

**Att 2: Brief Analysis of Coastal General Plan Policies Relevant to the Mill Pond Remediation Project**

Coastal General Plan Policy	Institutional Controls, Land Use Restriction, Sediment Management, and Retention of Mill Pond & Dam Stabilization
<p><b>Project Description</b></p> <p>For purposes of this analysis this proposed project is assumed to include:</p> <ul style="list-style-type: none"> <li>Retention of Pond 8</li> <li>Geotechnical stabilization of the Mill Pond Dam, Crib Wall and North Wall</li> <li>Minimal fill of a small portion of Pond 8 for construction of Dam Weir</li> <li>Activities below the mean high tide</li> </ul> <p>On site Wetland Mitigation would be required and could include:</p> <ul style="list-style-type: none"> <li>Improve Pond 8 vegetation; and</li> <li>Improve Ponds 1-4 and 6 &amp; 7 vegetation</li> <li>Establishment of new wetlands in the low land area as mitigation.</li> </ul>	
<p><b>Open Space Element</b></p>	
<p>Policy OS-1.3: <b>Development in ESHA Wetlands:</b> Diking, <b>Filling</b>, and Dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following uses:</p> <ol style="list-style-type: none"> <li>New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.</li> <li>Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</li> <li>New or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.</li> <li><b>Incidental public service purposes</b>, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipelines.</li> <li><b>Restoration purposes.</b></li> <li>Nature study, aquaculture, or similar resource dependent activities.</li> </ol>	<p><b>Project may comply with this policy.</b></p> <p>Applicant will need to provide information about feasible alternatives to the proposed project and a summary of environmental impacts of the alternatives. Potential environmental effects:</p> <ul style="list-style-type: none"> <li>Wetland fill of 0.5 acres for weir.</li> <li>Transport of concrete and materials. CO2 from concrete.</li> <li>Construction of a ramp down to the beach for heavy equipment to get to beach.</li> </ul> <p>The project will provide an incidental public service per OS-1.3 as it provides water quality benefits through the settling action of the pond and storm water conveyance through the Mill Pond.</p> <p>The project would require wetland mitigation at a ratio of 4:1 to address impacts to wetlands.</p>
<p>Policy OS-1.5: <b>Development in Rivers and Streams with ESHA.</b> Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to:</p> <ol style="list-style-type: none"> <li>Necessary water supply projects,</li> <li><b>Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development,</b> or</li> <li>Developments where the primary function is the improvement of fish and wildlife habitat.</li> </ol>	<p><b>Project may comply with this policy.</b></p> <p>This project can be permitted as a flood control project (Policy OS1.5b). As the project is required by DSOD to minimize earthquake risk of a dam failure and the subsequent flooding of the beach and the lowland area and potential impacts to life, it is a flood control project.</p>
<p>Policy OS-1.6: <b>Development within Other Types of ESHA</b> shall protect ESHA against any significant disruption of habitat values and shall be limited to the following uses:</p> <ol style="list-style-type: none"> <li>Resource Dependent Uses. Public nature trails within riparian ESHA are considered a resource dependent use provided that: (1) the length of the trail within the riparian corridor shall be minimized; (2) the trail crosses the stream at right angles to the maximum extent feasible; (3) the trail is kept as far up slope from the stream as possible; (4) trail development involves a minimum of slope disturbance and vegetation clearing; and (5) the trail is the minimum width necessary. Interpretive signage may be used along</li> </ol>	<p><b>Project could comply with this policy pending additional information.</b></p> <p>This policy is for upland ESHA and its application will depend on the results of a botanical report for the proposed work area.</p> <p>If there are upland rare plants in the project area the project would have to be redesigned so that it does not impact the ESHA.</p>

