

CALIFORNIA COASTAL COMMISSION

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W11a

MEMORANDUM

Date: April 3, 2025

To: Commissioners and Interested Persons

From: North Coast District Staff

Subject: Addendum for the Commission Meeting for Wednesday, April 9, 2025
Item W11a, City of Fort Bragg LCP Amendment No. LCP-1-FTB-24-0047-1 (Millsite Planning Area C Redesignation/Rezone)

This addendum supplements and makes minor corrections to the findings of the March 20, 2025 staff recommendation for the above-referenced item. The new added findings address ESHA and water quality protection and the issue of legacy contamination on the Mill Site. Staff continues to recommend that upon completion of the public hearing, the Commission: (1) certify the Land Use Plan (LUP) portion of the LCP amendment as submitted; (2) reject the Implementation Plan (IP) portion of LCP amendment as submitted; and (3) certify the IP portion of the LCP amendment if modified in accordance with the suggested changes set forth in the staff report of March 20, 2025, as modified and supplemented by this addendum.

Recommended Changes to the Findings:

- A. Exhibits: Add new Exhibit 7 (attached).
- B. Page 7: Correct the incorrect reference to the City of Trinidad LCP in Finding IV-A (Procedural Issues) in the last paragraph on page 7.
- C. Pages 11-12: Add to the list of "Applicable Coastal Act Policies" of Finding VI-A (Findings for Approval of the LUP Amendment As Submitted) citations to Coastal Act sections 30230, 30231, 30232, and 30240.
- D. Page 22: Add the following new section of findings regarding water quality and ESHA to the consistency analysis discussion of Finding VI-A (Findings for Approval of the LUP Amendment As Submitted) after the end of the "Adequacy of Services" discussion and before the "Visual Resources" discussion:

Water Quality & Environmentally Sensitive Habitats

As previously discussed, LUP policy LU-7.2 requires that redesignation/rezoning any part of the Mill Site must be undertaken pursuant to a comprehensive community-based planning process and must address consistency of the new land use designations with the policies of the Coastal Act and the City's LCP. The Mill Site has several known areas of wetlands, streams, and environmentally sensitive habitats, including, but not limited to, populations of rare plants and sensitive natural communities, wetlands, former industrial ponds with ecological habitat value, and sensitive bird nesting habitat areas. The existing certified LCP includes policies similar to Coastal Act sections 30230, 30231, 30232, 30233, and 30240 as well as more specific policies and standards related to ESHA buffer requirements, mitigation measures and best management practices for work in and around coastal wetlands and waters, and stormwater management requirements.

Coastal access, recreation, and nature preserve uses are permitted uses under the PR and PF designations proposed for the City and Noyo Center lands, and these lower intensity uses are better aligned with water quality and protection of ESHA and sensitive resources than higher intensity uses that typically occur on IT lands. As previously discussed, the lands proposed to be redesignated already are partially developed with (1) the City's coastal trail and park uses for proposed PR lands; (2) the Noyo Center's interpretive center for PF lands (and a soon-to-be developed science center, which, through the permitting and environmental review process, has demonstrated feasibility for site development consistent with the LCP); and (3) with multiple residential units on RM lands that have been developed with residential uses since the 1950s. The proposed LCP amendment will not modify any LCP policies or standards related to the protection of marine resources, the biological productivity and quality of coastal waters and streams, the protection of wetlands and estuaries, or the protection of ESHA. These policies and regulations will be utilized when considering future CDPs for future development on the lands within Plan Area C after redesignating and rezoning.

An important issue of consideration for Mill Site planning that relates to the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and the protection of human health is the issue of legacy contamination on some parts of the Mill Site related to its past industrial use. According to the description of the Mill Site on the state Department of Toxic Substances Control's (DTSC's) website:¹

Historically the site was part of the Union Lumber Company (ULC), which began sawmill operations at the site in 1885. Georgia-Pacific acquired the site in 1973 and ceased lumber operations on August 8, 2002. The lumber mill used wood waste to operate a co-generation facility and the operation of this facility, and the overall Mill Site operations resulted in the following types of contamination:

1. Polycyclic Aromatic Hydrocarbons (PAHs) which are formed when material like oil, fuel, or even foods are not completely burned; and

¹ See https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=23240008.

