

## CALIFORNIA COASTAL COMMISSION

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# Th10a

## MEMORANDUM

Date: September 6, 2011 [Click here to go to the original staff report.](#)

To: Commissioners and Interested Parties

From: Charles Lester, Acting Executive Director  
Robert S. Merrill, District Manager – North Coast District

Subject: **Addendum to Commission Meeting for Thursday, September 8, 2011  
North Coast District Item Th10a, CDP Permit Amendment  
Application No. A-1-FTB-05-053-A9 (Georgia Pacific Corporation)**

Staff is proposing to make certain changes to the staff recommendation on Coastal Development Permit Amendment Application No. A-1-FTB-05-053-A9, the application of Georgia Pacific Corporation for the removal of the previously authorized approximately 1.5-acre contaminated soil consolidation cell at the former Georgia-Pacific Wood Products Manufacturing Facility in Fort Bragg. Since publication of the staff recommendation on August 26, 2011, the applicant has obtained final approvals of the development from the California Department of Toxic Substances Control (DTSC) including (a) a Final Operable Unit A (OU-A) Consolidation Cell Work Plan for the project, (b) a finalized Explanation of Significant Differences for the previously approved OU-A Remedial Action Plan, and (c) a CEQA Negative Declaration. Staff is revising the staff recommendation to modify certain special conditions and findings of the staff recommendation that refer to or require submittal of approvals from DTSC to reflect these final approvals that have now been obtained from DTSC. In addition, copies of the final DTSC approvals of the Final Operable Unit A (OU-A) Consolidation Cell Work Plan and the Explanation of Significant Differences are included for information and will be added to the staff recommendation as new exhibits.

Staff continues to recommend that the Commission approve the project with special conditions pursuant to the staff recommendation of August 26, 2011, as modified by the revisions described below.

## I. REVISIONS TO STAFF RECOMMENDATION

The changes to the special conditions and findings contained in the original staff recommendation appear in highlighted text format. Unless otherwise indicated in the report, the text conventions shall be as follows:

### Format for Changes to Special Conditions:

- Special conditions text added in the original staff report is shown in plain text with double underlining;
- Deletions to special condition text proposed in the original staff report are shown in plain text without underlining but with strike-through;
- **The proposed additional special condition text added as part of the addendum is shown in bold text with double underlining;** and
- Special condition text recommended in the original staff report that would be deleted as part of the addendum is shown in **bold text with double underlining and with strike-through.**

Format for Changes to Findings: Where additional or revised text is associated with the findings, the original finding text is shown in plain text, additional text is shown in bold double underline, and struck text is shown in bold strike-through.

- A. **Revise the Note at the beginning of Section III, “Special Conditions,” on page 8 as follows:**

## III. SPECIAL CONDITIONS:

**Note:** Special Conditions 2-11 of the permit as amended through Permit Amendment No. A-1-FTB-05-053-A6 are reimposed as conditions of this permit amendment without any changes and remain in full force and effect. Special Condition Nos. 1 and 12 of the permit as amended through Permit Amendment No. A-1-FTB-05-053-A6 are modified and reimposed as conditions of Permit Amendment No. A-1-FTB-05-053-A6<sup>9</sup>. Special Condition Nos. 13, ~~14, and 15~~ **is** added as **a** new conditions of Permit Amendment No. A-1-FTB-05-053-A9. Deleted wording within the modified special condition is shown in bold ~~striketrough~~ text, and new condition language appears as **bold double-underlined** text. For comparison, the text of the permit conditions as amended through Permit Amendment No. A-1-FTB-05-053-A6 is included in Exhibit Nos. 8-10.

**REASON FOR CHANGE:** The revision reflects how previously recommended Special Conditions 14 and 15 are being deleted from the staff recommendation as shown below. The revision also corrects a reference to an incorrect permit amendment number.

***B. Revise Special Condition No. 1 on pages 8-10 of the staff report as follows:***

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

- A. This Coastal Development Permit as amended, 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, construction of a subsurface consolidation cell within Parcel 8 to contain the contaminated soils, and retention of the consolidation cell until ~~the Department of Toxic Substances Control completes its five-year review of the final remediation plan~~ 2012 and (e) removal of the previously authorized consolidation cell by removing contaminated soils, waste, and debris for off-site disposal at licensed landfills and backfilling the excavated area with clean fill materials, all 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;

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- *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.
  - **Draft Final OU-A Consolidation Cell Removal Work Plan, Arcadis, July 21, 2011-August 25, 2011.**
- 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.
- D. 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<sub>above</sub>, 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.

**REASON FOR CHANGE:** Since publication of the staff report, the applicant has prepared and obtained final approval from DTSC of a Final Operable Unit A (OU-A) Consolidation Cell Work Plan for the project. Special Condition No. 1 requires the applicant to undertake the project pursuant to the Consolidation Cell Work Plan. The revision changes the language to require the project to conform to the final work plan as approved by DTSC rather than the draft final work plan.

C. Delete previously recommended Special Conditions 13 and 14 on page 11 of the staff report and renumber recommended Special Condition 15 as follows:

13. Final Consolidation Cell Removal Work Plan

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 Final OU-A Consolidation Cell Removal Work Plan. 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.

14. Conformance with California Department of Toxic Substances Control Requirements

PRIOR TO COMMENCEMENT OF OPERATIONS AUTHORIZED UNDER COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-FTB-05-053-A9, the permittee shall submit to the Executive Director for review, a copy of the final Explanation of Significant Differences (ESD) for the 2008 Operable Unit A Remedial Action Plan (OU-A RAP) and all other permits, licenses, grants of authority as required to be secured from the California Department of Toxic Substances Control (DTSC), or evidence that no DTSC permit or authorization is necessary. 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 required.

15.13. Conformance with Mendocino County Air Quality Management District Requirements

PRIOR TO COMMENCEMENT OF OPERATIONS AUTHORIZED UNDER COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-FTB-05-053-A9, 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 required.

**REASON FOR CHANGE:** Special Conditions 13 and 14 as originally recommended in the staff report required the submittal of final California Department of Toxic Substances Control (DTSC) approvals for the project and required that any changes to the project required by the final DTSC approvals shall not be incorporated into the project until the applicant obtains a permit amendment to the coastal development permit. Since publication of the staff report, the applicant has obtained the final approvals of the development from DTSC including (a) a Final Operable Unit A (OU-A) Consolidation Cell Work Plan for the project, and (b) a finalized Explanation of Significant Differences for the previously approved OU-A Remedial Action Plan. Special Condition No. 1 as modified by the addendum requires the applicant to undertake the project pursuant to the DTSC approved final Consolidation Cell Work Plan. Therefore, Special Conditions 13 and 14 as originally recommended in the staff report are no longer needed and are being deleted.

***D. Revise Portion of Proposed Amendment Description Finding on Pages 17 and 18 as follows:***

**Proposed Amendment Description**

The proposed amendment seeks authorization to remove the previously authorized and constructed Consolidation Cell. The Consolidation Cell was constructed in 2008. In the wet seasons since construction, the Consolidation Cell has unexpectedly captured and contained approximately one million gallons of stormwater runoff. This rate of infiltration into the Consolidation cell is much greater than what had been expected and has lead to a greater than expected water management effort. No evidence of a release from the Consolidation Cell has been identified. The water currently is pumped from the Consolidation Cell, and transported to the City of Fort Bragg Waste Water Treatment Plant (WWTP) for discharge with periodic sampling to verify compliance with discharge

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limitations. The permittee evaluated various alternatives to correct the infiltration problem. Upgrades to the cap of the Consolidation Cell were considered as was removal of the Consolidation Cell with transportation and disposal of the contaminated soil to licensed landfills. Ultimately, removal of the Consolidation Cell and off-site disposal of the soils contained in the cell was determined to be a practical and environmentally beneficial alternative to upgrading the existing cap based on such factors as the construction effort to upgrade the cap, long term maintenance of the facility, continued water management activities post-upgrade, and loss of land value in future potential development.

The specific development proposed involves removal of approximately 13,850 cu. yds. of contaminated soils, waste, and debris for off-site disposal at licensed landfills and backfilling the excavated area with clean fill materials. As part of the permit amendment application, the applicant submitted a **Draft** Final OU-A Consolidation Cell Removal Work Plan dated ~~July 21, 2011~~ August 25, 2011 prepared pursuant to requirements of the California Department of Toxic Substances Control (DTSC). The Work Plan describes the proposed development activities as follows:

The Consolidation Cell would be removed in sections over the course of approximately six to ten weeks.

<p><b>REASON FOR CHANGE:</b> Since publication of the staff report, the applicant has prepared and obtained final approval from DTSC of a Final Operable Unit A (OU-A) Consolidation Cell Work Plan for the project. The revision to the project description finding changes references to submittal of a draft work plan to submittal of the Final Operable Unit A (OU-A) Consolidation Cell Work Plan for the project approved by DTSC. The</p>
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***E. Revise the last four paragraphs of Finding C, "Protection of Coastal Water Quality," on page 26 as follows:***

The proposed amendment involves removal of the contaminated soils and the consolidation cell with disposal at licensed landfills that can accept such waste. Special Condition No. 12 of the permit as amended is modified to require the permitted to remove the consolidation cell as proposed by the beginning of 2012 to ensure that the risk that the contaminants would become exposed and potentially contaminate surface or groundwater due to failure of the consolidation cell in the event of a severe earthquake or some other catastrophic event will be eliminated, consistent with the certified LCP water quality protection policies.

As noted above, the applicant has submitted as part of the permit amendment application, a Draft Final OU-A Consolidation Cell Removal Work Plan dated July 21, 2011 prepared pursuant to requirements of the California Department of Toxic Substances Control (DTSC). A Final Work Plan ~~will be dated August 25, 2011~~ was later reviewed and approved by the DTSC, on August 31, 2011. DTSC also finalized an Explanation of Significant Differences for the OU-A Remedial Action Plan on August 30, 2011 for removal of the consolidation cell. The ~~plan~~ Final Work Plan includes as appendices a Stormwater Pollution Prevention Plan (SWPPP) and an Excavation and Soil Management Plan (ESMP). The SWPPP was prepared for construction activities at the Mill Site pursuant to the original permit and was reviewed and approved by the RWQCB. The SWPPP addresses grading and stormwater pollution abatement associated with soil excavation at remedial action areas, stockpiling, and transport of the soil across the site for temporary storage (if necessary) and hauling to the disposal facility. An Excavation and Soil Management Plan (ESMP) was created to govern excavation activities onsite and applies to activities planned under the proposed amendment. Implementation of the Work Plan with its appended SWPPP and ESMP will ensure that appropriate best management practices to minimize erosion and polluted stormwater runoff will be implemented in a manner consistent with the water quality protection policies of the certified LCP. To ensure that the best management practices and other water quality mitigations proposed in the Final Work Plan and its attached SWPPP and ESMP are carried out, Special condition No. 1(D) requires the permittee to undertake the consolidation cell removal project consistent with the Final OU-A Consolidation Cell Removal Work Plan dated August 25, 2011.

~~Special Condition No. 13 is attached to require that the Final Work Plan approved by DTSC be submitted prior to the commencement of construction. 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.

<p><b>REASON FOR CHANGE:</b> The revisions to the finding reflect the submittal and DTSC approval of the Final Operable Unit A (OU-A) Consolidation Cell Work Plan for the project since publication of the staff report and the resulting changes made to the special conditions as discussed above.</p>
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F. Revise the CEQA Finding on pages 27-28 as follows:

E. California Environmental Quality Act (CEQA)

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 September 1, 2011 (State Clearinghouse No. 2011072058).

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is 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 any 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 Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The 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 conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

<p><b>REASON FOR CHANGE:</b> The revisions to the CEQA finding clarify that DTSC is the lead agency for purposes of California Environmental Quality Act and that DTSC adopted a Notice of Declaration for the proposed project.</p>
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## II. NEW EXHIBITS

Copies of the final DTSC approvals of the Final Operable Unit A (OU-A) Consolidation Cell Work Plan and the Explanation of Significant Differences are included for information as Attachments 1 and 2, respectively, and will be added to the staff recommendation as new exhibits 12 and 13.



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Deborah O. Raphael, Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



**Edmund G. Brown Jr.**  
Governor

August 31, 2011

Ms. Julie Raming  
Field Services Manager  
Georgia-Pacific LLC  
133 Peachtree Street NE  
Atlanta, Georgia 30303  
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FINAL OPERABLE UNIT A CONSOLIDATION CELL REMOVAL WORK PLAN, DATED AUGUST 25, 2011, FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY, FORT BRAGG, CALIFORNIA

Dear Ms. Raming:

The Department of Toxic Substances Control (DTSC) has reviewed and approves the Final Operable Unit A (OU-A) Consolidation Cell Removal Work Plan. This Work Plan describes the activities necessary for the implementation of the Explanation of Significant Differences (ESD) for the OU-A Remedial Action Plan (RAP) finalized by DTSC on August 30, 2011. The ESD allows for the removal and off-site disposal of dioxin contaminated soil now contained in the Consolidation Cell. As required by the California Environmental Quality Act (CEQA), DTSC has prepared an Initial Study and Negative Declaration (IS/ND) and has determined that the proposed project will not have a significant effect on the environment. On August 29, 2011, the City of Fort Bragg Redevelopment Agency passed a resolution accepting the ESD for the OU-A RAP and the removal of the Consolidation Cell. Perry Myers, P.E., of DTSC's Engineering and Special Projects Office provided engineering review and concurrence for the Consolidation Cell Removal Work Plan.