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<p>permissible nature trails accessible to the public to provide information about the value and need to protect sensitive resources.</p> <p>b. Restoration projects where the primary purpose is restoration of the habitat.</p> <p>c. Invasive plant eradication projects if they are designed to protect and enhance habitat values.</p> <p>d. Pipelines and utility lines installed underneath the ESHA using directional drilling techniques designed to avoid significant disruption of habitat values.</p>	
<p>Policy OS-1.7 Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>The implementation of this policy will likely include requirements to ensure that the dam improvements are covered with fill dirt and restored with native plants. Some thought should also be given to contouring the dam improvement areas so that they have as natural a look as possible.</p> <p>The North Dam improvement encroaches on a couple of small coastal act wetlands. Wetland mitigation will be required to mitigate for impacts to wetlands. Additionally, the hydrology that feeds these wetlands will need to be maintained. If seepage from the dam is supporting existing wetlands, than the wetlands that will be dried out by the improvements will need to be replaced or mitigated in another location. Ratio of mitigation will need to be determined, but could be as much as 4:1.</p> <p>The South dam improvement will cover areas of rocky and sandy beach and appear to extend below the mean high tide, which is in the jurisdiction of the Coastal Commission and must follow the requirements of the Coastal Act. The applicant will also need a permit to use this property from the Tidelands Trust. The placement of stone and concrete armoring at this location will require mitigation elsewhere on the property. Specifically the City is likely to require the removal/replacement of some of the armoring on the beach berm, which is highly degraded.</p> <p>The south dam project will also impact a number of wetland seeps. Impacts to these seeps will also need to be mitigated for onsite.</p> <p>Suitable BMPs will be required to prevent sedimentation below and degradation of habitat.</p>
<p>Policy OS-1.10: Permitted Uses within ESHA Buffers. Development within an Environmentally Sensitive Habitat Area buffer shall be limited to the following uses:</p> <p>a. Wetland Buffer.</p> <p>i. Uses allowed within the adjacent Wetland ESHA pursuant to Policy OS-1.3.</p> <p>ii. Nature trails and interpretive signage designed to provide information about the value and protection of the resources</p> <p>iii. Invasive plant eradication projects if they are designed to protect and enhance habitat values.</p> <p>b. Riparian Buffer.</p> <p>i. Uses allowed within the adjacent River and Stream ESHA pursuant to Policy OS-1.5.</p> <p>ii. Uses allowed within the adjacent ESHA pursuant to Policy OS-1.6.</p> <p>iii. Buried pipelines and utility lines.</p> <p>iv. Bridges.</p> <p>v. Drainage and flood control facilities.</p> <p>c. Other types of ESHA Buffer.</p> <p>i. Uses allowed within the adjacent ESHA pursuant to Policy OS-1.6.</p> <p>ii. Buried pipelines and utility lines.</p> <p>iii. Bridges.</p> <p>iv. Drainage and flood control facilities.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>Uses permitted within the Wetland ESHA buffer, are limited in scope. As noted above under OS-1.3 the project will need to provide an incidental public service which includes stormwater treatment, stormwater quality enhancements and stormwater conveyance.</p>
<p>Policy OS-1.14: Vegetation Removal in ESHA. Prohibit vegetation removal in Environmentally Sensitive Habitat Areas and buffer areas except for:</p> <p>a) Vegetation removal authorized through coastal development permit approval to accommodate permissible development,</p> <p>b) Removal of trees for disease control,</p>	<p><b>Project may comply with this policy.</b></p> <p>All three components of the project will require vegetation removal from ESHAs, due to the impact of all three project components on wetlands. This work will only be permissible if the project as a whole complies with OS-1.3 above.</p>

