

RESOLUTION NO. 2893-2005

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AFFIRMING, IN PART, THE AUGUST 10, 2005 PLANNING COMMISSION DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT #3-04 AND ADOPTING REVISED CONDITIONS OF APPROVAL

WHEREAS, Georgia-Pacific Corporation submitted an application to the City of Fort Bragg for a coastal development permit to authorized activities in conjunction with the proposed Georgia-Pacific Mill Site Foundation Removal, Additional Investigation, and Interim Remedial Measures project; and

WHEREAS, a draft Mitigated Negative Declaration was completed for the project in compliance with CEQA and the CEQA Guidelines; and

WHEREAS, on August 10, 2005, the Fort Bragg Planning Commission conducted a public hearing and adopted the Mitigated Negative Declaration for the coastal development permit for the Georgia-Pacific Mill Site Foundation Removal, Additional Investigation, and Interim Remedial Measures project and approved Coastal Development Permit #3-04, authorizing the activity; and

WHEREAS, North Coast Action and Sierra Club/Mendocino Group submitted a timely appeal to the City Council, requesting that the Planning Commission's decision to Coastal Development Permit #3-04 be overturned and that Coastal Development Permit #3-04 be denied; and

WHEREAS, there are seven specific issues that are being appealed by North Coast Action and Sierra Club/Mendocino Group and those issues are outlined in the City Council's Agenda Item Summary Report; and

WHEREAS, on October 11, 2005, the Fort Bragg City Council conducted a duly-noticed public hearing on the appeal, at which time the Council considered the application of Georgia-Pacific for a coastal development permit, the appeal submitted by North Coast Action and Sierra Club/Mendocino Group, the record of the Planning Commission's action, all written and oral comments received during the public hearings, and all other evidence in the record; and

WHEREAS, the Council makes the following findings regarding the coastal development permit for the Georgia-Pacific Mill Site Foundation Removal, Additional Investigation, and Interim Remedial Measures project (CDP #3-04) and the requested appeal of the Planning Commission's decision:

1. The proposed project is consistent with the intent and purpose of the Heavy Industrial and Timber Resource Industrial land use and zoning classifications. The project would not change the use or intensity of use of the Mill Site property.
2. The information and analysis in the Mitigated Negative Declaration, including the mitigation measures described in said Declaration, demonstrate that the proposed

project will not have a significant adverse effect on the environmental, specifically pertaining to the following areas:

- a. It does not have the potential to degrade the quality of the environment.
 - b. It will not achieve short-term, to the disadvantage of the long-term, environmental goals.
 - c. It will have no impacts which are individually limited but cumulatively considerable.
3. The Council has reviewed the coastal development permit application for consistency with the City's certified Local Coastal Program and has determined that the project, as conditioned, will protect coastal resources.
 4. The City does not have the jurisdiction, authority, or expertise to directly oversee the site assessment and remediation work. The Regional Water Quality Control Board (RWQCB) is the lead agency for the environmental remediation project and has primary responsibility for ensuring that the work conforms to state and federal regulations to protect the environment and public health.
 5. The proposed use of interim remedial measures in conjunction with the site assessment will allow for visual observations and field measurements that could not otherwise be completed by core sampling through the foundation, and that are necessary to facilitate completion of a thorough characterization of contamination on the Mill Site.
 6. The proposed interim remedial measures are responsive temporary measures that are intended to prevent the potential spread of contamination. All of the areas in which interim remedial measures are conducted will be included in the Remedial Action Plan (RAP) and will be subject to the clean-up goals established by the RAP.
 7. The dust control measures included in Appendix D (as revised, September 2005), combined with permitting requirements imposed by the Mendocino Air Quality Management District will reduce potential impacts associated with airborne contaminants to a level of insignificance.
 8. Measures contained in the Work Plan for Foundation Removal, Additional Investigation and Interim Remedial Measures, Addendum #1, Addendum #2, Revised Appendix D, "Excavation and Soil Management Plan," and "Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures" are sufficient to prevent potential impacts associated with waterborne contamination.
 9. The mechanisms that are in place to provide on-site inspections during the work are sufficient to ensure that the work will be conducted in accordance with all of the requirements of the approved plans.
 10. The public has had an opportunity to comment on Work Plan #1, on the coastal development permit application, and on the appeal of the coastal development permit. The public will have further opportunities to comment on the environmental remediation during the public comment period on the Remedial Action Plan.
 11. The coastal development permit is consistent with the marine resource protection policies of the City's certified Local Coastal Program (LCP). Measures contained in the

