sediment entrained in stormwater runoff associated with the debris and soil removal activities, and the potential disturbance of marine mammals utilizing offshore rocky areas as pupping and haul-out habitat. This assessment document reiterated and identified a variety of mitigation measures to be employed to reduce potential water quality and human disturbance related impacts to these habitat areas, including the use of the various water quality best management practices identified in the work and stormwater pollution prevention plans, and specific survey, response, and monitoring actions to be taken to minimize potential disturbances to marine mammals.

#### Development in or Adjacent to ESHAs

Due to their susceptibility to disturbance and degradation from human activities and development, and because they provide habitat to especially rare or especially valuable plant and animal life, the LCP sets forth review standards for use in approving development in and in proximity to such designated sensitive areas. Most notably, the effects on the biological resources that are contained within or utilizes the ESHAs are to be considered, restrictions placed on the permissible uses within ESHAs, limiting them to those dependent upon and compatible with the resources therein, and requiring that the design and siting of the development or activity be appropriate for preventing impacts that would significantly degrade such areas.

The coastal bluff areas on the project site in which the proposed debris removal would be performed are identified as ESHA within the City's LCP. The LCP specifically identifies the coastal bluff ESHA as a significant resource, whose relatively pristine condition is due in part to the bluff area having been relatively undisturbed by human activity because of being closed off to the public for industrial use. The area has significant ecological value, especially in terms of the rare plants growing therein, its potential for seabird habitat, its largely undamaged adjoining tide pools and offshore rocks, and the fact that its four-mile length spans a relatively long distance along the shoreline. Pursuant to the LUP Policy IX-1, only uses dependent upon and compatible with the habitat resources therein may be permitted. The Commission finds that the project work proposed to be conducted within the coastal bluff ESHA is being conducted with the intention of restoring and improving these degraded areas to greater levels of biological productivity and habitat sustainability. Thus, as the removal of debris and soil with COPC concentrations exceeding cleanup levels requires entry into these areas to conduct the intended restoration, the use is dependent upon and compatible with the habitat resources within the coastal bluff areas.

Moreover, the adjoining rocky intertidal marine resources that flank the western side of the mill near where debris extrication is proposed and the wetlands on the terrace portions of the site in the vicinity of the proposed building foundation and soil removal areas are both specifically identified as ESHA in the City's LCP. As set forth in LUP Policy IX-1

and Zoning Code Section 18.61.025.A.1 any approved development adjacent to the wetlands and rocky intertidal ESHAs must be designed and sited so as not to degrade and be compatible with the continuance of those adjacent ESHAs.

Removal of the building foundations and excavation work to implement the interim remediation measures will entail work in proximity to the delineated wetlands on the terrace portions of the site. Moreover, the proposed work on and along the relatively remote coastal bluff areas above Glass Beaches 2 and 3 and above Soldier's Bay/Fort Bragg Landing Beach on Parcels 3 and 10 will entail the operation of heavy motorized construction equipment and the presence of human hand labor crews to remove debris and soil with COPC concentrations exceeding cleanup levels. To avoid potential water quality impacts associated with conducting this work during the wet season, these activities would be performed during the drier mid-April to mid-October timeframe, partially coinciding with the nesting season of several of the sensitive bird species who may be utilizing this portion of the project site for habitat.

Given the potential for impacts to sensitive habitat areas as disclosed in the various habitat assessments and botanical surveys prepared for the project and the specific mitigation measures to prevent noise and human activity impacts to species cited above, the Commission attaches Special Condition Nos. 2 and 3. Special Condition No. 2 sets specific operational performance standards for building foundation removal and excavation activities slated for areas in the vicinity of the wetlands on the project site. Special Condition No. 3 requires the applicant to implement the mitigation measures recommended in the various habitat assessments, botanical surveys, and conceptual restoration and revegetation plans prepared for the coastal bluff, rocky intertidal and offshore rock areas on or adjoining the project site. The mitigation measures identified in the rare plant surveys have been further modified to include a five-year monitoring program for ensuring that these species are reestablished to pre-project coverage, densities, and associative compositions, as applicable.

Therefore, the Commission finds that the project with the attachment of Special Condition Nos. 2 and 3 requiring the use of various operational performance standards for work conducted in the proximity of wetlands and implementing the mitigation measures identified in the various habitat assessments, botanical surveys, and restoration and revegetation plans conforms with the provisions of the certified LCP for the protection of environmentally sensitive coastal bluff and rocky intertidal marine areas, including Land Use Plan Policy IX-1 and Section 18.61.025 of the City of Fort Bragg Zoning Code.

**G. Avoidance of and Minimizing Exposure to Geologic Instability.**

1. LCP Provisions

Policy VI-5/XI-2 of the City of Fort Bragg's Land Use Plan states:

*Alteration of Landforms. The alteration of cliffs, bluff tops, faces or bases, of other natural land forms shall be minimized in the Coastal Zone and especially in runoff ("RO") special review areas. Such changes may be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided.*

Section 18.61.026 of the City of Fort Bragg's Zoning Ordinance estates, in applicable part:

*A. Development in Fort Bragg's Coastal Zone shall (1) minimize risks to life and property in areas of high geologic and flood hazard, (2) assure structural integrity and stability, (3) neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

*B. All development occurring in a demonstration area, as defined below, must demonstrate by credible evidence that the area is stable for development and will neither create a geologic hazard nor diminish the stability of the area pursuant to the following specific standards.*

*1. A demonstration area of stability shall include the base, face and top of all bluffs and cliffs. The extent of the bluff top includes the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a twenty (20) degree angle from a horizontal plane passing through the toe of the bluff or cliff, or fifty (50) feet inland from the edge of the bluff or cliff, whichever is greater.*

*2. In a demonstration area, the applicant shall file a report evaluating the geologic conditions of the site and effects of development, to be prepared by a registered geologist, a professional civil engineer with expertise in soils or foundation engineering, or a certified engineering geologist.*

*C. Alteration of cliffs, bluff tops, faces or bases and other natural landforms shall be minimized in the Coastal Zone and especially in RO, runoff review areas. Any material eroded as a result of development must be intercepted. The runoff standards provided in Section 18.61.022(B) shall apply... [Emphases added.]*

Cited Section 18.61.022(B) further references Chapter XVII, Section E of the City's Land Use Plan, which states, in applicable part:

*E. Special Review Areas*



*Special review areas are designated on the map with abbreviations. Any proposed development on parcels which are located in whole or in part within the special review areas will require a report by a qualified professional as well as review of that report by the approving agency to ensure that Coastal Act and Local Coastal Program policies concerning the sensitive resource or feature are properly treated in the specific proposed development. These review requirements are in addition to the bluff hazard review noted in Chapter XI. The types of special review areas and required reports are as follows: ...*

RO --- Runoff. The impacts of runoff erosion, and natural landform modification shall be evaluated by a civil engineer. Where induced, runoff may have significant biological effects, review by a biologist will be necessary. The evaluation will identify mitigation measures necessary to minimize the adverse effects of runoff. [Emphasis added.]

## 2. Discussion

Section 18.61.026 of the City of Fort Bragg's Zoning Ordinance requires that: (1) the approving authority review all applications for coastal development permits to determine threats from and impacts on geologic hazards, and in areas of known or potential geologic hazards such as shoreline and bluff top lots and areas; (2) a geologic investigation and report be prepared prior to development approval; and (3) any authorized alteration of cliffs, bluff tops, faces or bases and other natural landforms be minimized. As incorporated by reference within Section 18.61.026, Zoning Ordinance Section 18.61.022(B) further requires that for development occurring in runoff special review areas, as mapped on the Land Use Plan's Coastal Environment Map: (1) any material eroded as a result of development must be intercepted; (2) the impacts of runoff erosion, and natural landform modification be evaluated by a civil engineer; (3) the biological effects of runoff be reviewed by a biologist; and (4) the evaluation identify mitigation measures necessary to minimize the adverse effects of runoff.

The proposed clean-up work on the coastal bluff above Glass Beaches 1-3 and on the upper bluff areas on Parcels 3 and 10 are all located within the "area of demonstration" as defined in Section 18.61.026.B.1 of the City of Fort Bragg's Zoning Ordinance. Pursuant to Section 18.61.026.B.2, a report evaluating the geologic conditions of the site and the effects of development is to be prepared by a registered geologist, a professional civil engineer with expertise in soils or foundation engineering, or a certified engineering geologist and filed with the City for that agency's review and approval. In addition, the entire coastal bluff area along the western side of the G-P mill site appears on the LUP Coastal Environment Map with an "RO" designation indicating its status as a special review area subject to additional engineering and biological review, and the inclusion of mitigation measures relating to potential runoff impacts associated with runoff from the development.

Given the scope of the subject development (i.e., no proposed structural improvements), the geotechnical information submitted with the project application was prepared primarily for the staging and operation on the bluff face and along the blufftop edges of the mill property (see Exhibit No. 17). The report specifically addresses the subject debris removal work to be conducted within the coastal bluff areas, with the principal purpose of the report being to determine how far back from the bluff edge heavy mechanized equipment can be safely stationed and operated given the potentially compromised structural competency and stability of this area (i.e., underlying fractured lithology with numerous underlying sea caves and groundwater seeps). In addition, as required under Zoning Code Section 18.61.022.B, an engineering and biological assessment of the project's potential effects on rocky intertidal habitat areas from erosion and sediment related impacts was also prepared (see Exhibit No. 16).

Based on the information in these reports, potential impacts from geologic instability related erosion, sedimentation, and slope failures could result if the proposed grading on the bluff face and blufftop margins did not employ appropriate water quality best management practices to avoid, contain and impound stormwater-entrained sediment or soil materials dislodged during excavation and debris extrication activities. Furthermore, given the friable character of the natural ground and fill at the immediate blufftop margins and the undercut conditions along some of the shoreline, the staging of heavy mechanized equipment in such areas could instigate slope failures in the form of slumping or mass wasting if positioned within 20 feet of the bluff edge.

To prevent the identified impacts to coastal resources, the Commission attaches Special Condition Nos. 1 and 4. Special Condition No. 1 requires that the sediment and erosion control measures identified in the various excavation, interim remediation measures, and stormwater pollution prevention plans be implemented as proposed by the applicants. Furthermore, Special Condition No. 4 requires that the constraints on the staging and operation of light and heavy mechanized equipment on coastal blufftop margin areas be followed during the performance of refuse and waste debris clean-up activities in that locale.

Therefore, the Commission finds that the proposed development as conditioned by the attachment of Special Condition Nos. 1 and 4 conforms with the provisions of the certified LCP for the avoidance and minimization of exposure to geologic instability, including LUP Policies IX-1 and XI-5/XI-2, and Section 18.61.026 of the City of Fort Bragg's Zoning Ordinance.

#### **H. Archaeological Resources.**

##### **1. LCP Provisions**

Policy XIII-2 of the City of Fort Bragg Land Use Plan states:

*Archaeological Discoveries During Construction. When in the course of grading, digging or any other development process, evidence of archaeological artifacts is discovered, all work which would damage such resources shall cease and city planning staff shall be notified immediately of the discovery. City planning staff shall notify the State Historical Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historical Preservation Officer, development at the site may be halted until an archaeological assessment of the site can be made and mitigation measures developed.*

Chapter XVII, Section E of the City's Land Use Plan states, in applicable part:

*E. Special Review Areas*

*Special review areas are designated on the map with abbreviations. Any proposed development on parcels which are located in whole or in part within the special review areas will require a report by a qualified professional as well as review of that report by the approving agency to ensure that Coastal Act and Local Coastal Program policies concerning the sensitive resource or feature are properly treated in the specific proposed development. These review requirements are in addition to the bluff hazard review noted in Chapter XI. The types of special review areas and required reports are as follows: ...*

*AR --- Archaeology. A report is to be prepared by a qualified archaeologist or anthropologist. The report shall identify and evaluate all archaeological and paleontological resources, assess the effects of the proposed development on those resources, and recommend resource preservation or mitigation measures. A copy of the report shall be transmitted to the State Historical Preservation Officer and the Cultural Resource Facility at Sonoma State University for their review and comment. They shall be requested to comment on all aspects of the report, including the recommended preservation and/or mitigation measures.*

Similarly Chapter XVII, Section F.20 of the City's Land Use Plan states, in applicable part:

*Any proposed development on parcels which are located in whole or in part within the special review areas will require a report by a qualified professional as well as review of the report by the city to ensure that Coastal Act and Local Coastal Program policies concerning the sensitive resources or features are properly treated in the specific proposed development. These review requirements are in addition to the bluff hazard review. Special studies may be completed prior to submission of an application, as part of an environmental impact report, or as an*

*independent document. In any case, the selection of the professional preparing the report must be with the approval of the permitting agency. A discussion of the special review areas and required reports follows:*

*a. Archaeology Review (AR). A report must be prepared by a qualified archaeologist or anthropologist. The report shall identify and evaluate all archaeological and paleontological resources, assess the effects of the proposed development on those resources and recommend resource preservation and mitigation measures. A copy of the report shall be submitted to the State Historical Preservation Officer and the Cultural Resource Facility at Sonoma State University for their review and comment. They shall be requested to comment on all aspects of the report, including the recommended preservation and/or mitigation measures.*

2. Discussion.

The City's LCP sets forth several policies regarding the protection of archaeological resources. LUP Policy XIII-2 requires that, when in the course of grading, digging or any other development process, evidence of archaeological artifacts is discovered, all work which would damage such resources be ceased and city planning staff be notified immediately of the discovery. The permitting authority is directed to notify the State Historical Preservation Officer (SHPO) and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historical Preservation Officer, development at the site may be halted until an archaeological assessment of the site can be made and mitigation measures developed. In addition, due to the designation on the Coastal Environment Map of portions of the project site as being situated within an archaeology special review area, Sections E and F.20 of LUP Chapter XVII reiterate the requirements that an archaeological investigation be prepared, mitigation and conservation measures be identified, and the report transmitted to the SHPO and Sonoma State University for further consultation.

