

RESOLUTION NO. 3770-2015

A RESOLUTION OF THE FORT BRAGG CITY COUNCIL A) CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE FORT BRAGG COASTAL RESTORATION AND TRAIL PROJECT; B) ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS; AND C) ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City of Fort Bragg ("City") proposes to develop a park on an approximately 25 acre site ("Project Site") on the western edge of the City adjacent to the Pacific Ocean. The Project Site is bordered on the north by Fort Bragg Coastal Trail, on the east by the Georgia-Pacific Mill Site, on the south by the Fort Bragg Coastal Trail, and on the west by the Pacific Ocean. The Project Site consists of the following APNs 008-02-009, 008-01-024; and

WHEREAS, the project ("Project") is proposed to consist of the following: 1) site restoration of an approximately 5 acre gravel covered area; 2) construction of a 1 mile 8 foot wide multi-use trail comprised of two segments (one over the beach berm and the other around the mill pond) that would connect the north and south trail alignments of the Phase I Fort Bragg Coastal Trail project; and 3) installation of related improvements such as benches, stairs to the beach, safety signage and interpretive panels; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.* ("CEQA"), requires that the City consider the environmental effects of the Project prior to approving any entitlements for the Project; and

WHEREAS, on August 8, 2011, the City Council certified an Environmental Impact Report (EIR) for the Project pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines"); and the City's CEQA Implementation Procedures; and

WHEREAS, on August 24, 2011, the Planning Commission approved Coastal Development Permit (CDP 10-10), Design Review (DR 11-10), and Variance (VAR 2-11); and

WHEREAS, on August 8, 2011, the City Council certified an Environmental Impact Report (EIR) for the Project pursuant to CEQA Guidelines; and the City's CEQA Implementation Procedures; and

WHEREAS, between August 2011 and February of 2014 the City of Fort Bragg engaged in Consultation with the Sherwood Valley Band of Pomo and redesigned the project to address tribal concerns; and

WHEREAS, on February 10, 2014, the City Council approved Coastal Development Permit (CDP 10-10/14), Design Review (DR 11-10/14), and Variance (VAR 2-11/14); and

WHEREAS, on February 10 2014, the City Council certified a Subsequent Environmental Impact Report (SEIR) for the Project pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines"); and the City's CEQA Implementation Procedures; and

WHEREAS, the City intends to expand the scope of this project to include an addition 1 mile of trail and 5 additional acres of restoration as described above; and

WHEREAS, the City prepared a Subsequent Environmental Impact Report for the Project pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"); and the City's CEQA Implementation Procedures; and

WHEREAS, a Notice of Preparation for the Subsequent EIR ("NOP") was prepared by the City and circulated on November 4, 2014 to provide interested agencies and the general public an opportunity to express their concerns regarding the potential environmental effects of the Project. The NOP was received by the State Clearinghouse and circulated for 45 days, as mandated by CEQA; and

WHEREAS, the Draft Subsequent EIR (State Clearinghouse No. 2014102014) was prepared by the City and circulated for more than a 45+ day public review and comment period, beginning on November 4, 2013 and ending on January 12, 2015. During this period, on December 8, 2014, a public hearing was held by the City Council to receive comments on the Draft Subsequent EIR. Five people addressed the Council to comment on the Draft Subsequent EIR. By the end of the public review and comment period, the City received four letters and/or e-mail comments from agencies and individuals; and

WHEREAS, written and oral comments on the Draft Subsequent EIR have been received, and responses to those comments have been prepared in the form of a Final Subsequent EIR for the Project, which incorporates the Draft Subsequent EIR by reference; and

WHEREAS, no significant revisions requiring recirculation of the draft SEIR were necessary in response to the comments received; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, on December 26, 2014, the City provided notice regarding the availability of the Final Subsequent EIR and circulated the proposed responses to comments to public agencies which had submitted comments on the Draft Subsequent EIR; and

WHEREAS, on January 12, 2014, the City Council held a noticed public hearing, received public testimony and considered all information related to the Fort Bragg Coastal Restoration and Trail Phase II Project Subsequent EIR, including the Draft Subsequent EIR, all reports and attachments prepared or presented by City staff, pertinent documents provided during previous public meetings, all oral and written testimony and the full record of proceedings on the Project, and the Final Subsequent EIR.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fort Bragg, that the City Council finds, determines and certifies as follows:


1. The above recitals are true and correct, and are incorporated herein by reference.
2. The Subsequent EIR for the Project consists of the Draft Subsequent EIR dated November, 2014 and all technical appendices; and the Final Subsequent EIR dated December, 2014 (collectively, the "EIR").
3. The Subsequent EIR was prepared in compliance with the requirements of CEQA.

4. The Subsequent EIR was presented to the City Council, the decision-making body for the City, the lead agency for the Project, and the City Council has reviewed and considered the information contained in the Subsequent EIR.
5. The Subsequent EIR reflects the City Council's independent judgment and analysis as to the environmental effects of the Project.
6. The City Council hereby adopts the findings in the attachment 5, incorporated herein by reference, regarding changes or alterations which have been incorporated into the Project which mitigate or avoid significant effects.
7. A number of impacts analyzed under the Subsequent EIR were found to be less than significant even without mitigation.
8. After mitigation, all project impacts are less than significant.
9. The City Council has, by its review of the evidence and analysis presented in the Subsequent EIR and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Council to make fully informed, thoroughly considered decisions on these important issues.
10. The location of the documents or other material that constitute the record of proceedings upon which the decision is based is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg CA 95437; the official custodian of said records is the City Clerk of the City of Fort Bragg.

BE IT FURTHER RESOLVED, that the Mitigation Monitoring and Reporting Program ("MMRP") set forth in Attachment 6 and incorporated herein by reference is hereby adopted to ensure that all mitigation measures relied on in the findings are fully implemented. Compliance with the MMRP shall be a condition of any Project approval.

The above and foregoing Resolution was introduced by Councilmember Deitz, seconded by Councilmember Peters, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12th day of January, 2015, by the following vote:

AYES:	Councilmembers Peters, Cimolino, Deitz, Hammerstrom, and Mayor Turner.
NOES:	None.
ABSENT:	None.
ABSTAIN:	None.



DAVE TURNER,
Mayor

ATTEST:


 Cynthia M. VanWormer, MMC
 City Clerk