

MEETING DATE: February 10, 2016

PREPARED BY: Marie Jones

PRESENTED BY: Marie Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit 08-15 (CDP 08-15)

OWNER: Georgia-Pacific LLC

APPLICANT: Michael Hassett, P.E., Manager – Environmental Engineering

PROJECT DESCRIPTION: Coastal Development Permit (CDP 8-15) for remedial activities primarily composed of hot spot excavation in Operable Units C and D at the former Georgia-Pacific Lumber Mill located on the western edge of the City of Fort Bragg. The proposed project would consist of soil excavation and disposal of contaminated soils (identified parenthetically) in the following locations: Former AST and MES/Pilot Study (contaminant is TPHd); Former Dip Tank (contaminant is Dioxin and PCP); Rail Lines East (contaminant is lead); Kilns (contaminant is TPHd and B(a)P); and Planer #2 (contaminant is TPHd and B(a)P). Additional activities include placing a cover/fill of soil and gypsum at the Former AST and Former MES/Pilot Study to address soil vapor contaminants. Excavation areas will be backfilled with clean soil and seeded with native plants or covered with gravel.

LOCATION: 90 West Redwood Avenue

ZONING: Timber Resources Industrial (TI)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

SURROUNDING LAND

NORTH: MacKerricher State Park and Old Haul Road
EAST: State Route One and Central Business District
SOUTH: Noyo Harbor
WEST: Fort Bragg Coastal Trail property, Waste Water Treatment Plant, and ocean

BACKGROUND

The Georgia Pacific Mill Site occupies an approximately 323± acre site on the coastline of the City of Fort Bragg (Attachment 1). According to historical records, the timber mill in Fort Bragg began operations in 1885. Georgia-Pacific (G-P) acquired the facility and began operations in 1973. In November 2002, lumber production operations ceased at the facility. Since then, G-P has been engaged in the process of decommissioning the site. This has involved dismantling buildings, removal of equipment, extensive site investigations and remediation activities.

In October 2003 and October 2004, the City approved two coastal development permits (CDP 1-03; CDP 2-04) authorizing demolition of 17 structures on the Mill Site totaling over 200,000 SF of buildings.

In 2005, the City approved CDP 3-05 authorizing: 1) the removal of all building foundations for the above listed structures; 2) additional investigation of soils and ground water; and, 3) if necessary, interim remedial measures (IRMs).

On March 26, 2009, the City received a request from the applicant for issuance of an emergency permit for the demolition of the badly damaged Truck Loading Shed on the former Georgia-Pacific Wood Products Facility site. The structure had suffered from serious damage due to driving winds, which were causing the roof to sag dangerously and the wall to bulge out. On June 20, 2009, the Planning Commission approved an after-the-fact Coastal Development Permit for the truck shed demolition.

In 2013 Georgia-Pacific requested a CDP to authorize the removal of the above ground portions of 38 buildings, as the site no longer has functioning fire suppression systems on site and many of the structures were in bad condition and in danger of collapse in heavy winds. The Planning Commission approved the Coastal Development Permit and 323,000 SF of structures were demolished during the summer of 2013.

From 2013 through 2015 The California State Department of Toxics and Substances Control (DTSC) oversaw the development of the Remedial Action Plan (RAP) and all the supporting studies for the proposed activities within Operable Unit C and D (OU-C and D), which include:

- 1) The Remedial Investigation (RI) report – which summarizes the extensive sample collection and analysis process for constituents of concern. The RI Report includes data collected through several investigations from 1998 to 2009. the RI Report estimated risks within OU-C and OU-D for both potential future human receptors and ecological receptors based on current industrial use and foreseeable land use scenarios, including child and adult residents, commercial/ industrial workers, construction workers and maintenance/ utility workers, and recreational receptors, and plants, soil invertebrates, and representative wildlife receptors (birds and mammals).
- 2) The Feasibility Study OU-C and OU-D recommended remedial alternatives to address chemicals of concern (COCs) within soil, soil gas and/or groundwater in 11 areas of interest (AOIs) within OU-C and OU-D (FS Report; ARCADIS, 2012a). After the completion of the FS Report, a supplementary soil and groundwater investigation was conducted in June 2012 to address data gaps identified in the FS in the Former AST,

Former Parcel 3 Mobile Equipment Shop (MES)/Pilot Study, Kilns, and Rail Lines East AOIs.

