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Subject: Letter to Fort Bragg Plan. Comm. Re Mill Pond Remediation EIR from NHWG
Date: Sunday, February 5, 2023 10:39:57 AM
Attachments: [NHWG Letter to Fort Bragg Plan. Comm. Feb 5 2023.pdf](#)
[DTSC letter 12 21 2022.pdf](#)
[DTSC Letter dec 27 2022.pdf](#)

Please forward the attached correspondence from the Noyo Headlands Working Group of the Grass Roots Institute to the Fort Bragg Planning Commissioners (Scott Dietz, David Jensen, Jeremy Logan, Stan Miklose, Jary Stavely).

Sincerely,

NHWG



Grassroots Institute

Noyo Headlands Working Group

February 5, 2023

Fort Bragg Planning Commission via email cdd@fortbragg.com
Attn: Scott Dietz, David Jensen, Jeremy Logan, Stan Miklose, Jary Stavely
416 N. Franklin St.
Fort Bragg, CA 95437

Grassroots Institute Noyo Headlands Working Group

*George Reinhardt
Jim Schoonover
Jill Peterson
John Meyer
Susan Kelley
Daney Dawson
Susan Nutter*

Re: EIR Process for Mill Pond Remediation Project

Dear Commissioners:

This letter is submitted by the Noyo Headlands Working Group of the Grassroots Institute (GRI). We are aware the City issued an RFP to secure a consultant to complete an Environmental Impact Report (EIR) for the Mill Pond Remediation Project. It is our understanding the Planning Commission will be responsible for review and approval of various aspects of the EIR process. We have several concerns we wish to share with the Planning Commission (as well as those copied on this letter) about that process and the overall situation on the Headlands

We applaud the City for including significant public outreach in the RFP as follows:

At a minimum, the public participation effort should include six meetings: an informal information session; two public scoping workshops; two public meetings on the Draft EIR; and a public hearing on the Final EIR. Public participation efforts will need to be coordinated with the City's Coastal Development Permit process, as well as DTSC's OU-E RAP process. (RFP at page 6, Emph. Added).

We share the City's desire for a robust public hearing process. We believe these meetings must begin immediately upon the City retaining its consultant so the public can have input well before any work being completed.

We also understand the City's timeline for its RFP is no longer valid based on several causes, the most significant of which are two recent letters from the Department of Toxic Substances Control (DTSC) dated December 21 and 27, 2023 [to the City of Fort Bragg and Mendocino Railway respectively]. In these letters (attached), DTSC outlined specific alternatives to the RAP armoring that must be considered as part of the EIR. DTSC also determined the Operable Unit E Feasibility Study requires additional alternatives analyses in a Feasibility Study

Addendum. We will watch for a revised schedule pending the City's analysis of the requirements in the DTSC letters.

Finally, we want to be sure the EIR process includes a robust consideration of alternatives including those The City clarified its expectations concerning the analysis of alternatives that must be part of the EIR:

Fort Bragg serves as the primary commercial center for the Mendocino coastal region, and the future use of the Mill Site is important to the entire region. Extensive community engagement has taken place related to reuse of the site since Georgia Pacific closed the timber facility in 2002. The community has long awaited the remediation of OU-E, and it is important that the EIR provide robust analysis on project alternatives; to foster public participation and informed decision-making. There is strong community sentiment that environmental remediation of Mill Pond area requires the removal of hazardous materials and restoration of the project site, rather than dam improvements to stabilize and contain hazardous materials. The following alternative projects are provided as a starting point. City Council will provide direction on the alternative project description to be evaluated at a future date, based on input received during public scoping session, expertise of selected environmental consulting team, and staff recommendation. (RFP at page 6).

We are concerned the proposal submitted to the City by Dudek for the EIR did not include significant discussion about the alternatives despite the clear expectations set forth by the City in its RFP. If the City retains Dudek, please do all you can to reinforce the fact that much of the work Dudek will perform will be around feasible alternatives. This is imperative as we do not want the EIR process to result in a mere rubber stamp of the remediation proposed by the applicants. We also recommend the City consider the Natural Capital value generated by restoration of wetlands and beach access in judging long term feasibility. Moreover, the DTSC and the California Coastal Commission (as discussed in the DTSC letters) also expect this analysis. We, like many others in the community, believe the applicant's proposal for remediation is woefully inadequate; the hazardous materials must be removed, and the project site fully restored.

