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Mill Pond Complex Restoration
DRAFT Conceptual Design

Former Georgia-Pacific Wood Products Facility

June 2011

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Appendices

Acronyms and Abbreviations

ARCADIS	ARCADIS U.S., Inc.
CCA	California Coastal Act
CCC	California Coastal Commission
CCT	California Coastal Trail
CCZA	California Coastal Zone Act
CDFG	California Department of Fish and Game
CDP	Coastal Development Permit
CEQA	California Environmental Quality Act
City	City of Fort Bragg
CRAM	California Rapid Assessment Method for Wetlands
CWA 401	Clean Water Act Section 401
CZMA	Coastal Zone Management Act
DSOD	Division of Safety of Dams
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EIR	Environmental Impact Report
ESA	Endangered Species Act
ESHA	environmentally sensitive habitat area
ESHA Delineation Report	*Environmentally Sensitive Habitat Areas Delineation Report*
Georgia-Pacific	Georgia-Pacific LLC
LCP	Local Coastal Program
LSSA	Lake and Streambed Alteration Agreement
MSRA	Maple Street Riparian Area
MCRC	Maple Creek Riparian Corridor
MPC	Mill Pond Complex
NAVD	North American Vertical Datum

NMFS	National Marine Fisheries Service
NW	northwest
OU-A	Operable Unit A
OU-B	Operable Unit B
OU-C	Operable Unit C
OU-D	Operable Unit D
OU-E	Operable Unit E
OU-E lowland	low-lying portion of OU-E adjacent to Soldier Bay
O&M	operations and maintenance
RAP	Remedial Action Plan
RI	Remedial Investigation
RWQCB	North Coast Regional Water Quality Control Board
site	Georgia-Pacific former Wood Products Facility
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	United States Army Corps of Engineers
USFWS	United State Fish and Wildlife Service
waters/wetlands	federal or state jurisdictional waters and associated wetlands
WDR	Waste Discharge Requirement
WRA	WRA, Inc.
WWTP	waste water treatment plant

1. Introduction

ARCADIS U.S., Inc. (ARCADIS) has prepared this report on behalf of Georgia-Pacific LLC (Georgia-Pacific) to present the DRAFT Conceptual Design for the Mill Pond Complex (MPC) Restoration Project proposed as part of site closure process for the former Georgia-Pacific Wood Products Facility in Fort Bragg, California (site). Figure 1-1 presents a site location map. The site is approximately 415 acres in size and is divided into five general geographic areas: Operable Unit A (OU-A), Operable Unit B (OU-B), Operable Unit C (OU-C), Operable Unit D (OU-D), and Operable Unit E (OU-E). Georgia-Pacific no longer owns OU-A or OU-B. The portion of the site that Georgia-Pacific currently owns (i.e., OU-C, OU-D, and OU-E) is approximately 317 acres in size. Figure 1-2 presents the locations of these operable units and the historical buildings present in these operable units during active site operations.

1.1 Site Closure Overview

Georgia-Pacific ceased operations at the site in 2002 and has been engaged in a coordinated site closure process under the authority and oversight of the Department of Toxic Substances Control (DTSC) and the North Coast Regional Water Quality Control Board (RWQCB), and in coordination with the City of Fort Bragg (City). The site closure process will comply with investigations, feasibility studies, and remedial actions required by DTSC and the RWQCB to protect human health and the environment, actions necessary to remove the Mill Pond dam (i.e., the spillway, cribwall, and north wall) as required by Division of Safety of Dams (DSOD), and implement required compensatory mitigation for impacts to sensitive habitats affected during remediation and dam removal actions. Site closure activities will be implemented in a manner compatible with the goals, objectives, and policies of the Mill Site Specific Plan, which defines land use objectives and policies for future development of the site. The MPC Restoration Project involves dam removal, remedial actions associated with OU-E components in the central portion of the site, and habitat restoration. MPC Restoration Project habitat restoration will also provide compensatory mitigation for site remediation in a manner compatible with implementation of the Fort Bragg community vision for this area.