Work Plan, the Excavation and Soil Management Plan, the Stormwater Pollution Prevention Plan, the Conceptual Glass Beach 3 Mitigation and Monitoring Plan, the Conceptual Revegetation Plan, the Wetlands Delineation, and the Botanical Surveys have been included in the coastal development permit and will reduce soil erosion and potential impacts to coastal waters, marine resources and sensitive habitat due to runoff and sedimentation.

12. The proposed removal of buried debris at Glass Beaches 1 through 3 and the two geophysical anomaly areas is necessary to facilitate the transfer of title to the properties to the City of Fort Bragg for future use as parkland and for development of a coastal trail.
13. The coastal development permit is consistent with LCP policies allowing for alteration of blufftops only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided. The proposed removal of debris at the three Glass Beach areas includes recontouring, revegetation and erosion control and runoff mitigation measures.
14. The coastal development permit is consistent with the LCP policies that address the protection of environmentally sensitive habitat. Botanical surveys and wetlands surveys have been prepared by qualified professionals to evaluate potential impacts associated with the proposed work. All impacts have either been avoided or are addressed through the Conceptual Glass Beach 3 Mitigation and Monitoring Program (Sholars, 2004) and the Conceptual Revegetation Plan (Circuit Rider Productions, 2004).
15. The project would not adversely affect coastal views or aesthetic resources in the coastal zone. Site disturbances due to excavation and grading would be redressed through recontouring and revegetation.
16. The project would have no effect on any existing or potential prescriptive public access to the coast and would not result in increased demands for public access facilities.
17. The project, as conditioned, will not adversely affect cultural resources.
18. The project site has wildlife habitat value and is therefore subject to payment of fees under Fish and Game Code Section 711.2.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby affirm the Planning Commission's decision of August 10, 2005 to approve Coastal Development Permit #3-04 for the Georgia-Pacific Mill Site Foundation Removal, Additional Investigation, and Interim Remedial Measures project, in part, subject to the following revised conditions. (Note: Underlined text indicates revisions to conditions. Duplicated conditions approved by the Planning Commission have been eliminated)

SPECIAL CONDITIONS

1. No activities authorized by the Coastal Development Permit may commence unless and until the Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures, as amended, receives final approval from the North Coast Regional Water Quality Control Board.