2. Total petroleum hydrocarbons (TPH); and
3. Dioxins which were formed from the burning of construction debris and slat soaked wood waste from mill site operations; and
4. Polychlorinated biphenyls (PCBs), which were released when transformers were stored/disassembled on the site; and
5. Heavy metals.

In 2006, DTSC issued an Order for the Mill Site, naming Georgia-Pacific as the Responsible Party (Mendocino Railway and Sierra Northern Railway, the current property owners of most of the Mill Site, were added by DTSC as respondents to the remediation order in June of 2022 and December of 2024). Soil, groundwater, offshore ocean and cave water, and air samples were collected in 2007 and 2008 as part of the remedial investigation required by DTSC. By this time, the City had been in negotiations with GP to acquire land for the development of a coastal trail and park along over 3 miles of coastline along the western portion of the Mill Site.

To differentiate between areas with different land use histories, contamination issues, and remediation requirements across the Mill Site, DTSC has divided the Mill Site into five areas referred to as Operable Units (OU) A, B, C, D, and E (Exhibit 7). As mapped on proposed LUP Map LU-4 (Exhibit 2), the boundaries of proposed Plan Area C span multiple OUs. The City's coastal restoration and park lands primarily overlap with OU-A, with a portion of City lands (about a mile-long segment of trail) also winding through OU-E and a narrow strip (along the airstrip/Jere Melo Way) overlapping with OU-D. The Sherwood Valley Band of Pomo Indian's lands are categorized as part of OU-B, and the Noyo Center's lands fall within OU-D. Following is a summary of the status of remediation efforts to date in each area and how this relates to past and future planning efforts. In sum, the changes to (1) the number of planning subareas (from two to three), (2) the plan area configurations proposed in revised Map LU-4, and (3) the proposed redesignation of Plan Area C lands from IT to PR, PF, and RM, are compatible with the ongoing and future comprehensive planning process(es) for the Mill Site and with ongoing and future remediation actions on the Mill Site as may be required by DTSC.

OU-A

According to information from DTSC, site investigations determined that fly ash generated in the mill's onsite electrical generation facility had been disposed of in several locations in OU-A. These disposal locations were found to be contaminated with dioxins. In 2008 GP submitted a proposed Remedial Action Plan (RAP) to DTSC for OU-A, which included the lands that were planned to be sold to the City for its coastal restoration and trail project (at that time divided into north and south parkland areas). The purpose of the RAP was to remediate areas to a level suitable for passive recreation. The RAP called for removal of all dioxin-contaminated soils from locations in OU-A where contaminated soils were found to occur and disposal of material either at an offsite landfill or in a 1.5-acre consolidation cell to be located in an area further inland on the southern portion of the Mill Site. Soils from the contaminated areas were excavated in 2009, and some were disposed of offsite in a permitted landfill while others

were placed in a consolidation cell constructed in 2009 in an area otherwise mapped as OU-D.² DTSC provided a letter of completion of remediation for OU-A (except for the consolidation cell area) in 2012 certifying that remediation was successfully completed through the removal, treatment, and/or capping of contaminated material/soils (approximately 25,600 cubic yards of soils contaminated with petroleum hydrocarbons, such as diesel and motor oil, were treated using in-situ bioremediation and reused onsite). Some areas of land that were transferred by GP to the City did not require remediation, because these areas had contamination levels below those requiring compliance with unrestricted use.

DTSC has imposed land use restrictions on some parts of OU-A that limit development and prohibit residential, schools, and other sensitive land uses (e.g., hospitals and day care centers). The City completes inspections and reports to DTSC annually on the status and compliance of its coastal trail and park uses to the land use covenant. Given that sensitive land uses are not allowed under the proposed PR designation (Appendix B), and recreational uses are allowed under both the PR designation and under DTSC's land use covenant, the proposed redesignation of the City's lands within OU-A from IT to PR is appropriate.

OU-B

DTSC has determined OU-B consists of non-industrial areas with no known contamination issues (see "Offsite Non-Industrial" on Exhibit 7). The land owned by Sherwood Valley Band of Pomo Indians is part of OU-B where DTSC has determined that no further investigations or actions are necessary. Redesignating this land to RM as proposed is consistent with the site history and DTSC's determination.

