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Memorandum

To: Marie Jones, Community Development Director,
City of Fort Bragg

From: Glenn Young, PG, LEED AP
Senior Project Manager

Subject: DTSC Comfort Letter for Portion of Coastal Trail

Date: December 7, 2016

CC: Linda Ruffing, City Manager, City of Fort Bragg

Project No.: 242327



Based on recent updates from the Department of Toxic Substances Control (DTSC), we understand that remedial actions proposed for the OU-C, OU-D, and OU-E areas per the Draft Remedial Action Workplan (RAW) will be delayed until 2017. Accordingly, DTSC cannot issue a No Further Action letter this year as previously planned. Therefore, the City of Fort Bragg and the State Coastal Conservancy (Conservancy) are contemplating an alternative approval method to allow transfer of the middle section of the Coastal Trail such that allocated Proposition 84 grant monies can be used to complete a portion of the trail prior to completion of the RAW. TRC has reviewed the Coastal Trail Phase II map provided by the City and been assured that that the portion of the middle Coastal Trail being considered for transfer at this time does not include the trail along the coastal bluff near the crib wall and the Pond 8 outfall, the "Beach Berm", or the earthen embankment along the northern side of Pond 8.

DTSC has indicated that they are willing to issue a "Comfort Letter" to assist in this process and that the DTSC's Comfort Letter will indicate that the portion of land to be transferred for the trail is clean enough for the passive recreational activities contemplated for the trail (hikers and trail maintenance workers). The Comfort Letter will also indicate that a land use covenant that limits the land use to passive recreational use will be issued upon completion of the OU-E Remedial Action Plan (RAP).

While Comfort Letters are not final decision documents, the use of Comfort Letters is a fairly common mechanism to document the DTSC's intent for the purpose of facilitating property transfer in advance of completing certain measures. Taking possession of the land is ultimately a risk management decision for the City and Conservancy. However, given that the Site has been fully investigated with DTSC oversight throughout, that no remedial action is required for the middle section of the Coastal Trail, and that the closest area subject to remedial action is the Kiln Area of Interest (AOI), which has elevated petroleum hydrocarbon concentrations in surface soil and is located approximately 125 feet from the proposed trail alignment, TRC considers the use of a Comfort Letter a reasonable approach and that taking possession of the middle Coastal Trail land does not present undue risk to the City once it takes possession. TRC also recommends that the City install fencing with signage to prevent access by the general public to the remainder of OU-C, OU-D, and OU-E.