**ATTACHMENT A**  
DTSC APPROVAL OF FINAL  
OPERABLE UNIT A (OU-A)  
CONSOLIDATION CELL  
REMOVAL WORK PLAN (1 of 2)

Ms. Julie Raming  
August 31, 2011  
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If you have any questions, please contact me at (510) 540-3776 or at [tlanphar@dtsc.ca.gov](mailto:tlanphar@dtsc.ca.gov).

Sincerely,



Thomas P. Lanphar  
Senior Hazardous Substances Scientist  
Brownfields and Environmental Restoration Program

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**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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**Edmund G. Brown Jr.**  
Governor

### **EXPLANATION OF SIGNIFICANT DIFFERENCES Operable Unit A, Remedial Action Plan Georgia-Pacific Former Wood Products Facility August 30, 2011**

#### **Introduction**

The Department of Toxic Substances Control (DTSC) prepared the Explanation of Significant Differences (ESD) pursuant to authority granted under Chapter 6.8, Division 20, California Health & Safety Code (H&SC) to modify the remedy of the Operable Unit A (OU-A) Remedial Action Plan (RAP) for the former Georgia-Pacific Mill Site (Mill Site) in Fort Bragg, California. The OU-A RAP was approved by DTSC on August 28, 2008. The ESD allows for the removal and off-site disposal of approximately 13,850 cubic yards of dioxin contaminated soil now contained in the Consolidation Cell.

The DTSC is lead agency for the remediation of the former Georgia-Pacific Mill Site. Support agencies include the City of Fort Bragg, Redevelopment Agency, the North Coast Regional Water Quality Control Board, and the California Coastal Commission.

The RAP for OU-A specified the removal of dioxin contaminated soil and placement of that soil in a Consolidation Cell located in Operable Unit D in the southern part of the closed Mill Site. Georgia-Pacific completed construction of the Consolidation Cell in 2009. The cover on the Consolidation Cell has not functioned properly and during the 2009 and 2010 rainy seasons, the Consolidation Cell was found to capture and contain approximately 1 million gallons of water leading to a greater than expected water management effort. The water has been pumped from the Consolidation Cell, and transported to the City of Fort Bragg Waste Water Treatment Plant (WWTP) for discharge with periodic sampling to verify compliance with the *Second Amendment to the Agreement to Accept Stormwater from the OU-A Consolidation Cell into the Fort Bragg Wastewater Treatment Plant* between Georgia-Pacific and the City of Fort Bragg. The Consolidation Cell continues to contain the dioxin contaminated soil and groundwater monitoring indicates that there has been no release of contaminated material to the environment.

The ESD for the OU-A RAP allows for the removal and off-site disposal of dioxin contaminated soil now contained in the Consolidation Cell. A detailed description of the work to be completed is found in the *Operable Unit A Consolidation Cell Removal Workplan, Former Georgia-Pacific Wood Products Facility, Fort Bragg, California*

(Workplan) prepared by ARCADIS and dated August 25, 2011. As required by the California Environmental Quality Act (CEQA), DTSC has prepared a draft Initial Study and Negative Declaration (IS/ND) and has determined that the proposed project will not have a significant effect on the environment. The ESD, IS/ND, and Workplan are part of the Administrative Record for the site and are located at 700 Heinz Avenue, Suite 200, Berkeley, California 94710.

### **Site History, Contamination and Selected Remedy**

The 415-acre former Georgia-Pacific Wood Products Facility is located in Fort Bragg, Mendocino County, California. According to historic records, Union Lumber Company began sawmilling operations at the site in 1885. Georgia-Pacific acquired the site in 1973 and ceased lumber operations in August 2002. Industrial operations at the site included lumber production and power generations by burning residual bark and wood. For investigation and remediation purposes, the Facility has been divided into five Operable Units, A through E.

OU-A is located along the coastal-bluff area of the former Mill Site. Fly ash, generated in the Mill's on-site electrical generation facility, had been disposed of in several locations in OU-A. Five fly ash disposal locations were found to be contaminated with dioxins. The OU-A RAP called for construction of the 1.6-acre cell in Operable Unit D of the Mill Site and placement of dioxin contaminated soils into the cell from five of the seven contaminated soil areas located within OU-A. Soils from the other two areas were excavated in 2009 and disposed of in a permitted off-site landfill. Construction of the Consolidation Cell was completed in September of 2009. In January 2010 the City of Fort Bragg acquired the land designated Operable Unit A from Georgia-Pacific and plans to develop the land into a coastal park.

### **Basis for the ESD**

Required monitoring of the Consolidation Cell by Georgia-Pacific identified unanticipated amounts of water beginning in October 2009 and continued throughout the 2009/2010 rainy season. In an effort to stop the infiltration of water into the Consolidation Cell, Georgia-Pacific reconstructed the drainage ditch system surrounding the Consolidation Cell in September and October 2010. However, the Consolidation Cell continued to take in water during the 2010/2011 rainy season. In March 2011, Georgia-Pacific submitted a work plan for the placement of a new cover over the current Consolidation Cell cover. However, because of uncertainty of the remedy, increased costs, and continued long term operation and maintenance costs, Georgia-Pacific changed their proposed remedy for the Consolidation Cell and submitted a draft Workplan for the Removal of the Consolidation Cell in June of 2011.

### **Description of Significant Differences**

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The original remedy for OU-A dioxin contaminated soil included the consolidation and containment of dioxin contaminated soil in the Consolidation Cell. The Consolidation Cell requires long-term operation and maintenance and a Land Use Covenant, a legal document that restricts future land use and development. The objective of the proposed project is the removal and off-site disposal of approximately 13,850 cubic yards of dioxin contaminated soil from the Consolidation Cell. According to the Workplan, the soil in the Consolidation Cell will be removed and disposed of off-site at permitted landfills in Solano or Contra Costa Counties, and the Consolidation Cell would be fully removed. The land currently occupied by the Consolidation Cell would be restored to approximate pre-Consolidation Cell conditions and the land would be available for unrestricted land uses in the future.

DTSC has determined this change constitutes a significant, but not fundamental, change in the remedy outlined in the OU-A RAP approved by DTSC in August 2008. Therefore, DTSC has prepared this ESD.

### **Support Agency Comments**

The City of Fort Bragg and the North Coast Regional Water Quality Control Board have reviewed the draft Workplan for the Removal of The Consolidation Cell. Their comments have been incorporated into the final Workplan.

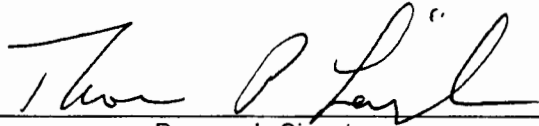
On August 29, 2011, the City Council of the City of Fort Bragg adopted the City's Redevelopment Agency Resolution accepting the Explanation of Significant Differences for the Operable Unit-A Remedial Action Plan (OU-A RAP) Under the Polanco Redevelopment Act.

### **Statutory Determinations**

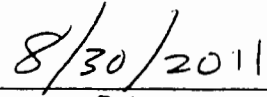
This ESD has been prepared pursuant to California Health and Safety Code (HSC) Section 25356.1. The ESD is also consistent with the Oil and Hazardous Substances Pollution National Contingency Plan (NCP), 40 Code of Federal Regulations (CFR), Part 300.400.

### **Public Participation Compliance**

DTSC published a Public Notice for the CEQA Initial Study/Negative Declaration and draft ESD in two local newspapers, the Fort Bragg Advocate and the Mendocino Beacon on July 21, 2011. The Public Comment Period on the IS/ND runs from Monday July 25, 2011 to August 23, 2011. During the week of July 18, 2011, a Fact Sheet describing the proposed ESD was mailed to approximately 8,000 addresses on the Georgia-Pacific mailing list. DTSC will hold a Community Workshop on August 17, 2011 at the C.V. Starr Community Center in Fort Bragg. Once the Public Comment Period has concluded, DTSC will respond to all written comments on the IS/ND and consider the comments when making a final decision on the CEQA IS/ND and ESD.



Preparer's Signature



Date

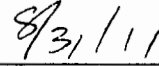
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Preparer's Name

Sr. Hazardous Substances Scientist  
Preparer's Title

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Phone #



Unit Chief Signature



Date

Denise Tsuji  
Unit Chief Name

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## CALIFORNIA COASTAL COMMISSION

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# Th10a

Date Filed: August 8, 2011  
49th Day: September 26, 2011  
180<sup>th</sup> Day: February 4, 2012,  
Staff: Robert S. Merrill  
Staff Report: August 26, 2011  
Hearing Date: September 8, 2011  
Commission Action:

## STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **A-1-FTB-05-053-A9**

APPLICANT: **Georgia-Pacific Corporation**

AGENT: **Arcadis U.S., Inc**

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; (3) removal of geophysical anomalies on Parcels 3 and 10 of the former Georgia-Pacific Sawmill site; (4) excavation of 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]; and (2) construction of an approximately 1.5-acre consolidation cell with an engineered cap for onsite, subsurface management of the excavated dioxin-impacted soil.

DESCRIPTION OF  
AMENDMENT REQUEST:

Remove the previously authorized approximately 1.5-acre consolidation cell constructed for subsurface management of excavated dioxin-impacted soils by (1) removal of approximately 13,850 cu.yds. of contaminated soils, waste, and debris for off-site disposal at licensed landfills and (2) backfilling the excavated area with clean fill materials.

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 removal of a previously authorized and constructed 1.5-acre Consolidation Cell designed to contain dioxin contaminate soils excavated from the surrounding former industrial property. The Consolidation Cell was constructed in 2008. In the wet seasons since construction, the Consolidation Cell has unexpectedly captured and contained approximately one million gallons of stormwater runoff. This rate of infiltration into the Consolidation cell is much greater than what had been

expected and has lead to a greater than expected water management effort. No evidence of a release from the Consolidation Cell has been identified. The water currently is pumped from the Consolidation Cell, and transported to the City of Fort Bragg Waste Water Treatment Plant (WWTP) for discharge with periodic sampling to verify compliance with discharge limitations. The permittee evaluated various alternatives to correct the infiltration problem. Upgrades to the cap of the Consolidation Cell were considered as was removal of the Consolidation Cell with transportation and disposal of the contaminated soil to licensed landfills. Ultimately, removal of the Consolidation Cell and off-site disposal of the soils contained in the cell was determined to be a practical and environmentally beneficial alternative to upgrading the existing cap based on such factors as the construction effort to upgrade the cap, long term maintenance of the facility, continued water management activities post-upgrade, and loss of land value in future potential development.

When the Commission approved Amendment A-1-FTB-05-053-A9 to authorize construction and use of the consolidation cell, the Commission imposed Special Condition No. 12, which limits the time period for which the consolidation cell is authorized. The Commission determined that a remediation technique that may be determined to be feasible in the future to remove the contaminated soil or successfully treat the contaminants rather than simply contain them in place would serve to reduce or eliminate the risk that the contaminants would become exposed and potentially contaminate surface or groundwater due to failure of the consolidation cell in the event of a severe earthquake or some other catastrophic event.

The proposed amendment involves removal of the contaminated soils and the consolidation cell with disposal at licensed land fills that can accept such waste. Staff is recommending modifications to the limitations on the time period for which the consolidation cell is authorized within Special Condition No. 12 to require the permittee to remove the consolidation cell as proposed by the beginning of 2012.

The applicant has submitted as part of the permit amendment application, a Draft Final OU-A Consolidation Cell Removal Work Plan dated July 21, 2011 prepared pursuant to requirements of the California Department of Toxic Substances Control (DTSC). A Final Work Plan will be reviewed and approved by the DTSC. The plan includes as appendices a Stormwater Pollution Prevention Plan (SWPPP) and an Excavation and Soil Management Plan (ESMP). Implementation of the Work Plan with its appended SWPPP and ESMP will ensure that appropriate best management practices to minimize erosion and polluted stormwater runoff will be implemented in a manner consistent with the water quality protection policies of the certified LCP. New Special Condition No. 13 would require that the Final Work Plan approved by DTSC be submitted prior to the commencement of construction. 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.

Staff recommends that the Commission 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.

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 pages 7-8.**

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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. On February 4, 2009, the Commission approved an amendment to the permit (Permit Amendment No. A-1-FTB-05-053-A6), which authorized excavation of approximately 13,000 cubic yards of dioxin-impacted soil from several areas within an area of the applicants property referred to as Operable Unit A [OU-A South]; and (2) construction of an approximately 1.5-acre consolidation cell with an engineered cap for onsite, subsurface management of the excavated dioxin-impacted soil.

The remediation activities authorized by Permit Amendment No. A-1-FTB-05-053-A6 were 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) for these previously authorized remediation activities, dated August 2008. 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.

