

RESOLUTION NO. _____-2014

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 10,000 CUBIC YARDS OF DREDGE SANDS TO THE CITY OF FORT BRAGG FOR THE COASTAL RESTORATION & TRAIL PROJECT IN EXCHANGE FOR A TIPPING FEE OF \$9.00 PER CUBIC YARD

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, the City has determined that an additional 10,000 cubic yards of dredge sands are needed for the successful completion of the Project; and

WHEREAS, the District desires to remove an additional 10,000 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 District for the Project, and

WHEREAS, the District has agreed to pay a tipping fee of \$9.00 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 a 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 10,000 cubic yards of dredge sands to the Project site and provide compensation to the City of Fort Bragg in the amount of \$9.00 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 ensuring long-term maintenance of the 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 10,000 cubic yards to the Project, in addition to the 14,000 cubic yards which have already been authorized for transfer under a separate MOU. Accordingly, the cumulative amount of dredge sands

(24,000 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 of the evidence presented, the City Council finds that 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 authorize the City Manager to execute a Memorandum of Understanding between the City of Fort Bragg and the Noyo Harbor District, attached as "Exhibit A" and incorporated herein by reference, authorizing the transfer of 10,000 cubic yards of dredge necessary for the Coastal Restoration and Trail Project, in exchange for a tipping fee of \$9.00 per cubic yard.

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 11th day of August, 2014, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

DAVE TURNER, MAYOR
Mayor

ATTEST:

Cynthia M. VanWormer, MMC
City Clerk

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