

## **RESOLUTION NO. \_\_\_\_-2016**

### **ADOPT RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT BRAGG AND THE NOYO HARBOR DISTRICT REGARDING TRANSFER OF 16,000 CUBIC YARDS OF DREDGE SANDS TO THE CITY OF FORT BRAGG FOR THE COASTAL RESTORATION & TRAIL PROJECT IN EXCHANGE FOR A TIPPING FEE OF \$10.00 PER CUBIC YARD FOR THE CONSTRUCTION OF PHASE II OF THE FORT BRAGG COASTAL TRAIL.**

**WHEREAS**, in January 2014, the Noyo Harbor District ("District") and the City of Fort Bragg ("City") entered into a Memorandum of Understanding ("MOU") authorizing the transfer of 14,000 cubic yards of dredge sands to the City's Fort Bragg Coastal Restoration and Trail Project ("Project") site; and

**WHEREAS**, on August 11, 2014, the City Council authorized an additional 10,000 cubic yards of dredge sands for the successful completion of the Project; and

**WHEREAS**, the City has determined that an additional 16,000 cubic yards of dredge sands are necessary for the successful completion of the Project; and

**WHEREAS**, the District desires to remove an additional 16,000 cubic yards of dredge sands from the Noyo Harbor dredge material holding site and to transfer that material to the City; and

**WHEREAS**, the District shall be responsible for obtaining written permission from the North Coast Regional Water Quality Control Board to authorize the beneficial reuse of dredge sands from the District for the Project, and

**WHEREAS**, the District has agreed to pay a tipping fee of \$10.00 per cubic yard upon transfer of the additional dredge sands to the City of Fort Bragg; and

**WHEREAS**, the District will fund the cost of transporting the materials to the Project site at locations as will be most expeditious and effective for grading of the materials in accordance with Project plans and specifications; and

**WHEREAS**, the City and the District wish to enter into an MOU for the transfer of the additional dredge sands to the City of Fort Bragg; and

**WHEREAS**, the MOU, attached as "Exhibit A" and incorporated herein by reference, establishes that the District will transport approximately 16,000 cubic yards of dredge sands to the Project site and provide compensation to the City of Fort Bragg in the amount of \$10.00 per cubic yard delivered as a tipping fee to help offset costs associated with spreading the dredge sands, implementing best management practices for stormwater and erosion control, hydro-seeding the material, and constructing Phase II of the Coastal Trail and Restoration Project; and

**WHEREAS**, the City prepared and certified an Environmental Impact Report ("EIR") for the Project, consistent with the California Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA Guidelines"), including Sections 15070 and 15071; and

**WHEREAS**, the EIR for the Project contemplated the transport and utilization of 43,000 cubic yards of dredge sands at the Project Site; and

**WHEREAS**, this MOU would authorize the transfer of 16,000 cubic yards to the Project, in addition to the 24,000 cubic yards which have already been authorized for transfer under a separate MOU. Accordingly, the cumulative amount of dredge sands (40,000 cubic yards) is less than what was analyzed under the Project EIR, which determined that no mitigation measures would be required for this particular activity as the environmental impact of moving the materials to the Project Site is considered less than significant; and

**WHEREAS**, no additional CEQA analysis is necessary for the approval of this MOU.

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. The Project will result in the beneficial reuse of dredge sands for the restoration component of the Coastal Restoration and Trail Project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the Memorandum of Understanding between the City of Fort Bragg and the Noyo Harbor District and authorize the City Manager to execute the same.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11<sup>th</sup> day of July 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**DAVE TURNER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**June Lemos**  
City Clerk