A number of individuals commented to the Commission during the public hearing on Permit Amendment No. A-1-FTB-05-053-A6 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 involving the use of fungal degradation in the future when the techniques have been perfected for practical application. A remediation technique that can successfully treat the contaminants rather than simply contain them in place would serve to reduce or eliminate the risk that the contaminants would become exposed and potentially contaminate surface or groundwater due to failure of the consolidation cell in the event of a severe earthquake or some other catastrophic event. In approving the amendment, the Commission found that the alternative of bioremediation of the dioxin/furan contaminated soil to be consolidated and capped in the consolidation cell should be reconsidered after a period of time has elapsed. Therefore, the Commission imposed Special Condition No. 12 to the amended permit, which limited the time period for which the consolidation cell is authorized to the time period that passes before the Department of Toxic Substances Control completes its five-year review of the final remediation plan. As required by statute and the DTSC order approving the Final Operable Unit A Remedial Action Plan approved by DTSC on August 28, 2008, DTSC is required to re-evaluate the remedial action plan five years after the consolidation cell has been constructed. Special Condition No. 12 requires that the permittee submit an application for a permit amendment to either remove the consolidation cell or retain the consolidation cell in place after DTSC has completed action on its re-valuation of the remedial action plan. This requirement was imposed to enable the Commission to consider the re-evaluation conducted by DTSC, the alternative analysis submitted by the applicant, public comment, and other information available at the time to determine whether any of the alternative remediation techniques available at the time constitute feasible alternatives that would lessen any significant adverse impact that the consolidation cell has on water quality and other coastal resources.

The Consolidation Cell was constructed in 2008. In the wet seasons since construction, the Consolidation Cell has unexpectedly captured and contained approximately one million gallons of stormwater runoff. This rate of infiltration into the Consolidation cell is much greater than what had been expected and has led to a greater than expected water management effort. No evidence of a release from the Consolidation Cell has been identified. The water currently is pumped from the Consolidation Cell, and transported to the City of Fort Bragg Waste Water Treatment Plant (WWTP) for discharge with periodic sampling to verify compliance with discharge limitations. The permittee evaluated various alternatives to correct the infiltration problem. Upgrades to the cap of the Consolidation Cell were considered as was removal of the Consolidation Cell with transportation and disposal of the contaminated soil to licensed landfills. Ultimately, removal of the Consolidation Cell and off-site disposal of the soils contained in the cell

was determined to be a practical and environmentally beneficial alternative to upgrading the existing cap based on such factors as the construction effort to upgrade the cap, long term maintenance of the facility, continued water management activities post-upgrade, and loss of land value in future potential development.

As noted above, the Commission imposed conditions limiting the time period for which the consolidation cell is authorized with the intent that feasible alternatives to retaining the consolidation cell permanently that would lessen any significant adverse impact that the consolidation cell has on water quality and other coastal resources could be considered in the future. The proposed removal of the Consolidation Cell and its contaminated soil has now been determined to be feasible and would eliminate any threat the consolidation cell might pose to water quality and other coastal resources in the future if it were to remain. Therefore, the proposed removal of the Consolidation Cell would not lessen or avoid the intent of the conditionally approved permit as currently amended.

Furthermore, none of the other project limitations and performance standards established under the permit as currently amended 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 new amendment. Therefore, the development as proposed to be amended through Permit Amendment No. A-1-FTB-05-053-A6 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-A9) 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 2011) 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 Nos. 8-10 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-A9 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 Conditions 2-11 of the permit as amended through Permit Amendment No. A-1-FTB-05-053-A6 are reimposed as conditions of this permit amendment without any changes and remain in full force and effect. Special Condition Nos. 1 and 12 of the permit as amended through Permit Amendment No. A-1-FTB-05-053-A6 are modified and reimposed as conditions of Permit Amendment No. A-1-FTB-05-053-A6. Special Condition Nos. 13, 14, and 15 are added as new conditions of Permit Amendment No. A-1-FTB-05-053-A9. Deleted wording within the modified special condition is shown in **bold strikethrough** text, and new condition language appears as **bold double-underlined** text. For comparison, the text of the permit conditions as amended through Permit Amendment No. A-1-FTB-05-053-A6 is included in Exhibit Nos. 8-10.

1. **Scope of Approved Development**

- A. This Coastal Development Permit as amended, 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, construction of a subsurface consolidation cell within Parcel 8 to contain the contaminated soils, and retention of the consolidation cell until ~~the Department of Toxic Substances Control completes its five-year review of the final remediation plan 2012 and~~ (e) **removal of the previously authorized consolidation cell by removing contaminated soils, waste, and debris for off-site disposal at licensed landfills and backfilling the excavated area with clean fill materials, all** 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.
  - ***Draft OU-A Consolidation Cell Removal Work Plan, Arcadis, July 21, 2011***
- 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.



- D. 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.

**12. Time Period for Which Consolidation Cell for Dioxin Impacted Soil is Authorized**

The authorization granted by this coastal development permit as amended for the use of the consolidation cell for dioxin impacted soil shall be valid until ~~the California Department of Toxic Substances Control (DTSC) has completed its five-year re-evaluation of the Final Operable Unit A Remedial Action Plan approved on August 28, 2008 and the Commission has completed its review of the subsequent coastal development permit application required below. the end of 2011, by which time the consolidation cell shall be removed as proposed by the permittee and authorized by the Commission in Permit Amendment No. A-1-FTB-05-053-A9. No later than 90 days after DTSC has taken final action on the re-evaluation, or within such additional time as the Executive Director may grant for good cause, the permittee shall either:~~

- ~~A. Submit a coastal development permit application to the Commission for removal of the consolidation cell and the dioxin impacted soil contained within the cell, or~~
- ~~B. Submit a coastal development permit application to the Commission for the retention and continued use of the consolidation cell for dioxin impacted soil, accompanied by:~~
- ~~i.) An analysis of the effectiveness of the consolidation cell in containing the dioxins/furans present in the soil and preventing these contaminants within the consolidation cell from adversely affecting groundwater and other environmental resources, and~~
  - ~~ii.) A new analysis of alternatives to the authorized consolidation cell authorized by Coastal Development Permit Amendment No. A-1-FTB-05-053-A6 for the remediation of the dioxin/furan impacted soils including, but not limited to the use of bioremediation techniques and other advanced remediation technologies available~~

~~at the time, taking into account the relative impact of the various alternatives on coastal resources and the criteria set forth by the Environmental Protection Agency (USEPA) and DTSC for evaluating remediation alternatives.~~

**13. Final Consolidation Cell Removal Work Plan**

**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 Final OU-A Consolidation Cell Removal Work Plan. 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.**

**14. Conformance with California Department of Toxic Substances Control Requirements**

**PRIOR TO COMMENCEMENT OF OPERATIONS AUTHORIZED UNDER COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-FTB-05-053-A9, the permittee shall submit to the Executive Director for review, a copy of the final Explanation of Significant Differences (ESD) for the 2008 Operable Unit-A Remedial Action Plan (OU-A RAP) and all other permits, licenses, grants of authority as required to be secured from the California Department of Toxic Substances Control (DTSC), or evidence that no DTSC permit or authorization is necessary. 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 required.**

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

**PRIOR TO COMMENCEMENT OF OPERATIONS AUTHORIZED UNDER COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-FTB-05-053-A9, 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 required.**

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

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

###### **Contamination Problems Associated with Overall Project Site and Cleanup Efforts**

The 415-acre Georgia Pacific property in Fort Bragg had been used as lumber sawmill since 1885 up until 2002 when the mill was closed. During sawmill operations, logs were received onsite, unloaded, sorted in the log storage areas, debarked, and milled. Milled lumber was then shipped green, kiln dried, or air dried. Finished lumber was transported by rail or truck. Bark and wood refuse was collected and burned in an onsite power plant to generate steam and electricity for site operations. Since 2002, most of the structures and equipment on site has been removed.

The primary hazardous substance used across the site was petroleum. Tanks and drums stored diesel fuel, motor oil, fuel oil, lube oil, hydraulic oil, and diala oil. In addition, jet fuel was used for a short time to refuel planes using the former onsite runway. Other chemicals used onsite included antifreeze and transmission fluids for vehicle servicing, water treatment chemicals, small quantities of acids/bases, solvents, and paint and paint thinners. Buildings had lead-based paint and asbestos containing materials, and power poles has transformer using PCBs. For a few years, small-scale treatment of wood occurred using a fungicide at a small dip tank. Scrap metals, ash/clinker and burn debris were also found in isolated areas of the site.

A series of soil, sediment, groundwater, and surface water investigations have been undertaken at the site since the mid 1980's. Beginning in 2003, these investigations were conducted under the auspices of the North Coast Regional Water Quality Control Board (RWQCB). In August 2006, RWQCB requested that the Department of Toxic Substances Control (DTSC) take over the lead agency oversight role. DTSC issued a Site Investigation and Remediation Order in February 2007 and Georgia Pacific has since been conducting investigations, monitoring, and remedial activities under that order. Those activities constituting development under the Coastal Act have been authorized by the Commission under Coastal Development Permit No. A-1-FTB-05-053 as amended.

The investigations conducted to date have identified the following areas and chemicals as priorities for remediation:

- A.** Ponds. Some of the sediments in ponds associated with fly ash and scrubber water management have elevated concentrations of metals and dioxins/furans. These ponds have been investigated and warrant further evaluation as to appropriate next steps.
- B.** Equipment Shops and hazardous materials fuel storage areas. These areas have petroleum compounds in soil/and or groundwater. Bioremediation of many of these areas has commenced with remaining areas subject to additional cleanup.
- C.** Offsite Sources. Perimeter monitoring wells and other sampling confirm that at least two areas of the site are being impacted by chemicals migrating from offsite.
- D.** Operable Unit A. Soils with lead and PCBS were disposed of offsite and soils with dioxins were excavated and consolidated and capped onsite.

The site has been divided into five operable units (OUs) to facilitate investigation and remedial work. Investigations have been conducted in all five OUs and remedial activities are underway or anticipated in all OUs except OU-B which requires no further cleanup.

As discussed below, the Commission approved the original coastal development permit on appeal in 2005 and a series of amendments that authorized the cleanup activities that have been performed to date and additional interim cleanup work that has yet to be performed.

Further site investigation work and remedial action planning is required for other OUs at the Georgia Pacific site which will require additional coastal development permit authorization in the future.

#### Commission Review of Original Project on Appeal

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 was 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.

The City's approval of Coastal Development Permit No. CDP 3-05 for the subject development was appealed to the Commission on October 27, 2005.

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 to the project to address water quality protection concerns developed in consultation with the Commission's Water Quality Unit and the Staff of the Regional Water Quality Control Board.

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 modifications to the project originally approved by the City made for purposes of the Commission's de novo review, included 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.

The original development authorized de novo by the Commission entailed 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.

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 seven previous amendments to the original permit, including two material amendment (A-1-FTB-05-053-A2 and A-1-FTB-05-053-A6) and five immaterial amendments attached as Exhibit No. 11 of this staff report for reference. Of particular relevance to the current amendment request was Amendment No. A-1-FTB-05-053-A6 approved by the Commission on February 4, 2009. That amendment involved 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 amendment also involved 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).

#### **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 owner and the City are currently engaged in a specific area planning process to plan future uses of the area. The Commission has previously held two workshops on preliminary drafts of the specific area plan the specific.

The specific location of the Consolidation Cell is a previously disturbed location distant from any environmentally sensitive habitat areas and more than 1000 feet from the shoreline bluff edge. The cell is within view from public vantage points, but is not situated within any or highly scenic area designated in the LCP. 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. 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. Remedial site investigations determined elevated concentrations of dioxins/furans within OU-A which were remediated by offsite removal of certain contaminated soils and consolidation of the dioxin contaminated cells in the consolidation cell approved under Amendment No. A-1-FTB-05-053-A6.

#### Proposed Amendment Description

The proposed amendment seeks authorization to remove the previously authorized and constructed Consolidation Cell. The Consolidation Cell was constructed in 2008. In the wet seasons since construction, the Consolidation Cell has unexpectedly captured and contained approximately one million gallons of stormwater runoff. This rate of infiltration into the Consolidation cell is much greater than what had been expected and has lead to a greater than expected water management effort. No evidence of a release



from the Consolidation Cell has been identified. The water currently is pumped from the Consolidation Cell, and transported to the City of Fort Bragg Waste Water Treatment Plant (WWTP) for discharge with periodic sampling to verify compliance with discharge limitations. The permittee evaluated various alternatives to correct the infiltration problem. Upgrades to the cap of the Consolidation Cell were considered as was removal of the Consolidation Cell with transportation and disposal of the contaminated soil to licensed landfills. Ultimately, removal of the Consolidation Cell and off-site disposal of the soils contained in the cell was determined to be a practical and environmentally beneficial alternative to upgrading the existing cap based on such factors as the construction effort to upgrade the cap, long term maintenance of the facility, continued water management activities post-upgrade, and loss of land value in future potential development.

The specific development proposed involves removal of approximately 13,850 cu.yds. of contaminated soils, waste, and debris for off-site disposal at licensed landfills and backfilling the excavated area with clean fill materials. As part of the permit amendment application, the applicant submitted a Draft Final OU-A Consolidation Cell Removal Work Plan dated July 21, 2011 prepared pursuant to requirements of the California Department of Toxic Substances Control (DTSC). The Work Plan describes the proposed development activities as follows:

The Consolidation Cell would be removed in sections over the course of approximately six to ten weeks.