1.2 Purpose and Objective

The purpose and objective of this DRAFT MPC Conceptual Design Report is to describe the required remedial and dam removal actions in general terms and the proposed restoration actions associated with the preferred restoration alternative identified through the community outreach process. This report:

- Identifies the required remedial and dam removal actions in general terms and the basic steps necessary for their implementation (e.g., rerouting surface water in the MPC area)
- Describes baseline conditions for the MPC area

- Describes the MPC restoration components, approximate locations and dimensions, enhanced ecological features and functions, and social values

- Characterizes the extent of sensitive habitat impacts associated with the required actions, and mitigation potential for the proposed restoration with respect to habitat area and enhanced ecological function

The MPC Restoration Project preferred alternative has been designed to be consistent with California Coastal Commission (CCC) objectives and policies for restoration of historical ecological features in the Coastal Zone. This design objective is compatible with the site closure and remedial objectives for the site, the Mill Site Specific Plan, and the Fort Bragg community vision for the MPC area. Feedback on this conceptual design will provide the basis for finalizing the concept and proceeding to engineering design.

1.3 Report Organization

- Section 2 presents the site description including the general environmental setting, a description of potential environmentally sensitive habitat areas (ESHAs), and an ecological functional assessment of potential ESHAs within the footprint of proposed activities described in this report.

- Section 3 provides the regulatory setting for remediation and closure activities ongoing or proposed on the site and the regulatory setting for associated mitigation activities for which the MPC Restoration Project is designed to fulfill.

- Section 4 describes existing conditions in the footprint of proposed activities, summarizes proposed final conditions of the final MPC Restoration Project, and reviews specific activities that will be undertaken to create the MPC habitats proposed.

- Section 5 presents a proposed framework for the MPC Restoration Project to meet compensatory mitigation requirements identified by the various regulatory agencies involved.

- Section 6 presents the proposed sequencing of construction activities that will occur to implement the MPC Restoration Project.

- Section 7 provides references used to develop this report.

2. Site Description

The following section describes general site characteristics. It also describes potential ESHAs identified on portions of the site affected by the MPC Restoration Project, and presents a functional assessment of the surface water and wetland features present on this portion of the site.

2.1 General Environmental Setting

Union Lumber Company began sawmill operations at the site in 1885, and Georgia-Pacific acquired the site from Boise Cascade in 1973. Lumber operations ceased in August 2002, and decommissioning activities were initiated at the site in 2003. Remediation activities are currently being conducted on site under the direction of the DTSC and the RWQCB. The site and surrounding topography is typically flat with little relief, except for coastal bluffs on the site's western edge and the lowland area of OU-E adjacent to Soldier Bay (OU-E lowland) in the central portion of the site. The site elevation is between approximately 40 and 110 feet above sea level (North American Vertical Datum [NAVD] 88). Topography of the OU-E lowland is between approximately 14 and 30 feet above sea level (NAVD 88).

Due to historical industrial uses, the site is dominated by impervious surfaces and ruderal habitats, with vegetation that is comprised primarily of non-native grass and herbaceous species, such as Italian ryegrass (*Lolium multiflorum*), velvetgrass (*Holcus lanatus*), and pampas grass (*Cortaderia jubata*). Small areas of relatively undisturbed habitat occur in a forested riparian area (Maple Street Riparian Area; MSRA) on the eastern edge of the site, composed of coastal riparian vegetation such as Bishop pine (*Pinus muricata)* and red alder (*Alnus rubra)*. Additional relatively undisturbed areas of vegetation are scattered along edges adjacent to the coastal bluffs in OU-A, comprising species such as rabbit's foot grass (*Polypogon maritima)* and sea-side daisy (*Erigeron glaucus)*.