A cultural resources site reconnaissance was prepared for the proposed project (*Archaeological Survey of the Georgia-Pacific Lumber Mill Fort Bragg, California*, TRC Companies, Inc., March 2003). As part of its review of the development, the City Community Development Department stated the following with respect to the site analysis:

A records search at the California Historic Resources Information System identified six previously recorded cultural resource sites located within the property boundaries and two sites immediately adjacent to the property. A field assessment of the Mill Site was conducted including a pedestrian survey and examination of existing buildings to assess their age and architectural significance. The field assessment identified five previously recorded sites on the property and identified five additional sites. The five previously recorded sites were recorded more than 50 years ago and

consist of low to moderately dense shell middens along with associated artifacts. Three additional prehistoric sites were identified by the pedestrian survey including an additional shell middens and two campsites...

The results of the field survey indicate that there is a high potential for as yet unidentified cultural resource sites in large portions of the property. A follow-on Site Specific Treatment Plan for Cultural Resources, prepared by TRC, includes a map which defines areas with moderate and high potential for cultural resources. Specific mitigation measures are identified to protect, test and preserve archaeological resources. The cultural resources investigation included consultation with Native Americans. The results of the Native American consultation are recorded in confidential Appendix F of the Archaeological Survey...

The results of the initial cultural resources investigation indicated that the entire property has achieved significance as an historic district under the California Register of Historic Places. The study recommended that a Site Specific Treatment Plan be developed to provide detailed measures to mitigate negative impacts to cultural resources on the property. TRC prepared two follow-on studies: Phase II Determination of Significance-Standing Structures and Site Specific Treatment Plan for Cultural Resources.

The site-specific treatment plan contains numerous mitigation measures for preventing and reducing impacts to archaeological resources, including:

- Pre-construction surficial and shallow subsurface testing and evaluation of all areas proposed for excavation and the survey staking of the outer extent of known cultural resource areas.
- On-site observation of excavation and other ground disturbing activities in areas with moderate and high resource site potential rate by an qualified archaeologist with authority to halt work upon the discovery of potentially significant cultural resources.
- Operational standards for the incidental discovery of cultural resource artifacts or human remains within designated low site potential rated areas, including provisions for halting work until an archaeologist and/or coroner has assessed the significance of the discovered materials.
- Special performance standards for any work to be performed in unique resource areas including the Pomo cemetery and any dredging to be conducted in inter-tidal areas (not applicable to this assessment and interim remediation project).

The Commission finds that the requisite archaeological investigation was performed and identified mitigation measures for the protection of such resources. The report was

transmitted to the SHPO and Sonoma State University as directed in LUP Policy XIII-2 and Sections E and F.20 of LUP Chapter XVII.

To assure that the mitigation measures identified in the archaeological investigation and proposed to be implemented by the applicant are carried out, the Commission attaches Special Condition No. 5. Special Condition No. 5 requires that all excavations in areas of moderate and high cultural resource sensitivity be monitored by a qualified Native American observer. In addition, Special Condition No. 5 contains specific contingencies for the incidental discovery of any cultural resource artifacts or human remains whereby all project work in the affected area would be halted and a qualified archaeologist brought in to assess the significance of the materials and the coroner, respectively.

Therefore, the Commission finds that, as conditioned, the proposed project will protect archaeological resources and is consistent with the archaeological resources protection policies of the certified LCP.

**I. Public Access.**

1. Coastal Act Provisions

Projects located between the first public road and the sea and within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

2. LCP Provisions

Section III.F of the City of Fort Bragg's LUP describes public access conditions through the project site as follows:

*This area presently supports very limited public access. A few people go south from Glass Beach along the bluff faces and beaches to the more rugged beaches and rocky intertidal areas. While the area has attractive beaches, tide pools, and nesting grounds, all in a relatively pristine state, access from one beach to the next along the rugged bluff faces is both*

*dangerous and damaging to the habitats. Thus, either vertical or lateral access in these areas would have to be provided on top of the bluffs, in what is now Georgia-Pacific's lumber storage and working areas. This would call for extensive fencing and security measures in order to avoid serious threats to public safety and private property. Access to the coastline at the sewage treatment plant should not be permitted.*

*This area presents an opportunity to preserve relatively pristine, sensitive and biologically rich sections of coastline. To do so would avoid at best costly and worst ineffective measures to protect public safety and private property. Given these considerations and the nearby presence of other locations where demand for coastal access can probably be met better, access in this area should be limited to controlled scientific and educational uses. However, if use of the mill land were to change substantially on the bluff top area, the possibility of access corridors should be reevaluated in light of these changes as well as the biological and safety considerations discussed above. [Emphasis added.]*

Policy III-8 of the City's LUP states:

*Access south of Glass Beach to the city limits shall be limited to educational and scientific uses.*

3. Discussion

In its application of the above policies, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

Although the subject property is situated on a portion of an uplifted coastal terrace that is between the first through public road (Highway One) and the sea, the property is surrounded on its eastern sides by a combination of general commercial, visitor-serving commercial, and medium- to high-density residential development (see Exhibit No. 3). The northern side of the project site abuts the coastal access and recreational facility known as "Glass Beach," a former municipal solid waste dump where beachcombing through the surf-polished glass and ceramic waste remnants are a popular attraction.

The City's land use plan does not designate the subject parcel for public access, and there does not appear to be any safe vertical access to the rocky shoreline down through the steep bluffs along the site's western and southern ocean and river shorelines that would avoid trespassing through the work areas on the property.

Public access and coastal recreational facilities are located within a ¼-mile radius of the project site, including the aforementioned Glass Beach and the parklands and beach

access at the terminus of North Harbor Drive in Ocean Front Park on the northern shoreline of the Noyo River. Additional boat launching and public access facilities to the river and ocean are also available at various locations within Noyo Harbor.

The proposed development would not significantly increase the demand for public access to the shoreline and would have no other significant adverse impacts on existing or potential public access. In addition, a variety of access facilities are located within a convenient proximity from the project site. Moreover, a major impetus for the coastal bluff debris removal portions of the project is to ameliorate the degraded conditions on the property's shoreline through elimination of debris and soil potentially containing COPCs exceeding cleanup levels for the eventual development of a blufftop coastal trail and parkland areas on the site as currently funded by the Coastal Conservancy.<sup>3</sup> Therefore, the Commission finds that the development, which does not include provision of public access, is consistent with the public access policies of the Coastal Act and the City's LCP.

**J. Visual Resources.**

1. LCP Provisions

Policy XIV-1 of the City of Fort Bragg's LUP states:

*New development within the city's Coastal Zone shall be sited and designated to protect views to and along the ocean, be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Zoning Code Section 18.61.028 establishes the following standards with regard to the protection of coastal visual resources and special communities within the City of Fort Bragg:

- A. *The following shall be considered Coastal scenic corridors:*
1. *Along the west side of Highway One.*
  2. *Along the bluff of the Noyo River including any area within viewing distance from the bluff, and the bluffs at the mouth of Pudding Creek within the Coastal Zone (CZ).*
  3. *The area along Highway 20, with views to the ocean and Hare Creek Cove within the Coastal Zone (CZ).*
- B. *Permitted development within the Coastal scenic corridors, where otherwise consistent with the Coastal Land Use Plan, shall, as determined by the approving authority:*

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<sup>3</sup> See [http://www.coastalconservancy.ca.gov/scabb/0505bb/0505Board04\\_Fort\\_Bragg\\_Waterfront.pdf](http://www.coastalconservancy.ca.gov/scabb/0505bb/0505Board04_Fort_Bragg_Waterfront.pdf) for additional information regarding the Conservancy's Fort Bragg Waterfront Acquisition project.



1. *Minimize the alteration of natural landforms.*
2. *Be visually compatible with the character of the surrounding area.*
3. *Be sited and designed to protect views to and along the ocean and scenic coastal areas.*
4. *Wherever feasible, restore and enhance visual quality in visually degraded areas.*

C. *All new industrial development sited next to visitor serving land uses and facilities including public accessways shall be designed so as to minimize the visual impact on adjacent visitor serving land uses and facilities.*

2. Discussion.

The 435-acre project site is situated between Highway One, the Noyo River, and the Pacific Ocean (see Exhibit Nos. 2 and 3). The property is not situated within a designated highly scenic area as enumerated within the LUP. Thus, the majority of the LCP's policies and standards regarding visual resource protection are not applicable to the project site and its surroundings. The closest designated coastal scenic corridors are located at the public access facility at the mouth of Pudding Creek approximately ½ mile to the north of the project site and along the base of the bluffs along the lower Noyo River at the end of North Harbor Drive, to the south of the site. Both of these vista points have their ocean and coastline views oriented away from the subject property. Due to the property's location on private roads, the surrounding private land development pattern, and the elevation of the uplifted marine terrace on which the project is situated, public views to and along the ocean across the property from a third scenic corridor identified in the LCP as, "along the west side of Highway One," are limited.

Additionally, given the presence of mature vegetation and intervening structures between the highway and project parcel, views of the site from Highway One vantage points are limited to a relatively brief gap in the roadside industrial, commercial, and residential development along this route as it passes the property's highway frontage. Similarly because of the site's elevated terrace topography relative to the shoreline, views across the project property from along the West Elm Street public accessway to Glass Beach are limited to distant horizon views of the ocean and/or are oriented westward towards the shoreline and ocean areas directly offshore of Glass Beach.

The proposed stockpiling of concrete foundation demolition materials and soils at designated sites on the project parcels will inevitably cause some blockage of the limited coastal views through the site that do exist from public vantage points surrounding the property. However, as the stockpiling is a temporary use to be in place only until the subject materials are reused on site and/or disposed of at appropriate offsite facilities, will partially entail storage within existing vacated industrial buildings, and given the general

industrial character of the site, the Commission finds that the proposed development will not result in significant long-term impacts to the visual resources of the project area.

Furthermore, as subsequent development is undertaken at the mill site pursuant to an reuse plan currently in development, the City and the Commission through review of any related LCP amendments and/or in consideration of any associated subsequent coastal development permit actions, will have opportunities to assess the effects such structural redevelopment would have on visual resources of the area. These LCP amendment and permit reviews will also provide an occasion for ensuring that all related grading and utility extensions are similarly performed consistent with the LCP.

Therefore, the Commission finds that the proposed foundation removal, additional investigation, and interim remediation development as proposed and conditioned is consistent with the visual resource protection provisions of the certified LCP.

**K. National Marine Fisheries Service Review.**

Based on discussions with and correspondence received from the staff of the National Oceanic and Atmospheric Administration's (NOAA) Coastal Protection and Restoration Division (see Exhibit No. 18, pages 2-5), the portions of the project to be conducted on and near the coastal bluff are subject to the Marine Mammals Protection Act, as these activities have the potential to adversely affect harbor seals (*Phoca vitulina richardsi*) that utilize the adjoining offshore rocky areas as habitat. Accordingly, a "harassment permit" may be required to be obtained from NOAA's National Marine Fisheries Service (NMFS) prior to initiation of work in these areas. The applicant has not as yet either secured a harassment permit or received a determination from NMFS that such a permit would not be required. Therefore, to ensure that the project as may be conditionally authorized under any harassment permit is consistent with the project approval granted under Special Condition No. 1, the Commission attaches Special Condition No. 6. Special Condition No. 6 requires that prior to commencing clean-up and interim remediation measures on Glass Beaches 1-3 and/or Parcels 3 and 10, the applicant submit a copy of the harassment permit issued by the NMFS or evidence that no such permit is required. The applicant must also report to the Executive Director any proposed changes to the project required by the harassment permit and apply for any needed amendment to the coastal development permit to authorize such changes.

**L. U.S. Fish and Wildlife Service Review.**

As discussed within the biological assessments prepared for the development, the water surface and wetlands in and adjoining the lumber storage and fire suppression ponds, open grassland, and coastal bluffs in the vicinity of the proposed work sites represent areas where either observed or potential habitat utilization by several environmentally sensitive wildlife species subject to protections afforded by the Federal Endangered Species Act and/or the Migratory Bird Act, as administered by the U.S. Fish and Wildlife Service (USFWS), has been documented. These species include, but are not limited to

brown pelican (*Pelecanus occidentalis californicus*), snowy egret (*Egretta thula*), white tailed kite (*Elanus leucurus*), bald eagle (*Haliaeetus leucocephalus*), and western snowy plover (*Charadrius alexandrinus nivosus*). In addition, as stated in correspondence received from the USFWS (see Exhibit No. 18, page 1), the project site also is considered as containing habitat conditions suitable for the endangered Howell's spineflower (*Chorizanthe howellii*) and Menzies' wallflower (*Elysium menziesii*). In addition, the larval host plant Early Blue Violet (*Viola adunca*) for the endangered Behren's silverspot butterfly (*Speyeria zerene behrensii*) may also occur on portions of the former mill site.

The comment letter does not state that these species are actually present at the project site, but that conditions suitable to their growth on the subject property exist in the locality. The USFWS recommend that the Commission not approve the permit application until a complete and seasonally appropriate botanical survey of all areas affected by the project have been provided to the agency and an opportunity is afforded the USFWS to review site-specific information so that a determination could be made as to whether the proposed work would pose a risk to these listed species.

The botanical studies performed for the project specifically do not report that any of these species are found at the site. The studies surveyed for Howell's spineflower and Menzies' wallflower with negative results. However, the biological habitat assessment does not state whether Behren's silverspot butterfly or Early Blue Violet were specifically looked for during the site evaluation. The applicant has forwarded copies of the biological habitat assessments and botanical surveys to the USFWS for its review.