- Piezometers within the footprint of the area to be regraded will be abandoned in accordance with applicable requirements.
- The existing cover material (soil and grasses) overlying the Consolidation Cell would be removed and stockpiled on the Mill Site on ruderal lands located south of the Consolidation Cell. The cover soil would be used in backfilling the excavation site. The top 18 inches of cover soil consisted of organic material suitable for revegetation use. For this purpose the cover soil will be segregated from other backfill sources for use as the new surface layer. The Consolidation Cell cap would be removed. This liner system covers approximately 1.6 acres and consists of a rodent barrier overlying soil and a GCL layer. The steel mesh rodent barrier will be disposed off-site or recycled. The GCL material will be loaded with the waste soils for off-site disposal.
- Approximately 15,100 in-place cubic yards (CY) of soil from the Consolidation Cell would be removed. The 15,100 CY includes 12,600 CY of OU-A impacted materials and 2,500 CY of clean soil that was placed on top of the waste soils to achieve required grade elevations during cell construction. The material will be segregated from the waste soils, analyzed for dioxin, and stockpiled for backfilling the Consolidation Cell excavation. These soils will be sampled to verify suitability for reuse.

- Soil removed from the Consolidation Cell will be staged in a series of 10-20 temporary stockpiles of approximately 1,000 CY located within designated areas.

. These stockpiles will be sampled for landfill acceptance. Once sample results confirm acceptability, the materials will be loaded onto trucks and shipped to the landfill. Stockpiles will have 6-mil polyethylene liners and hay bales to control runoff.

- The Consolidation Cell liner materials consisting of a geocomposite drainage layer, non-woven geotextile fabric, and 40-mil PVC flexible membrane liner, perforated pipe, and rip-rap, would be removed. The liner and drainage system materials would be shredded by the excavator, combined with the soil waste and either loaded directly onto trucks, or temporarily stockpiled in designated areas and then loaded onto trucks for off-site disposal.

- The excavated area will be backfilled with removed cover soil, segregated non-OU-A impacted materials, and material from a 7,000 CY stockpile currently onsite. Noyo Harbor Dredge Sand, pending additional characterization, will be utilized if less than 1,000 CY of the estimated 2,500 CY segregated non-OU-A impacted materials are available for reuse.

- The backfilled materials would be compacted in no more than 12-inch lifts and graded to the existing surrounding grade which is relatively flat. A bulldozer would be used to backfill the former cell site and compact the soil. Completed surfaces will be proof-rolled to determine if the resultant track depression depth is acceptable (i.e., approximately 1 inch or less). The site would be graded to achieve positive drainage and stable conditions.

- All unpaved areas used for staging or temporary stockpiles will be graded and seeded at the completion of construction. The site would then be hydroseeded with native grass and forbe species, and a low nitrogen fertilizer and fiber mulch would be applied. If necessary, hay bales and straw wattles would be placed around the former cell site to reduce the potential for erosion. Best Management Practices (BMPs) would remain in place until vegetation is established.

A Storm Water Pollution Prevention Plan (SWPPP) was prepared for construction activities at the Mill Site pursuant to the general permit and was reviewed and approved by the RWQCB. The SWPPP addresses grading and stormwater pollution abatement associated with soil excavation at remedial action areas, stockpiling, and transport of the soil across the site for temporary storage (if necessary) and hauling to the disposal facility. An Excavation and Soil Management Plan (ESMP)) was created to govern excavation activities onsite and applies to activities planned under this RAP.

### **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 a previously authorized and constructed 1.5 acre consolidation cell.

The concentration of dioxin in the contaminated soils placed in the consolidation cell is relatively low compared to dioxin concentrations found in other contaminated sites. According to the applicant, the average concentration of dioxins in the soil to be placed in the consolidation cell is 100 parts per trillion (ppt). This level of concentration is 100 times lower than the concentration level at which contaminated material must be managed as hazardous waste under either state or federal law. The 100 ppt concentration is approximately two times the concentration level considered to be safe by DTSC (52 ppt) to leave untreated in other areas of the project site and two times the screening level set for residential soils by the Agency for Toxic Substances and Disease Registry (ARCADIS BBL 2007). In addition to being present in relatively low concentrations, the dioxin in the soil is relatively immobile. Dioxin molecules bind strongly to soil particles, making them largely immobile in the environment. Dioxin molecules are also highly “hydrophobic,” which means they do not easily go into solution.

The Consolidation Cell was constructed in 2008. In the wet seasons since construction, the Consolidation Cell has unexpectedly captured and contained approximately one million gallons of stormwater runoff. This rate of infiltration into the Consolidation cell is much greater than what had been expected and has led to a greater than expected water management effort. No evidence of a release from the Consolidation Cell has been identified. The water currently is pumped from the Consolidation Cell, and transported to the City of Fort Bragg Waste Water Treatment Plant (WWTP) for discharge with periodic sampling to verify compliance with discharge limitations. The permittee evaluated various alternatives to correct the infiltration problem. Upgrades to the cap of the Consolidation Cell were considered as was removal of the Consolidation Cell with transportation and disposal of the contaminated soil to licensed landfills. Ultimately, removal of the Consolidation Cell and off-site disposal of the soils contained in the cell was determined to be a practical and environmentally beneficial alternative to upgrading the existing cap based on such factors as the construction effort to upgrade the cap, long term maintenance of the facility, continued water management activities post-upgrade, and loss of land value in future potential development.

When the Commission approved Amendment A-1-FTB-05-053-A9 to authorize construction and use of the consolidation cell, the Commission imposed Special Condition No. 12, which limits the time period for which the consolidation cell is authorized to the time period that passes before the Department of Toxic Substances Control was anticipated to complete a five-year review of the final remediation plan. As required by statute and the DTSC order approving the Final Operable Unit A Remedial Action Plan approved by DTSC on August 28, 2008, DTSC would have re-evaluated the remedial action plan five years after the consolidation cell has been constructed to determine if at that time, a more appropriate approach to remediate the dioxin/furan contaminated soils contained in the consolidation cell exists, based on the criteria utilized by DTSC for evaluating remedial activities. The Commission determined that a remediation technique that could feasibly remove the contaminated soil or successfully treat the contaminants rather than simply contain them in place would serve to reduce or eliminate the risk that the contaminants would become exposed and potentially



contaminate surface or groundwater due to failure of the consolidation cell in the event of a severe earthquake or some other catastrophic event.

The proposed amendment involves removal of the contaminated soils and the consolidation cell with disposal at licensed land fills that can accept such waste. Special Condition No. 12 of the permit as amended is modified to require the permitted to remove the consolidation cell as proposed by the beginning of 2012 to ensure that the risk that the contaminants would become exposed and potentially contaminate surface or groundwater due to failure of the consolidation cell in the event of a severe earthquake or some other catastrophic event will be eliminated, consistent with the certified LCP water quality protection policies.

As noted above, the applicant has submitted as part of the permit amendment application, a Draft Final OU-A Consolidation Cell Removal Work Plan dated July 21, 2011 prepared pursuant to requirements of the California Department of Toxic Substances Control (DTSC). A Final Work Plan will be reviewed and approved by the DTSC. The plan includes as appendices a Stormwater Pollution Prevention Plan (SWPPP) and an Excavation and Soil Management Plan (ESMP). The SWPPP was prepared for construction activities at the Mill Site pursuant to the original permit and was reviewed and approved by the RWQCB. The SWPPP addresses grading and stormwater pollution abatement associated with soil excavation at remedial action areas, stockpiling, and transport of the soil across the site for temporary storage (if necessary) and hauling to the disposal facility. An Excavation and Soil Management Plan (ESMP) was created to govern excavation activities onsite and applies to activities planned under the proposed amendment. Implementation of the Work Plan with its appended SWPPP and ESMP will ensure that appropriate best management practices to minimize erosion and polluted stormwater runoff will be implemented in a manner consistent with the water quality protection policies of the certified LCP.

Special Condition No. 13 is attached to require that the Final Work Plan approved by DTSC be submitted prior to the commencement of construction. 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. Public Access**

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from

overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, 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 project is located between the first public road and the sea, it would not adversely affect public access. Furthermore, the proposed project will not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project will not have any significant adverse effect on public access, and the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

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

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is 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 any 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 Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The 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 conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**I. EXHIBITS:**

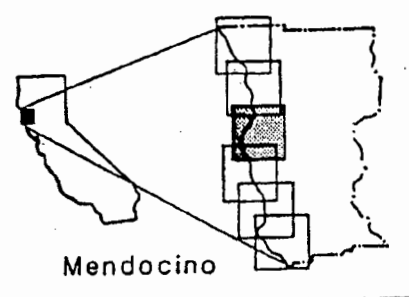
1. Regional Location Map
2. Location Map
3. Site Plan
4. Existing Conditions
5. Proposed Grading
6. Truck Routes to Landfills
7. Borrow Site
8. A-1-FTB-05-053 Adopted Findings
9. A-1-FTB-05-053-A2 Adopted Findings
10. A-1-FTB-05-053-A6 Adopted Findings
11. Immaterial Permit Amendments

## 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.

A B C D E F G H I J K L M N O



Mendocino

**EXHIBIT NO. 1**

APPLICATION NO.  
A-1-FTB-05-053-A9  
GEORGIA PACIFIC CORP.  
REGIONAL LOCATION MAP

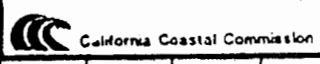
**PROJECT SITE**

PACIFIC

**LOCATION MAP**

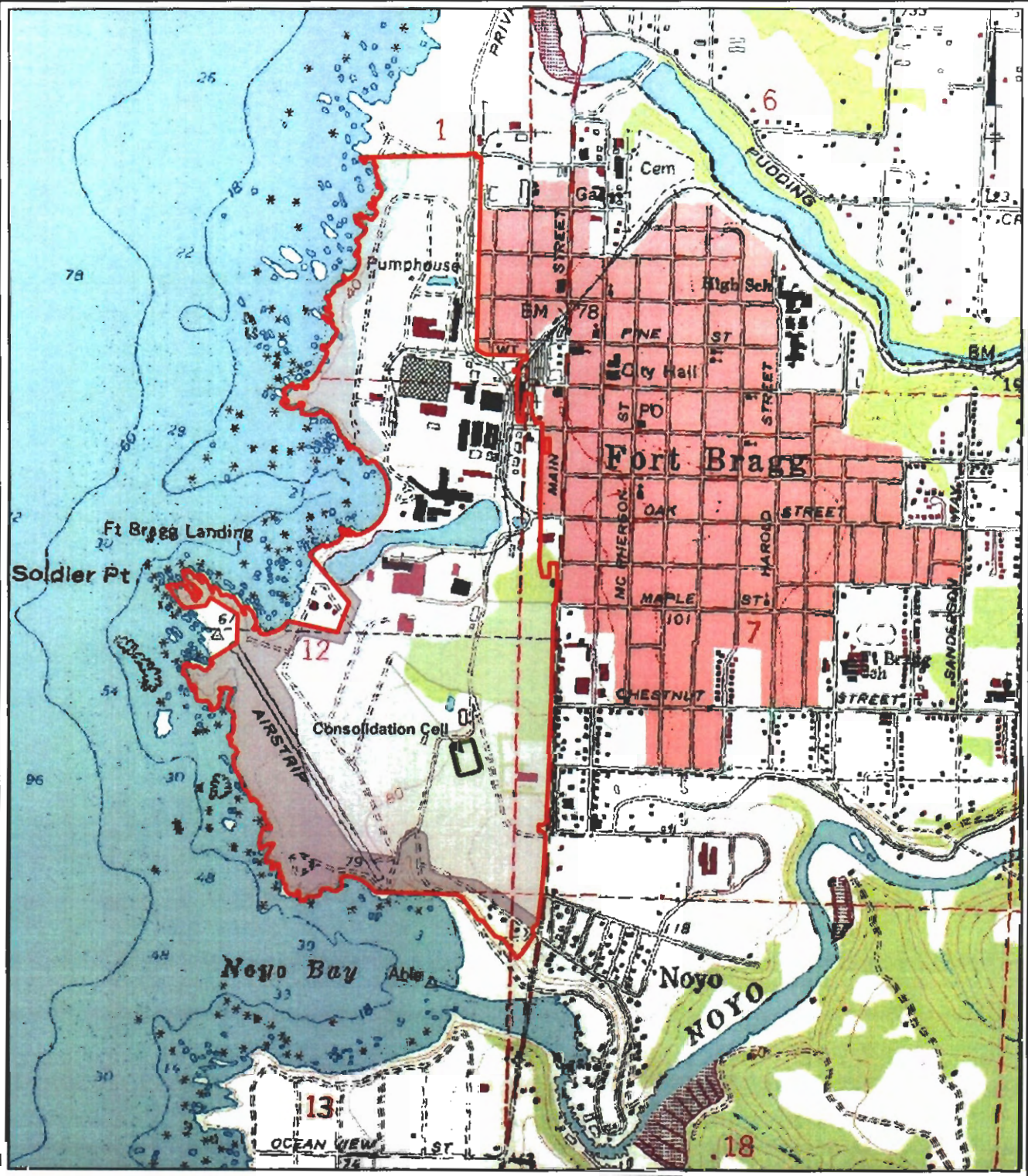


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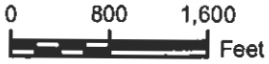


County of Mendocino





- LEGEND:**
- SITE BOUNDARY
  - OU-A BOUNDARY
  - OU-D BOUNDARY



GRAPHIC SCALE

FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY  
FORT BRAGG, CALIFORNIA  
OU-A CONSOLIDATION CELL REMOVAL WORK PLAN

