

MENDOCINO RAILWAY

Foot of Laurel Street
Fort Bragg, California 95437

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16 January 2024

Morgan Bigelow
Department of Toxic Substances Control
700 Heinz Avenue, Suite 100
Berkeley, California 94710

Subject: Review of Recommended Alternative for Mill Pond 8 as a Permittable Project under LCP
Former Georgia-Pacific Wood Products Facility (Site Code: 202276)
KJ 1965021*21

Dear Ms. Bigelow:

This letter provides a summary of the overall recommended alternative for proposed improvements to address California Division of Safety of Dams (DSOD) requirements for the Mill Pond Dam and remedial actions to contain sediment to address Department of Toxic Substances Control (DTSC) requirements for Pond 8 (the Mill Pond) at the former Georgia-Pacific Wood Products Facility (Site; also known as the "Mill Site") and information related to permitting the recommended alternative under the City of Fort Bragg's (City's) Local Coastal Program (LCP). The proposed recommended alternative includes three elements:

Construct Cutoff Wall: The proposed cutoff wall will hydraulically divide Pond 8 into two smaller ponds that are operated independently and meet the DSOD criteria for non-jurisdictional dams.

Complete Ground Improvements and Construct Earthfill Buttress: The proposed northern dam section modifications will improve the seismic stability of the eastern portion of the Mill Pond Dam, also referenced as the north berm, by mitigating liquefaction hazard identified in embankment and foundation soils and providing additional buttressing to reduce deformations during strong ground shaking.

Construct Rock Slope Protection (RSP) Buttress: The proposed RSP buttress on the downstream side of the crib wall section of the dam will improve seismic stability of the portion of the dam which is currently supported with timber cribbing to the south of and adjacent to the existing spillway. The RSP buttress will also protect the downstream dam slope from wave run-up and surface erosion. The downstream toe of the southern portion of the dam is landward of the mean high tide line and falls under the permitting authority of the LCP. The RSP is adjacent to the beach; its design will, therefore, accommodate tidal, tsunami, and sea level rise considerations.

It is our understanding that the California Coastal Commission (CCC) has concerns regarding the RSP portion of the proposed project and whether the RSP is permittable due to restrictions on development on bluff faces and construction of seawalls, revetments, retaining walls, and other structures altering the natural shoreline processes that are included in the LCP. Note that the RSP is designed to be

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placed entirely above the mean high tide line where the LCP applies exclusively, whether under review by the City or on appeal to the CCC.

As stated in our 6 September 2023 letter to DTSC, the City, in coordination with the CCC, previously reviewed the alternatives considered in the Operable Unit E (OU-E) Feasibility Study (FS) (Kennedy Jenks 2019) against the City's LCP regulations and provided feedback in a letter dated 25 September 2018 (City 2018). In the letter, the City stated that alternatives including excavation and disposal, institutional controls at Pond 8 (the recommended alternative), vegetative sediment cover, and hot spot removal could be found to comply with the policies of the Coastal General Plan pending additional studies and a detailed project description. This information was provided in the Coastal Development Permit (CDP) application provided to the CCC on 13 July 2022 (CDP 9-22) and subsequent submittals (Kennedy Jenks 2023). Specific LCP policies that demonstrate the proposed project is permissible are highlighted in the following sections.

Remediation

Community Design Element 1.7 (Policy CD-1.7) from the Coastal General Plan (CGP; City 2008) lists hazardous materials remediation as allowable development with a conditional use permit for development on the bluff face and within the bluff retreat setback where there is no feasible less environmentally damaging alternative, feasible mitigation measures have been provided to minimize all adverse environmental impacts, and allowable structures are designed to be visually compatible with the surrounding area to the maximum extent feasible.

Safety Element 1.9 (Policy SF-1.9) from the CGP also lists hazardous materials remediation as allowable development with a conditional use permit for development on the bluff face and within the bluff retreat setback, if it is found that no feasible, less environmentally damaging, alternative is available and that feasible mitigation measures have been provided to minimize all adverse environmental impacts.