2. All activities undertaken in compliance with this Coastal Development Permit shall comply with all recommendations, mitigations and conditions included in the Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures (March 2005) and the following documents:
 - Addendum #1 to Work Plan (May 2005)
 - Addendum #2 to Work Plan (August 2005)
 - Revised Appendix D for Work Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures (“Excavation and Soil Management Plan”) (September 2005)
 - Stormwater Pollution Prevention Plan for Foundation Removal, Additional Investigation, and Interim Remedial Measures (“SWPPP”) (September 2005)
 - Conceptual Glass Beach 3 Mitigation and Monitoring Plan (September 2005)
 - Conceptual Revegetation Plan (September 2005)
 - Geophysical Investigation of Parcels 3 and 10 of the Former Georgia-Pacific Sawmill Site (September 2004)
 - Asbestos and Lead-Based Paint Inspection Report (February 2003)
 - Storm Water Pollution Prevention Plan (July 2003)
 - Engineering Geologic Reconnaissance Report (September 2004)
 - Jurisdictional Determination and Habitat Assessment (August 2003)
 - Jurisdictional Waters and Wetlands Delineation (August 2004)
 - Botanical Field Survey of Some of the Bluff Areas at the GP Mill Site (June 2005)
 - Late Season Botanical Survey for the GP Mill Site Bluffs (August 2005)
 - Site Specific Treatment Plan for Cultural Resources
3. Excavations made for foundation removal, removal of geophysical anomalies, or IRMs will be graded and /or backfilled with clean imported soil to mitigate physical hazards and to prevent ponding of water during rainfall. Backfill materials will be obtained from a local borrow source. (Work Plan, Appendix D)
4. Excavations at the beach areas near the top of the bluffs will extend down to naturally occurring soils or existing bedrock in an effort to restore the areas to conditions prior to debris placement or as close as practical to this state. (Work Plan, Appendix D)
5. Following completion of the remedial activities, all areas that are excavated or otherwise left with exposed soils shall be revegetated with native plant species in accordance with Fort Bragg Land Use & Development Code (LUDC) Section 18.62.070. Revegetation of disturbed areas in Glass Beaches 1 through 3 and in the geophysical survey areas of Parcels 3 and 10 shall be performed in accordance with the Conceptual Revegetation Plan prepared by Circuit Rider Productions, Inc. (September 2005). Prior to issuance of grading permits for the demolition/excavation work, G-P shall submit a revegetation plan for the review and approval of the City Engineer and Community Development Director for all other areas in which excavation may occur. G-P shall provide irrigation, maintenance and replacement of revegetated areas, as needed, to ensure the long-term viability of the plants.

6. A permit from the Mendocino County Air Quality Management District for excavating and stockpiling materials will be obtained prior to foundation removal and excavation activities. (Work Plan, Section 7)
7. G-P will provide written notice to the MCAQMD of the intention to remove foundations and excavate a minimum of five days prior to initiation of field activities. The notice of excavation will include: Names and addresses of person performing and responsible for the work; site location; scheduled starting date of the excavation; quantity of soil to be excavated; estimated average organic content of the excavated soil; procedures to be employed to meet MCAQMD requirements. (Work Plan, Appendix D)
8. If asbestos materials are unearthed during site excavation, the contractor shall comply with OSHA requirements for asbestos handling, and the MCAQMD shall be notified per NESHAP requirements.
9. All work on the site shall comply with MCAQMD rules related to the permitting of portable diesel engines.
10. The requirements of existing air quality regulations will be implemented during foundation removal, excavation, and IRMs so that potential emissions of dust and contaminants from building materials and soil do not present a significant impact to human health or the environment. The Excavation and Soil Management Plan includes procedures to facilitate compliance with applicable regulations. (Work Plan, Appendix D)
11. Stockpiled soil and concrete may be wetted with water, if necessary, to suppress dust generation. In addition, stockpiled soil will be covered with plastic to suppress dust generation. (Work Plan, Appendix B). Note: Additional procedures are included in Appendix D, as revised September 2005.
12. Parking areas, staging areas, and traffic pathways on the site shall be cleaned, as necessary, to control dust emissions. Adjacent public streets shall also be cleaned, if necessary, when soil materials from the site are visible. (Work Plan, Appendix D) Note: Additional procedures are included in Appendix D, as revised September 2005.
13. Excavation activities will be suspended when winds exceed 15 miles per hour sustained (for 15 minutes) or when winds (instantaneous gusts) exceed 25 miles per hour. (Work Plan, Appendix D; SWPPP, Chapter 3)
14. Appendix D of the Work Plan establishes the following Best Management Practices to control, reduce or prevent discharge of pollutants from excavation and soil and concrete debris handling activities (Note: Additional procedures are included in Appendix D, as revised September 2005.):
 - a. Material or products will be stored in manufacturer's original containers.
 - b. Where possible storage will be under roof.
 - c. Storage areas will be neat and orderly to facilitate inspection.
 - d. Check all equipment for leaks and repair leaking equipment promptly.