**SITE LOCATION MAP**



FIGURE  
**1**

CITY: Highlands Ranch DN/GROUP: 85 DB.BCG  
 Project (Project #)  
 I:\FortBragg\MX\DOUA\_CRF\Fig 1 SiteLocation.mxd - 8/14/2011 @ 1:13:27 PM

**EXHIBIT 2 - A-1-FTB-05-053-A9  
 GEORGIA PACIFIC CORPORATION  
 LOCATION MAP**





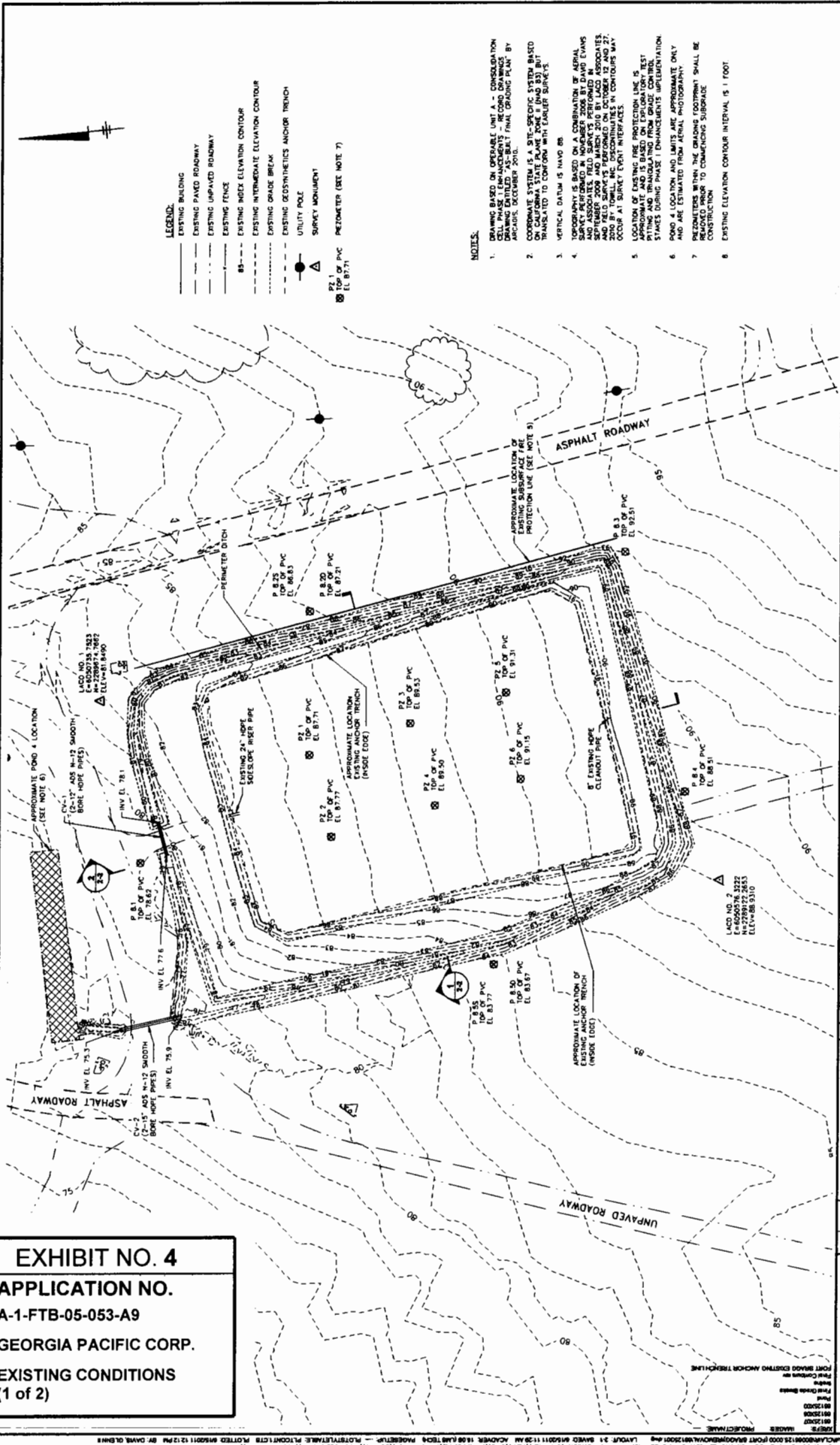
**LEGEND:**

SITE BOUNDARY	CONSOLIDATION CELL LOCATION	TRUCK WASH
STRUCTURE	DRY DECONTAMINATION AREA	TRUCK ROUTE
POND	TEMPORARY STOCKPILE FOR CELL COVER MATERIAL	<p>0 250 500 Feet</p> <p>2 inches</p> <p>GRAPHIC SCALE</p>
PROPERTY OWNED BY OTHERS	STOCKPILES FOR CHARACTERIZATION	
	WATER/LEACHATE MANAGEMENT AREA	
	LAYDOWN AREA	

FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY  
 FORT BRAGG, CALIFORNIA  
 OU-A CONSOLIDATION CELL REMOVAL WORK PLAN

**PROPOSED ONSITE TRUCK ROUTE,  
 STOCKPILE, AND DECONTAMINATION**

**EXHIBIT 3 – A-1-FTB-05-053-A9  
 GEORGIA PACIFIC CORPORATION  
 SITE PLAN**



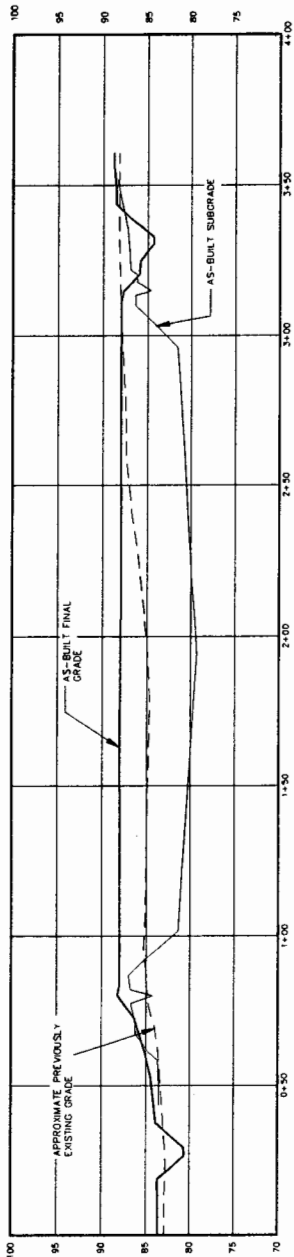
**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**A-1-FTB-05-053-A9**  
**GEORGIA PACIFIC CORP.**  
**EXISTING CONDITIONS**  
**(1 of 2)**

- LEGEND:**
- EXISTING BUILDING
  - EXISTING PAVED ROADWAY
  - EXISTING UNPAVED ROADWAY
  - EXISTING FENCE
  - 85- - - - - EXISTING INDEX ELEVATION CONTOUR
  - EXISTING INTERMEDIATE ELEVATION CONTOUR
  - EXISTING GRADE BREAK
  - EXISTING GEOSYNTHETICS ANCHOR TRENCH
  - UTILITY POLE
  - SURVEY MONUMENT
  - PVI OF PVC (SEE NOTE 7)
  - EL 87.71

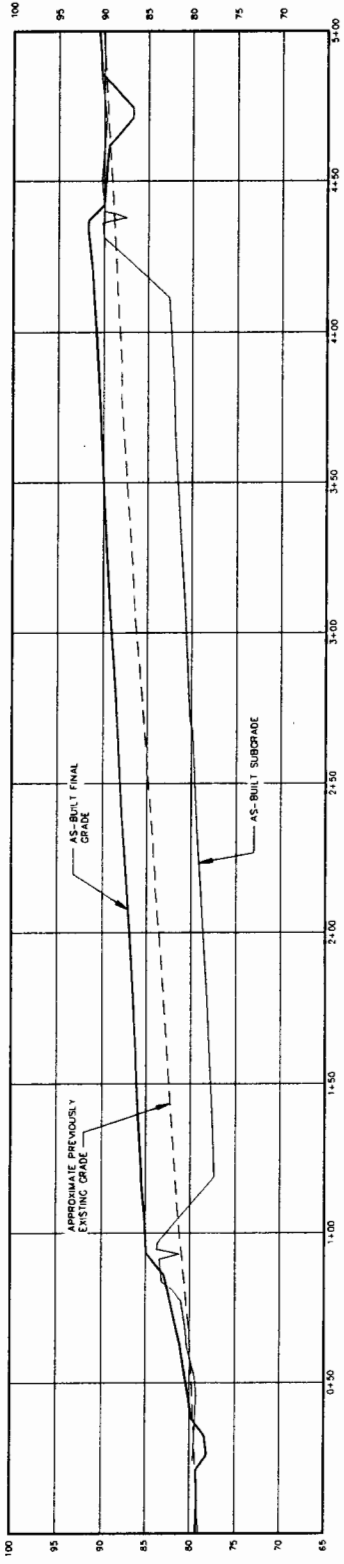
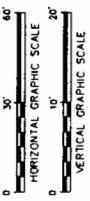
- NOTES:**
1. DRAWING BASED ON OPERABLE UNIT A - CONSOLIDATION CELL PHASE I ENHANCEMENTS - RECORD DRAWINGS AND SURVEY DATA FROM GRADING PLAN BY ARCADIS, DECEMBER 2010.
  2. COORDINATE SYSTEM IS A SITE-SPECIFIC SYSTEM BASED ON CALIFORNIA STATE PLANE ZONE 10 (NAD 83) BUT TRANSFERRED TO CONFORM WITH LEADER SURVEYS.
  3. VERTICAL DATUM IS NAVD 88.
  4. TOPOGRAPHY IS BASED ON A COMBINATION OF AERIAL PHOTOGRAPHY AND SURVEY DATA FROM 2008 BY DAVI AND ASSOCIATES, FIELD SURVEYS 2008 BY DAVI AND ASSOCIATES, FIELD SURVEYS 2009 BY DAVI AND ASSOCIATES, FIELD SURVEYS 2010 BY DAVI AND ASSOCIATES, SEPTEMBER 2008 AND MARCH 2010 BY LACD ASSOCIATES, AND SURVEY DATA FROM 2008 BY LACD ASSOCIATES, 2009 BY TOMALL INC. DISCONTINUITIES IN CONTOURS MAY OCCUR AT SURVEY EVENT INTERFACES.
  5. LOCATION OF EXISTING FIRE PROTECTION LINE IS DETERMINED FROM AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LOCATION OF THE PROTECTION LINE IS APPROXIMATE AND SHOULD BE VERIFIED BY THE CONTRACTOR DURING PHASE I ENHANCEMENTS IMPLEMENTATION.
  6. POND 4 LOCATION AND LIMITS ARE APPROXIMATE ONLY AND ARE ESTIMATED FROM AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LOCATION OF THE POND IS APPROXIMATE AND SHOULD BE VERIFIED BY THE CONTRACTOR DURING PHASE I ENHANCEMENTS IMPLEMENTATION.
  7. PREZONETERS WITHIN THE GRADING FOOTPRINT SHALL BE REMOVED PRIOR TO COMMENCING SUBGRADE CONSTRUCTION.
  8. EXISTING ELEVATION CONTOUR INTERVAL IS 1 FOOT.

<b>ARCADIS</b> ARCADIS U.S. INC.		<b>EXISTING CONDITIONS PLAN</b>		2-1
FOURIER GEOSYNTHETICS WOOD PRODUCTS FACILITY - PORT BRADDO, CALIFORNIA OSHA CONSOLIDATION CELL REMOVAL WORK PLAN				
PROJECT NUMBER: 05-053-A9 DATE: 05/13/2011 DRAWN BY: JAC CHECKED BY: JAC PLOT DATE: 05/13/2011 PLOT SCALE: 1"=40'				
PROJECT MANAGER: MICHAEL P. FLEISCHNER PROJECT ENGINEER: JAC PROJECT SUPERVISOR: JAC PROJECT CHECKER: JAC PROJECT DRAFTER: JAC PROJECT PLOTTER: JAC				
THIS PLAN IS THE PROPERTY OF ARCADIS U.S. INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF ARCADIS U.S. INC.				