Therefore, the proposed project is being reviewed by the USFWS to ensure that the project as may be conditionally authorized by USFWS under any technical assistance consultation, incidental take statement, or harassment permit is consistent with the project approval granted under Special Condition No. 1, the Commission attaches Special Condition No. 7. Special Condition No. 7 requires that prior to commencing clean-up and interim remediation measures on the project site, the applicant submit a copy of all such consultations, permits and authorizations issued by the USFWS, or indication from that agency that no such permits or authorizations are required. The applicant must also report to the Executive Director any proposed changes to the project required by the harassment permit and apply for any needed amendment to the coastal development permit to authorize such changes.

**M. California Environmental Quality Act (CEQA).**

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which

would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the certified LCP, the proposed project has been conditioned to be found consistent with the City of Fort Bragg LCP and the access and recreation policies of the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been made requirements of project approval. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

**V. EXHIBITS:**

1. Regional Location Map
2. Vicinity Maps
3. Site Plans
4. Notice of Final Local Action
5. Appeal, filed October 27, 2005 (North Coast Action; Sierra Club – Redwood Chapter-Mendocino Group)
6. Excerpts, *Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures, Appendix D – Excavation and Soil Management Plan* and subsequent revisions (Acton-Mickelson Environmental, Inc., 2005-2006)
7. Excerpt, *Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures* (Acton-Mickelson Environmental, Inc., September 2005)
8. Excerpt, *Excavation and Stockpile Quantification Estimation and Site Plan Map* (Acton-Mickelson Environmental, Inc., February 2006)
9. Excerpt, *Hazardous Materials Assessment Logistics Analysis* (Acton-Mickelson Environmental, Inc., March 2006)
10. Excerpt, *Jurisdiction Determination and Habitat Assessment* (TRC Companies, Inc., August 2003)
11. Excerpt, *Jurisdictional Waters and Wetlands Delineation* (TRC Companies, Inc., August 2004)
12. Excerpt, *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated)
13. *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 2005)

14. *Conceptual Revegetation Plan* (Circuit Rider Productions, September 2005)
15. Excerpt, *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006)
16. *Rocky Intertidal Environmentally Sensitive Habitat Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc., February 2006)
17. Excerpt, *Geotechnical Evaluation – Bearing Support for Heavy Equipment Loads* (Blackburn Consulting, Inc., February 2006)
18. Review Agency Correspondence
19. General Correspondence
20. Applicant's Correspondence

**ATTACHMENT A:  
STANDARD CONDITIONS**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
  
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
  
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
  
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
  
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

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Hearing Date: March 16, 2007  
 Commission Action: **Approved with Conditions**  
**March 16, 2007**

**ADOPTED FINDINGS**

APPLICATION NO.: **A-1-FTB-05-053-A2**

APPLICANT: **Georgia-Pacific Corporation**

AGENT: Arcadis BBL

**EXHIBIT NO. 8****APPLICATION NO.**

A-1-FTB-05-053-A6

GEORGIA PACIFIC CORP.

A-1-FTB-05-053-A2 ADOPTED  
FINDINGS (1 of 29)

PROJECT LOCATION: At the former Georgia-Pacific California Wood Products Manufacturing Facility, 90 West Redwood Avenue, Fort Bragg; APNs 008-010-26, 008-020-09, 008-151-22, 008-053-34, 008-161-08, 018-010-67, 018-020-01, 018-030-42, 018-040-52, 018-120-43, 018-120-44, 018-430-01, 018-430-02, 018-430-07, 018-430-08.

DESCRIPTION OF PROJECT  
 PREVIOUSLY APPROVED:

Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project – Entailing: (1) removal of building foundations, additional investigation, and if necessary, interim remedial measures (IRMs) at the following areas: (a) Compressor House, (b) Former Sawmill #1, (c) Powerhouse and associated buildings, (d) Fuel Barn, (e) Chipper Building, (f) Water Treatment Plant, (g) Powerhouse Fuel Storage Building, (h) Sewage Pumping Station, (i) Dewatering Slabs, (j) Water Supply Switch Building, (k) Former Mobile Equipment Shop, and (l) associated subsurface structures; (2) removal of debris from Glass Beaches #1 through #3; and (3) removal of geophysical anomalies on Parcels 3 and 10 of the former Georgia-Pacific Sawmill site.

DESCRIPTION OF  
 AMENDMENT REQUEST:

Modify previously-granted permit to: 1) substitute different operational hours and constraints to further minimize harassment impacts to marine mammals;

and 2) include provisions for monitoring ground-disturbing activities at Glass Beaches 1, 2 and 3 to prevent impacts to cultural resources.

SUBSTANTIVE FILE DOCUMENTS:

- (1) Staff Report and Environmental Review Documentation for City of Fort Bragg *Coastal Development Permit CDP 3-05* and Local Appeal;
- (2) *Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*; including appendices (Acton-Mickelson Environmental, Inc., March 21, 2005 with subsequent revisions and addenda);
- (3) *Excavation and Stockpile Quantification Estimation and Site Plan Map* (Acton-Mickelson Environmental, Inc., February 2006);
- (4) *Hazardous Materials Assessment Logistics Analysis* (Acton-Mickelson Environmental, Inc., March 2006);
- (5) *Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures* (Acton-Mickelson Environmental, Inc., September 28, 2005);
- (6) *Jurisdiction Determination and Habitat Assessment* (TRC Companies, Inc., August 2003);
- (7) *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated);
- (8) *Late Season Botanical Survey for the GP Mill Site Bluffs* (Teresa Scholars, Biological Consultant, August 16, 2005);
- (9) *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006);
- (10) *Rocky Intertidal Environmentally Sensitive Habitat Area Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc. and WRA Environmental Consultants, February 2006);
- (11) *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 22, 2005);
- (12) *Conceptual Revegetation Plan Former Georgia-Pacific California Wood Products*



- Manufacturing Facility (Circuit Rider Productions, Inc., September 22, 2005);*  
*(13) Engineering Geologic Reconnaissance Report – Planned Blufftop Access Trail Georgia-Pacific Property Fort Bragg, California (Brunsing Associates, Inc., September 29, 2004);*  
*(14) Geotechnical Evaluation – Bearing Support for Heavy Equipment Loads, Blackburn Consulting, Inc., February 2006);*  
*(15) Assessment Alternatives Analysis – Removal vs. Retention of Industrial Building Foundations, Acton-Mickelson Environmental, Inc., (February 2006);*  
*(16) Clarification and Modification to the Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures, Acton Mickelson Environmental, Inc. (March 28 2006);*  
*(17) Draft, Site Specific Treatment Plan for Cultural Resources Georgia-Pacific Lumber Mill Fort Bragg, California (TRC Companies, Inc., undated);*  
*(18) Archaeological Survey of the Georgia-Pacific Lumber Mill Fort Bragg, California (TRC Companies, Inc., March 2003); and*  
*(19) City of Fort Bragg Local Coastal Program.*

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**STAFF NOTES:**

**1. Adopted Findings.**

The Commission held a public hearing and approved the permit at the meeting of March 16, 2007. The adopted findings and conditions for approval of the amended development are identical to those contained in the written report dated February 23, 2007.

The following resolution, conditions, and findings were adopted by the Commission on March 16, 2007 upon conclusion of the public hearing.

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**I. RESOLUTION**

**Resolution to Approve the Permit:**

The Commission hereby approves the proposed permit amendment and adopts the findings set forth below, subject to the conditions below, on the grounds that the development with the proposed amendment, as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS:** See attached.

**III. SPECIAL CONDITIONS:**

**Note:** Special Condition Nos. 1, 2, 4, and 6 through 9 of the original permit are reimposed as conditions of this permit amendment without any changes and remain in full force and effect. Special Condition Nos. 3 and 5 of the original permit are modified and reimposed as conditions of Permit Amendment No. A-1-FTB-05-053-A2. Deleted wording within the modified special conditions is shown in ~~strike through~~ text, new condition language appears as **bold double-underlined** text. For comparison, the text of the original permit conditions are included in Exhibit No. 4.

**3. Protection of Marine and Coastal Biological Resources**

- A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Jurisdiction Determination and Habitat Assessment* (TRC Companies, Inc., August 2003); (2) *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated); (3) *Late Season Botanical Survey for the GP Mill Site Bluffs* (Teresa Scholars, Biological Consultant, August 16, 2005); (4) *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006); (5) *Rocky Intertidal Environmentally Sensitive Habitat Area Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc. and WRA Environmental Consultants, February 2006); (6) *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 22, 2005); and (7) *Conceptual Revegetation Plan Former Georgia-Pacific California Wood Products Manufacturing Facility* (Circuit Rider Productions, Inc., September 22, 2005), and shall implement all mitigation

measures contained therein including but not limited to the following measures as modified below:

- 1) For the Protection of Coastal Bluff Avian Resources:
  - **Sensitive Avian Species Nesting Survey - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10**, and consistent with the applicant's proposed project description, the permittee shall submit for review and approval of the Executive Director, a survey of the associated coastal bluff face and blufftop margin areas, conducted by a qualified biologist or resource ecologist with specific knowledge of threatened, endangered, species of special concern, or treaty-protected migratory birds ("sensitive avian species") which fully evaluates any and all indications of the presence or absence of these species, and which demonstrates compliance with all of the following:
    - a) No less than 14 days and no more than 30 days prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for any sensitive avian species nesting in the coastal bluff face and blufftop margin areas. If the survey finds any indication that nesting sensitive avian species with unfledged young are present on the bluff face and blufftop margins, project work shall be limited consistent with the mitigation measures identified in the *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006), including the imposition of exclusionary buffer areas identified therein, however, in no case shall the exclusionary buffer be less than 100 horizontal feet from the affected nesting site. Work within the exclusionary buffers shall not proceed until a subsequent bird survey has been conducted by a qualified biologist or resource ecologist that demonstrates that the young have fledged and are not nesting in the for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director;
    - b) If no indications of nesting sensitive avian species are found during the initial survey, no additional surveys or mitigation is required, provided the project commences within 30 days of completion of the survey, and provided the project does not extend into the commencement of the nesting season of the sensitive avian species;
    - c) If more than 30 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the nesting seasons of the various sensitive avian species (see *Avian Habitat Utilization*

*and Impact Assessment*, Tables A1, A2, and A3) a new survey shall be conducted and submitted for the review to the Executive Director, no more than 30 days and no less than 14 days prior to the start of the nesting-season or the start of work, and submit a report to the Executive Director for review and approval. If any survey discovers indications of sensitive avian species nesting in the coastal bluff face and blufftop margin areas, human activity in the affected area(s) shall be minimized and construction shall cease until a sensitive avian species survey has been conducted by a qualified biologist or resource ecologist that demonstrates that all young have fledged and are not nesting in the coastal bluff face and blufftop margins for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director; and

- d) Following completion of the excavation, all areas that are excavated or otherwise left with exposed soils shall be revegetated with native plant species. Revegetation of disturbed areas in Glass Beaches 1 through 3 and in the geophysical survey areas of Parcels 3 and 10 shall be performed in accordance with the Conceptual Revegetation Plan. The permittee shall provide irrigation, maintenance and replacement of revegetated areas, as needed, to ensure the long-term viability of the plants.

2) For the Protection of Rare Plant Biological Resources:

- **Final Plant Restoration Monitoring Program - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10**, the applicant shall submit for review and written approval of the Executive Director, a final detailed restoration monitoring program designed by a qualified wetland biologist for monitoring of the plant restoration site. The monitoring program shall at a minimum include the following provisions:
  - a) Performance standards that will assure achievement of rare plant species replacement at coverages, densities, and associative compositions, as applicable, that existed in the areas prior to development;
  - b) Surveying the relative cover and density of each plant species of special concern found in the proposed development area prior to the commencement of construction;
  - c) Monitoring and restoration of the affected areas in accordance with the approved final monitoring program for a period of five years;
  - d) All revegetation planting shall utilize native plants obtained from local genetic stocks;

- e) Submission of annual reports of monitoring results to the Executive Director by November 1 each year for the duration of the required monitoring period, beginning the first year after completion of the project. Each report shall include copies of all previous reports as appendices. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of recolonization of the affected plant species in relation to the performance standards;
- f) Submission of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report must be prepared in conjunction with a qualified botanist or wetlands biologist. The report must evaluate whether the restoration sites conform with the goals, objectives, and performance standards set forth above. The report must address all of the monitoring data collected over the five-year period. If the final report indicates that the success standards have not been achieved, the applicant shall submit a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success standards. The revised enhancement program shall be processed as an amendment to this coastal development permit;
- g) Monitoring and restoring the plan restoration sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No changes to the approved monitoring program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines no amendment is legally required;
- h) Flagging of the locations of the rare plant species by a qualified botanist prior to commencement of the grading in bluff face and blufftop areas. Work shall only be permitted to occur within 100 feet of the outer perimeter of the rare plant populations if such work is necessary to perform the required environmental remediation activities on the property;
- i) No storage of equipment or stockpiling of materials within 100 feet of the outer perimeter of the rare plant populations;
- j) If debris or soil removal is necessary within the rare plant sites and/or the 100-foot buffer zones, the following measures shall be required:
  - (1) If a rare species cannot be avoided, the botanist shall make a determination as to the feasibility of whether the species can be removed for the affected area prior to waste removal

activities within the area and transplanted back to the affected area after work activities are completed.