- e. Perform major maintenance, repairs, and washing of equipment away from the excavation site.
 - f. Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
 - g. Clean up all spills and leaks using dry methods (absorbent materials/rags).
 - h. Dry sweep dirt from paved surfaces for general clean-up.
 - i. Train employees in using these BMPs.
 - j. Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
 - k. Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
 - l. Shovel or vacuum saw-cut slurry and remove from the site.
 - m. Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
 - n. Schedule excavation work for dry weather periods when possible.
 - o. Avoid over-application by water trucks for dust control.
 - p. Cover stockpiles and other construction materials with heavy duty plastic. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms.
15. Prior to issuance of a grading permit for the activities identified in the Work Plan, the applicant shall submit a Dust Prevention and Control Plan for the review and approval of the City Engineer in accordance with LUDC Section 18.62.02.
16. A fence shall be constructed to protect the Log Pond from erosion and siltation if it is less than 50 feet from the Powerhouse or any other location where subsurface disturbance is to occur. (Work Plan, Section 4)
17. A temporary fence shall be erected around the two industrial processing ponds located west and southwest of the Fuel Barn to prevent the encroachment of heavy equipment into the environmentally sensitive habitat areas. No equipment, materials or stockpiles shall be located within 50 feet of the ponds.
18. To the maximum extent feasible, foundation removal and IRM activities in the vicinity of the Fuel Barn and Powerhouse structures shall be staged from the north side of the structures. No materials may be stockpiled on the berm/roadway that is located between these structures and the Mill Pond and no materials may be stockpiled within 50' of the two industrial processing ponds located west and southwest of the Fuel Barn.
19. All stockpiles areas, including hazardous waste storage areas and non-hazardous soil, debris and concrete storage areas shall be clearly delineated on the grading plan and shall be located a minimum of 50' from delineated wetlands and other Environmentally Sensitive Habitat Areas. Any change in the location of storage areas after issuance of the grading permit shall require approval by the City

Engineer. Note: Additional procedures are included in Appendix D, as revised September 2005 and in the SWPPP, September 2005.

20. Prior to initiation of demolition and excavation activities in the vicinity of the Boiler Fuel Building foundation, the applicant shall have the boundary of the wetland staked by a qualified wetlands biologist. If the demolition/excavation activities will occur within 50' of the wetland, the boundary shall be fenced with temporary construction fencing. The operation of construction equipment and storage of materials and equipment shall be prohibited within the wetland area. Note: Additional procedures are included in Appendix D, as revised September 2005 and in the SWPPP, September 2005.
21. Prior to initiation of any activities involving site disturbance in the areas where the botanical survey indicated that rare plant species may be located, the applicant shall submit a "mitigation and monitoring report" for the protection of rare plants to the Department of Fish & Game (DFG) for review and approval. The report shall be developed in consultation with DFG staff. A Conceptual Glass Beach 3 Mitigation and Monitoring Plan has been prepared (September 2005). Prior to initiation of said activities, the applicant shall submit to the Community Development Department, a copy of the final report and written verification from DFG indicating their concurrence.
22. The locations of the rare plant species shall be flagged by a qualified botanist prior to issuance of the grading permit for the work. These locations shall be specified on the grading plan(s) for the work. Work shall only be permitted to occur within 100' of the outer perimeter of the rare plant populations, if such work is necessary to perform the required environmental remediation activities on the property.
23. No storage of equipment or stockpiling of materials shall be permitted within 100' of the outer perimeter of the rare plant populations.
24. If hazardous waste removal is necessary within the rare plant sites and/or the 100' buffer zones, the following measures shall be required:
 - a. The locations of rare species and work areas will be flagged by a qualified botanist and GP's environmental consultant, respectively. Following flagging, a determination will be made by the environmental consultant and the qualified botanist as to whether the proposed work can be conducted without impact to the rare species.
 - b. If rare species impact cannot be avoided, the botanist will make a determination as to whether the species will be removed for transplantation after work activities are completed.
 - c. If possible, work will be conducted after seed set at locations where rare species are identified.
 - d. The botanist will make a determination at each work location as to whether removal of the surface soil (containing the seed bank) for stockpiling is warranted. If warranted, and contingent upon analytical test results for the

presence of chemicals of potential concern, stockpiled soil containing the seed bank will be placed at the location (laterally and vertically) from which it was removed following completion of work activities. The botanist will make recommendations to increase the likelihood for survival of transplanted rare species.