OU-C and D

DTSC approved a RAP for OU-C and D in 2015. OU-C is a 114-acre area that currently and as proposed falls primarily within Plan Area A as mapped on Map LU-4, with a small section on its southeastern end crossing into Plan Area B. OU-D is an approximately 168-acre area that currently and as proposed falls mostly within Plan Area B as mapped on Map LU-4, with a narrow strip along Jere Melo Way falling within proposed Plan Area C. The approved remedial actions for OU-C and D to date have included soil excavation and off-site disposal, mitigation of soil vapor, natural attenuation of groundwater with long-term monitoring, and restrictions on the use of land, soil, and groundwater in areas where contaminants were above levels acceptable

² Approximately 12,100 cubic yards of dioxin-containing materials excavated from OU-A were consolidated and capped in a 1.5-acre consolidation cell constructed in OU-D in 2009. However, in September of 2011, the Commission (consistent with DTSC approval) approved the removal of the consolidation cell (see CDP Amendment No. A-1-FTB-05-053-A9), which did not function as planned due to excess water accumulation. Although improvements to the drainage and covering were attempted, ultimately, due to uncertainty of its effectiveness and higher than anticipated costs, GP elected to remove the consolidation cell and transport all contaminated soils offsite for disposal.

for unrestricted use.³ On June 30, 2020, DTSC certified that the required removal/remedial actions were completed. There are two land use covenants for portions of OU-D that restrict the use of land and groundwater, and portions of OU-D require ongoing operation and maintenance (O&M) and monitoring. DTSC provided partial certification of the OU-C remedial action, with a land use covenant restricting the use of soil and groundwater in some areas and ongoing O&M and monitoring required in certain areas.

The 11-acre Noyo Center property that overlaps with OU-D as mapped in Exhibit 7 was historically part of a log deck where cut timber was stacked prior to being milled. No remediation was required for the Noyo Center's parcel, because no contamination requiring remediation was identified in this area of OU-D. Similarly, no monitoring or remediation actions are required for the narrow strip of City-owned land within OU-D (along Jere Melo Way) which, as proposed, will be part of Plan Area C.

In 2019 and 2020, excess graded materials from the permitted wastewater treatment facility upgrade project were placed on the Noyo Center's property and seeded with a native plant seed mix. Additionally, a recent biological study of the property completed in support of the planned science center project on the site determined that the site could be developed consistent with LCP requirements for protection of wetlands, water quality, and ESHA. Thus, redesignating a portion of OU-D lands to PF (Noyo Center's) and PR (City's) as proposed is consistent with the site history and DTSC's final determinations for each area.

OU-E

OU-E consists of approximately 12 acres of man-made ponds and seasonal wetland areas (called Ponds 1 through 9 and North Pond) and 45 terrestrial acres divided into eight areas of interest (AOIs). On the current and proposed LU-4 maps (Exhibit 2), OU-E falls entirely within Plan Area B. A Feasibility Study for OU-E was prepared in 2019⁴ that addresses soil and groundwater in terrestrial AOIs and sediment in the aquatic (pond) AOIs. The Feasibility Study describes the land use history of OU-E in part as:

Industrial features in OU-E were related to power production, milling of timber, water treatment, management of fly ash, and fuel storage. The ponds were constructed for operational purposes, including management of wastewater from site operations, providing a source of water for firefighting, and use as a log pond. Pond 8 was constructed during the initial development of the Mill Site around 1885 as the log pond. Based on aerial photos, the earliest documented size of Pond 8 was approximately 13.23 acres, and minimal changes in pond size occurred until after 1966 when several fill operations occurred. Pond 8 is currently approximately 7.24 acres.

³ See https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=23240008&enforcement_id=60512734.

⁴ Kennedy/Jenks Consultants, September 12, 2019: https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=23240008&doc_id=60416830.

Most industrial features within OU-E have been removed, the area is currently vacant, there are no active structures or uses in the terrestrial area, and the primary use of the pond areas, specifically Pond 8, is to provide stormwater management for the City prior to discharge to the ocean.