- (2) If possible, work shall be conducted after seed set at locations where rare species are identified.
  - (3) The botanist shall make a determination at each work location as to whether removal of the surface soil (containing the seed bank) for stockpiling is warranted. If warranted, and contingent upon analytical test results for the presence of chemicals of potential concern, stockpiled soil containing the seed bank shall be placed at the location (laterally and vertically) from which it was removed following completion of work activities. The permittee shall follow the recommendations for increasing the likelihood for survival of transplanted rare species as made by the botanist; and
  - (4) Following completion of restoration activities and revegetation, the botanist shall prepare a follow-up report that identifies all measures taken to protect rare plant species in each location and that evaluates the success of the mitigations in protecting and/or re-establishing the rare plant populations. The report shall be submitted to the Executive Director.
- 3) For the Protection of Rocky Intertidal Marine Biological Resources:
- a) Bluff face and blufftop margin grading activities shall only be conducted during the dry season, from April 15 through October 15;
  - b) Excavation activities shall be initiated leaving a 4-foot-thick strip of fill/topsoil at the sea cliff to prohibit any sediment or water falling onto the rocky intertidal area. Upon completion of excavation activities to the east, the remaining 4-foot-thick strip shall be excavated in a manner to minimize soil or debris dropping onto the rocky intertidal area;
  - c) Manual methods shall be used to remove any material that falls onto the rocky intertidal area;
  - d) Excavated soil and debris shall be segregated and stockpiled on heavy-duty plastic at designated locations to the east of the work areas. These storage locations are paved with asphalt and are greater than 300 feet from the sea cliff;
  - e) Holes and imperfections in the asphalt surface cover of the proposed stockpile areas shall be repaired prior to stockpile placement to prevent surface water infiltration;
  - f) If necessary, both storage areas can be expanded onto existing paved surface to accommodate any additional storage requirements. Alternatively, excavated soil and debris may be transported to the central

- debris and soil stockpile areas as specified in the Excavation and Stockpile Quantification Estimate and Site Plan Map;
- g) Berms or ditches shall be constructed upslope of the work areas to intercept surface water runoff and redirect it to engineered locations away from the work areas;
  - h) Test pits will be backfilled with acceptable soil material, compacted, and covered to minimize rainfall or runoff infiltration; and
  - i) All revegetation planting shall utilize native plants obtained from local genetic stocks.
- 4) For the Protection of Offshore Rocky Marine Biological Resources:
- a) Baseline observations of pinnipeds in the project area shall be conducted prior to initiating project activities. The baseline study shall be submitted to the Executive Director prior to commencement of development in coastal bluff face and blufftop margin areas. A morning and afternoon count shall be conducted the day prior to work activities are scheduled to commence. Observations shall also be made every morning work is scheduled to occur;
  - b) Surveying and monitoring **for behavioral changes** shall be conducted by a qualified biologist using minimum 8x42 magnification power binoculars or a spotting scope;
  - c) Survey data shall include type of marine mammals present, numbers, age class, sex (if possible), location, time, tide, type of development activity being conducted, and whether animals respond to the activity. Rates of departure and arrival of animals to and from the haul-out shall be noted;
  - d) If seals flush for a work-related reason, the portion of the project that caused the seals to flush shall be delayed until the animals leave the area;
  - e) **If a marine mammal shows behavioral changes that are potentially related to restoration activities all work shall be stopped immediately;**
  - ef) ~~As harbor seals are more likely to use haul-outs at low tide, work~~ **Project work** in areas in proximity to sensitive haul-out areas shall only be performed during ~~the time period beginning and ending one and one-half hours before and following high tides~~ **daylight hours when visibility allows detection of marine mammals within 200 meters (656 feet) of the project area** to lessen the chance of harassment;
  - g) **Project work shall only be conducted when no marine mammals are present within 100 meters (328 feet) of the project areas;**
  - fh) ~~If a Steller sea lion is observed~~ **marine mammals wander within 100 meters (328 feet) of the work area**, work activities within the immediate blufftop edge area shall be postponed until the animal(s) leaves the project area;
  - gi) Additional counts shall be conducted every two days for one week after all work is terminated to compare the use of haul-out sites without work-

related disturbances pursuant to the pre- and post-activity behavior-specific monitoring recommendations of the National Marine Fisheries Service (NMFS); and

- h) All surveying data shall be compiled and submitted to the Executive Director at the end of the construction season.

- B. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities in accordance with the above-listed biological mitigation measures. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**5. Protection of Archaeological Resources**

- A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Draft Site Specific Treatment Plan for Cultural Resources Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., undated); and (2) *Archaeological Survey of the Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., March 2003); **and (3) Executive Summary Regarding the Preliminary Excavation Results from Glass Beach 1, 2, and 3 and Geophysical Anomaly Areas 3 and 10 at the Georgia-Pacific Former Sawmill, Fort Bragg, California (Garcia and Associates, January 21, 2007)**, and all mitigation measures contained therein shall be implemented, including but not limited to the following mitigation measures as modified below:

1. Pre-construction surficial and shallow subsurface testing and evaluations shall be conducted in all areas proposed for excavation **or where subsurface disturbance is likely to occur** and the outer extent of known **or discovered** cultural resource areas shall be delineated by survey staking;
2. In the event prehistoric archaeological resources (marked by shellfish remains, flaked and ground stone tools, fire affected rock, human bone, or other related materials) are unearthed during **debris removal, geophysical anomaly investigations, or** site excavation and grading activities, all work in the vicinity of the **discovery** site shall cease immediately, the Executive Director shall be notified, and the proper disposition of resources shall be accomplished as required by City of Fort Bragg Land Use Development Code Section 18.50.030.D;
3. If cultural resource artifacts or human remains are incidentally discovered within designated low site potential rated areas, all project work shall be



- halted in the affected area until an archaeologist and/or coroner has assessed the significance of the discovered materials; and
4. Subsurface disturbances at the Former Sawmill #1, the Powerhouse, Glass Beaches 1 and 2 and on Parcel 10 shall be monitored by an archaeologist and Native American representative;
  5. If it is determined that soil disturbance cannot be avoided at prehistoric archaeological sites CA-MEN-3141H, -409H, and 6120-01, phase III (data recovery) surveys shall be conducted prior to soil disturbance due to the high potential to uncover historic or prehistoric resources during excavation at these three sites;
  6. A qualified archaeologist shall be present to monitor debris removal in archaeological site CA-MEN-1401H and the Glass Beach 3 area to recover and record any artifacts associated with early historic activities;
  7. A qualified archaeologist shall monitor earth disturbing activities at all prehistoric archaeological sites in debris removal or geophysical anomaly areas in order to record evidence of buried cultural resources; and
  8. If debris removal will not disturb buried resources (i.e., will consist only of removal to existing ground surface) at identified prehistoric archaeological sites, additional archaeological investigations are not required.
- B. If ~~an area of~~ cultural deposits is are discovered at any location within the project area during the course of the project:
1. All construction shall cease and shall not recommence except as provided in subsection 2. hereof;
  2. Within 90 days after the date of discovery of such deposits, the permittee shall submit for the review and approval of the Executive Director, an Archaeological Plan, prepared by a qualified professional, that describes the extent of such resources present and the actions necessary to protect any onsite Archaeological resources;
  3. If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after the Executive Director receives evidence of recordation of the deed restriction required below;
  4. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission and the Executive Director receives evidence of recordation of the deed restriction required below; and

5. Within 90 days after the date of discovery of such deposits, the permittee shall provide evidence to the Executive Director of an execution and recordation of a deed restriction, in a form and content acceptable to the Executive Director, stating that, in order to protect archaeological resources, development can only be undertaken consistent with the provisions of the Archaeological Plan approved by the Executive Director. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit approved by the Coastal Commission.
- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.
1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director; and
  2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.
- D. The permittee shall undertake the demolition, excavation, stockpiling, and disposal activities in accordance with the above-listed archaeological resource evaluations. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### **III. FINDINGS AND DECLARATIONS.**

The Commission hereby finds and declares as follows:

#### **A. Project Background.**

On February 11, 2005, the City of Fort Bragg Community Development Department filed a coastal development permit application from the Georgia-Pacific Corporation for the removal of concrete foundation materials, additional investigation, and if warranted,

interim remedial measures to remove underlying soil with Constituents of Particular Concern (COPC) concentrations exceeding cleanup levels at eleven building site locations within the 435-acre property of the applicant's former lumber mill complex located between Highway One the Pacific Ocean, and Noyo Bay, on the western shoreline of the City of Fort Bragg in west-central Mendocino County. The application also sought authorization to excavate and remove debris from three coastal bluff areas above so-called "Glass Beaches Nos.1-3." In addition, the applicants requested permission to excavate numerous locations on two of the mill site bluff top parcels to ascertain the composition of various metallic "geophysical anomalies" discovered in the area and to similar remove the materials if COPC concentrations exceed cleanup levels.

The purpose of the project is to provide further information regarding the extent of COPCs in soil and groundwater and allow areas on the mill site where initial soil borings have indicated the presence of COPCs to be uncovered so that they may be further assessed to provide data for a risk assessment and comprehensive remediation plan. Interim remediation measures, including the excavation of exposed soil with COPC concentrations exceeding cleanup levels, and temporary stockpiling for future *in-situ* treatment or removal to a appropriate disposal facility, and back-filling the excavations, would be implemented depending upon the presence, composition, and concentrations of any COPCs encountered. In addition, the applicants requested authorizations to remove refuse and debris materials at the coastal bluff sites to reduce the liability associated with possible injuries to humans and wildlife from the presence of these materials, especially with regard to the on-going efforts by the Coastal Conservancy and the City to acquire and develop a public blufftop trail in these areas.

Following completion of the Community Development Department staff's review of the project, and the requisite preparation and circulation of environmental review documentation, on August 10, 2005, the Fort Bragg Planning Commission approved with conditions Coastal Development Permit No. CDP 3-05 for the subject development.

The decision of the planning commission was locally appealed to the Fort Bragg City Council. On October 11, 2005, the Council upheld its planning commission's conditional approval of the development, and the City's approval was appealed to the Commission on October 27, 2005.

At its meeting of December 14, 2005, the Commission found that the appeal raised a substantial issue of conformance of the project as approved with the certified LCP regarding protection of marine biological resources, protection of environmentally sensitive habitat areas, namely rocky intertidal areas and coastal bluffs, and the avoidance and minimization of geologic instability. The Commission also found that additional information was required to allow for a full analysis of the proposed development's consistent with the policies and standards of the City's LCP. These requisite informational items entailed: (1) an assessment of potential avian habitat utilization of the project site's coastal bluff areas; (2) engineering and biological analyses of the project's

potential effects on rocky intertidal areas; (3) a geo-technical evaluation of the coastal bluff face and blufftop margins; (4) an estimation of foundation material and soil removal volumes and stockpile quantities; and (5) an alternatives analysis of other characterization and assessment logistics, including sampling via the use of low-angle horizontal directional drilling with the foundation materials retained in place.

During the period from January through early March 2006, the requested supplemental information items were prepared by the applicant's consultants and forwarded to the Commission staff for review. Throughout March 2006, both Commission and Regional Water Quality Control Board staff members conferred over the various concerns relating to coastal resources and identified a set of project changes that if accepted by the applicant and incorporated into the project description would resolve many of the identified concerns. The suggested project modifications included: (1) provisions for pre-demolition testing for COPCs at perimeter areas around select building foundations; (2) requirements for the use of appropriately low-permeable capping back-fill in the areas where materials would be excavated and it is determined that soil with COPC concentrations exceeding cleanup levels would have to remain until full remediation of the site at a later date; and (3) further specification to the scope of the debris removal and confirmation testing to be performed on the site's coastal bluff face and blufftop margins to minimize disruption of bluff stability and bluff face and intertidal habitat.

On March 28, 2006, the applicant amended the project description for purposes of the Commission's *de novo* review of the appeal to incorporate the suggested changes.

On May 12, 2006, the Commission approved with conditions Coastal Development Permit No. A-1-FTB-05-053 with nine special conditions attached to the permit. Five of the conditions required that finalized biological surveys and rare plant restoration monitoring plans be approved, and evidence that all authorizations from other permitting and review agencies had been secured prior to work commencing in certain environmentally sensitive areas.

During the summer and fall of 2006, the building foundation removal portions of the project were undertaken and largely completed, while work on the blufftop and bluff face areas of Glass Beaches 1, 2, and 3, and the Parcel 3 and 10 geophysical anomaly sites deferred until all necessary studies were completed for the areas and related approvals secured.

On August 11, 2006, the Department of Toxic Substances Control (DTSC) assumed from the North Coast Regional Water Quality Control Board (NCRWQCB) the lead agency oversight role for future site investigation and remedial activities at the former mill site.

On October 13, 2006, upon its reporting to the Commission and the absence of objections, Coastal Development Permit Amendment No. A-1-FTB-05-053-A1, involving the excavation and removal from the site of 2,200 to 2,800 cubic yards of fly-ash

and associated contaminated soil materials from Parcel 7 (APN 008-020-09); and post-extrication confirmation testing of the excavation site was deemed to be an immaterial amendment and approved.

**B. Project and Site Description.**

1. Originally Approved Project Locations and Descriptions

1. Project Setting

The project site consists of portions of the approximately 435-acre Georgia-Pacific Corporation lumber mill complex situated on the uplifted marine terrace that spans a roughly four-mile-long stretch of open ocean coastline to the west of Highway One and the city center of Fort Bragg. Immediately to the south of the site lies the mouth embayment of the Noyo River. The project area is bounded on the north by low-density single-family residential housing (see Exhibit Nos. 1 and 2). The property consists of a generally flat, heavily graded industrial site with scattered thickets of brushy vegetation along its western coastal bluff face, and within and around the various log curing and fire suppression ponds developed on the site.

The project site properties are situated within the incorporated boundaries and the coastal development permit jurisdiction of the City of Fort Bragg. The site is designated in the City's Land Use Plan as "Heavy Industrial" (HI), implemented through a Heavy Industrial with Coastal Zone combining zoning designation (HI-CZ). The property is not situated within any viewpoint, view corridor, or highly scenic area as designated in the visual resources inventory of the LCP's Land Use Plan. Due to the elevation of the project site relative to the beach and ocean, and, until recently, the presence of intervening industrial structures and timber products processing and storage areas, no public views of blue water across the property from Highway One to and along blue-water areas of the ocean and designated scenic areas exist. The views that are afforded across the property are limited to either glimpses of distant horizon vistas from Highway One, or lateral views of the coastal bluff areas as viewed from the public-accessible areas at Glass Beach to the north and from the beach areas to the west of Ocean Front Park at the mouth of the Noyo River.