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<p>c) Vegetation removal for public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or</p> <p>d) Removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106.</p> <p>Such activities shall be subject to restrictions to protect sensitive habitat values.</p>	
<p>Policy OS-2.1 Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent. Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.</p> <p>Program OS-2.1.1: To the maximum extent feasible, preserve, protect, and restore streams and creeks to their natural state.</p> <p>Program OS-2.1.2: Work with organizations and private property owners to enhance the City's watercourses for habitat preservation and recreation.</p> <p>Program OS-2.1.3: Develop additional guidelines for the maintenance of watercourses to further assure that native vegetation is not unnecessarily removed and that maintenance minimizes disruption of wildlife breeding activities and wildlife movement. Incorporate these guidelines, where appropriate, into the City's maintenance procedures.</p> <p>Program OS-2.1.4: Seek Federal and State funding for the repair of streambank erosion, planting of riparian vegetation to stabilize creek banks, and removal of debris obstructing waterflow.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>The proposed project is fairly limited in the scope in its impacts on riparian areas (arguably the areas on the bank of the pond and adjacent to the spillway which might be impacted by the project). The City will require the applicant to "restore riparian habitat" due to the policy language. Restoration of riparian habitat, in the case of this project, would apply to restoration of the area around the crib wall riparian area, the spill way and other riparian areas impacted by the project.</p> <p>While Program OS-2.1.1 calls for "restore streams and creeks to their natural state", program language is not used to govern the approval of Coastal Development Permits. Please note that the Coastal General Plan defines a Policy and Program as follows:</p> <ul style="list-style-type: none"> <li>• Policy - A specific mandatory statement binding the City's action and establishing the standard of review to determine whether land use and development decisions, zoning changes or other City actions are consistent with the General Plan.</li> <li>• Program - An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal. The City's "Programs" shall not govern the review and approval of coastal development permits.</li> </ul>
<p>Policy OS-9.5. <b>Maintain and Restore Biological Productivity and Water Quality.</b> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>This project would comply with Policy OS 9.5, per DTSC confirmation that the Mill Pond does not pose a health risk to coastal waters, streams, wetlands or estuaries and marine organisms.</p> <p>The list of techniques to restore biological productivity is primarily focused on pollution control. The applicant may need to install new storm water pollution control devices for stormwater going into the Mill Pond from the Mill Site (which is largely paved) and the City's storm water culverts.</p>
<p>Policy OS-16.2 Right of Public Access: Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Public prescriptive rights must be protected wherever they exist.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>The project will have a direct impact on access to the beach because it will cover a portion of the beach with the new buttress. The City will require the dedication of a shoreline lateral and/or vertical access from the California Coastal Trail (Fort Bragg Coastal Trail) to the beach as part of the approval for this project.</p>
<p>Policy OS-16.17 Coastal Trails: Develop a continuous trail system throughout the City which connects to the California Coastal Trail system.</p>	<p><b>Project may comply with this policy.</b></p> <p>See above</p>
<p>Policy OS-16.18 General Standards: Require that all public access easements offered for dedication to public use be a minimum of 25 feet wide. The area where public access is allowed within the easement may be reduced to the minimum necessary to avoid:</p> <ol style="list-style-type: none"> <li>adverse impacts on sensitive environmental areas;</li> <li>encroachment closer than 20 feet from an existing residence; and/or</li> <li>hazardous topographic conditions.</li> </ol>	<p><b>Project may comply with this policy.</b></p> <p>The City will require a dedication of a shoreline lateral access of 25 feet in width from the California Coastal Trail to the beach as part of the approval for this project.</p>

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<b>Safety Element</b>	
<p>Policy SF-1.1 Minimize Hazards: New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>See Policy SF 1-10 which is an override policy and provides property owners with the right to protect development that was built prior to adoption of the Coastal Act.</p> <ul style="list-style-type: none"> <li>The policy requires structural stability and the project will need to comply with DSOD requirements.</li> <li>The proposed project would include construction of South Dam Improvements to the existing crib wall, which is not a natural land form. Rebuilding it would not be considered substantial.</li> <li>The applicant will need to look at implication of sea level rise as a potential hazard to the dam, e.g. the erosional impacts or waves and sea level rise.</li> </ul>
<p>Policy SF-1.2: All ocean-front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding, and beach and bluff erosion hazards, and avoid the need for a shoreline protective structure at any time during the life of the development.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>See Policy SF 1-10 which is an override policy and provides property owners with the right to protect development that was built prior to adoption of the Coastal Act.</p> <p>The new dam stabilization project must be designed to minimize risk of flooding, beach and bluff erosion.</p>
<p>Policy SF-1.5: Siting and design of new blufftop development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100-year economic life of the structure.</p>	<p><b>It is uncertain if this project will comply with Policy SF 1.5, more information is needed.</b></p> <p>The applicant will need to include an analysis that considers the impact of sea level rise on storm surge forces on the dam and ensure that the existing structure will have a 100 year life.</p>
<p>Policy SF-1.7 Alterations to Landforms: Minimize, to the maximum feasible extent, alterations to cliffs, bluff tops, faces or bases, and other natural land forms in the Coastal Zone. Permit alteration in landforms only if erosion/runoff is controlled and either there exists no other feasible environmentally superior alternative or where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities.</p>	<p><b>Project may comply with this policy with special conditions.</b></p> <p>This option includes changes to manmade landforms, namely the Crib Wall and the North embankment. As these are not natural landforms they are exempt from this policy.</p> <p>This option also includes some changes to natural landforms below the mean high tide, and these changes will need to be analyzed relative to the Coastal Act not the City's LCP.</p> <p>A through exploration of other environmentally alternatives is required.</p>
<p>Policy SF-1.9 Bluff Face and Bluff Retreat Setback: Prohibit development on the bluff face and within the bluff retreat setback because of the fragility of this environment and the potential for resultant increase in bluff and beach erosion due to poorly-sited development except that the following uses may be allowed with a conditional use permit:</p> <ol style="list-style-type: none"> <li>engineered accessways or staircases to beaches, boardwalks, viewing platforms, and trail alignments for public access purposes;</li> <li>pipelines to serve coastal dependent industry;</li> <li>habitat restoration;</li> <li>hazardous materials remediation; and</li> <li>landform alterations where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities.</li> </ol> <p>Findings shall be made that no feasible, less environmentally damaging, alternative is available and that feasible mitigation measures have been provided to minimize all adverse environmental impacts. Require as a part of the conditional use permit, a full environmental, geological, and engineering study as specified in Policy LC-6.1. Such structures shall be constructed and designed so as to neither create nor contribute to erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.</p>	<p><b>Project could comply with this policy with special conditions.</b></p> <p>Development within the bluff face is permitted with a Condition Use Permit for hazardous materials remediation.</p> <p>Feasible environmentally less damaging alternatives will need to be explored.</p> <p>The final design will need to be supported with evidence from a geological and engineering study.</p> <p>The final design will need to be visually compatible with the surrounding area. The City will require renderings of the proposed design in full color and in relationship to the existing cliff face.</p>