- e. Following completion of remediation activities and revegetation, the botanist shall prepare a follow-up report that identifies all measures taken to protect rare plant species in each location and that evaluates the success of the mitigations in protecting and/or re-establishing the rare plant populations. The report shall be submitted to the Fort Bragg Community Development Department.

25. Within five (5) days of issuance of a Notice of Final Action by the City and prior to the filing of a Notice of Determination, the applicant shall submit the required environmental filing fee per Fish and Game Code Section 711.4(d) to the Mendocino County Clerk and shall submit evidence of payment to the Community Development Department.

26. All areas where subsurface disturbances will occur will be documented, monitored, and tested in general accordance with the Site Specific Treatment Plan for Cultural Resources prepared by TRC (2003). (Work Plan, Section 5)

27. Subsurface disturbance in areas considered to have moderate or high potential for prehistoric or historic resources will be monitored by an archaeologist and Native American representative. The following locations are identified as having moderate or high potential for prehistoric or historic resources (Work Plan, Section 5):

Location	Potential for Prehistoric Resources	Potential for Historic Resources
Former Sawmill #1	Moderate	High
Powerhouse	Moderate	High
Former Mobile Equipment Shop		High
Glass Beach #1	High	
Glass Beach #2	High	High
Glass Beach #3		Moderate
Parcel 3- Geophysical Anomalies		Moderate/High
Parcel 10- Geophysical Anomalies	Moderate/High	

28. In the event prehistoric archaeological resources (marked by shellfish remains, flaked and ground stone tools, fire affected rock, human bone, or other related materials) are unearthed during site excavation and grading activities, all work in the vicinity of the site shall cease immediately, the Community Development Department shall be notified, and the proper disposition of resources shall be accomplished as required by LUDC Section 18.50.030(D).

29. Prior to issuance of a grading permit for the foundation removal, debris removal or excavation activities, the applicant shall submit for the review of the City Engineer

copies of all required permits and approvals from the RWQCB and other responsible agencies.

30. Prior to initiation of foundation removal, debris removal or excavation activities, the applicant shall submit a grading permit application for the review and approval of the City Engineer. The grading plan shall comply with the Grading Permit Requirements established in LUDC Chapter 18.60 and shall be consistent with the Grading, Erosion, and Sediment Control Standards established in LUDC Chapter 18.62. The grading permit shall indicate the location of all existing storm drain facilities in the vicinity of the proposed work and clearly identify measures to prevent the conveyance of sediments or contaminated runoff into these facilities.
31. Site excavation and grading activities, including IRMs, may only occur during the non-rainy season from April 15 through October 15. (Work Plan, Appendix D; SWPPP).
32. The Excavation and Soil Management Plan (Work Plan, Appendix D) describes the protocol and procedures to be followed to protect human health and the environment during foundation removal and excavation activities.
33. Heavy equipment will be utilized to remove and stockpile concrete building foundations, soil and debris. Soil will be handled in general accordance with the Excavation and Soil Management Plan. Material suspected to be impacted with COPCs (Constituents of Potential Concern) will be stockpiled separate from non-impacted material. (Work Plan, Appendix D)
34. After soil sampling, the borings will be backfilled with neat cement in accordance with Mendocino County Environmental Health Department and RWQCB
35. Excavations made for foundation removal, removal of geophysical anomalies, or IRMs will be graded and /or backfilled with clean imported soil to mitigate physical hazards and to prevent ponding of water during rainfall. Backfill materials will be obtained from a local borrow source. (Work Plan, Appendix D)
36. Excavations at the beach areas near the top of the bluffs will extend down to naturally occurring soils or existing bedrock in an effort to restore the areas to conditions prior to debris placement or as close as practical to this state. (Work Plan, Appendix D)
37. Debris removal operations at the three Glass Beaches shall be observed by a qualified soils engineer or geologist to ensure that erosion-susceptible soils and loosened rocks are removed from areas exposed to wave action.
38. All work involving structures with asbestos and lead containing paint will be performed in general accordance with local, state, and federal rules and regulations. A certified and trained contractor will be utilized to secure the necessary permits and conduct the required abatement activities. While most of the work involving these materials is associated with aboveground structure removal which is not part of the Work Plan, there is potential for contact with subsurface water pipes wrapped with asbestos containing material during subsurface disturbance activities. (Work Plan, Section 6)