2. Original Project Description

The originally authorized development consists of foundation and debris removal, additional site investigation, and interim remedial measures, if necessary, associated with the voluntary site assessment of the former Georgia-Pacific Corporation sawmill complex. Since October 2002, when the mill ceased production and closed, the site has undergone a series of assessments for reuse of the site. Preliminary evaluations as part of the Georgia-Pacific Mill Site Reuse Study and Specific Plan projects were performed to assess the presence of COPCs resulting from past operations on the mill properties,

including numerous soils and groundwater samples taken from the network of surface-grab, auger-bored and trench-excavated and monitoring well sample points on the site. In addition, to eliminate the source of any identified COPCs, much of the industrial machinery has been previously removed from the site as were many of the former industrial buildings (see City of Fort Bragg Coastal Development Permit Nos. CDP 1-03 and 2-04).

The original development authorized *de novo* by the Commission entails the removal of concrete building foundations from the 26 structure complex of former industrial buildings clustered on the central portion of the mill site inland of Soldier's Bay / Fort Bragg Landing and at the site of the mobile equipment shops to the northeast of the sawmill complex. As noted in Project Background Findings Section IV.A above, much of this work was completed in the summer-fall of 2006. Other project work to be performed at Glass Beaches 1-3 — located along the northwestern bluff face of the mill property — and exploratory and material removal activities to be conducted on Parcels "3" and "10" situated on the upper bluffs flanking the north and south sides of the Soldier Bay / Fort Bragg Landing inlet, is scheduled for spring-fall 2007 (see Exhibit Nos. 1, 2, and 4). Heavy tractored and rubber-tired construction equipment including excavators, backhoes, dump trucks, and hand and power tools were utilized to perform the concrete break-out, material excavation/extrication, and transportation to stockpile areas located along the eastern side of the sawmill / powerhouse / water treatment complex and equipment shop buildings, and inland of the Glass Beach and Parcel 3/10 sites.

Once the concrete foundation rubble and refuse materials had been removed from the building sites and bluff areas and secured at the designated storage locations, the exposed areas were examined for the presence and extent of any underlying COPCs. A soils sampling grid was established over and around the exposed foundation areas. An adaptive management approach was undertaken with respect to the specific spacing and number of sampling points. Soil samples were then collected and analyzed for a variety of chemical constituents, including Total Petroleum Hydrocarbons as gasoline, diesel, diesel with silica gel cleanup, and motor oil (TPHg, TPHd, TPHdsgc, TPHo), solvents in the form of Volatile and Semi-Volatile Organic Compounds (VOCs), Polynuclear Aromatic Hydrocarbons (PAH), Polychlorinated biphenyls (PCBs), Organochlorine pesticides, Dioxins and furans, site-specific pesticides/herbicides, certain heavy metals subject to California water quality regulations, Hexavalent chromium, and tannins and lignin compounds.

The appealed project was amended, for purposes of the Commission's *de novo* review, to include provisions for collecting soil samples from select areas adjacent to the foundation perimeters (outside the foundation footprint) prior to removal of the foundations; however, removal of the foundations was not conditioned on whether these samples are collected or the analytical results of the samples. In the event physical constraints preclude collection of specific perimeter samples prior to foundation removal (e.g., personnel or equipment access were impeded by foundation layout), these samples were

to be collected following removal of the foundations. Based on the results of the analysis of the perimeter samples, additional pre- or post-foundation removal perimeter samples were collected as specified in the Work Plan.

As warranted by field conditions determined by the work site supervisor to be subject to criteria enumerated within the work plan, further "interim remedial measures," including the further excavation of soils containing COPC concentrations exceeding cleanup levels to unspecified depths for either direct removal from the sites to an appropriate disposal facility or stockpiling of the materials on the mill property for in-place treatment or eventual transport and disposal, were implemented. Additional soil column testing for COPCs was also performed as warranted by site conditions and the determination of the site supervisor and/or regional water board staff.

The excavation and stockpiling activities were performed pursuant to certain water quality best management practices and performance standards, including provisions for covering the excavation and stockpiles with plastic sheeting, constructing berms, placing stormwater and soil debris interception barriers, discontinuing work during windy periods, site watering from furtive dust abatement, and conducting the excavation to minimize further introduction of COPCs in groundwater. Excavated areas were then to be back-filled with appropriately low-permeable earthen, geo-textile fabric, or paving materials to stabilize the excavation sites.

The information derived from this original round of assessment activities will be reviewed by the Department of Toxic Substances Control (DTSC) to determine appropriate follow-up characterization and clean-up goals and activities to be carried out in a subsequent Remedial Action Plan (RAP). Additional coastal development permits will be needed for those activities within the finalized RAP that meet the definition of "development" under the Coastal Act.

### 3. Permit Amendment

As proposed under this permit amendment application, mitigation measures relating to the protection of marine mammals and cultural resources would be modified to ensure that the adverse impacts to these coastal resources are reduced to less than significant levels. These project changes were initiated in response additional site assessments and trustee agency reviews conducted concurrently with the 2006 work season (see Exhibit No. 3).

First, in response to the review conducted by the National Marine Fisheries Service Office of Protected Species, changes are requested to the protocols for conducting debris removal and investigatory work along the blufftop and bluff face areas at Glass Beaches 1, 2 and 3 and the geophysical anomaly sites on Parcel 3 and 10. Specifically, prior prohibitions on work during low tide events would be revised to allow work only during daylight hours, irrespective of the tidal phase, when conditions allowed for direct

observation of the rocky intertidal and offshore rock areas utilized by marine mammals as haul-outs. As discussed in the correspondence from the NMFS, this change in operational timing was viewed as being more effective for avoiding harassment of these sensitive species than would a rote prohibition on conducting work within 1½ hours before and after low tide events as originally proposed by the applicant's biological consultant (see Exhibit No. 3, pages 10-13).

Secondly, in response to additional cultural resource site reconnaissance studies conducted in 2006 in compliance with requirements of the original permit authorization, the applicant requests to revise the provisions for monitoring ground disturbing project activities at areas previously known to contain or rated as having the high likelihood of containing prehistoric archaeological materials to include the work areas at Glass beaches 1, 2, and 3 and the Parcel 3 and 10 geophysical anomaly sites. The site reconnaissance investigations had found these portions of the mill site to have elevated potential for subsurface archaeological deposits or heretofore undocumented cultural resource sites (see Exhibit No. 3, pages 14-16).

**C. Development within and Adjacent to Environmentally Sensitive Habitat Areas (ESHAs).**

1. LCP Provisions

Sections A and G of Chapter IX of the City of Fort Bragg's Land Use Plan incorporates by reiteration the Coastal Act's definition of "environmentally sensitive habitat area," stating in applicable part:

*'Environmentally sensitive habitat area' means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments.'* (Section 30107.5)... [Parenthetic in original.]

LUP Policy IX-1 of the City of Fort Bragg's Land Use Plan states:

*General Policy. Environmentally sensitive habitat areas in the city's Coastal Zone include: Intertidal and marine areas, coastal bluffs, wetlands, and riparian habitats. Such areas shall be protected against any significant disruption of habitat values, and only uses dependent upon such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*



*Intertidal and marine areas, coastal bluffs, wetlands, and riparian habitats shall be protected against any significant disruption of habitat values and only uses dependent upon such resources shall be allowed within such areas.*

The City's ESHA inventory, as set forth in Sections H.1 and H.2 of the Land Use Plan states the following with regard to the environmentally sensitive coastal bluff and rocky intertidal marine areas along the project site's western ocean frontage:

*Coastal bluff environments are sensitive habitats because endemic vegetation is often rare or uncommon and because, if the bluffs are denuded, the potential for erosion of the bluffs is significant. Erosion of coastal bluffs could impact rocky intertidal areas at the base of the cliffs...*

*The rocky intertidal areas along the coast south of Glass Beach to Noyo Bay contain extremely biologically rich tide pools, rocks, nesting grounds, bluffs and kelp beds. The bluffs and adjacent industrial activity form an effective buffer protecting these habitats from human disruption. They are presently in a relatively pristine condition and biologically quite productive. In addition to limiting public access, the adjacent industrial land use should be closely monitored to assure these areas are not impacted, e.g., via water runoff. Rocky intertidal areas exist south of Noyo Bay which also must be protected, e.g., via setbacks for development on bluffs and close monitoring and mitigations to assure no significant increase in water runoff to these areas...*

Section 18.61.025 of the City of Fort Bragg Zoning Code states, in applicable part:

A. The city shall protect all environmentally sensitive habitat areas against any significant disruption of habitat values.

1. Development in areas adjacent to environmentally sensitive areas shall be sited and designed to prevent impacts which would significantly degrade such areas.

2. Development shall be compatible with the protection and continuance of environmentally sensitive habitat areas...

B. *Specific Criteria.*

*The following standards provide guidelines for development occurring near a sensitive habitat area:*

1. Sensitive habitat areas. Environmentally sensitive habitat areas shall include, but not be limited to the following:

a. Intertidal and marine areas.

b. Coastal bluffs... [Emphasis added.]

2. Discussion

Although extensively modified since the late 1800s when the property was first cleared and graded for use as a shipping and rail terminus and for related forest products processing, the project site still contains a variety of environmentally sensitive habitat areas of varying biological integrity. These areas include impounded aquatic and emergent wetlands in the form of a series of lumber storage and fire suppression “log ponds,” riparian corridor remnants along original or re-aligned watercourses, uplifted marine terrace blufftop margins populated with rare plants, coastal bluff face areas containing potential nesting sites to a variety of shoreline avian species, and intertidal rocky habitat providing substrate for intermittently exposed tidepool and persistently submerged littoral flora and fauna. In addition, adjoining the site are offshore sea stack areas used as nesting, holding, and foraging habitat for a variety of marine mammals and waterfowl.

#### Rocky Intertidal and Offshore Rocks

An analysis of the rocky intertidal and offshore rock habitat areas was also prepared for the project (see Exhibit No. 4). Particular focus was made on identifying mitigation measures for avoiding and minimizing potential impacts to sensitive coastal resources in these areas, especially as relates to the sediment entrained in stormwater runoff associated with the debris and soil removal activities, and the potential disturbance of marine mammals utilizing offshore rocky areas as pupping and haul-out habitat. This assessment document reiterated and identified a variety of mitigation measures to be employed to reduce potential water quality and human disturbance related impacts to these habitat areas, including the use of the various water quality best management practices identified in the work and stormwater pollution prevention plans, and specific survey, response, and monitoring actions to be taken to minimize potential disturbances to marine mammals.

#### Development in or Adjacent to ESHAs

Due to their susceptibility to disturbance and degradation from human activities and development, and because they provide habitat to especially rare or especially valuable plant and animal life, the LCP sets forth review standards for use in approving development in and in proximity to such designated sensitive areas. Most notably, the effects on the biological resources that are contained within or utilizes the ESHAs are to be considered, restrictions placed on the permissible uses within ESHAs, limiting them to those dependent upon and compatible with the resources therein, and requiring that the design and siting of the development or activity be appropriate for preventing impacts that would significantly degrade such areas.

The coastal bluff areas on the project site in which the proposed debris removal would be performed are identified as ESHA within the City’s LCP. The LCP specifically identifies the coastal bluff ESHA as a significant resource, whose relatively pristine condition is due in part to the bluff area having been relatively undisturbed by human activity because

of being closed off to the public for industrial use. The area has significant ecological value, especially in terms of the rare plants growing therein, its potential for seabird habitat, its largely undamaged adjoining tide pools and offshore rocks, and the fact that its three-mile length spans a relatively long distance along the shoreline. Pursuant to the LUP Policy IX-1, only uses dependent upon and compatible with the habitat resources therein may be permitted. In approving the original permit, the Commission found that the project work proposed to be conducted within the coastal bluff ESHA would be conducted with the intention of restoring and improving these degraded areas to greater levels of biological productivity and habitat sustainability. Thus, as the removal of debris and soil with COPC concentrations exceeding cleanup levels requires entry into these areas to conduct the intended restoration, the use was considered to be dependent upon and compatible with the habitat resources within the coastal bluff areas.

Moreover, the adjoining rocky intertidal marine resources that flank the western side of the mill near where debris extrication is proposed and the wetlands on the terrace portions of the site in the vicinity of the proposed building foundation and soil removal areas are both specifically identified as ESHA in the City's LCP. As set forth in LUP Policy IX-1 and Zoning Code Section 18.61.025.A.1 any approved development adjacent to the wetlands and rocky intertidal ESHAs must be designed and sited so as not to degrade and be compatible with the continuance of those adjacent ESHAs.

The proposed work on and along the relatively remote coastal bluff areas above Glass Beaches 2 and 3 and above Soldier's Bay/Fort Bragg Landing Beach on Parcels 3 and 10 will entail the operation of heavy motorized construction equipment and the presence of human hand labor crews to remove debris and soil with COPC concentrations exceeding cleanup levels. Based on discussions with and correspondence received from the staff of the National Oceanic and Atmospheric Administration's (NOAA) Coastal Protection and Restoration Division during *de novo* review of the original project, the portions of the project to be conducted on and near the coastal bluff are subject to the Marine Mammals Protection Act and the need to obtain a "harassment permit," as these activities have the potential to adversely affect harbor seals (*Phoca vitulina richardsi*) and Stellar Sea-lions (*Eumetopias jubatus*) that utilize the adjoining offshore rocky areas as habitat. Therefore, to ensure that the project as may be conditionally authorized under any harassment permit is consistent with the project approval granted under Special Condition No. 1, the Commission attached Special Condition No. 6 to the original permit authorization. Special Condition No. 6 requires that prior to commencing clean-up and interim remediation measures on Glass Beaches 1-3 and/or Parcels 3 and 10, the applicant submit a copy of the harassment permit issued by the NMFS or evidence that no such permit is required. The applicant is also required to report to the Executive Director any proposed changes to the project required by the harassment permit and apply for any needed amendment to the coastal development permit to authorize such changes.