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<p>Policy SF-1.10 <u>Seawalls, Breakwaters and Other Shoreline Structures</u>: Prohibit construction of seawalls, breakwaters, revetments, groins, harbor channels, retaining walls, and other structures altering the natural shoreline processes unless a finding is made that such structures are required: (1) to serve coastal-dependent uses; or (2) to protect public beaches in danger from erosion; or (3) to protect existing structures that were legally constructed prior to the effective date of the Coastal Act; or (4) that were legally permitted prior to the effective date of this Coastal General Plan provided that the CDP did not contain a waiver of the right to a future shoreline or bluff protection structure; or (5) for a development consistent with Section 30233(a) of the Coastal Act and only when it can be demonstrated that said existing structures are at risk from identified hazards if no feasible or less environmentally damaging alternative is available and the structure has been designed to eliminate or mitigate adverse environmental impacts, including impacts upon local shoreline sand supply. The design and construction of allowed protective structures shall respect natural landforms and provide for lateral beach access.</p>	<p><b>Project may likely comply with this policy.</b></p> <p>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.</p> <p>In order for the structure to “respect natural landforms” the final design should blend into the existing bluff face as much as possible.</p> <p>Need to determine if no feasible or less environmentally damaging alternative is available and if the structure has been designed to eliminate or mitigate adverse environmental impacts, including impacts upon local shoreline sand supply.</p>
<p>Policy SF-2.1 <u>Seismic Hazards</u>: Reduce the risk of loss of life, personal injury, and damage to property resulting from seismic hazards.</p>	<p><b>Project would likely comply with this policy.</b></p> <p>The project would implement this policy.</p>
<p>Policy SF-2.4 <u>Tsunami</u>: Minimize development in areas subject to tsunami.</p>	<p><b>Project could comply with this policy with special conditions.</b></p> <p>The project would include development around the crib wall that would be subject to Tsunami.</p> <p>The development and hazards would need to be minimized by ensuring a public evacuation route and signage from the beach and lowland area to safe ground.</p>
<p>Policy SF-2.5: Review development proposals to ensure that new development is not in an area subject to tsunami damage and if such development is otherwise allowable that it is designed to withstand tsunami damage.</p>	<p><b>Project would likely comply with this policy.</b></p> <p>See above. The project will need to be designed to withstand tsunami damage.</p>
<p><b>Community Design Element</b></p>	
<p>Policy CD-1.1: <u>Visual Resources</u>: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.</p>	<p><b>Project could comply with this policy with special conditions.</b></p> <p>The final design should blend into the existing bluff face as much as possible.</p>
<p>Policy CD-1.3: <u>Visual Analysis Required</u>. A Visual Analysis shall be required for all development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1 except development listed in below.</p>	<p><b>Project could comply with this policy with special conditions.</b></p> <p>A visual analysis will be required and special conditions may be required to reduce visual impacts.</p>
<p>Policy CD-1.4: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.</p>	<p><b>Project could comply with this policy with special conditions.</b></p> <p>The final design will need to conform with all the requirements of the policy.</p>

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<p>Policy CD-2.5 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.</p>	<p>See above</p>