As mentioned above, there is an approximately mile-long portion of the City's land within proposed Plan Area C as shown on Map LU-4 that comprises a narrow winding strip developed with the existing coastal trail. As proposed, this area of Plan Area C, which begins at the north end of the wastewater treatment facility, follows the alignment of the northwestern boundary of OU-D before turning north to bisect OU-E then turning west along the boundary between OU-E and OU-C to connect back with OU-A (see Exhibits 2 and 7). This configuration results in this narrow, winding portion of Plan Area C bisecting Plan Area B into two disjunct segments. The reason that the trail winds inland as it does and then back westward is due to the presence of Ponds 6, 7, and 8 and North Pond and the ongoing remediation needed in these areas. These ponds will be located as proposed within the smaller segment of Plan Area B.

Several years prior to development of this middle segment of the coastal trail (developed in 2015), interim remedial actions were taken within OU-E (and OU-C) to remove "hot spot" areas (former shops, sheds, and dump areas) that were identified as having elevated levels of dioxins, arsenic, lead, total petroleum hydrocarbons and/or other toxins of concern. Low levels of dioxin and certain other constituents of concern remain in some of these areas, including Pond 8. Prior to development of this trail segment, an EIR was completed that determined that the coastal trail project and its associated passive recreational use through this area would pose no significant human health exposure risk. DTSC agreed with this determination. A fence was installed between the coastal trail and ponds, and appropriate warning signage is posted and required to be maintained by the responsible party.

The feasibility study considered various remedial alternatives for additional remedial actions in OU-E for groundwater, and the southern industrial ponds (Ponds 1, 2, 3, and 4, which are in a disjunct "donut hole" area of OU-E surrounded by OU-D), and Ponds 6, 7, 8, North Pond. In December of 2022, DTSC directed Mendocino Railway to submit an addendum to the feasibility study that further evaluates potential remedies that would avoid coastal armoring and other potential significant environmental impacts. The addendum preparation is in process. DTSC has stated that it will not begin a formal public review period for the additional OU-E remedial actions until after the City (as the lead agency) completes the draft EIR for Mendocino Railway's proposed Mill Pond Dam Repair Project. However, the DTSC Order requires the property owner/respondent to engage with the public to obtain feedback on the draft RAP prior to that time.⁵

The proposed alignment and configuration of Plan Area C, including the proposed alignment of the middle segment that will bisect Plan Area B and OU-E, will not hinder