- 3) The Remedial Action Plan, which is described in detail below, defines the remediation steps required to clean the site to a level that is appropriate, as determined by DTS, for the reasonably foreseeable future use.

In June 2015 DTSC circulated a Mitigated Negative Declaration for the implementation of the RAP for OU-D and C, and DTSC Certified the MND in December after preparing an extensive response to comments on the MND to address the many comment letters submitted by the general public. In December 2015, in separate actions, both DTSC and the City Council reviewed the Remedial Action Plan (RAP) for Operable Units C and D (OUS and D) and approved the remedial approach.

PROJECT DESCRIPTION

In December 2015, GP submitted a request for a Coastal Development Permit to implement a Remedial Action Plan (Attachment 6) that has been approved by the Department of Toxics and Substances Control (DTSC) and the City of Fort Bragg City Council under its Polanco Authority.

The RAP covers the remediation requirements of DTSC for a 282 acre portion of the Former GP Mill Site. The area includes OUC and D, which were used for industrial activities such as sawmill and planning operations. OUC and D includes 32 areas of interest (AOIs) based on historical use and derived from previous investigations.

- Eight AOIs received No Further Action (NFA) determinations in the Remedial Investigation Operable Units C and D Report (RI Report; ARCADIS, 2011a). DTSC designates an area as a “No Further Action” area once it is cleaned up to an adequate level or if the level of contamination is so low that it will not have a deleterious effect on biotic resources or human health related to reasonably foreseeable future uses at the location.
- Three AOIs (West IRM, IRM, and Riparian) were removed from OU-C and placed into OU-E because of similarities in environmental setting with OU-E and the possible daylighting of Maple Creek.
- DTSC also approved “No Further Action” for 10 AOIs through this RAP process and these AOIs include:
 1. Rail Lines West
 2. Dry Sheds #4, #5
 3. Former Planer #1, #50
 4. Former Log Storage and Sediment Stockpile
 5. Log Deck
 6. Former Sheep Barn
 7. Former Oil House
 8. Miscellaneous
 9. Transformer Pad
 10. Parcel 6

11. Former Machine Shop (MS/IRM AOI) was determined not to require further action based on additional data collected and evaluation after the Feasibility Study was completed.

Please see Attachment 4 to review the areas of the Mill Site that require no further remedial action.

This CDP addresses remedial actions for the remaining 11 AOIs. The 11 AOIs are approximately 70 acres in size and are located on the eastern side of the Mill Site: seven are located in the area bracketed by Pine and Alder streets, three are south of the Mill Pond and east of the Waste Water Treatment Facility, and one is directly north of the Cypress Street gate in the area of the old Cold Forms. Some of the AOI's are handled in the RAP through the use of Land Use Controls, natural attenuation, and the utilization of Operations and Maintenance plans which mostly cover soil management in the affected areas.

The Coastal Development Permit is for those components of the RAP implementation that require soil excavation and disposal of contaminated soils. The areas requiring remediation (excavation and disposal of contaminated soils) are illustrated in Figure 1 and includes the following locations:

- 1) Former AST and MES/Pilot Study (contaminant is TPHd);
- 2) Former Dip Tank (contaminant is Dioxin and PCP);
- 3) Rail Lines East (contaminant is lead);
- 4) Kilns (contaminant is TPHd and B(a)P); and
- 5) Planer #2 (contaminant is TPHd and B(a)P).

Additional activities, covered under the CDP include placing a cover/fill of soil and gypsum at the Former AST and Former MES/Pilot Study to address soil vapor contaminants.