Natural surface geologic units on and adjacent to the site contain deposits of beach and dune sands, alluvium, and marine terrace deposits. The most important of these units at the site are the marine terrace deposits of the Pleistocene age, which form much of the coastal bluff material overlying bedrock. The marine terrace deposits are massive, semi-consolidated clay, silt, sand, and gravel, ranging from 1 to 140 feet thick. The site is underlain by terrace sediments comprising poorly to moderately consolidated marine silts, sands, and gravels overlain by topsoil and in some areas by fill. Throughout the past 120 years, large portions of the site have been altered to accommodate sawmill operations. Currently, large areas of the site are covered with asphalt and concrete and most of the remaining areas are disturbed fill soils. Soil borings collected in the Pond 8 dam indicate that fill is up to 17 feet deep in some places (ARCADIS 2010). Evaluations of fill depth across the entire site have not been conducted.

2.2 Hydrologic Conditions

The site is located within the Noyo River Watershed (Coastal Watershed Program 2011) and receives hydrologic inputs from precipitation, emergent groundwater flow, and surface water flow from adjacent areas. Natural water bodies near the site include Soldier Bay, Pacific Ocean, Noyo Bay, Noyo River, and Pudding Creek. Historically, the site hydrology was dominated by local precipitation and surface water flow through creeks that crossed the site and discharged to Soldier Bay or discharged to the Pacific Ocean along the coastal bluffs (Figure 2-1). Industrial development on the site diverted the two primary creeks, Alder and Maple Creeks, into the site mill pond for industrial use. Upgradient of the site, Alder and Maple Creeks receive urban runoff. Residential and commercial development in the City placed the creeks in culverts throughout their respective watersheds. Depending on the soil type (i.e., ability for soil to drain), groundwater and shallow subsurface flow play an important hydrologic role within the MPC Restoration Project area, because the water table is near or at the ground surface at some times of the year (ARCADIS 2011a). Areas known to exhibit emergent groundwater include portions of the OU-E lowland, wetlands, and the stream channel within the MSRA (i.e., wetlands L, J, and D-2), and wetlands O and P in the South Ponds area. Figure 2-1 presents an 1873 map showing historical features on the site prior to development overlain by the current surface water and wetland features. Table 2-1 summarizes characteristics of current surface water and wetland features that will be affected by the MPC Restoration Project preferred alternative.

Site surface runoff is collected via swales, ditches, and underground vaults that discharge to Pond 8 or to the Pacific Ocean via the coastal bluff. On-site sub-catchments and approximate surface runoff flow paths are depicted on Figure 2-2. The majority of site surface runoff is discharged to Pond 8, the former mill pond, from which water discharges to Soldier Bay, and eventually the Pacific Ocean, via a spillway on the west end of Pond 8. Site surface flow comprises approximately 45 percent of the Pond 8 flow; the remaining 55 percent is composed of City stormwater and dry season base flow originating from the Alder and Maple Creek watersheds (ARCADIS 2011b). The primary hydrologic features contributing to the MPC Restoration Project area, and/or contributing water to the restored habitats, are briefly described below:

- Alder Creek, Maple Creek, and Pond 8 are all designated as waters of the state by the RWQCB. City drainage basins C (124 acres) and D (103 acres) comprising the watersheds for historic Maple and Alder Creeks, respectively, provide baseline surface flow throughout the year and higher flows during storm events. Storm event monitoring conducted by Georgia-Pacific in 2011 indicates that both watersheds contribute high peak flows of short duration during storm events and are the dominant hydrologic influence on Pond 8 (ARCADIS, in preparation).

- Sub-catchment O-1 is approximately 74.6 acres and consists of a mix of impervious asphalt and concrete surfaces and ruderal vegetated areas. Surface runoff from sub-catchment O-1 occurs only during and immediately following rainfall events and is all conveyed to Pond 8 as overland flow is capture in storm drains that route flow to Pond 8 (Figure 2-2). A small portion of the runoff in O-1 is

captured by Pond 5 located immediately east of Pond 8. Pond 5 has no natural outlet, so excess water is currently pumped to Pond 8 as needed.

- The MSRA consists of three sub-catchments E, F, and J that contribute to the Maple Creek drainage pipe flowing in to Pond 8. Catchment F conveys surface runoff during rainfall events. Sub-catchments E and J convey baseline flow resulting from perennial emergent groundwater and ponded precipitation, as well as surface runoff during storm events to the Maple Creek drainage pipeline and Pond 8. The 30-acre MSRA has extensive vegetative cover in sub-catchments E and J resulting in modest flows during storm events.

