



AGENCY: City Council  
MEETING DATE: September 12, 2022  
DEPARTMENT: Administration  
PRESENTED BY: S. McCormick  
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## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Approval of Request for Proposals to Conduct Environmental Review of Mill Pond Remediation Project**

**BACKGROUND/ISSUE:**

In 2007, the City of Fort Bragg invoked the Polanco Redevelopment Act in order to clean up hazardous materials on 415 acres that served as a timber facility for Georgia Pacific. Since that time, substantial remediation has taken place under the oversight of California's Department of Toxic Substances Control (DTSC). To help organize the site investigation and remediation, DTSC divided the Mill Site into five geographic areas called Operable Units: OU-A, OU-B, OU-C, OU-D, OU-E (**Attachment 1** – Map of Operable Units). To date, most of the Mill Site has met DTSC cleanup goals; the area requiring further remedial action is primarily located within OU-E.

OU-E includes several ponds (Ponds 1 through 9, and the North Pond). When the mill was in operation, Pond 8 was used for log storage, Pond 9 was available for fire protection, Ponds 1, 2, 3, 4, 5, and 7 served as storm water management, and the water used for debarking flowed into Pond 6 and the North Pond.

Georgia Pacific submitted the draft *Operable Unit-E Remedial Action Plan*, dated October 2020 to DTSC, which is now proposed to continue under Mendocino Railway. This plan recommends "Institutional Control/Containment" within the project area (**Attachment 2** – Draft RAP). The Institutional Control/Containment option provides land use controls that limit land use and control activities in areas where the risk from one or more exposure pathways is deemed unacceptable. Three modifications are planned: 1) a rock slope protection (RSP) buttress at the crib-wall section; 2) ground improvements and an earth-filled buttress at the eastern dam section; and 3) a cutoff wall installed near the center of the pond to divide into two small ponds (**Attachment 3** – KJ Technical Memorandum).

The OU-E RAP is in a draft form, and DTSC will begin the formal public review period after the City of Fort Bragg completes a Draft Environmental Impact Report (DEIR) for the proposed remedial action. The goal of processing the RAP concurrently with the City's coastal development permit and EIR process is to ensure that the DTSC approved remedial action meets the regulatory requirements of all permitting agencies, including consistency with the City's Local Coastal Program and the City's objectives for the area.

The first amendment to the DTSC Investigation and Remediation Order, issued June 9, 2022 states the City of Fort Bragg is the Lead Agency for the California Environmental Quality Act

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(CEQA) review of the project, and that an EIR shall be considered (**Attachment 4** – DTSC Order, First Amendment).

**ANALYSIS:**

On July 13, 2022, Mendocino Railway submitted a Coastal Development Permit Application for the Institutional Control/Containment project identified in the draft *Operable Unit-E Remedial Action Plan*, dated October 2020. Staff reviewed application materials for completeness and deemed the application incomplete on August 9, 2022. The applicant has 180 days to provide required application submittals. In the meantime, staff proposes the City solicit and select an environmental consulting team to process the EIR for this project. Selecting a qualified firm will take considerable time and effort, and is vital for a successful outcome.

Staff drafted the attached Request for Proposals and circulated it to the Applicant, DTSC, and the California Coastal Commission for comments. Staff also researched potential environmental consulting firms to solicit proposals from (**Attachment 5** – RFP Consultants). With Council approval, the proposed RFP would be released immediately and adhere to the following timeline:

- Written Questions Due: October 14, 2022
- Response to Written Questions Posted: October 28, 2022
- Pre-Proposal Meeting: November 4, 2022
- Proposals Due: November 18, 2022
- Interviews: December 7, 2022

**RECOMMENDED ACTION:**

Receive Report and Approve Request for Proposals to Secure Environmental Consultants for Environmental Impact Report for OU-E Remediation Project.

**ALTERNATIVE ACTION(S):**

Provide direction to staff on changes to the Request for Proposals.

**FISCAL IMPACT:**

All City and State permitting and environmental review costs will be borne by the Applicant, Mendocino Railway.

**CONSISTENCY:**

The Mill Pond project will require a Coastal Development Permit and thus consistency with the Coastal General Plan and/or the Coastal Act will be required and fully analyzed prior to the consideration and decision on the Coastal Development Permit and associated Environmental Review.

**IMPLEMENTATION/TIMEFRAMES:**

- Written Questions Due: October 14, 2022
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**ATTACHMENTS:**

1. Mill Site Operable Units
2. Draft OU-E Remedial Action Plan (without Tables and Attachments)
3. KJ Technical Memorandum
4. DTSC Order, First Amendment
5. RFP Consultant List
6. Draft RFP

**NOTIFICATION:**

1. "Notify Me" Subscriber Lists: Mill Site Remediation, Mill Site Reuse, Active Planning Environmental Reports
2. Applicant, Robert Pinoli, Mendocino Railway
3. Agent, Jeremie Maehr, Kenndy Jenks Consulting
4. Tom Lamphar, DTSC
5. Melissa Kramer, California Coastal Commission
6. Fort Bragg Planning Commission