39. Underground Service Alert will be contacted prior to initiation of field activities. In addition, an independent underground utility locating services will be contracted to conduct a reconnaissance at each area to undergo foundation removal or excavation. All field activities will be conducted in general accordance with the Site Health and Safety Plan. (Work Plan, Section 7, Appendix B)
40. Heavy equipment will be utilized to remove and stockpile concrete building foundations, soil and debris. Soil will be handled in general accordance with the Excavation and Soil Management Plan. Material suspected to be impacted with COPCs (Constituents of Potential Concern) will be stockpiled separate from non-impacted material. (Work Plan, Section 7, Appendix D)
41. The best management practices outlined in the SWPPP (September 2005) and the Site Stormwater Pollution Prevention Plan (July 2003) will be employed as they pertain to foundation removal, excavation, and IRMs to facilitate compliance with the National Pollutant Discharge Elimination System General Permit No. CAS000002 Waste Discharge Requirements for Stormwater Discharges Associated with Construction. (Work Plan, Section 7)
42. Stockpiles of concrete without stains or evidence of hazardous waste will be transported offsite to a recycling or non-hazardous waste disposal facility. Results of laboratory analysis of concrete samples collected during foundation demolition will be utilized to evaluate disposal options of concrete stockpiles that visually exhibited COPC impacts (i.e., staining). Waste transportation and disposal, including identification of haulers, disposal facilities, routes, and record keeping procedures are summarized in the Transportation Plan. (Work Plan, Section 7, Appendix E)
43. Soils and fluids that are produced and/or used during the installation of sampling of borings and monitoring wells, and that are know or suspected to contain potentially hazardous materials, will be contained during the above operations. These substances will be retained onsite in appropriate containers (i.e., drums, bins, tanks) until chemical testing has been completed to determine the proper means of off-site disposal. Handling and disposal of substances know or suspected to contain potentially hazardous materials will comply with the applicable regulations of the Cal-EPA, the California Dept. of Water Resources, and any other applicable regulations. (Work Plan, Appendix A)
44. Ground water encountered in excavations during foundation removal or IRMs will be containerized onsite pending chemical testing for disposal characterization. Water will initially be pumped into drums or temporary holding tanks. Dewatering of excavations is not anticipated to be necessary as efforts will focus on removing environmentally impacted soil and concrete above the water table only. (Work Plan, Appendix A)
45. Non-hazardous soil will be transported to a Class III landfill (either Waste Management, Inc., Redwood Landfill in Novato, or Portrero Hills Landfill in Suisun City). Concrete debris classified as non-hazardous will be crushed and reused on site or transported to Norcal Rock in Willits. Hazardous soil will be transported to a Class I landfill (Waste Management Inc., Kettleman Hills Landfill in Kettleman City). Wastewater from dust control measures (if any), wheel washing (if necessary), and

trench dewatering (if necessary) activities may contain non-hazardous or hazardous concentrations of chemicals of concern. Non-hazardous wastewater will be transported to a properly licensed disposal facility. Hazardous wastewater will be transported to Evergreen Environmental Services in Newark for recycling. (Work Plan, Appendix A; Appendix E)