Consistent with Special Condition No. 6 of the original permit, a request for an incidental harassment authorization (IHA) was made to the NMFS in the summer of 2006. In

correspondence dated September 21, 2006, NMFS responded to the request (see Exhibit No. 3, pages 10-13). Instead of issuing an IHA as had been requested, NMFS instead identified a series of mitigation measures that, if incorporated into the work being conducted at the Glass Beach and geophysical anomaly sites, would reduce the potential for any take of marine mammals, in the form of harassment disturbances, from occurring. These mitigation measures stipulate that project work on the blufftop and bluff face sites only be conducted subject to the following terms and conditions:

- Limit work periods to daylight hours when visibility allows detection of marine mammals within 200 meters (656 feet) of the work area;
- Conduct work only when no marine mammals are within 100 meters (328 feet) of the work site;
- NMFS-approved marine mammal observers monitor adjoining shoreline and offshore rock areas using 8 x 42 magnification power binoculars or spotting scopes for any potential behavioral changes caused by work activities;
- Project work be halted immediately if a marine mammal shows any behavioral change related to the remedial clean up and assessment activities; and
- Temporarily suspend restoration activities if a marine mammal wanders within 100 meters (328 feet) of the work site and not resume project work until the animal(s) leave the area on its/their own.

NMFS concludes that if the above listed mitigation and monitoring measures are implemented, take of marine mammals is not likely to occur and the issuance of an incidental harassment authorization can be avoided. Accordingly, the applicant is requesting changes to Special Condition No. 3 to incorporate these measures into the operational standards for conducting work in proximity to rocky intertidal and offshore rock areas adjoining the remedial work sites.

The terms and conditions recommended by NMFS are, in some cases, more stringent than the terms of Special Condition No. 3 as originally approved. For example, the original permit condition would have allowed development to occur at night; the NMFS recommendations do not. In other cases, the NMFS recommendations are less stringent. For example, the original permit condition would not allow for work during low tide periods, where the NMFS recommendations do, so long as no marine mammals are present within 200 meters of the project area. The Commission finds that as NMFS has determined that the terms and conditions recommended by NMFS would avoid take of marine mammals, revising Special Condition No. 3 to incorporate the NMFS recommended terms and conditions would protect the environmentally sensitive coastal bluff and rocky intertidal marine areas and marine mammal habitat from significant disruption of habitat values and prevent impacts which would significantly degrade such areas consistent with LUP Policy IX-1 and Section 18.61.025 of the City's zoning code. Therefore, the Commission finds that the project with the subject amendments of Special Condition No. 3 regarding the use of various operational performance standards for work conducted in the proximity of rocky intertidal and offshore rock areas conforms with the

provisions of the certified LCP for the protection of environmentally sensitive coastal bluff and rocky intertidal marine areas, including Land Use Plan Policy IX-1 and Section 18.61.025 of the City of Fort Bragg Zoning Code.

**H. Archaeological Resources.**

1. LCP Provisions

Policy XIII-2 of the City of Fort Bragg Land Use Plan states:

*Archaeological Discoveries During Construction. When in the course of grading, digging or any other development process, evidence of archaeological artifacts is discovered, all work which would damage such resources shall cease and city planning staff shall be notified immediately of the discovery. City planning staff shall notify the State Historical Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historical Preservation Officer, development at the site may be halted until an archaeological assessment of the site can be made and mitigation measures developed.*

Chapter XVII, Section E of the City's Land Use Plan states, in applicable part:

**E. Special Review Areas**

*Special review areas are designated on the map with abbreviations. Any proposed development on parcels which are located in whole or in part within the special review areas will require a report by a qualified professional as well as review of that report by the approving agency to ensure that Coastal Act and Local Coastal Program policies concerning the sensitive resource or feature are properly treated in the specific proposed development. These review requirements are in addition to the bluff hazard review noted in Chapter XI. The types of special review areas and required reports are as follows: ...*

*AR --- Archaeology. A report is to be prepared by a qualified archaeologist or anthropologist. The report shall identify and evaluate all archaeological and paleontological resources, assess the effects of the proposed development on those resources, and recommend resource preservation or mitigation measures. A copy of the report shall be transmitted to the State Historical Preservation Officer and the Cultural Resource Facility at Sonoma State University for their review and comment. They shall be requested to comment on all aspects of the report, including the recommended preservation and/or mitigation measures.*

Similarly Chapter XVII, Section F.20 of the City's Land Use Plan states, in applicable part:

*Any proposed development on parcels which are located in whole or in part within the special review areas will require a report by a qualified professional as well as review of the report by the city to ensure that Coastal Act and Local Coastal Program policies concerning the sensitive resources or features are properly treated in the specific proposed development. These review requirements are in addition to the bluff hazard review. Special studies may be completed prior to submission of an application, as part of an environmental impact report, or as an independent document. In any case, the selection of the professional preparing the report must be with the approval of the permitting agency. A discussion of the special review areas and required reports follows:*

*a. Archaeology Review (AR). A report must be prepared by a qualified archaeologist or anthropologist. The report shall identify and evaluate all archaeological and paleontological resources, assess the effects of the proposed development on those resources and recommend resource preservation and mitigation measures. A copy of the report shall be submitted to the State Historical Preservation Officer and the Cultural Resource Facility at Sonoma State University for their review and comment. They shall be requested to comment on all aspects of the report, including the recommended preservation and/or mitigation measures.*

2. Discussion.

The City's LCP sets forth several policies regarding the protection of archaeological resources. LUP Policy XIII-2 requires that, when in the course of grading, digging or any other development process, evidence of archaeological artifacts is discovered, all work which would damage such resources be ceased and city planning staff be notified immediately of the discovery. The permitting authority is directed to notify the State Historical Preservation Officer (SHPO) and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historical Preservation Officer, development at the site may be halted until an archaeological assessment of the site can be made and mitigation measures developed. In addition, due to the designation on the Coastal Environment Map of portions of the project site as being situated within an archaeology special review area, Sections E and F.20 of LUP Chapter XVII reiterate the requirements that an archaeological investigation be prepared, mitigation and conservation measures be identified, and the report transmitted to the SHPO and Sonoma State University for further consultation.

A cultural resources site reconnaissance was prepared for the proposed project (*Archaeological Survey of the Georgia-Pacific Lumber Mill Fort Bragg, California*, TRC

Companies, Inc., March 2003). As part of its review of the development, the City Community Development Department stated the following with respect to the site analysis:

A records search at the California Historic Resources Information System identified six previously recorded cultural resource sites located within the property boundaries and two sites immediately adjacent to the property. A field assessment of the Mill Site was conducted including a pedestrian survey and examination of existing buildings to assess their age and architectural significance. The field assessment identified five previously recorded sites on the property and identified five additional sites. The five previously recorded sites were recorded more than 50 years ago and consist of low to moderately dense shell middens along with associated artifacts. Three additional prehistoric sites were identified by the pedestrian survey including an additional shell middens and two campsites...

The results of the field survey indicate that there is a high potential for as yet unidentified cultural resource sites in large portions of the property. A follow-on Site Specific Treatment Plan for Cultural Resources, prepared by TRC, includes a map which defines areas with moderate and high potential for cultural resources. Specific mitigation measures are identified to protect, test and preserve archaeological resources. The cultural resources investigation included consultation with Native Americans. The results of the Native American consultation are recorded in confidential Appendix F of the Archaeological Survey...

The results of the initial cultural resources investigation indicated that the entire property has achieved significance as an historic district under the California Register of Historic Places. The study recommended that a Site Specific Treatment Plan be developed to provide detailed measures to mitigate negative impacts to cultural resources on the property. TRC prepared two follow-on studies: Phase II Determination of Significance-Standing Structures and Site Specific Treatment Plan for Cultural Resources.

The site-specific treatment plan contains numerous mitigation measures for preventing and reducing impacts to archaeological resources, including:

- Pre-construction surficial and shallow subsurface testing and evaluation of all areas proposed for excavation and the survey staking of the outer extent of known cultural resource areas.
- On-site observation of excavation and other ground disturbing activities in areas with moderate and high resource site potential rate by an qualified archaeologist

with authority to halt work upon the discovery of potentially significant cultural resources.

- Operational standards for the incidental discovery of cultural resource artifacts or human remains within designated low site potential rated areas, including provisions for halting work until an archaeologist and/or coroner has assessed the significance of the discovered materials.
- Special performance standards for any work to be performed in unique resource areas including the Pomo cemetery and any dredging to be conducted in intertidal areas (not applicable to this assessment and interim remediation project).

In the *de novo* review of the original project, the Commission found that the requisite archaeological investigation had been performed and identified mitigation measures for the protection of such resources. The Commission further noted that the report had been transmitted to the SHPO and Sonoma State University as directed in LUP Policy XIII-2 and Sections E and F.20 of LUP Chapter XVII.

To assure that the mitigation measures identified in the archaeological investigation and proposed to be implemented by the applicant are carried out, the Commission attached Special Condition No. 5 to the original project authorization. Special Condition No. 5 requires that all excavations in areas of moderate and high cultural resource sensitivity be monitored by a qualified Native American observer. In addition, Special Condition No. 5 contains specific contingencies for the incidental discovery of any cultural resource artifacts or human remains whereby all project work in the affected area would be halted and a qualified archaeologist brought in to assess the significance of the materials and the coroner, respectively.

Consistent with the requirements of the TRC site-specific treatment plan, in 2006 additional pre-construction surficial and shallow subsurface testing and evaluations were conducted by consulting archaeologists Garcia and Associates for all areas in Glass Beaches 1, 2, and 3, and the geophysical anomaly sites on Parcels 3 and 10 proposed for ground-disturbing excavation work. As discussed in the executive summary prepared upon completion of the reconnaissance investigations (final report pending), additional protective measures were identified to minimize the risk of adverse impacts to the five archaeological sites found in and in proximity to the blufftop and bluff face work sites (see Exhibit No. 3, pages 14-16). These measures primarily regard avoiding unnecessary ground-disturbing excavation work, provisions for monitoring any requisite excavation work, requiring additional assessments to determine the integrity of deposits found at one of the five sites, and actions to be taken in response to any archaeological materials encountered during the remedial debris removal and assessment work.

To ensure that all feasible protective measures are afforded to the cultural resources at the project site the applicant is requesting changes to Special Condition No. 5 to incorporate the measures identified into the Garcia and Associates study for conducting work in



proximity to the areas containing cultural resources adjoining the Glass Beach and geophysical anomaly remedial work sites.

The Commission notes that Special Condition No. 5 would continue to require that, in the event that any cultural resource deposits are discovered, project work in the affected area would be halted and a qualified archaeologist would have to assess the significance of the find and determine appropriate mitigation measures, and the project could not recommence until either a permit amendment has been obtained to incorporate the recommended mitigation or the Executive Director has determined that no such amendment is required.

Therefore, the Commission finds that, as modified to include conditions for further avoiding, monitoring, and assessing the significance of cultural resources as may be encountered at the various blufftop and bluff face work sites, the proposed project as amended will protect archaeological resources consistent with the archaeological resources protection policies of the certified LCP.

**E. California Environmental Quality Act.**

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on conformity with the Chapter 3 policies of the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project as amended can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

**IV. EXHIBITS:**

1. Regional Location Map

2. Vicinity Map
3. Proposed Amended Project Description Narrative and Associated Correspondence
4. Excerpts, Original Coastal Development Permit No. A-1-FTB-05-053 Adopted Findings

**APPENDIX A**

**STANDARD CONDITIONS**

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
 710 E STREET, SUITE 200  
 EUREKA, CA 95501  
 (707) 445-7833  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**RECEIVED**

OCT 05 2006



CALIFORNIA  
 COASTAL COMMISSION

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Date: September 27, 2006

Permit Application No.: A-1-FTB-05-053-A1

Issued to: Georgia-Pacific Corporation,

for:

Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project -- Entailing: (1) removal of building foundations, additional investigation, and if necessary, interim remedial measures (IRMs) at the following areas: (a) Compressor House, (b) Former Sawmill #1, (c) Powerhouse and associated buildings, (d) Fuel Barn, (e) Chipper Building, (f) Water Treatment Plant, (g) Powerhouse, Fuel Storage Building, (h) Sewage Pumping Station, (i) Dewatering Slabs, (j) Water Supply Switch Building, (k) Former Mobile Equipment Shop, and (l) associated subsurface structures; (2) removal of debris from Glass Beaches #1 through #3; and (3) removal of geophysical anomalies on Parcels 3 and 10 of the former Georgia-Pacific Sawmill site.

at:

90 West Redwood Avenue (former Georgia-Pacific California wood Products Manufacturing Facility), Fort Bragg (Mendocino County)

has been amended to include the following changes:

Revisions to the authorized industrial building foundation removal and interim remedial measures associated with a hazardous materials clean-up project to include: (1) the excavation and removal from the site of 2,200 to 2,800 cubic yards of fly-ash and associated contaminated soil materials from Parcel 7 (APN 008-020-09); and (2) post-extrication confirmation testing of the excavation site.

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received or the Commission concurred with the Executive Director's determination of immateriality (Sec. 13166 (b)(2)).