Overall the project, subject to CDP review, would result in:

- 1) Removal of approximately 1,108 and up to 1,858 cubic yards of contaminated soils and materials. The actual amount of material removed will depend on the results of confirmation sampling to ensure that the outer limits of the contaminated soils have been removed.
- 2) Importation of 1,108 to 1,858 cubic yards of fill material from the Noyo Harbor Dredge sands or from another source. The backfill materials will be tested in accordance with DTSC October 2001 imported Advisory on Clean Fill Material.
- 3) Revegetation of backfilled and graded excavation locations with a California Coastal Native Plant seed mix. Or the backfill and graded area will be finished with gravel or stone.
- 4) Installation and replacement of ground water monitoring wells as required by DTSC.

A comprehensive summary of proposed remedial actions for the 11 AOIs is illustrated in Table 1 below:

Table 1: Proposed Remedial Actions for each AOI

Former AST and MES/Pilot Study AOIs – Surface Soil, Soil Vapor, and Groundwater

Soil Proposed Alternative: Former AST AOI and MES/Pilot Study AOI

- *Land Use Control (LUC) restricting residential or other sensitive land uses*
- *Operations and Maintenance Plan, including soil management requirements*
- *Excavation and disposal of TPHd contaminated soil*

Soil Vapor Proposed Alternative: Former AST and MES/Pilot Study AOIs

- *Source Removal: Excavation and disposal of TPHd contaminated soil*
- *LUC restricting residential or other sensitive land uses*
- *Soil Vapor Mitigation*
- *Operations and Maintenance Plan*

Groundwater Proposed Alternative: Former AST and MES/Pilot Study AOIs

- *Source Removal: Excavation and disposal of TPHd contaminated soil*
- *Natural Attenuation of Groundwater*
- *Operations and Maintenance Plan specifying groundwater monitoring requirements*
- *LUC restricting the use of groundwater above remedial goals*

Former Dip Tank AOI – Soil and Groundwater *Soil and groundwater Proposed Alternative:*

- *Source Removal: Excavation and Disposal of dioxin and PCP contaminated soil*
- *Natural Attenuation of Groundwater*
- *Operations and Maintenance Plan specifying groundwater monitoring requirements*

Rail Lines East AOI – Surface and Shallow Subsurface Soils *Proposed Alternative:*

- *Excavation and disposal of lead contaminated soil*

Kilns AOI – Soil

Proposed Alternative:

- *Excavation and Disposal of TPHd and B(a)P contaminated soil*

Former MS/IRM AOI – Soil and Groundwater

- *No Further Action as TPHd, lead and B(a)P concentrations are below soil unrestricted remedial goals and TPHd and VOCs are below groundwater remedial goals*

Planer #2 AOI – Soil, Soil Vapor and Groundwater *Soil Proposed Remedial Action:*

- *Excavation and disposal of TPHd and B(a)P contaminated soil*
- *Soil Vapor Proposed Remedial Action:*
- *Soil Vapor Mitigation*
- *LUC restricting residential or other sensitive land uses*
- *Operations and Maintenance Groundwater Proposed Remedial Action:*
- *Natural Attenuation of Groundwater*
- *Operations and Maintenance Plan specifying groundwater monitoring requirements*
- *LUC restricting the use of groundwater*

Former Shipping Office and Truck Shop AOI – Soil *Soil Proposed Alternative:*

- *LUC restricting residential or other sensitive land uses*
- *Operations and Maintenance, including soil management*

Sawmill and Sorter AOI – Groundwater Proposed Alternative:

- *Natural Attenuation of Groundwater*
- *Operations and Maintenance Plan specifying groundwater monitoring requirements*
- *LUC restricting the use of groundwater*

Greenhouse AOI – Groundwater Proposed Alternative:

- *Natural Attenuation of Groundwater*
- *Operations and Maintenance Plan specifying groundwater monitoring requirements*
- *LUC restricting the use of groundwater*

The remediation activities would take approximately six weeks and would be completed during the summer of 2016.

Upon completion of the remediation activities, DTSC would allow for unrestricted use (from the perspective of the clean-up level and not the zoning) over most of Operable Units C and D (OUC & D). As illustrated in Figure 2, only 3.1 acres (or 1%) of OUC and D will require Land Use Controls, and the remaining 279 acres be remediated to an unrestricted use. In other words all uses could occur on these locations with no impact on human health, although future uses would likely be restricted by the zoning ordinance, once a Specific Plan is approved for the site.