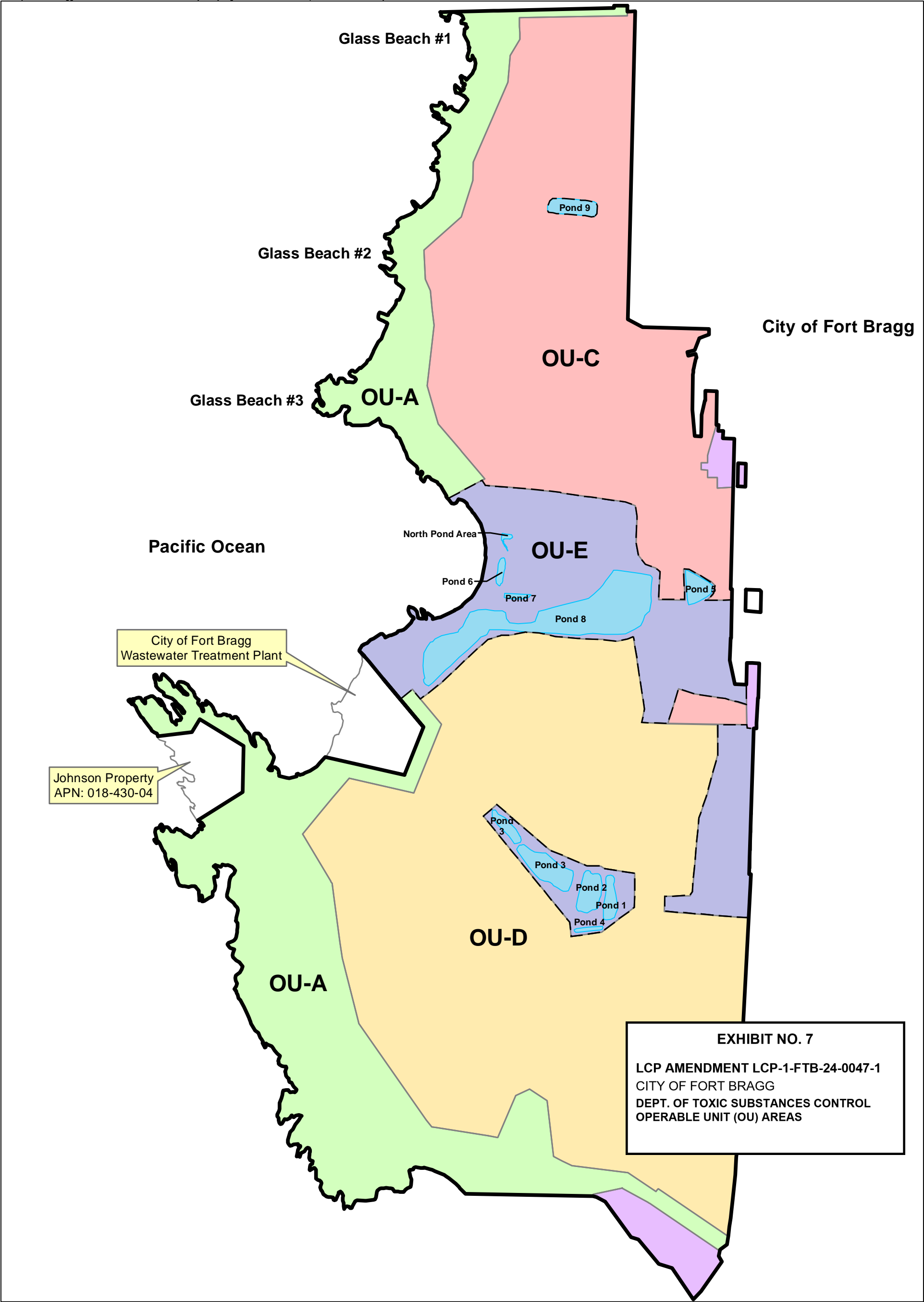
⁵ See

https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=23240008&enforcement_id=60542615.

ongoing or future remediation actions directed by DTSC in OU-E (or other OUs), because there are no LCP restrictions on development bisecting planning subarea boundaries as mapped on Map LU-4. Though the comprehensive community-based planning process(es) for lands primarily owned by Mendocino Railway within Plan Areas A and B is still in process, the lands of OU-E around Ponds 6, 7, 8 and North Pond to date have been considered for designation as nature preserve, restoration, open space, and/or stormwater management uses. If such uses ultimately are agreed upon through the comprehensive community-based planning process, reclassifying the land with the middle segment of the City's trail system as Plan Area C as proposed in a manner that bisects Plan Area B and OU-E is compatible with a future planning scenario that restricts this area to open space/recreation uses and would be permissible under LUP Policy OS-15.3. This policy addresses "Trails in Open Space" as follows: *"Wherever feasible, plan and construct trails through the greenbelts and open space that connect to the City's trail system..."* This middle segment of coastal trail is a key through-connector trail between other trail segments to the north and south that provide significant public access and recreational opportunities.

Conclusion

Thus, for the reasons discussed above, the Commission finds that the proposed reconfiguration of planning subareas from two areas to three areas as shown on proposed Map LU-4, and the proposed redesignation of lands within proposed Plan Area C to PR, PF, and RM, are compatible with ongoing comprehensive community-based planning on the Mill Site and with ongoing and future remedial action requirements of DTSC where applicable. Furthermore, the Commission finds that any future redevelopment within proposed Plan Area C and on properties proposed for redesignation under this LCP amendment can be accomplished in a manner that protects water quality, marine resources, wetlands, and ESHA consistent with the requirements of the Coastal Act and the certified LCP.



Legend

Site Boundary

Pond

OPERABLE UNITS

OU-A

"OFFSITE" NON-INDUSTRIAL (OU-B)

NORTHERN (OU-C)

SOUTHERN (OU-D)

CENTRAL/AQUATIC (OU-E)

Abbreviation:
OU = Operable Unit

N

0300600

Scale: Feet

Kennedy/Jenks Consultants
Former Georgia-Pacific Wood Products Facility
Feasibility Study Operable Unit E
Fort Bragg, California

Operable Units Location Map

1665018*16
Figure 1-2