Thank you for reviewing our concerns. Please let us know if there is any other information and/or assistance you or the City may need as we move through this important EIR process. If you would like to contact us, please do so by emailing George Reinhardt at george@mcn.org.

Sincerely,

/s/

Noyo Headlands Working Group of the Grass Roots Institute

Encl.

e.c. Members of the Fort Bragg City Council [Hon. Bernie Novell, Jason Godeke, Tess Albin-Smith, Lindy Peters, Marcia Rafanan] **Fort Bragg City Staff** [City Manager Peggy Ducey; Asst. City Manager Sarah McCormick; City Clerk June Lemos] **Members and Staff of the California Coastal Commission** [The Hon. Donne Brownsey, Donne.Brownsey@coastal.ca.gov; Caryl Hart, Caryl.Hart@coastal.ca.gov; Effie Turnbull-Sanders, Effie.Turnbull-sanders@coastal.ca.gov; Sara Aminzadeh, Sara.Aminzadeh@coastal.ca.gov; Steve Padilla, Steve.padilla@coastal.ca.gov; Mike Willson, mike.wilson@coastal.ca.gov; Katie Rice, Katie.Rice@coastal.ca.gov; Linda Escalante, Linda.Escalante@coastal.ca.gov; Meagan Harmon, Meagan.Harmon@coastal.ca.gov; Roberto Uranga, Roberto.Uranga@coastal.ca.gov; Carole Groom, Carole.Groom@coastal.ca.gov; ExecutiveStaff@coastal.ca.gov; John Ainsworth, Executive Director, John.Ainsworth@coastal.ca.gov; Lisa Haage, Chief of Enforcement, Lisa.Haage@coastal.ca.gov; Josh Levine, Enforcement Officer NorthCoast Joshua.Levine@coastal.ca.gov **California Department of Toxic Substances Control** [Asha Setty, Asha.Setty@dtsc.ca.gov] **Mendocino County Board of Supervisors** [Hon. Dan Gjerde, gjerde@mendocinocounty.org]



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

December 21, 2022

Sarah Million McCormick
Assistant City Manager City
of Fort Bragg
smccormick@fortbragg.com

GEORGIA-PACIFIC, FORT BRAGG MILL SITE, OPERABLE UNIT E
ENVIRONMENTAL IMPACT REPORT, FORT BRAGG, CALIFORNIA (SITE CODE:
202276)

Dear Ms. McCormick,

California Department of Toxic Substances Control (DTSC) is in the process of reviewing the Operable Unit E Remedial Action Plan (OU-E RAP) for the Georgia-Pacific Former Mill Site. As a Responsible Agency under the California Environmental Quality Act (CEQA), DTSC is providing input to assist in scoping the Environmental Impact Report (EIR) addressing the OU-E RAP. The City of Fort Bragg (City) is lead agency for the development of the EIR because the City has review and approval authority for the Coastal Development Permit (CDP), which is required for OU-E RAP implementation. DTSC will also rely on the City-certified EIR when considering approval of the RAP. Because of the dual purposes of the EIR, DTSC suggests that the EIR be scoped to analyze both the proposed RAP and CDP as these projects are inseparable.

The City determined that an EIR is required for the CDP because of potential unmitigable, significant impacts of the remedial action proposed in the OU-E RAP. The EIR would evaluate and consider the potentially significant impacts of the project (approval of a RAP and CDP) and then recommend alternatives to reduce or eliminate these impacts. The OU-E RAP, which DTSC would review and then approve or deny, would itself identify alternative remedial actions that were initially evaluated in the September 2019 OU-E Feasibility Study (FS). The EIR could use these alternative

Ms. Sarah McCormick
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remedial actions as part of its alternative analysis because DTSC would rely on the City-certified EIR while performing its discretionary action on OU-E RAP.