Finally, as also shown in Figure 2, there are 4 locations totaling 3.1 acres that will require Land Use Controls. Land Use Controls are a remediation methodology approved by DTSC that allows limited contamination to remain on site, so long as certain sensitive uses are not located on the property (such as hospitals and day care facilities).

CONSISTENCY WITH GENERAL PLAN

Land Use Consistency. The project is consistent with Timber Resources Industrial zoning (IT) as it includes the remediation of a Lumber Mill site which was used for the manufacture and storage of wood products. No new uses are proposed as part of this CDP application.

The proposed remediation is consistent with the draft Specific Plan for the site which identified potential future uses for the site and was developed through a three year process with the participation and input from the community, City Council, City Staff and Georgia-Pacific. DTSC used the draft Specific Plan to set appropriate clean up levels for the site as it is the only documentation of potentially foreseeable future land uses for the site. Thus implementation of the RAP would result in the remediation of the site in a manner consistent with the potential future land uses envisioned in the draft Specific Plan. However, those uses would not be allowed until a final Specific Plan is completed by the City and Certified by the Coastal Commission. The policy requiring a Specific Plan for rezoning of IT property is included below for the Commission's information.

Policy LU-7.1 Changes in Industrial Land Use: Require that any Local Coastal Program (LCP) amendments and rezoning of lands which are designated Timber Resources Industrial be subject to a specific plan process. The portions of a Specific Plan that meet the definition of "Land Use Plan" as defined by Coastal Act Section 30108.5 and

“Implementing Actions” as defined by Coastal Act Section 30108.4 shall be submitted to, and effectively certified by, the Coastal Commission as an LCP amendment before those portions of the Specific Plan become effective.

As the proposed remediation is consistent with the draft Mill Site Specific Plan, the proposed project is consistent with Policy LU – 7.1.

CONSISTENCY WITH PLANNING POLICIES

As the proposed remediation project does not include new development or new uses only the conservation policies of the Coastal General Plan apply to this project. Relevant policies from the Coastal General Plan are included below along with a consistency analysis.

The proposed implementation of the RAP will conform with the following policies, as conditioned through this permit and as mitigated through the MND.

Policy OS-3.1 Soil Erosion: Minimize soil erosion to prevent loss of productive soils, prevent landslides, and maintain infiltration capacity and soil structure.

Policy OS-4.1. Preserve Archaeological Resources. New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

Policy OS-7.2 Air Quality Standards: Seek to comply with State and Federal standards for air quality.

The project also complies with Policy CD-2.6 as the remediation would abate a nuisance condition.

Policy CD-2.6 Property Maintenance and Nuisances: Ensure that properties are well maintained and nuisances are abated.

As conditioned the project will comply with Policy SF-8.1 as the project will result in the remediation of hazardous wastes and the transportation and disposal of the hazardous materials will comply with DTSC’s and other State standards.

Policy SF-8.1 Protection from Hazardous Waste and Materials: Provide measures to protect the public health from the hazards associated with the transportation, storage, and disposal of hazardous wastes (TSD Facilities).

The project complies with Policy N-1.6. The Mitigated Negative Declaration prepared for this project provides mitigation for noise related impacts, including limiting the time for demolition activities between the hours of 8:00 am and 5:00pm.

Policy N-1.6 Mitigate Noise Impacts: Mitigate noise impacts to the maximum feasible extent.

CONSISTENCY WITH THE COASTAL LAND USE DEVELOPMENT CODE

Land Use. The subject property is located in the Timber Resources Industrial (TI) Zoning District. Remediation is permitted in the Coastal Zone in the Timber Resources Industrial zoning district upon issuance of a Coastal Development Permit.

Visual Resources. The proposed implementation of the Remedial Action Plan will have no impact on visual resources and is consistent with visual resource protection regulations of the CLUDC.

Biological Resources. The City's CLUDC requires protection of all environmentally sensitive habitat areas, including rare and endangered plant species and wetlands, from any significant disruption of habitat values. The CLUDC requires establishment of a minimum 50-foot wide buffer area to protect environmentally sensitive habitat unless it can be demonstrated that 50 feet is unnecessary to protect the resources of the habitat area. There are two types of environmentally sensitive habitat within the project area: wetlands and rare plants.