This amendment will become effective upon return of a signed copy of this form to the

<b>EXHIBIT NO. 9</b>
<b>APPLICATION NO.</b>
A-1-FTB-05-053-A6
GEORGIA PACIFIC CORP.
IMMATERIAL PERMIT AMENDMENTS (1 of 18)

Sincerely,

PETER M. DOUGLAS  
 Executive Director

*Jim Baskin*  
 By: Jim Baskin  
 Coastal Program Analyst

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: September 27, 2006

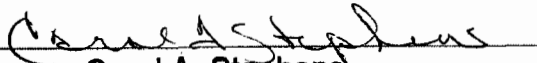
Permit Application No.: A-1-FTB-05-053-A1

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### ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its Conditions and the remaining conditions of Permit No: A-1-FTB-05-053-A1

Date: 10/4/06

Signature:   
**Carol A. Stephens**  
Senior Director of Corporate Real Estate

### STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### SPECIAL CONDITIONS:

1. **Scope of Approved Development**
  - A. This Coastal Development Permit authorizes: (a) the removal and stockpiling of concrete and reinforcement steel building foundation materials from a 26 structure complex of former industrial buildings; (b) the excavation, stockpiling, and/or disposal of underlying soil with COPC concentrations exceeding cleanup levels; (c) the excavation and extraction of buried "geophysical anomalies" from Parcels 3 and 10; and the extrication of visible debris and excavation and removal for stockpiling and/or disposal of any underlying, near-surface soil with COPC concentrations exceeding cleanup levels from Glass Beaches 1, 2 and 3 at Georgia-Pacific Corporation's former California Wood Products Manufacturing Facility, situated at 90 West Redwood Avenue, Fort Bragg, as further detailed and conditioned, in the following documents:

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- *Workplan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., March 21, 2005;
  - *Addendum #1 to Workplan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., May 6, 2005;
  - *Addendum #2 to Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., August 19, 2005;
  - *Response to RWQCB Comments on Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 22, 2005;
  - *Revised Appendix D for Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 28, 2005;
  - *Clarification and Modification to Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures Dated March 21, 2005, Addenda #1 and #2 to the Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures Dated May 6 and August 19, 2005, Respectively, and Response to RWQCB Comments Dated July 18, 2005 Former Georgia Pacific California Wood Products Manufacturing Facility Fort Bragg, California*, Acton Mickelson Environmental, Inc., March 28, 2006; and
  - *Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures*, Acton Mickelson Environmental, Inc., September 28, 2005.
- B. All revegetation planting identified in any of the above-enumerated documents shall utilize native plants obtained from local genetic stocks.
- C. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities as proposed in accordance with the above-listed plans as modified by sub-section B above, and shall implement all collection and testing of soil samples for COPCs and all mitigation measures contained and described therein. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
2. Performance Standards for Development Adjacent to Wetlands
- A. The permittee shall undertake the remediation development proposed for areas adjacent to the wetlands on the project site as delineated in *Jurisdictional Waters and Wetlands Delineation* (TRC Companies, Inc., August 2004) and shall implement all mitigation measures contained therein, including but not limited to the following measures as modified below:

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- 1 Solid board-on-board fencing shall be erected to protect the Log Pond from erosion and siltation at all locations less than 50 feet from the Powerhouse or any other location where subsurface disturbance is to occur;
- 2 Temporary fencing shall be erected around the two industrial processing ponds located west and southwest of the Fuel Barn to prevent the encroachment of heavy equipment into the environmentally sensitive habitat areas;
- 3 No equipment, materials or stockpiles shall be located within 50 feet of the ponds;
- 4 To the maximum extent feasible, foundation removal and IRM activities in the vicinity of the Fuel Barn and Powerhouse structures shall be staged from the north side of the structures. No materials may be stockpiled on the berm/roadway that is located between these structures and the Mill Pond;
- 5 All stockpile areas, including hazardous waste storage areas and non-hazardous soil, debris and concrete storage areas shall be located a minimum of 50 feet from delineated wetlands and other Environmentally Sensitive Habitat Areas;
- 6 Prior to initiation of removal and excavation activities in the vicinity of the Boiler Fuel Building foundation, the permittee shall have the boundary of the wetland staked by a qualified wetlands biologist. If the removal/excavation activities would occur within 50 feet of the wetland, the boundary shall be fenced with temporary construction fencing. The operation of construction equipment and storage of materials and equipment shall be prohibited within the wetland area; and
- 7 All revegetation planting shall utilize native plants obtained from local genetic stocks.

### 3. Protection of Marine and Coastal Biological Resources

- A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Jurisdiction Determination and Habitat Assessment* (TRC Companies, Inc., August 2003); (2) *Botanical Field Study of Some of the Bluff Areas at the GP Mills Site* (Teresa Scholars, Biological Consultant, undated); (3) *Late Season Botanical Survey for the GP Mill Site Bluffs* (Teresa Scholars, Biological Consultant, August 16, 2005); (4) *Avian Habitat Utilization and Impact Assessment* (WRA Environmental Consultants, January 2006); (5) *Rocky Intertidal Environmentally Sensitive Habitat Area Engineering and Biological Assessment* (Acton-Mickelson Environmental, Inc. and WRA Environmental Consultants, February 2006); (6) *Conceptual Glass Beach 3 Mitigation and Monitoring Plan* (Teresa Scholars, Biological Consultant, September 22 2005); and (7) *Conceptual Revegetation Plan Former Georgia-Pacific California Wood Products Manufacturing Facility* (Circuit Rider Productions, Inc., September 22, 2005), and shall implement all mitigation measures contained therein including but not limited to the following measures as modified below:

- 1) For the Protection of Coastal Bluff Avian Resources:
  - Sensitive Avian Species Nesting Survey - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10, and consistent with the applicant's proposed project

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description, the permittee shall submit for review and approval of the Executive Director, a survey of the associated coastal bluff face and blufftop margin areas, conducted by a qualified biologist or resource ecologist with specific knowledge of threatened, endangered, species of special concern, or treaty-protected migratory birds ("sensitive avian species") which fully evaluates any and all indications of the presence or absence of these species, and which demonstrates compliance with all of the following:

- a) No less than 14 days and no more than 30 days prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for any sensitive avian species nesting in the coastal bluff face and blufftop margin areas. If the survey finds any indication that nesting sensitive avian species with unfledged young are present on the bluff face and blufftop margins, project work shall be limited consistent with the mitigation measures identified in the Avian Habitat Utilization and Impact Assessment (WRA Environmental Consultants, January 2006), including the imposition of exclusionary buffer areas identified therein, however, in no case shall the exclusionary buffer be less than 100 horizontal feet from the affected nesting site. Work within the exclusionary buffers shall not proceed until a subsequent bird survey has been conducted by a qualified biologist or resource ecologist that demonstrates that the young have fledged and are not nesting in the for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director;
- b) If no indications of nesting sensitive avian species are found during the initial survey, no additional surveys or mitigation is required, provided the project commences within 30 days of completion of the survey, and provided the project does not extend into the commencement of the nesting season of the sensitive avian species;
- c) If more than 30 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the nesting seasons of the various sensitive avian species (see Avian Habitat Utilization and Impact Assessment, Tables A1, A2, and A3) a new survey shall be conducted and submitted for the review to the Executive Director, no more than 30 days and no less than 14 days prior to the start of the nesting-season or the start of work, and submit a report to the Executive Director for review and approval. If any survey discovers indications of sensitive avian species nesting in the coastal bluff face and blufftop margin areas, human activity in the affected area(s) shall be minimized and construction shall cease until a sensitive avian species survey has been conducted by a qualified biologist or resource ecologist that demonstrates that all young have fledged and are not nesting in the coastal bluff face and blufftop margins for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director; and
- d) Following completion of the excavation, all areas that are excavated or otherwise left with exposed soils shall be revegetated with native plant species. Revegetation of disturbed areas in Glass Beaches 1 through 3 and



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in the geophysical survey areas of Parcels 3 and 10 shall be performed in accordance with the Conceptual Revegetation Plan. The permittee shall provide irrigation, maintenance and replacement of revegetated areas, as needed, to ensure the long-term viability of the plants.

2) For the Protection of Rare Plant Biological Resources:

- **Final Plant Restoration Monitoring Program - PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10,** the applicant shall submit for review and written approval of the Executive Director, a final detailed restoration monitoring program designed by a qualified wetland biologist for monitoring of the plant restoration site. The monitoring program shall at a minimum include the following provisions:
  - a) Performance standards that will assure achievement of rare plant species replacement at coverages, densities, and associative compositions, as applicable, that existed in the areas prior to development;
  - b) Surveying the relative cover and density of each plant species of special concern found in the proposed development area prior to the commencement of construction;
  - c) Monitoring and restoration of the affected areas in accordance with the approved final monitoring program for a period of five years;
  - d) All revegetation planting shall utilize native plants obtained from local genetic stocks;
  - e) Submission of annual reports of monitoring results to the Executive Director by November 1 each year for the duration of the required monitoring period, beginning the first year after completion of the project. Each report shall include copies of all previous reports as appendices. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of recolonization of the affected plant species in relation to the performance standards;
  - f) Submission of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report must be prepared in conjunction with a qualified botanist or wetlands biologist. The report must evaluate whether the restoration sites conform with the goals, objectives, and performance standards set forth above. The report must address all of the monitoring data collected over the five-year period. If the final report indicates that the success standards have not been achieved, the applicant shall submit a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success standards. The revised enhancement program shall be processed as an amendment to this coastal development permit;
  - g) Monitoring and restoring the plan restoration sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No changes to the approved monitoring program shall occur without a Commission

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: September 27, 2006

Permit Application No.: A-1-FTB-05-053-A1

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- amendment to this coastal development permit unless the Executive Director determines no amendment is legally required;
- h) Flagging of the locations of the rare plant species by a qualified botanist prior to commencement of the grading in bluff face and blufftop areas. Work shall only be permitted to occur within 100 feet of the outer perimeter of the rare plant populations if such work is necessary to perform the required environmental remediation activities on the property;
  - i) No storage of equipment or stockpiling of materials within 100 feet of the outer perimeter of the rare plant populations;
  - j) If debris or soil removal is necessary within the rare plant sites and/or the 100-foot buffer zones, the following measures shall be required:
    - (1) If a rare species cannot be avoided, the botanist shall make a determination as to the feasibility of whether the species can be removed for the affected area prior to waste removal activities within the area and transplanted back to the affected area after work activities are completed.
    - (2) If possible, work shall be conducted after seed set at locations where rare species are identified.
    - (3) The botanist shall make a determination at each work location as to whether removal of the surface soil (containing the seed bank) for stockpiling is warranted. If warranted, and contingent upon analytical test results for the presence of chemicals of potential concern, stockpiled soil containing the seed bank shall be placed at the location (laterally and vertically) from which it was removed following completion of work activities. The permittee shall follow the recommendations for increasing the likelihood for survival of transplanted rare species as made by the botanist; and
    - (4) Following completion of restoration activities and revegetation, the botanist shall prepare a follow-up report that identifies all measures taken to protect rare plant species in each location and that evaluates the success of the mitigations in protecting and/or re-establishing the rare plant populations. The report shall be submitted to the Executive Director.
- 3) For the Protection of Rocky Intertidal Marine Biological Resources:
- a) Bluff face and blufftop margin grading activities shall only be conducted during the dry season, from April 15 through October 15;
  - b) Excavation activities shall be initiated leaving a 4-foot-thick strip of fill/topsoil at the sea cliff to prohibit any sediment or water falling onto the rocky intertidal area. Upon completion of excavation activities to the east, the remaining 4-foot-thick strip shall be excavated in a manner to minimize soil or debris dropping onto the rocky intertidal area;
  - c) Manual methods shall be used to remove any material that falls onto the rocky intertidal area;

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: September 27, 2006

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- d) Excavated soil and debris shall be segregated and stockpiled on heavy-duty plastic at designated locations to the east of the work areas. These storage locations are paved with asphalt and are greater than 300 feet from the sea cliff;
  - e) Holes and imperfections in the asphalt surface cover of the proposed stockpile areas shall be repaired prior to stockpile placement to prevent surface water infiltration;
  - f) If necessary, both storage areas can be expanded onto existing paved surface to accommodate any additional storage requirements. Alternatively, excavated soil and debris may be transported to the central debris and soil stockpile areas as specified in the Excavation and Stockpile Quantification Estimate and Site Plan Map;
  - g) Berms or ditches shall be constructed upslope of the work areas to intercept surface water runoff and redirect it to engineered locations away from the work areas;
  - h) Test pits will be backfilled with acceptable soil material, compacted, and covered to minimize rainfall or runoff infiltration; and
  - i) All revegetation planting shall utilize native plants obtained from local genetic stocks.
- 4) For the Protection of Offshore Rocky Marine Biological Resources:
- a) Baseline observations of pinnipeds in the project area shall be conducted prior to initiating project activities. The baseline study shall be submitted to the Executive Director prior to commencement of development in coastal bluff face and blufftop margin areas. A morning and afternoon count shall be conducted the day prior to work activities are scheduled to commence. Observations shall also be made every morning work is scheduled to occur;
  - b) Surveying and monitoring shall be conducted by a qualified biologist using minimum 8x42 magnification power binoculars or a spotting scope;
  - c) Survey data shall include type of marine mammals present, numbers, age class, sex (if possible), location, time, tide, type of development activity being conducted, and whether animals respond to the activity. Rates of departure and arrival of animals to and from the haul-out shall be noted;
  - d) If seals flush for a work-related reason, the portion of the project that caused the seals to flush shall be delayed until the animals leave the area;
  - e) As harbor seals are more likely to use haul-outs at low tide, work in areas in proximity to sensitive haul-out areas shall only be performed during the time period beginning and ending one and one-half hours before and following high tides to lessen the chance of harassment;
  - f) If a Steller sea lion is observed, work activities within the immediate blufftop edge area shall be postponed until the animal(s) leaves the project area;
  - g) Additional counts shall be conducted every two days for one week after all work is terminated to compare the use of haul-out sites without work-related disturbances pursuant to the pre- and post-activity behavior-specific monitoring recommendations of the National Marine Fisheries Service (NMFS); and

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: September 27, 2006

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h) All surveying data shall be compiled and submitted to the Executive Director at the end of the construction season.

B. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities in accordance with the above-listed biological mitigation measures. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### 4. Avoidance of and Minimization of Exposure to Geological Instability

A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in *Geotechnical Evaluation – Bearing Support for Heavy Equipment Loads*, Blackburn Consulting, Inc., February 2006), and all mitigation measures contained therein shall be implemented, including but not limited to the following:

1. Heavy mechanized equipment operations shall be staged at locations a minimum of 20 feet landward from the blufftop edge;
2. Pickup trucks, rubber-tired backhoes may be operated within the 20-foot setback provided the ground in such locations is firm and non-yielding;
3. Conditions along the base of the bluffs shall be inspected by a California Certified Engineering Geologist (CEG) prior to mobilizing all heavy mechanized equipment conducting work at bluff face and blufftop margin locations. If recent sea cave formation or other significant slope undercutting is observed, the light and heavy mechanized equipment operational and staging setbacks shall be adjusted accordingly; and
4. All revegetation planting shall utilize native plants obtained from local genetic stocks.

B. The permittee shall undertake the removal, excavation, stockpiling, and disposal activities in accordance with the above-listed geotechnical evaluations. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### 5. Protection of Archaeological Resources

A. All removal, excavation, stockpiling, and disposal activities authorized by this Coastal Development Permit shall be performed consistent with the conclusions and recommendations contained in: (1) *Draft Site Specific Treatment Plan for Cultural Resources Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., undated); and (2) *Archaeological Survey of the Georgia-Pacific Lumber Mill Fort Bragg, California* (TRC Companies, Inc., March 2003), and all mitigation measures contained therein shall be implemented, including but not limited to the following mitigation measures as modified below:

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: September 27, 2006

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1. Pre-construction surficial and shallow subsurface testing and evaluations shall be conducted in all areas proposed for excavation and the outer extent of known cultural resource areas shall be delineated by survey staking;
2. In the event prehistoric archaeological resources (marked by shellfish remains, flaked and ground stone tools, fire affected rock, human bone, or other related materials) are unearthed during site excavation and grading activities, all work in the vicinity of the site shall cease immediately, the Executive Director shall be notified, and the proper disposition of resources shall be accomplished as required by City of Fort Bragg Land Use Development Code Section 18.50.030.D;
3. If cultural resource artifacts or human remains are incidentally discovered within designated low site potential rated areas, all project work shall be halted in the affected area until an archaeologist and/or coroner has assessed the significance of the discovered materials; and
4. Subsurface disturbances at the Former Sawmill #1, the Powerhouse, Glass Beaches 1 and 2 and on Parcel 10 shall be monitored by an archaeologist and Native American representative.

B. If an area of cultural deposits is discovered during the course of the project:

1. All construction shall cease and shall not recommence except as provided in subsection 2. hereof;
2. Within 90 days after the date of discovery of such deposits, the permittee shall submit for the review and approval of the Executive Director, an Archaeological Plan, prepared by a qualified professional, that describes the extent of such resources present and the actions necessary to protect any onsite Archaeological resources;
3. If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after the Executive Director receives evidence of recordation of the deed restriction required below;
4. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission and the Executive Director receives evidence of recordation of the deed restriction required below; and
5. Within 90 days after the date of discovery of such deposits, the permittee shall provide evidence to the Executive Director of an execution and recordation of a deed restriction, in a form and content acceptable to the Executive Director, stating that, in order to protect archaeological resources, development can only be undertaken consistent with the provisions of the Archaeological Plan approved by the Executive Director. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: September 27, 2006

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restriction shall not be removed or changed without a Commission amendment to this coastal development permit approved by the Coastal Commission.

- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.
1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director; and
  2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.
- D. The permittee shall undertake the demolition, excavation, stockpiling, and disposal activities in accordance with the above-listed archaeological resource evaluations. Any proposed changes to the work plans shall be reported to the Executive Director. No changes to the work plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### 6. National Marine Fisheries Service Approvals

**PRIOR TO COMMENCEMENT OF DEBRIS EXTRICATION ACTIVITIES AT GLASS BEACHES 1-3 AND ON PARCELS 3 AND 10**, permittee shall provide to the Executive Director a copy of all permits, letters of permission, and/or authorizations to proceed as issued by the National Marine Fisheries Service (NMFS), or evidence that no permits or permissions are required. The applicant shall inform the Executive Director of any changes to the project required by the NMFS. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

### 7. U.S. Fish and Wildlife Service Approvals

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, permittee shall provide to the Executive Director a copy of all informal technical assistance consultations, permits, letters of permission, and/or authorizations to proceed as issued by the U.S. Fish and Wildlife Service (USFWS), or evidence that no permits or permissions are required. The applicant shall inform the Executive Director of any changes to the project required by the USFWS. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

## **AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Date: September 27, 2006

Permit Application No.: A-1-FTB-05-053-A1

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### **8. Conformance with Mendocino County Air Quality Management District Requirements**

PRIOR TO COMMENCEMENT OF OPERATIONS AUTHORIZED UNDER THIS COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review, a copy of all permits, licenses, grants of authority as required to be secured from the Mendocino County Air Quality Management District (MCAQMD), or evidence that no MCAQMD permit or authorization is necessary. The applicant shall inform the Executive Director of any changes to the project required by the MCAQMD. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

### **9. Conditions Imposed By Local Government.**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
(707) 445-7833 FAX (707) 445-7877  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**Date: **June 28, 2007**Permit Application No.: **A-1-FTB-05-053-A3**Issued to: **Georgia-Pacific Corporation, Attn: Doug Heitmeyer**

for:

**Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project -- Entailing: (1) removal of building foundations, additional investigation, and if necessary, interim remedial measures (IRMs) at the following areas: (a) Compressor House, (b) Former Sawmill #1, (c) Powerhouse and associated buildings, (d) Fuel Barn, (e) Chipper Building, (f) Water Treatment Plant, (g) Powerhouse Fuel Storage Building, (h) Sewage Pumping Station, (i) Dewatering Slabs, (j) Water Supply Switch Building, (k) Former Mobile Equipment Shop, and (l) associated subsurface structures; (m) removal of debris from Glass Beaches #1 through #3; and (n) removal of geophysical anomalies on Parcels 3 and 10; (o) the excavation and removal from the site of 2,200 to 2,800 cubic yards of fly-ash and associated contaminated soil materials from Parcel 7; and (p) post-extraction confirmation testing of the excavation site**

at:

**The former Georgia-Pacific California Wood Products Manufacturing Facility, 90 West Redwood Avenue, Fort Bragg (Mendocino County), APNs 008-010-26, 008-020-09, 008-151-22, 008-053-34, 008-161-08, 018-010-67, 018-020-01, 018-030-42, 018-040-52, 018-120-43, 018-120-44, 018-430-01, 018-430-02, 018-430-07, 018-430-08.**

has been amended to include the following changes:

**Add authorization to demolish eight additional former timber products processing related industrial buildings and perform further characterization sampling for subsurface hazardous materials contamination around the demolished buildings.**

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received or the Commission concurred with the Executive Director's determination of immateriality (Sec. 13166. (b)(2)).

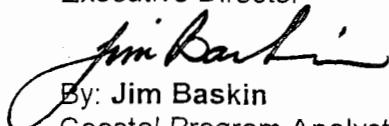
This amendment will become effective upon return of a signed copy of this form to the

**RECEIVED**

JUL 09 2007

CALIFORNIA  
COASTAL COMMISSION

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: **Jim Baskin**  
Coastal Program Analyst



## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: June 28, 2007

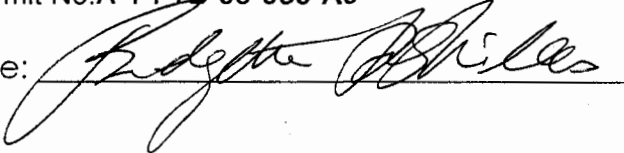
Permit Application No.: A-1-FTB-05-053-A3

Page 2 of 2

### ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its Conditions and the remaining conditions of Permit No: **A-1-FTB-05-053-A3**

Date: 7/6/07

Signature: 

### STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
(707) 445-7833 FAX (707) 445-7877  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**RECEIVED**

MAR 24 2008

CALIFORNIA  
COASTAL COMMISSION**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**Date: **March 10, 2008**Permit Application No.: **A-1-FTB-05-053-A4**Issued to: **Georgia-Pacific Corporation, Attn: Doug Heitmeyer**

for:

**Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project -- Entailing: (1) removal of building foundations, additional investigation, and if necessary, interim remedial measures (IRMs) at the following areas: (a) Compressor House, (b) Former Sawmill #1, (c) Powerhouse and associated buildings, (d) Fuel Barn, (e) Chipper Building, (f) Water Treatment Plant, (g) Powerhouse, Fuel Storage Building, (h) Sewage Pumping Station, (i) Dewatering Slabs, (j) Water Supply Switch Building, (k) Former Mobile Equipment Shop, and (l) associated subsurface structures; (m) removal of debris from Glass Beaches #1 through #3; and (n) removal of geophysical anomalies on Parcels 3 and 10; (o) the excavation and removal from the site of 2,200 to 2,800 cubic yards of fly-ash and associated contaminated soil materials from Parcel 7; and (p) post-extrication confirmation testing of the excavation site.**

at:

**The former Georgia-Pacific California Wood Products Manufacturing Facility, 90 West Redwood Avenue, Fort Bragg (Mendocino County), APNs 008-010-26, 008-020-09, 008-151-22, 008-053-34, 008-161-08, 018-010-67, 018-020-01, 018-030-42, 018-040-52, 018-120-43, 018-120-44, 018-430-01, 018-430-02, 018-430-07, 018-430-08.**

has been amended to include the following changes:

**Add authorization to demolish seven additional former timber products processing related industrial buildings and perform on-site aerobic treatment of approximately 30,100 cubic yards of underlying petroleum-impacted soils within a bermed 9.5-acre paved area of the former mill site tarmac and offsite disposal of 135 tons of metals-impacted soils at a licensed hazardous waste facility.**

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received or the Commission concurred with the Executive Director's determination of immateriality (Sec. 13166 (b)(2)).

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Date: March 10, 2008

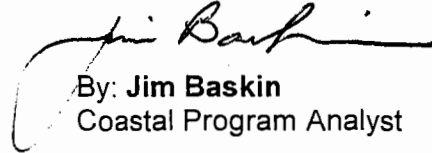
Permit Application No.: A-1-FTB-05-053-A4

Page 2 of 2

This amendment will become effective upon return of a signed copy of this form to the North Coast District Office. Please note that the original permit conditions are still in effect.

Sincerely,

PETER M. DOUGLAS  
Executive Director

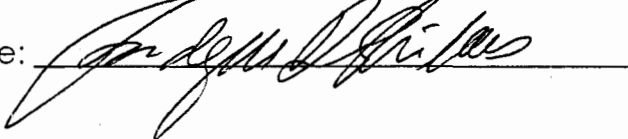


By: **Jim Baskin**  
Coastal Program Analyst

**ACKNOWLEDGMENT**

I have read and understand the above amendment and agree to be bound by its Conditions and the remaining conditions of Permit No: **A-1-FTB-05-053-A4**

Date: 3/21/08

Signature: 

**STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
 710 B STREET, SUITE 200  
 EUREKA, CA 95501  
 (707) 445-7833 FAX (707) 445-7877  
 www.coastal.ca.gov

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Date: May 9, 2008

Permit Application No.: A-1-FTB-05-053-A5

Issued to: Georgia-Pacific Corporation

for:

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OCT 29 2008

CALIFORNIA  
COASTAL COMMISSION

**Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project – Entailing:** (1) removal of building foundations, additional investigation, and if necessary, interim remedial measures (IRMs) at the following areas: (a) Compressor House, (b) Former Sawmill #1, (c) Powerhouse and associated buildings, (d) Fuel Barn, (e) Chipper Building, (f) Water Treatment Plant, (g) Powerhouse, Fuel Storage Building, (h) Sewage Pumping Station, (i) Dewatering Slabs, (j) Water Supply Switch Building, (k) Former Mobile Equipment Shop, and (l) associated subsurface structures; (m) removal of debris from Glass Beaches #1 through #3; and (n) removal of geophysical anomalies on Parcels 3 and 10; (o) the excavation and removal from the site of 2,200 to 2,800 cubic yards of fly-ash and associated contaminated soil materials from Parcel 7; and (p) post-extrication confirmation testing of the excavation site.

at:

The former Georgia-Pacific California Wood Products Manufacturing Facility, 90 West Redwood Avenue, Fort Bragg (Mendocino County); APNs: 008-010-26, 008-020-09, 008-151-22, 008-053-34, 008-151-08, 018-010-67, 018-020-01, 018-030-42, 018-040-52, 018-120-43, 018-120-44, 018-430-01, 018-430-02, 018-430-07, 018-430-08

has been amended to include the following changes:

**Add authorization to:** (1) demolish two additional former timber products processing related industrial buildings; (2) perform on-site aerobic bio-sparging treatment of groundwater in exposed excavations associated with previously authorized removal of petroleum-impacted soils; and (3) removal of approximately 300 lineal feet of asbestos-coated fire suppression water line situated within Coastal Trail/Parkland "Operational Unit 'A'."

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received or the Commission concurred with the Executive Director's determination of immateriality (Sec. 13168 (b)(2)).

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Date: May 9, 2008

Permit Application No.: A-1-FTB-05-053-A5

Page 2 of 2

This amendment will become effective upon return of a signed copy of this form to the

Sincerely,

PETER M. DOUGLAS  
Executive Director

*Robert S. Merrill*  
FOR PETER M. DOUGLAS FOR JB

By: Jim Baskin  
Coastal Program Analyst

**ACKNOWLEDGMENT**

I have read and understand the above amendment and agree to be bound by its Conditions and the remaining conditions of Permit No: A-1-FTB-05-053-A5

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

*Roger J. Hillman*  
ROGER J. HILLMAN  
SENIOR DIRECTOR - ENVIRONMENTAL AFFAIRS

**STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.