

RESOLUTION NO. 2892-2005

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CONFIRMING THE AUGUST 10, 2005 PLANNING COMMISSION DECISION TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR COASTAL DEVELOPMENT PERMIT #3-04

WHEREAS, the City of Fort Bragg received an application from Georgia-Pacific Corporation 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, City staff referred the application to federal, state and local agencies for review and comment on March 3, 2005 and March 29, 2005 and received comments from the Mendocino County Department of Environmental Health, the Mendocino County Air Quality Management District, and the California Coastal Commission; and

WHEREAS, City staff prepared an environmental checklist and determined that, although the proposed project could have a significant effect on the environment, special conditions incorporated into the project would ensure that there will be no significant effects and, therefore, a Mitigated Negative Declaration would be prepared; and

WHEREAS, a draft Mitigated Negative Declaration evaluating potential environmental impacts associated with the proposed project was distributed to the State Clearinghouse, responsible and trustee agencies, and made available for public review on June 16, 2005; and

WHEREAS, comments from the Mendocino County Air Quality Management District and the State Department of Fish and Game were received during the 30-day public review period; and

WHEREAS, on August 10, 2005, the Fort Bragg Planning Commission conducted a public hearing and received testimony from members of the public regarding the proposed project; and

WHEREAS, following the public hearing and consideration of all the materials and testimony available, the Planning Commission 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 approve Coastal Development Permit #3-04 be overturned and that Coastal Development Permit #3-04 be denied; 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 Mitigated Negative

Declaration, 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 Mitigated Negative Declaration for the Coastal Development Permit for the Georgia-Pacific Mill Site Foundation Removal, Additional Investigation, and Interim Remedial Measures project:

1. The proposed revisions to mitigation measures addressing suspension of excavation activities when winds reach specified thresholds, prohibition of excavation and IRMs during the rainy season, and mitigation and monitoring for rare plants, as described in the City Council's Agenda Item Summary Report, are more effective than the original mitigation measures for the reasons described in said Agenda Item Summary Report.
2. The proposed revisions to mitigation measures as described above will not cause any potentially significant impact on the environment.
3. The proposed addition of mitigation measures specifying that no activities may commence until the RWQCB has provided final approval of Work Plan #1, and requiring that all activities undertaken in compliance with the coastal development permit comply with all recommendations, mitigations, and conditions included in the Work Plan and 15 additional reports and documents is intended to clarify specific measures that are incorporated into the project and which will not cause any potentially significant impact to the environment.
4. A late-season botanical survey has been completed and consequently, the proposed deletion of the mitigation measure requiring the late-season botanical survey will not cause any potentially significant impact on the environment. The proposed additional mitigation measure requiring compliance with all recommendations of the Late Season Botanical Survey is equivalent or more effective than the previous measure as it also requires compliance with the Conceptual Glass Beach 3 Mitigation and Monitoring Plan, and the Conceptual Revegetation Plan.
5. The deletion of repetitive, identical mitigation measures in the Mitigated Negative Declaration and coastal development permit as approved by the Planning Commission is a typographic correction that will not cause any potentially significant impact to the environment as each mitigation is still included.
6. The information and analysis in the Mitigated Negative Declaration, including the mitigation measures, demonstrates that the proposed project will not have a significant adverse effect on the environment, 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.
7. The Mitigated Negative Declaration has been completed in compliance with CEQA and the CEQA Guidelines.

8. The Mitigated Negative Declaration reflects the City's independent judgment and analysis of the potential environmental effects associated with the project.
9. The custodian of the documents and other materials which constitute the record of proceedings for this project is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg, CA 95437, Attn: Linda Ruffing.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby confirm the Planning Commission's decision of August 10, 2005 to adopt a Mitigated Negative Declaration for the Coastal Development Permit for the Georgia-Pacific Mill Site Foundation Removal, Additional Investigation, and Interim Remedial Measures project.

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg hereby adopts Coastal Development Permit #CDP 3-04 as the mitigation monitoring plan required by CEQA Guidelines, Article 6, Section 15074(d).


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.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, CMC
City Clerk