An Army Corp of Engineers certified Jurisdictional Determination was prepared in 2009 by WRA to identify the extent of jurisdictional wetlands on the Mill Site. The study identifies 21 jurisdiction wetlands on the site. However all of the proposed excavation areas are located within the industrial area of the former mill site and are covered with asphalt or concrete. Furthermore they are all located further than 50 feet from any ESHA or wetland. Please see Figure 3 which illustrates the Coastal Act and Army Corp wetlands and the location of excavations relative to the wetlands.

Additionally, the locations of the proposed excavation do not include any vegetation within 50 feet that is suitable for nesting birds (grasslands, bushes or trees) therefore pre-construction bird breeding surveys would not be needed.

Archaeological and Cultural Resources. A cultural resources investigation completed in 2003 by TRC indicated a high potential for cultural resource sites on the Mill site, although all known cultural resource sites are located either on the bluff areas within the City's Coastal Trail property or on the northern portion of OUC in Parcel 1 and Parcel 2. No known cultural resources are located in the proposed excavation areas. However unknown historic or prehistoric resources could be located within the proposed areas of excavation.

The MND prepared for the OUC & D RAP includes 5 mitigation measures to address potential impacts to cultural and historic resources. The identified mitigation measures in the MND will be protective of cultural resources; therefore Special Condition 1 is included to ensure that the Mitigation Measures are implemented.

Special Condition 1: The applicant shall implement all Mitigation Measures identified in the MND for this project as required by CEQA.

Erosion and Water Quality. The project involves the removal of soils which are contaminated with hazardous materials. In order to improve post-construction storm water quality and infiltration on the mill site, it is preferable that the applicant vegetate the sites that have been excavated and backfilled rather than cover these areas with gravel. While the proposed areas of excavation are relatively small in relationship to the entire Mill Site, together they amount to 3.1 acres which is a significant area. Therefore staff recommends Special Condition 2 to require that the fill dirt have sufficient organic matter to support effective revegetation of the excavated areas, and that these sites be hydro seeded or broadcast seeded with California native seed varieties followed with a 1-2" thick layer of rice straw as mulch. The following Special Conditions will address erosion, sedimentation and water quality impacts associated with the project.

Special Condition 2: The applicant shall backfill the 3.1 acres of excavated areas with soil that has at least 10% organic content. The applicant shall hydro seed or broadcast seed by hand following with a 1-2" layer of rice straw mulch across the 3.1+/- acres summed remediation

areas after October 1st and before November 1st to reduce bird predation of the seed and insure sufficient seed for effective revegetation of these areas with California native plants. The revegetation must be successful yielding germination and vegetative cover across $\geq 80\%$ of the 3.1+/- acres.

Special Condition 3: The following Best Management Practices (BMP) to control, reduce or prevent discharge of pollutants from remediation and grading activities and material handling activities shall be utilized throughout project implementation:

- (a) Material and products will be stored in manufacturer's original containers.
- (b) Storage areas will be neat and orderly to facilitate inspection.
- (c) Check all equipment for leaks and repair leaking equipment promptly.
- (d) Perform major maintenance, repairs, and washing of equipment away from site.
- (e) Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
- (f) Clean up all spills and leaks using dry methods (absorbent materials/rags).
- (g) Dry sweep dirt from paved surfaces for general clean-up.
- (h) Train employees in using these BMPs.
- (i) Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
- (j) Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
- (k) Shovel or vacuum saw-cut slurry and remove from the site.
- (l) Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
- (m) Schedule demolition work for dry weather periods.
- (n) Avoid over-application by water trucks for dust control.
- (o) Cover stockpiles and other construction materials with heavy duty plastic secured and weighted on all sides to maintain cover from wind and rain even in high wind conditions. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms.