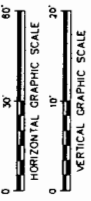




**CROSS SECTION 1**

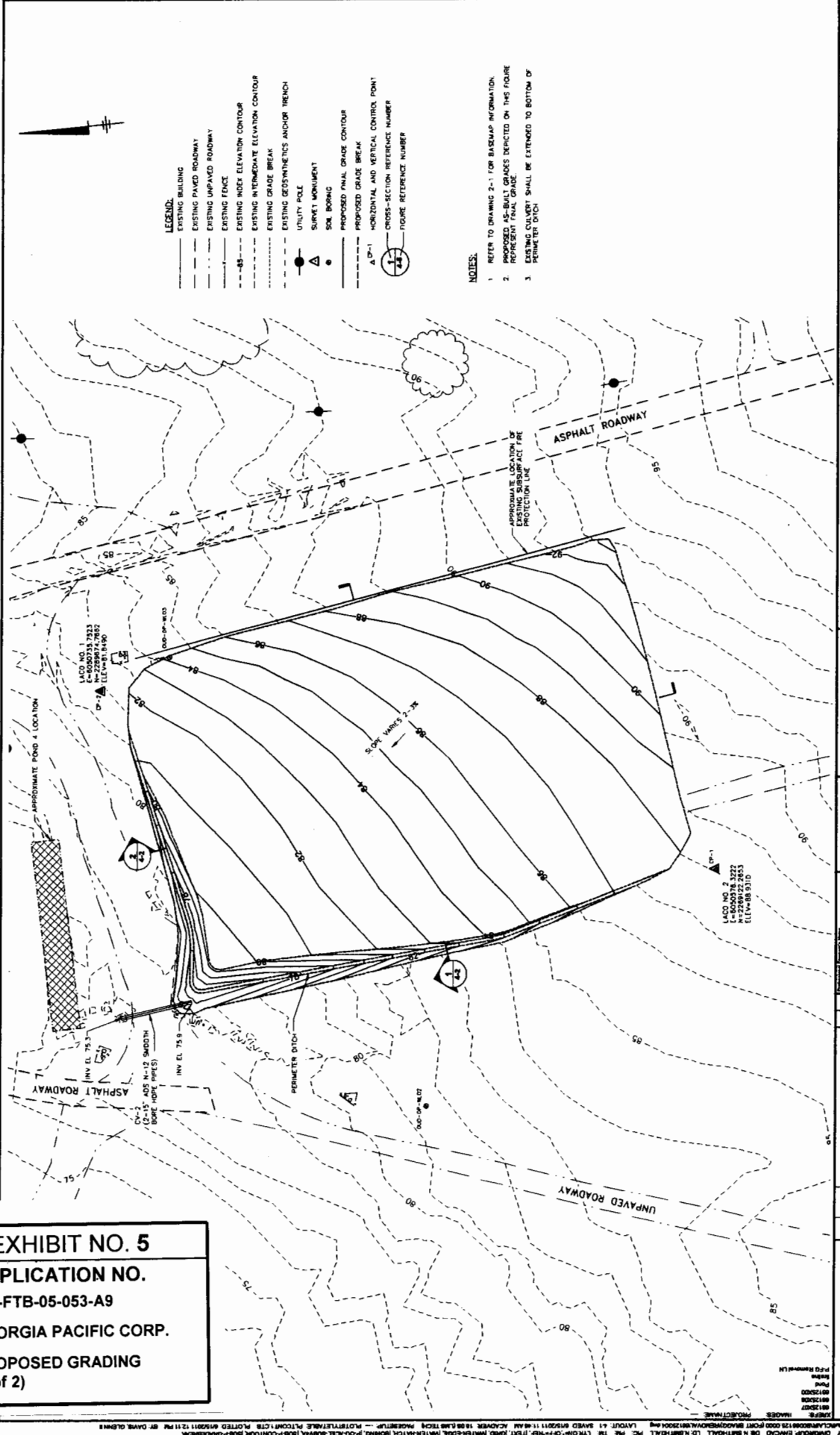


**CROSS SECTION 2**



<p>ARCADIS PROJECT INFORMATION</p> <p>PROJECT NAME: CONSOLIDATION CELL REMOVAL WORK PLAN</p> <p>DATE: JUNE 2011</p> <p>PROJECT NO.: 12214-008</p> <p>SCALE: AS SHOWN</p>		<p>FORMER GENERAL ELECTRIC WOOD PRODUCTS FACILITY - FORT BRAGG, CALIFORNIA</p> <p>OUA CONSOLIDATION CELL REMOVAL WORK PLAN</p> <p><b>CONSOLIDATION CELL CROSS-SECTIONS</b></p> <p><b>EXISTING CONDITIONS</b></p> <p>GENERAL</p>	<p><b>ARCADIS</b></p> <p>ARCADIS U.S., INC.</p>	<p>2-2</p>
<p>SCALE: AS INDICATED</p> <p>DATE: 06/20/11</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>APPROVED: [Signature]</p>				
<p>DESIGNED BY: MICHAEL P. FLEISCHNER</p> <p>PROJECT NO.: 12214-008</p> <p>DATE: 06/20/11</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>APPROVED: [Signature]</p>		<p>FOR THE ARCHITECT OF RECORD, THE ARCHITECT'S OFFICE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS DRAWING.</p>		

2 of 2



- LEGEND:**
- EXISTING BUILDING
  - EXISTING PAVED ROADWAY
  - EXISTING UNPAVED ROADWAY
  - EXISTING FENCE
  - EXISTING WIDE ELEVATION CONTOUR
  - EXISTING INTERMEDIATE ELEVATION CONTOUR
  - EXISTING GRADE BREAK
  - EXISTING GEOSYNTHETICS ANCHOR TRENCH
  - UTILITY POLE
  - SURVEY MONUMENT
  - SOIL BORING
  - PROPOSED FINAL GRADE CONTOUR
  - PROPOSED GRADE BREAK
  - PH-1
  - HORIZONTAL AND VERTICAL CONTROL POINT
  - CROSS-SECTION REFERENCE NUMBER
  - FIGURE REFERENCE NUMBER

- NOTES:**
- 1 REFER TO DRAWING 2-1 FOR BACKSAP INFORMATION.
  - 2 PROPOSED AS-BUILT GRADINGS DEPICTED ON THIS FIGURE REPRESENT FINAL GRADE.
  - 3 EXISTING UTILITIES SHALL BE EXTENDED TO BOTTOM OF PERIMETER DITCH.

**4-1**

**PROPOSED FINAL GRADING PLAN**

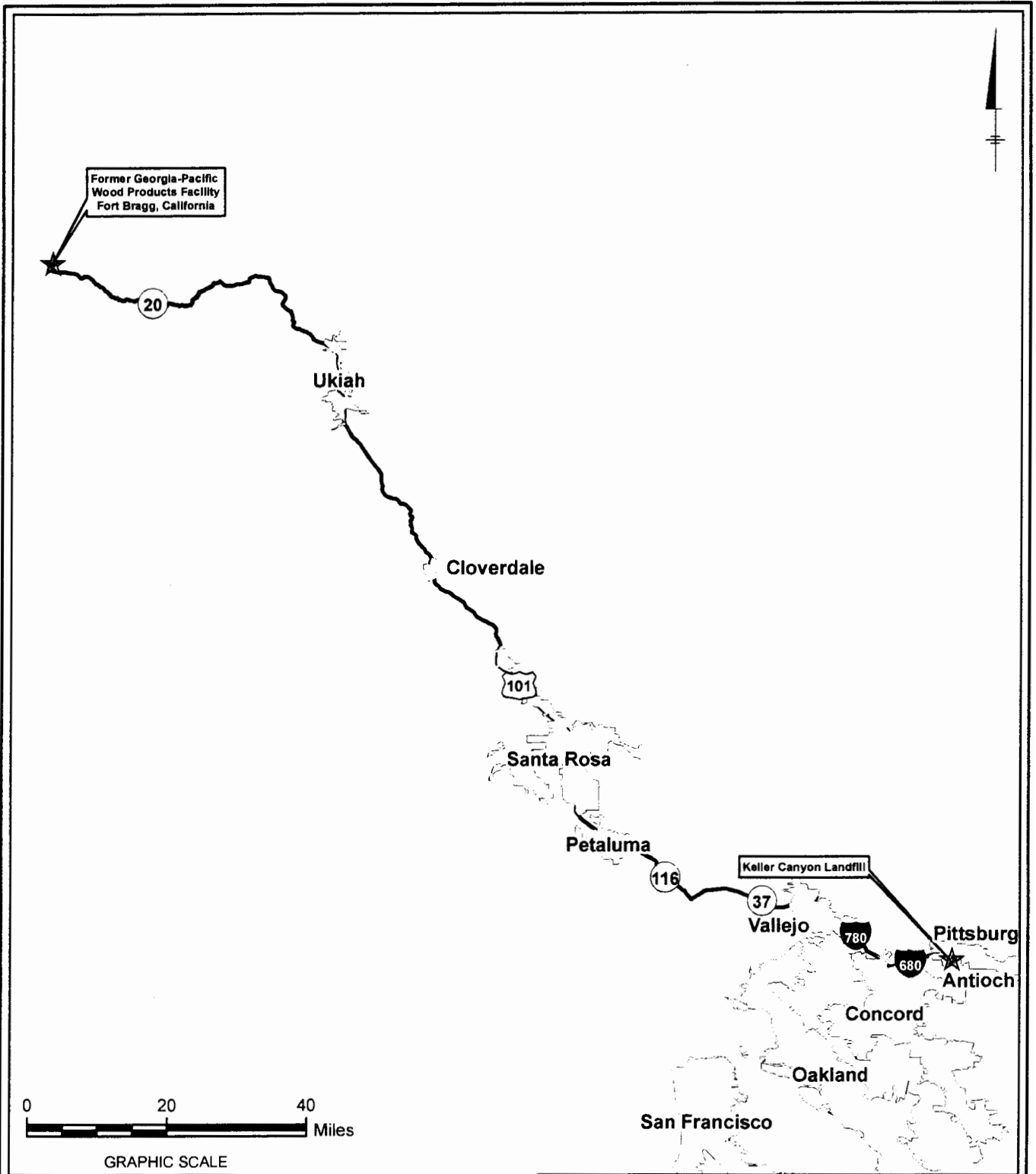
FORMER GEORGIANPAC WOOD PRODUCTS FACILITY - FORT BRAGG, CALIFORNIA  
OLA CONSOLIDATION CELL REMOVAL WORK PLAN

**ARCADIS**      ARCADIS U.S., INC.

<b>PROJECT INFORMATION</b> PROJECT NAME: OLA CONSOLIDATION CELL REMOVAL WORK PLAN SHEET NO.: 4-1 DATE: 2011		<b>DESIGNER</b> MICHAEL P. FLEISCHNER PROJECT NUMBER: C-08004 DATE: 08/11/11	<b>CHECKED BY</b> [Blank]	<b>DATE</b> [Blank]
<b>SCALE</b> 1" = 40'	<b>DATE</b> [Blank]	<b>PROJECT NO.</b> C-08004	<b>DATE</b> [Blank]	<b>SCALE</b> 1" = 40'



**EXHIBIT NO. 5**  
**APPLICATION NO.**  
 A-1-FTB-05-053-A9  
**GEORGIA PACIFIC CORP.**  
**PROPOSED GRADING**  
 (1 of 2)





CITY: HR DIV/GROUP: AIT GIS DB: BCG  
 Project # B0066125 0000 00010  
 J:\FortBragg\MXD\CeillRemoval\Project\Fig 3-2 KellerLandfill.mxd - 7/21/2011 @ 12:53:38 PM

**LEGEND:**

-  URBAN AREA
-  TRUCK ROUTE

**NOTE:**

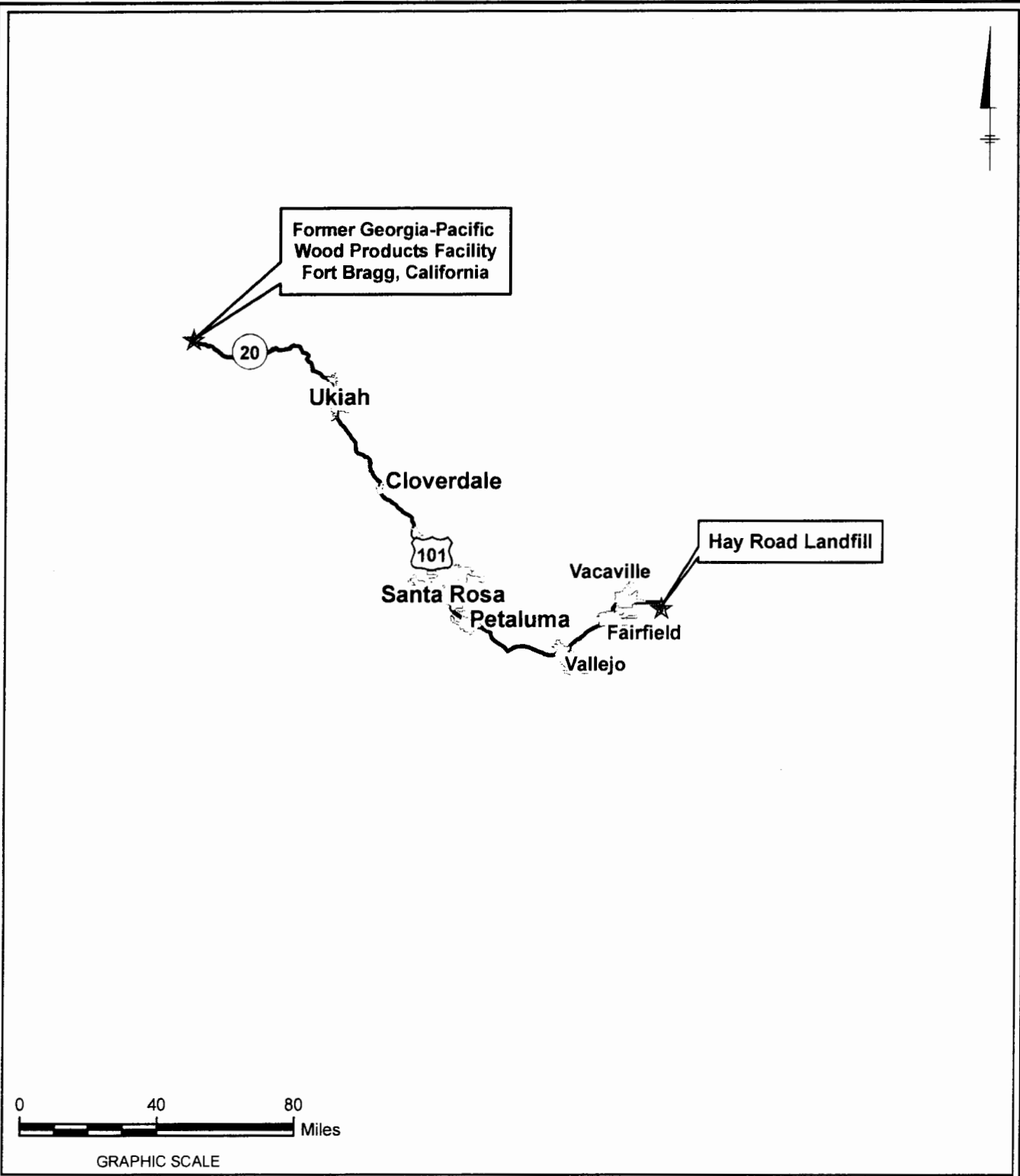
TOTAL DISTANCE FROM SITE IS ABOUT 200 MILES.

