

*Op-Ed by the Fort Bragg City Council Communications Ad-Hoc Committee – Tess Albin-Smith and Lindy Peters*

For well over a century, Fort Bragg has been dominated by the logging industry. Before Georgia Pacific ceased operations in 2002, they occupied the “Mill Site,” which included approximately 425 acres of ocean front property – roughly a third of the land within city limits. They directly employed +/-2,000 workers in our community of just over 6,800 residents at the time. Since its closure, extensive public engagement and community planning has taken place to repurpose this land for the maximum community benefit.

Following the mill closure, the city hosted nearly 20 years of public input and workshops. Meanwhile Georgia Pacific removed many structures and arranged environmental remediation of contaminants left behind from mill operations, but stopped short of cleaning dioxin pollutants from two ponds. The City Council agreed that the best way to pursue the community’s interest was for the City to own the land. In May 2021, the Fort Bragg City Council and Georgia Pacific began serious negotiations for the City to acquire 210 acres on the southern portion of the Mill Site, as well as 62 acres of Pudding Creek watershed. The City was actively engaged in due diligence activities, including conducting a Phase I environmental report, securing liability insurance and necessary financing, and coordinating with partners committed to assisting with restoration. Working as quickly as possible, and after much effort and cost, the City was just about prepared to move forward with property acquisition. However, Georgia Pacific acted in poor faith, and instead ceded all holdings to Mendocino Railway on October 28, 2021.

Although the City Council and many in the community are disappointed with this turn of events, we understand that regardless of who owns the site, reuse and new development on the property offers an opportunity to build a diverse economic base, develop much needed housing, restore wetlands and preserve open space for wildlife and recreation. The City has policies in place to ensure development is consistent with the Coastal Act and community objectives - and a specific policy that requires a comprehensive community planning process take place when rezoning the land currently designated as “Timber Industrial.”

However, based on Mendocino Railway’s actions to date, the City is concerned that normal permitting processes will be bypassed.

The City is alarmed by the Mendocino Railway’s claim to operate as a common carrier “public utility” providing an essential public service. This designation would set the Skunk Train’s sightseeing excursion train on the same legal footing as Amtrak, Delta Air Lines, BNSF Railway, and therefore exempt Mendocino Railway from local or state oversight. In court documents Mendocino Railway has asserted it “is a federally regulated railroad and, as such CEQA [California Environmental Quality Act] is preempted and CEQA is not applicable.”

For many reasons, the City of Fort Bragg wants to ensure that Mendocino Railway operates as all other businesses within city limits and follows standard permitting processes. The City has a responsibility to protect Fort Bragg’s community interests as development plans are considered, vetted and pursued. And the community has been steadfast over the years that reuse of the Mill Site should include a variety of zoning designations and land uses to meet community needs in order to promote environmental goals, protect public access, and diversify the economic base.

The City is being advised and represented by a team of experienced attorneys who filed a lawsuit challenging Mendocino Railway's claims that it is exempt from local and state oversight. To be clear, the City values the role of the Skunk Train in our local economy, and acknowledges the contribution their trains impart on our local identity. That said, it is essential that the Mendocino Railway abide by rules for development and simply comply with local, state, and federal regulatory protocol guiding land use.

Mendocino Railway could put all of our concerns to rest by submitting a Coastal Development Permit application and committing to abide by the same rules as everyone else. We hope they're ready to get on board.