Air Quality. The City of Fort Bragg is located in the North Coast Air Basin and is within the jurisdiction of the Mendocino County Air Quality Management District (AQMD). Mendocino County is an "attainment area" for local, state and federal air quality standards except for suspended particulate matter (PM₁₀). Excavation activities may result in temporary increases in airborne dust emissions. The applicant's contractors may be required to obtain local air quality permits or state mobile equipment permits. The contractors for the project are encouraged to Call AQMD at (707) 463-4354 with any questions. The AQMD will require that a fugitive dust permit be issued for this project prior to the issuance of a demolition permit. This will establish measures to prevent dust from traveling off-site. Potential adverse impacts to air quality will be addressed through the following Special Condition:

Special Condition 4: Prior to issuance of demolition permits, the applicant shall secure a Facility Wide Dust Control Permit from the Mendocino County Air Quality Management District. All excavation activities shall be conducted in accordance with the requirements of the permit. Particles generated in the remediation process will be minimized via dust suppression control. The applicant shall also comply with the air quality mitigation measures required in the MND, which include but are not limited to the following:

- a) Grading activities shall cease if sustained wind speeds exceed 15 mph and or gusts reach or exceed 25 mph.
- b) Vehicles will travel at not more than 15 mph.
- c) Water shall be applied to roads to minimize dust during grading.

- d) Disturbed areas shall be sprayed with water at the end of each work period to form a thin crust.

Hazards. The proposed project is a hazard reduction project as it will result in the removal of chemicals of concern from the site. Prior to the commencement of excavations, the contractor would submit waste profiling information to the landfills. Waste profiling will be based on a rate of sampling of 1 sample per 1,000 cubic yards. Non-hazardous waste soils will be transported to either Keller Canyon Landfill in Pittsburg or Hay Road Landfill in Vacaville. If any soils are determined to be hazardous waste, these soils will be transported to a permitted hazardous waste disposal facility. Both Keller Canyon and Hay Road have sufficient capacity to accept all or part of this amount. If one facility were to accept all 1, 108 to 1,858yds³.

Soils classified as California Hazardous Waste would be properly containerized and transported under hazardous waste manifests by registered hazardous waste haulers holding a currently valid registration issued by DTSC and meeting federal requirements imposed by the Department of Transportation (DOT) and the U.S. Environmental Protection Agency (USEPA) under Resource Conservation and Recovery Act (RCRA). Haulers are also subject to California hazardous waste law requirements pertaining to hauling of hazardous wastes (Health and Safety Code §25100 et seq. and §25163 et seq.; 22 OCR §66263.10 et seq.; 13 OCR §1160 et seq.; California Vehicle Code §12804 et seq. and §31300 et seq.), which are implemented and enforced by DTSC as well as the California Highway Patrol, Department of Motor Vehicles, local sheriff, and police agencies who have general responsibilities for the transportation of hazardous waste on state and local roadways. An Excavation Plan, submitted to DTSC for review and approval will detail methods and procedures for the excavation, storage, and loading of soil. The MND includes a number of mitigation measures to ensure that this activity is undertaken in an appropriate manner and Special Condition 1 ensures that those mitigation measures will be implemented.

Public Access. The property is currently fenced and there are no prescriptive easements across the property. The site is not a public access location, nor is it specified as a future vertical access location in the LCP. The remediation project will not have a negative impact on public access.

Environmental Review

The DTSC served as the Lead Agency under CEQA and prepared a Mitigated Negative Declaration (MND) (see Attachment 4) for the project. The Planning Commission can rely on the MND that has been prepared for this project when considering the permit request for the Coastal Development Permit. Special Condition 1 requires that all of the mitigation measures of the MND are implemented.

PLANNING COMMISSION ACTION

1. Hold a hearing on the CDP 8-15, close the hearing, deliberate, and consider: 1) approving the Mitigated Negative Declaration; and 2) approval of Coastal Development Permit 8-15 based on the findings and subject to the conditions cited.

ALTERNATIVE ACTION

2. Hold a hearing, close the hearing, deliberate without a decision, provide direction to staff and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.

3. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Commission may then deliberate and make a decision.