As stated in our 6 September 2023 letter to DTSC, project alternatives that included such hybrid alternatives such as vegetative soil cover over Pond 8 and in-situ sediment stabilization were identified, per the City's 2018 letter, as not following Coastal General Plan Policies and would not be able to secure a CDP. As is described in the City's letter, the OU-E FS, and the Draft OU-E Remedial Action Plan (RAP; Kennedy Jenks 2020), the other evaluated alternatives are associated with impacts that outweigh their potential benefits when compared to the recommended alternative (for example: greater disruption of wetlands and areas with potential cultural resources than the recommended alternative; significantly greater transportation and disposal costs [including financial, environmental impact, greenhouse gas emissions, and potential impact to communities near the disposal landfill]). Potential environmental impacts and mitigation measures will be evaluated through the CEQA process.

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Existing Structure

Safety Element 1.10 (Policy SF-1.10) from the Coastal General Plan allows for the construction of seawalls, breakwaters, revetments, groins, harbor channels, retaining walls, and other structures altering the natural shoreline processes if finding is made that such structures are required to protect existing structures that were legally constructed prior to the effective date of the Coastal Act. In Table 1 of the City's 2018 letter the City indicates: "The finding for construction of 'retaining walls' for the South Dam and North Wall as required by Policy SF 1.1 can be made: (3) the proposed project would protect a structure (dam and Mill Pond) that was legally constructed prior to the effective date of the Coastal Act."

The Mill Pond Dam is an existing structure that was legally constructed prior to the effective date of the Coastal Act, and the City has approved development projects in the past in order to protect the Mill Pond Dam. For example, a maintenance project was conducted in 2011 at the Mill Pond Dam. Maintenance tasks included filling crevices and voids in the dam wall beneath the spillway and overflow structures with shotcrete, filling voids within the timber crib wall with flowable concrete fill, and installation of articulating block concrete mats (AB Mats) and rip rap at the toe of the dam to minimize erosion and scour. Permitting for this project included an Emergency CDP issued by the City of Fort Bragg Community Development Department on 14 September 2010 in coordination with the CCC (File Number Emergency Permit 3-10). Issuance of this permit confirms prior agency agreement that development, including placement of rip rap, concrete structures, concrete infill, and spray-applied shotcrete, are an allowable activity for protection of the existing Mill Pond Dam.

The project proposed in the CDP 9-22 application has been demonstrated to be permissible under the City's LCP. Mendocino Railway seeks to move forward with the CEQA process to review the proposed project.

Very truly yours,
Mendocino Railway



Mike Buck
Project Manager

References

City. 2008. Fort Bragg Coastal General Plan. July.

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City. 2018. Letter from Marie Jones, City of Fort Bragg, to Mr. Tom Lanphar, DTSC, RE: City of Fort Bragg Relevant and Appropriate Requirements from the City's Local Coastal Program for Utilization by DTSC in its Consideration of Remedial Evaluation and Decision Making for Pond Sediment at the Former Georgia-Pacific Mill Site, Fort Bragg, California. 25 September.

Kennedy Jenks. 2019. Final Feasibility Study, Operable Unit E, Former Georgia-Pacific Wood Products Facility, Fort Bragg, California. 12 September.

Kennedy Jenks. 2020. Draft Remedial Action Plan, Operable Unit E, Former Georgia-Pacific Wood Products Facility, Fort Bragg, California. 14 October.

Kennedy Jenks. 2023. Email from Jeremie Maehr, Kennedy Jenks, to Sarah McCormick, City of Fort Bragg, RE: Coastal Development Permit Application Completeness View. 30 January.

cc: Kim Walsh, DTSC
Sarah McCormick, City of Fort Bragg
Robert Pinoli, Mendocino Railway
Jeremie Maehr, Kennedy Jenks
Rachel Morgan, Kennedy Jenks