46. A Site Health and Safety Plan has been prepared as part of the Work Plan (Work Plan, Appendix B). This plan provides an assessment of chemical and physical hazards associated with the foundation removal and IRM project. It provides detailed Health and Safety Requirements, including protocols for personnel training and medical clearances, health and safety briefings, health and safety documentation, chemical hazard mitigation, physical hazard mitigation, and emergency information.
47. The Excavation and Soil Management Plan (Work Plan, Appendix D) describes the protocol and procedures to be followed to protect human health and the environment during foundation removal and excavation activities.
48. Soil stockpiles will be placed on top of and covered with heavy duty plastic sheeting. Wherever possible, broken concrete and excavated soil will be stockpiled on areas with improved asphalt or concrete surface. Potentially hazardous waste will be stored in a Potentially Hazardous Waste Storage Area that will be specifically selected for each investigation area. When not covered, soil stockpile surfaces will be kept visibly moist by water spray, as necessary. (Work Plan, Appendix D; Appendix E)
49. The Work Plan includes a Transportation Plan (Work Plan, Appendix E) that describes the protocol and procedures to be followed to protect human health and the environment during transportation activities to remove waste concrete demolition debris, soil and wastewater from the site.
50. Prior to excavation, soil will be characterized (hazardous or non-hazardous) by analysis of in-situ soil samples for disposal acceptance by appropriately licensed landfills. Samples of containerized wastewater will be analyzed for characterization and disposal acceptance by properly licensed wastewater disposal facilities. (Work Plan; Appendix E)
51. Wastewater resulting from excavation, well development, and sampling activities will be stored in double-containment polyethylene tanks. (Work Plan; Appendix E)
52. The best management practices outlined in the Site Stormwater Pollution Prevention Plan will be employed as they pertain to foundation removal, excavation, and IRMs to facilitate compliance with the National Pollutant Discharge Elimination System General Permit No. CAS000002 Waste Discharge Requirements for Stormwater Discharges Associated with Construction. (Work Plan, Section 7)
53. The applicant shall reimburse the City for all reasonable and prudent City expenses associated with inspections and other work necessary to ensure compliance with the conditions of this coastal development permit, including without limitation, costs for City staff, attorneys and environmental consultants, consistent with established City policy governing cost recovery for new development.

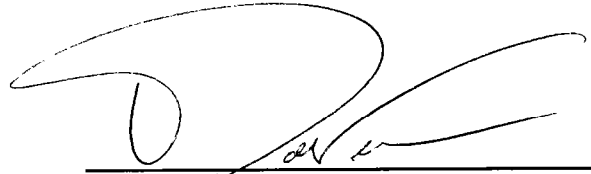
STANDARD CONDITIONS

1. The approval of the application by Georgia-Pacific for a coastal development permit shall be effective on the 11th day following receipt by the California Coastal Commission of a Notice of Final Action, unless an appeal is filed with the Coastal Commission in accordance with Public Resources Code Section 30625.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of Title 18 of the Fort Bragg Municipal Code.
3. 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.
4. 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.
5. The applicant shall secure all required demolition permits for the proposed project as required by the Building Department.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) 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 (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more conditions.
7. 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.

The above and foregoing Resolution was introduced by Councilmember Melo, seconded by Councilmember Baltierra, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of October, 2005, by the following vote:


AYES: Councilmembers Baltierra, Hammerstrom, Melo, and Mayor Turner.
NOES: Councilmember Gjerde.
ABSENT: None.

ABSTAIN: None.

A handwritten signature in black ink, appearing to read 'D. Turner', written over a horizontal line.

**DAVE TURNER,
Mayor**

ATTEST:

A handwritten signature in black ink, appearing to read 'Cynthia M. VanWormer', written over a horizontal line.

**Cynthia M. VanWormer, CMC
City Clerk**