RECOMMENDATION

1. **Staff recommends certification of the Mitigated Negative Declaration and approval of CDP 8-15 for the implementation of the Remedial Action Plan for Operable Units C and D of the Georgia-Pacific Mill Site, based on the findings and subject to the conditions cited below:**

FINDINGS

1. The remediation of 11 Areas of Interest is necessary to eliminate safety concerns stemming from past contamination on the Mill Site. The remediation will remove a condition of blight on the property;
2. The proposed project is consistent with the purpose and intent of the Timber Resources Industrial (IT), as well as all other applicable provisions of Title 17 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;
3. The proposed project is in conformity with the certified Local Coastal Program (LCP);
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;
5. As proposed, the development will not have any unmitigated adverse impacts to any known historical, archaeological or paleontological resource;
6. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act as provided by a Mitigated Negative Declaration that has been prepared for the project; and
7. The proposed development is in conformity with the public access and public recreation policies of the LCP and Chapter 3 of the California Coastal Act.

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;

4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development; and
10. Supplemental findings for projects located between the first public road and the sea required by Section 17.56.070 of this Development Code.

SPECIAL CONDITIONS

1. The applicant shall implement all Mitigation Measures identified in the MND for this project as required by CEQA.
2. The applicant shall backfill the 3.1 acres of excavated areas with soil that has at least 10% organic content. The applicant shall hydro seed or broadcast seed by hand following with a 1-2" layer of rice straw mulch across the 3.1+/- acres summed remediation areas after October 1st and before November 1st to reduce bird predation of the seed and insure sufficient seed for effective revegetation of these areas with California native plants. The revegetation must be successful yielding germination and vegetative cover across $\geq 80\%$ of the 3.1+/- acres.
3. The following Best Management Practices to control, reduce or prevent discharge of pollutants from remediation and grading activities and material handling activities shall be utilized throughout project implementation:
 - a. Material and products will be stored in manufacturer's original containers.
 - b. Storage areas will be neat and orderly to facilitate inspection.
 - c. Check all equipment for leaks and repair leaking equipment promptly.
 - d. Perform major maintenance, repairs, and washing of equipment away from site.
 - e. Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
 - f. Clean up all spills and leaks using dry methods (absorbent materials/rags).
 - g. Dry sweep dirt from paved surfaces for general clean-up.
 - h. Train employees in using these BMPs.
 - i. Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
 - j. Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
 - k. Shovel or vacuum saw-cut slurry and remove from the site.
 - l. Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
 - m. Schedule demolition work for dry weather periods.
 - n. Avoid over-application by water trucks for dust control.
 - o. Cover stockpiles and other construction materials with heavy duty plastic secured and weighted on all sides to maintain cover from wind and rain even in high wind conditions. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms.
4. Prior to issuance of demolition permits, the applicant shall secure a Facility Wide Dust Control Permit from the Mendocino County Air Quality Management District. All demolition activities shall be conducted in accordance with the requirements of the permit. Particles

generated in the remediation process will be minimized via dust suppression control. The applicant shall comply with the air quality mitigation measures required in the MND, which include but are not limited to the following:

- a. Grading activities shall cease if sustained wind speeds exceed 15mph and or gusts reach or exceed 25 mph.
- b. Vehicles will travel at not more than 15 mph.
- c. Water shall be applied roads to minimize dust during grading.
- d. Disturbed areas shall be sprayed with water at the end of each work period to form a thin crust.

STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the Coastal Commission's receipt of the Notice of Final Action unless an appeal to the Coastal Commission is filed pursuant to Chapter 17.61.063 and 17.92.040. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
3. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this approval.
4. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

DISTRIBUTION

Tom Lanphar, DTSC

Bob Merrill, Coastal Commission

ATTACHMENTS

1. Attachment 1: Figure 1- Summary of OUC & D Proposed Remedial Actions: Hot Spot removals, Soil and Soil Vapor Land Use Controls.
2. Attachment 2: Figure 2- Summary of OUC & D RAP Proposed Remedial Actions: Hot Spot removals, Soil and Soil Vapor Land Use Controls on an Aerial Photo.
3. Attachment 3: Figure 3- Proposed Remedial Measures and ESHA Locations
4. Attachment 4: Mitigated Negative Declaration for OUC & D RAP
5. Attachment 5: Site Photos
6. Attachment 6: Remedial Action Plan (RAP) for Operable Units C and D (OUC & D)