DTSC recommends the EIR use the alternatives found in Section 7: Development and Evaluation of Remedial Alternatives of the OU-E FS. At meetings with the California Coastal Commission (CCC), DTSC received clarification on policies regarding the armoring component of the preferred remedial action for Pond 8. Coastal Commission Staff indicated that alternatives to armoring must be considered prior to approval of the CDP and OU-E RAP. DTSC also received feedback from the City and from community members requesting additional remedial alternatives be included in the EIR. Therefore, DTSC also recommends that additional alternatives be considered in the EIR and include variations on the containment alternative, including a combination removal/containment alternative, along with on-site terrestrial consolidation of sediment, on-site terrestrial treatment of sediments, and partial removal of the Pond 8 dam and the western section of Pond 8.

DTSC looks forward to working with the City on the scoping and development of the EIR for the OU-E RAP and CDP. If you have any questions regarding this letter, please contact me at (510) 540-3776 or at Tom.Lanphar@dtsc.ca.gov.

Sincerely,



Thomas Lanphar
Senior Environmental Scientist
Site Mitigation and Restoration Program
Department of Toxic Substances Control



Kim Walsh, MPH
Unit Chief
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: see next page

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December 21, 2022
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cc: (via email).

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Gavin Newsom
Governor

December 27, 2022

Mr. Mike Buck
Mendocino Railway
1222 Research Park Drive
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Mikebuck@fulcrumadvocates.com

GEORGIA-PACIFIC CORPORATION SITE, 90 WEST REDWOOD AVENUE, FORT BRAGG, CALIFORNIA, OPERABLE UNIT E FEASIBILITY STUDY ADDENDUM (SITE CODE:202276)

Dear Mr. Buck:

The Department of Toxic Substances Control (DTSC) has determined that the Operable Unit E Feasibility Study (OU-E FS) for the Georgia-Pacific Mill Site requires additional alternatives analysis in a Feasibility Study Addendum (FS Addendum). Scoping exercises for the Operable Unit E Remedial Action Plan (OU-E RAP) and Coastal Development Permit (CDP) Environmental Impact Report (EIR) identified the need for the evaluation of alternatives not included in the OU-E FS.

The City of Fort Bragg (City) is lead agency under the California Environmental Quality Act (CEQA) for the development of the EIR because the City has review and approval authority for the Coastal Development Permit (CDP), which is required for OU-E RAP implementation. As a Responsible Agency under CEQA, DTSC will rely on the City-certified EIR when considering approval of the RAP. The City determined that an EIR is required for the CDP because of potential unmitigable, significant impacts of the remedial action proposed in the OU-E RAP. The EIR will evaluate and consider the potentially significant impacts of the project and then recommend alternatives to reduce or eliminate these impacts.

At meetings with the California Coastal Commission (CCC), DTSC received clarification on policies regarding the armoring component of the preferred remedial action for OU-E Pond 8. Coastal Commission Staff indicated that alternatives to armoring must be

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considered prior to approval of the CDP and therefore, the OU-E RAP. DTSC also received feedback from the City and from community members requesting additional remedial alternatives be included in the EIR to evaluate remedial alternatives that could avoid armoring, and other potential unmitigable significant environmental impacts.

When selecting a remedial alternative in the RAP, DTSC will rely on the alternative analysis of the OU-E Feasibility Study and the EIR. Because the EIR has been scoped to include remedial alternatives not found in the OU-E FS, the OU-E FS must be updated in an addendum. To ensure consistency, the development of the OU-E FS Addendum must be coordinated with the development of the alternatives in the EIR.

DTSC recommends that OU-E FS Addendum reevaluate the on-site terrestrial contaminant and on-site terrestrial treatment process options. DTSC also recommends that additional alternatives considered in the EIR and the OU-E FS Addendum include variations on the containment alternative such as hybrid alternatives that include removal/containment/treatment technologies. The potential for on-site terrestrial consolidation/treatment of sediments could affect the feasibility of the removal of contaminated sediments from Ponds 1, 2, 3, 4, 6, 7, 8, and the North Pond.

If you have any questions, please contact Kim Walsh at (510) 540-3773 or via email at Kim.Walsh@dtsc.ca.gov.

Sincerely,



Thomas P. Lanphar
Senior Environmental Scientist
Site Mitigation and Restoration Program – Berkeley Office
Department of Toxic Substances Control

cc: Mr. Craig Hunt
North Coast Regional Water
Quality Control Board
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Mr. Robert Jason Pinoli, President
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December 27, 2022
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