**EXHIBIT NO. 6**  
**APPLICATION NO.**  
 A-1-FTB-05-053-A9  
 GEORGIA PACIFIC CORP.  
 TRUCK ROUTES TO  
 LANDFILLS (1 of 2)

FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY  
 FORT BRAGG, CALIFORNIA  
**OU-A CONSOLIDATION CELL REMOVAL WORK PLAN**

**TRUCK ROUTE FROM SITE TO  
 KELLER CANYON LANDFILL**

 **ARCADIS** | **FIGURE 3-2**



CITY: HR\_DIV/GROUP: AIT GIS DB: BCG  
 Project # B006125 0000.00010  
 I:\FortBragg\MXD\CellRemovalProject\Fig 3-3 HayRoadLandfill.mxd - 7/21/2011 @ 7:51:06 AM

**LEGEND:**

URBAN AREA  
 TRUCK ROUTE

**NOTE:**  
 TOTAL DISTANCE FROM SITE IS ABOUT 180 MILES.







FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY FORT BRAGG, CALIFORNIA	
OU-A CONSOLIDATION CELL REMOVAL WORK PLAN	
<b>TRUCK ROUTE FROM SITE TO          HAY ROAD LANDFILL</b>	
	<b>FIGURE          3-3</b>

*2092*





**LEGEND**

-  FACILITY BOUNDARY
-  CONSOLIDATION CELL
-  NOYO HARBOR SANDS
-  RURAL ROADS
-  HIGHWAYS
-  TRUCK HAUL ROUTE



FORMER GEORGIA-PACIFIC WOOD PRODUCTS FACILITY  
FORT BRAGG, CALIFORNIA  
OU-A CONSOLIDATION CELL REMOVAL WORK PLAN

**TRUCK ROUTE FROM SITE  
TO NOYO HARBOR SAND**



FIGURE  
**3-5**

CITY: HR\_DWG/GRP: AT GIS DB:BCG  
 Project # B0068125 0000.00010  
 I:\FortBragg\MAX\NOVA\_CRR\3-5 TruckRoute\_12Noyo.mxd - 7/15/2011 @ 1:19:49 PM

**EXHIBIT 7 – A-1-FTB-05-053-A9  
GEORGIA PACIFIC CORPORATION  
BORROW SITE**

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:  
 710 WEST SUITE 200 P. O. BOX 4908  
 EUREKA, CA 95501-1865 EUREKA, CA 95502-4908  
 VOICE (707) 445-7833  
 FACSIMILE (707) 445-7877



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

ADOPTED FINDINGS

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

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

A-1-FTB-05-053-A9

GEORGIA PACIFIC CORP.

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

(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 (*Hesper-evax 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 tufted 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:*

<sup>3</sup> See [http://www.coastalconservancy.ca.gov/scobb/0505bb/0505Board04\\_Fort\\_Bragg\\_Waterfront.pdf](http://www.coastalconservancy.ca.gov/scobb/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            EUREKA, CA 95502-4908  
 VOICE (707) 445-7833  
 FACSIMILE (707) 445-7877



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

<b>EXHIBIT NO. 9</b>
<b>APPLICATION NO.</b> A-1-FTB-05-053-A9
<b>GEORGIA PACIFIC CORP.</b>
<b>A-1-FTB-05-053-A2 ADOPTED FINDINGS (1 of 29)</b>

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*.
- 

**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 ~~striketrough~~ 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 95501-1865  
 VOICE (707) 445-7833  
 FACSIMILE (707) 445-7877



Hearing Date: February 4, 2009  
 Commission Action: **Approved with  
 Conditions, February 4, 2009**

**ADOPTED FINDINGS**

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.**

**EXHIBIT NO. 10****APPLICATION NO.****A-1-FTB-05-053-A9****GEORGIA PACIFIC CORP.****A-1-FTB-05-053-A6 ADOPTED  
 FINDINGS (1 of 62)**

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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**STAFF NOTES**

**1. Adopted Findings**

The Commission held a public hearing and approved the permit amendment at the meeting of February 4, 2009. The adopted findings for approval differ from those contained in the written staff recommendation dated January 23, 2009. At the hearing, the staff presented an addendum that contained changes to recommended Special Condition No. 12 and added certain supplemental findings for approval of the project regarding the project's conformance with the visual resource protection policies of the certified LCP that were not included in the published staff recommendation. The Commission adopted the staff recommendation as modified by the addendum in its entirety.

The following resolution, conditions, and findings were adopted by the Commission on February 4, 2009 upon conclusion of the public hearing.

**2. 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.

**3. 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.

**4. Scope**

These adopted findings address only the coastal resource issues affected by the proposed permit amendment, include the adopted 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 include the adopted

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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**RESOLUTION TO APPROVE PERMIT AMENDMENT:**

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.

II. **STANDARD CONDITIONS:** See Attachment 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, 11, and 12 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 ~~strikethrough~~ 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 **as amended**, 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, construction of a subsurface consolidation cell within Parcel 8 to contain the contaminated soils, and retention of the consolidation cell until the Department of Toxic Substances Control completes its five-year review of the final remediation plan** 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 RWOCB 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.

12. Time Period for Which Consolidation Cell for Dioxin Impacted Soil is Authorized

The authorization granted by this coastal development permit for the use of the consolidation cell for dioxin impacted soil shall be valid until the California Department of Toxic Substances Control (DTSC) has completed its five-year re-evaluation of the Final Operable Unit A Remedial Action Plan approved on August 28, 2008 and the Commission has completed its review of the subsequent coastal development permit application required below. No later than 90 days after DTSC has taken final action on the re-evaluation, or within such additional time as the Executive Director may grant for good cause, the permittee shall either:

- A. Submit a coastal development permit application to the Commission for removal of the consolidation cell and the dioxin impacted soil contained within the cell, or

**B. Submit a coastal development permit application to the Commission for the retention and continued use of the consolidation cell for dioxin impacted soil, accompanied by:**

- i.) **An analysis of the effectiveness of the consolidation cell in containing the dioxins/furans present in the soil and preventing these contaminants within the consolidation cell from adversely affecting groundwater and other environmental resources, and**
- ii.) **A new analysis of alternatives to the authorized consolidation cell authorized by Coastal Development Permit Amendment No. A-1-FTB-05-053-A6 for the remediation of the dioxin/furan-impacted soils including, but not limited to the use of bioremediation techniques and other advanced remediation technologies available at the time, taking into account the relative impact of the various alternatives on coastal resources and the criteria set forth by the Environmental Protection Agency (USEPA) and DTSC for evaluating remediation alternatives.**

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

**A. Project Background**

**Contamination Problems Associated with Overall Project Site and Cleanup Efforts**

The 415-acre Georgia Pacific property in Fort Bragg had been used as lumber sawmill since 1885 up until 2002 when the mill was closed. During sawmill operations, logs were received onsite, unloaded, sorted in the log storage areas, debarked, and milled. Milled lumber was then shipped green, kiln dried, or air dried. Finished lumber was transported by rail or truck. Bark and wood refuse was collected and burned in an onsite power plant to generate steam and electricity for site operations. Since 2002, most of the structures and equipment on site has been removed.

The primary hazardous substance used across the site was petroleum. Tanks and drums stored diesel fuel, motor oil, fuel oil, lube oil, hydraulic oil, and diala oil. In addition, jet fuel was used for a short time to refuel planes using the former onsite runway. Other

chemicals used onsite included antifreeze and transmission fluids for vehicle servicing, water treatment chemicals, small quantities of acids/bases, solvents, and paint and paint thinners. Buildings had lead-based paint and asbestos containing materials, and power poles has transformer using PCBs. For a few years, small-scale treatment of wood occurred using a fungicide at a small dip tank. Scrap metals, ash/clinker and burn debris were also found in isolated areas of the site.

A series of soil, sediment, groundwater, and surface water investigations have been undertaken at the site since the mid 1980's. Beginning in 2003, these investigations were conducted under the auspices of the North Coast Regional Water Quality Control Board (RWQCB). In August 2006, RWQCB requested that the Department of Toxic Substances Control (DTSC) take over the lead agency oversight role. DTSC issued a Site Investigation and Remediation Order in February 2007 and Georgia Pacific has since been conducting investigations, monitoring, and remedial activities under that order. Those activities constituting development under the Coastal Act have been authorized by the Commission under Coastal Development Permit No. A-1-FTB-05-053 as amended.

The investigations conducted to date have identified the following areas and chemicals as priorities for remediation:

- A.** Ponds. Some of the sediments in ponds associated with fly ash and scrubber water management have elevated concentrations of metals and dioxins/furans. These ponds have been investigated and warrant further evaluation as to appropriate next steps.
- B.** Equipment Shops and hazardous materials fuel storage areas. These areas have petroleum compounds in soil/and or groundwater. Bioremediation of many of these areas has commenced with remaining areas subject to additional cleanup.
- C.** Offsite Sources. Perimeter monitoring wells and other sampling confirm that at least two areas of the site are being impacted by chemicals migrating from offsite.
- D.** Operable Unit A. Soils with lead and PCBS are to be disposed of offsite and soils with dioxins are proposed under the current amendment request to contained and capped onsite.

The site has been divided into five operable units (OUs) to facilitate investigation and remedial work (see Exhibit No. 3). Investigations have been conducted in all five OUs and remedial activities are underway or anticipated in all OUs except OU-B which requires no further cleanup.

As discussed below, the Commission approved the original coastal development permit on appeal in 2005 and a series of amendments that authorized the cleanup activities that have been performed to date and additional interim cleanup work that has yet to be performed.



The current amendment request involves additional remediation work within only one of the OUs, Operable Unit OU-A, which consists primarily of shoreline areas that the City intends to purchase from Georgia Pacific and develop for public access utilizing a grant from the Coastal Conservancy. All the necessary site investigation work and remedial action planning has been completed by the applicant and approved by DTSC for Operable Unit A. The remediation work that is the subject of the current amendment request is to excavate dioxin/furan contaminated soils from Operable Unit A and bury them within a consolidation cell on Parcel 8, approximately 1,000 feet away from the shoreline. With successful completion of the work proposed under the permit amendment request, Operable Unit A will have been fully remediated to DTSC requirements. Further site investigation work and remedial action planning is required for other OUs at the Georgia Pacific site which will require additional coastal development permit authorization in the future.

Commission Review of Original Project on Appeal

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 concentration of dioxin in the contaminated soils to be placed in the consolidation cell is relatively low compared to dioxin concentrations found in other contaminated



sites. According to the applicant, the average concentration of dioxins in the soil to be placed in the consolidation cell is 100 parts per trillion (ppt). This level of concentration is 100 times lower than the concentration level at which contaminated material must be managed as hazardous waste under either state or federal law. The 100 ppt concentration is approximately two times the concentration level considered to be safe by DTSC (52 ppt) to leave untreated in other areas of the project site and two times the screening level set for residential soils by the Agency for Toxic Substances and Disease Registry.

In addition to being present in relatively low concentrations, the dioxin in the soil is relatively immobile. Dioxin molecules bind strongly to soil particles, making them largely immobile in the environment. Dioxin molecules are also highly "hydrophobic," which means they do not easily go into solution.

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 earthmoving 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 ~~strike through~~]:

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 concentration of dioxin in the contaminated soils to be placed in the consolidation cell is relatively low compared to dioxin concentrations found in other contaminated

sites. According to the applicant, the average concentration of dioxins in the soil to be placed in the consolidation cell is 100 parts per trillion (ppt). This level of concentration is 100 times lower than the concentration level at which contaminated material must be managed as hazardous waste under either state or federal law. The 100 ppt concentration is approximately two times the concentration level considered to be safe by DTSC (52 ppt) to leave untreated in other areas of the project site and two times the screening level set for residential soils by the Agency for Toxic Substances and Disease Registry (ARCADIS BBL 2007. In addition to being present in relatively low concentrations, the dioxin in the soil is relatively immobile. Dioxin molecules bind strongly to soil particles, making them largely immobile in the environment. Dioxin molecules are also highly “hydrophobic,” which means they do not easily go into solution.

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.

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. Research and development of bioremediation techniques continues and such bioremediation techniques may become feasible contamination remediation alternatives in the future. A remediation technique that can successfully treat the contaminants rather than simply contain them in place would serve to reduce or eliminate the risk that the contaminants would become exposed and potentially contaminate surface or groundwater due to failure of the consolidation cell in the event of a severe earthquake or some other catastrophic event.

Therefore, the Commission finds that the alternative of bioremediation of the dioxin/furan contaminated soil to be consolidated and capped in the consolidation cell should be reconsidered after a period of time has elapsed. The Commission accordingly imposes Special Condition No. 12, which limits the time period for which the consolidation cell is authorized to the time period that passes before the Department of Toxic Substances Control completes its five-year review of the final remediation plan. As required by statute and the DTSC order approving the Final Operable Unit A

Remedial Action Plan approved by DTSC on August 28, 2008, DTSC will re-evaluate the remedial action plan five years after the consolidation cell has been constructed to determine if at that time, a more appropriate approach to remediate the dioxin/furan contaminated soils contained in the consolidation cell exists, based on the criteria utilized by DTSC for evaluating remedial activities. The DTSC will evaluate the feasibility of bioremediation techniques and other new technologies available at the time for remediating the contaminated soils, and could require implementation of such techniques if certain findings can be made. Special Condition No. 12 of Coastal Development Permit No. A-1-FTB-05-053 requires that the permittee submit an application for a permit amendment to either remove the consolidation cell or retain the consolidation cell in place after DTSC has completed action on its re-valuation of the remedial action plan. The permit amendment application must be accompanied by an alternatives analysis for the remediation of the dioxin/furan-impacted soils including, but not limited to the use of bioremediation techniques and other advanced remediation technologies available at the time. This requirement for the submittal of a permit amendment will enable the Commission to consider the re-evaluation conducted by DTSC, the alternative analysis submitted by the applicant, public comment, and other information available at the time to determine whether any of the alternative remediation techniques available at the time constitute feasible alternatives that would lessen any significant adverse impact that the consolidation cell has on water quality and other coastal resources.

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 down gradient 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 tide pool 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 lower cost 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. Visual Resource Protection**

LCP Provisions

LUP Policy CD-1.1:

Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.

LUP Policy CD-1.4:

New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.

LUP Policy CD-1.5 and LUDC Section 17.50.070(J):

All new development shall be sited and designed to minimize alteration of natural landforms by:

1. Conforming to the natural topography.
2. Preventing substantial grading or reconfiguration of the project site.
3. Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.
4. Requiring that man-made contours mimic the natural contours.
5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
6. Minimizing grading permitted outside of the building footprint.
7. Clustering structures to minimize site disturbance and to minimize development area.
8. Minimizing height and length of cut and fill slopes.
9. Minimizing the height and length of retaining walls.
10. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography

LUDC Section 1750.070(D):

General findings for approval. Coastal Development Permit approval for development ...shall require that the review authority first find that the proposed project:

1. Minimize the alteration of natural landforms;
2. Is visually compatible with the character of the surrounding area;
3. Is sited and designed to protect views to and along the ocean and scenic coastal areas; and
4. Restores and enhances visual quality in visually degraded areas, where feasible.

LUDC Section 1750.070(E)(1):

### Discussion

Development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.

The 435-acre project site is situated between Highway One, the Noyo River, and the Pacific Ocean (see Exhibit No 2). The property is not situated within a scenic view area as designated in the LUP. Thus, many of the LCP's policies and standards regarding visual resource protection are not applicable to the project site and its surroundings. The

closest designated scenic view areas are located north of the applicant's lands in the vicinity of the mouth of Pudding Creek approximately ½ mile to the north of the project site and along the lower Noyo River to the south of the site. Both of these view areas have 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 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 grading and installation of the contaminated soil consolidation cell will likely be visible to some extent from some public vantage points surrounding the property. However, the construction activity will be a temporary activity and will not result in significant long-term impacts to the visual resources of the project area. The consolidation cell itself will be constructed below the existing grade (See Exhibit 5) with the cap covered with clean soil that will be vegetated. The material excavated to create the cell will be used to backfill the source areas from which the contaminated soil will be removed to be placed in the cell. No elements of the consolidation cell will rise above the existing grade. Therefore, once the consolidation cell has been completed, the development will not block any coastal views, will not alter the existing topography, and will blend with the surrounding vacant land, consistent with LUP Policies CD 1-1, 1-4, and 1-5 and with Sections 1750.070(D) of the Coastal Zoning Ordinance.

Furthermore, as subsequent development is undertaken at the mill site pursuant to a 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 installation of the consolidation cell as proposed and conditioned is consistent with the visual resource protection provisions of the certified LCP.

**G. 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 land filled 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. The nearest non-hazardous landfill is located in the San Francisco Bay Area at Keller Canyon, in Pittsburg, California, a 400-mile roundtrip from Fort Bragg. Thus, hauling the contaminated soil away would require approximately 400,000 truck miles on local and state roads, causing thousands of pounds of carbon to be released into the air, wear on the roads, increased traffic, and increased potential for vehicle accidents. 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.

Therefore, for the reasons discussed above, 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.

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. Research and development of bioremediation techniques continues and such bioremediation techniques may become feasible contamination remediation alternatives in the future. A remediation technique that can successfully treat the contaminants rather than simply contain them in place would serve to reduce or eliminate the risk that the contaminants would become exposed and potentially contaminate surface or groundwater due to failure of the consolidation cell in the event of a severe earthquake or some other catastrophic event.

Therefore, the Commission finds that the alternative of bioremediation of the dioxin/furan contaminated soil to be consolidated and capped in the consolidation cell should be reconsidered after a period of time has elapsed. The Commission accordingly imposes Special Condition No. 12, which limits the time period for which the consolidation cell is authorized to the time period that passes before the Department of Toxic Substances Control completes its five-year review of the final remediation plan. As required by statute and the DTSC order approving the Final Operable Unit A Remedial Action Plan approved by DTSC on August 28, 2008, DTSC will re-evaluate the remedial action plan five years after the consolidation cell has been constructed to determine if at that time, a more appropriate approach to remediate the dioxin/furan contaminated soils contained in the consolidation cell exists, based on the criteria utilized by DTSC for evaluating remedial activities. The DTSC will evaluate the feasibility of bioremediation techniques and other new technologies available at the time for remediating the contaminated soils, and could require implementation of such techniques if certain findings can be made. Special Condition No. 12 of Coastal Development Permit No. A-1-FTB-05-053 requires that the permittee submit an application for a permit amendment to either remove the consolidation cell or retain the consolidation cell in place after DTSC has completed action on its re-valuation of the remedial action plan. The permit amendment application must be accompanied by an alternatives analysis for the remediation of the dioxin/furan-impacted soils including, but not limited to the use of bioremediation techniques and other advanced remediation technologies available at the time. This requirement for the submittal of a permit amendment will enable the Commission to consider the re-evaluation conducted by DTSC, the alternative analysis submitted by the applicant, public comment, and other information available at the time to determine whether any of the alternative remediation techniques available at the time constitute feasible alternatives that would lessen any significant adverse impact that the consolidation cell has 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. The concentration of dioxin in the contaminated soils to be placed in the consolidation cell is relatively low compared to dioxin concentrations found in other contaminated sites. According to the applicant, the average concentration of dioxins in the soil to be placed in the consolidation cell is 100 parts per trillion (ppt). This level of concentration is 100 times lower than the concentration level at which contaminated material must be managed as hazardous waste under either state or federal law. The 100 ppt concentration is approximately two times the concentration level considered to be safe by DTSC (52 ppt) to leave untreated in other areas of the project site and two times the screening level set for residential soils by the Agency for Toxic Substances and Disease Registry (ARCADIS BBL 2007). In addition to being present in relatively low concentrations, the dioxin in the soil is relatively immobile. Dioxin molecules bind strongly to soil particles, making them largely immobile in the environment. Dioxin molecules are also highly "hydrophobic," which means they do not easily go into solution. Furthermore, capping eliminates exposure pathways for the community and prevents water infiltration into the cell. 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. In addition, members of the City Council and some community members have stated that consolidating and capping the material on-site allows the City to exercise social responsibility to address the City's own contamination issues within the City rather than trucking the contaminated soil to another community to deal with.

Another advantage of keeping the contaminated soil within a consolidation cell is that it enables the soil to be remediated in the future with bio-remediation or other techniques when proven technology for such remediation is available. As discussed above, Special Condition No. 12 limits the time period for which the consolidation cell is authorized to the time period that passes before the Department of Toxic Substances Control completes its five-year review of the final remediation plan. Special Condition No. 12 of Coastal Development Permit No. A-1-FTB-05-053 requires that the permittee submit an application for a permit amendment to either remove the consolidation cell or retain the consolidation cell in place after DTSC has completed action on its re-valuation of the remedial action plan. The permit amendment application must be accompanied by an alternatives analysis for the remediation of the dioxin/furan-impacted soils including, but not limited to the use of bioremediation techniques and other advanced remediation technologies available at the time. This requirement for the submittal of a permit amendment will enable the Commission to consider whether any of the alternative remediation techniques available at the time constitute feasible alternatives that would lessen any significant adverse impact that the consolidation cell has on the environment.

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 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 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.

**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
10. Correspondence Receive Prior to December 12, 2008 Commission Meeting
11. New Correspondence
12. DTSC Final Remediation Plan Executive Summary
13. DTSC Final Remediation Plan Fact Sheet
14. Additional Correspondence

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.

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
 STREET, SUITE 200  
 Eureka, CA 95501  
 (707) 445-7833  
 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. 11</b>
<b>APPLICATION NO.</b>
A-1-FTB-05-053-A9
<b>GEORGIA PACIFIC CORP.</b>
<b>IMMATERIAL PERMIT</b>
<b>AMENDMENT(1 of 20)</b>

Sincerely,

PETER M. DOUGLAS  
 Executive Director

*Jim Baskin*  
 By: Jim Baskin  
 Coastal Program Analyst

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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

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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

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

Page 9 of 12

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

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

Page 10 of 12

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

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

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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

Page 12 of 12

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  
110 EAST STREET, SUITE 200  
EUREKA, CALIFORNIA 95501  
(707) 445-7833 FAX (707) 445-7877  
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-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.

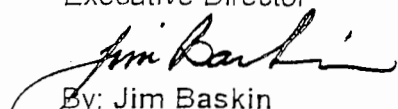
has been amended to include the following changes:

Add authorization to demolish 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

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: Jim Baskin  
Coastal Program Analyst

RECEIVED

JUL 09 2007

CALIFORNIA  
COASTAL COMMISSION

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Date: June 28, 2007

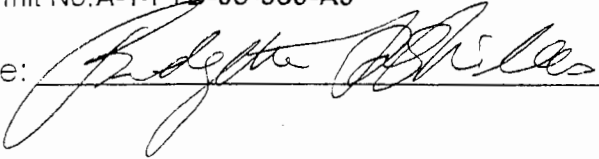
Permit Application No.: A-1-FTB-05-053-A3

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 52<sup>ND</sup> STREET, SUITE 200  
EUREKA, CA 95501  
(707) 445-7833 FAX (707) 445-7877  
www.coastal.ca.gov

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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

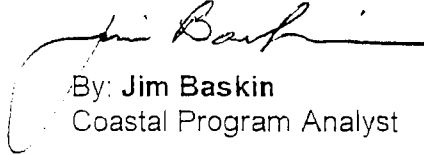
Permit Application No.: A-1-FTB-05-053-A4

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,

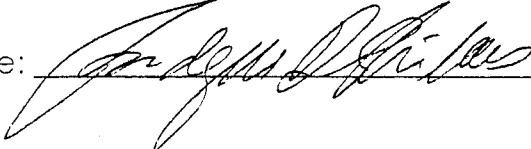
PETER M. DOUGLAS  
Executive Director

  
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

1. 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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CALIFORNIA  
 COASTAL COMMISSION

**Georgia-Pacific Mill Site Foundation Removal, Additional Investigation and Interim Remedial Measures Project – Entailing:** (f) 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 JTB  
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.



**CALIFORNIA COASTAL COMMISSION**

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

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COASTAL COMMISSION



## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: **September 28, 2010**

Permit Application No.: **A-1-FTB-05-053-A7**

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, (4) excavating 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]; and (5) constructing an approximately 1.5-acre consolidation cell with an engineered cap for onsite, subsurface management of the excavated dioxin-impacted soil described in Item 4 above.**

at:

**90 West Redwood Avenue (former Georgia-Pacific California wood Products Manufacturing Facility), 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:

**Reduce the likelihood of stormwater runoff and ground water entering into the previously constructed dioxin-contaminated soil consolidation cell by (a) deepening existing perimeter ditches along the southern and eastern edges of the cell and shifting the ditches laterally away from the cell, (b) replacing two 12-inch-diameter culverts down gradient of the cell, and (c) extending the geosynthetic clay liner (GCL) in the final cover system across the northern anchor trench to divert water away from the anchor trench.**

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: September 16, 2010

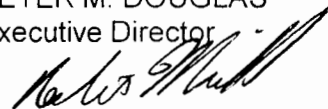
Permit Application No.: A-1-FTB-05-053-A7

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

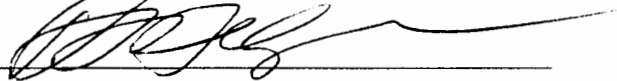


By: **Robert Merrill**  
District Manager

**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-A7**

Date: 10/05/2010

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.