- Basin S is approximately 68 acres in size and captures surface run and emergent groundwater from the southern portion of the site. The southern two-thirds of Basin S, south of the South Ponds, consist of bare soil and ruderal vegetation in the former log deck area. The northern one-third of Basin S consists of impervious asphalt and concrete surfaces associated with former lumber processing areas. Surface runoff from these areas is captured in the South Ponds or enters the South Pond pipeline that discharges to the southwest corner of Pond 8 (Figure 2-2). Pond 3 captures emergent groundwater and is located in an area consistent with a historic wetland feature (Figure 2-1).

- Sub-catchment O-2 is approximately 6.6 acres in size and is located west of Basin S. It captures surface runoff from a small portion of the former log deck area in a drainage ditch that runs adjacent to the City WWTP and then discharges to the southwest corner of Pond 8 via small culvert.

ARCADIS conducted hydrologic modeling using the United States Environmental Protection Agency Storm Water Management Model (SWMM) to characterize the runoff associated with typical 2.5-year and 100-year return interval 24-hour precipitation events in the contributing watersheds. The results indicate that peak flows associated with a 100-year 24-hour rainfall event will route flows of approximately 450 cubic feet per second through the Pond 8 spillway.

2.3 Environmentally Sensitive Habitat Areas

The *Environmentally Sensitive Habitat Areas Delineation Report* (ESHA Delineation Report; ARCADIS 2011a) identifies potential ESHAs (including potential federal and state jurisdictional waters, and associated wetlands [waters/wetlands]) located on site. The potential ESHA features identified in the ESHA Delineation Report were delineated by WRA, Inc. (WRA), based on 2009 field investigations, and by ARCADIS, based on 2010 field investigations. These delineated features are shown on Figures 2-3, 2-3a, 2-3b, and 2-3c. The boundaries of the WRA delineated features were initially presented in the *Delineation of Potential Section 404 Jurisdictional Wetlands and Waters. Former Georgia-Pacific Fort Bragg Wood Products Facility* (WRA 2009) and approved by the United States Army Corps of Engineers (USACE) on March 15, 2010 (File # 2009-00372N).

WRA (2009) delineated 20 waters/wetlands totaling 13.31 acres in OU-C, OU-D, and OU-E (i.e., excluding Wetland S, which lies in OU-A outside of the portion of the site that Georgia-Pacific owns). Of these delineated areas, USACE jurisdictional waters/wetlands total 8.89 acres. Approximately 308 acres of the 317 acres that Georgia-Pacific owns were considered non-jurisdictional for USACE purposes. To identify the features potentially subject to jurisdiction of the State Water Resource Control Board and the CCC, ARCADIS supplemented the federal jurisdictional delineation conducted by WRA with a delineation of state waters/wetlands and coastal ESHAs. Decommissioning activities on the site altered hydraulic conditions, which resulted in the natural development of hydric conditions in additional areas of the site. ARCADIS evaluated these areas and identified and delineated the following features as potential ESHAs: 17 waters/wetlands totaling approximately 3.64 acres, approximately 2.21 acres of riparian area, and approximately 375 linear feet of bedrock supporting numerous small groundwater seeps. ARCADIS also delineated coastal waters associated with Soldier Bay. In total, there are 48 potential ESHA areas totaling approximately 19.16 acres of the approximately 317 acres comprising OU-D, OU-D, and OU-E. Delineated coastal waters and the 375 linear feet of bedrock groundwater seep on the coastal bluff face are not included in this acreage estimate (ARCADIS 2011a). Status of the features delineated by WRA (2009) and ARCADIS (2011a) regarding jurisdictional waters of the state and coastal ESHAs have not been formalized.

2.4 Ecological Functional Assessment

ARCADIS ecologists conducted a functional assessment of the delineated potential waters/wetlands that fall within the MPC Restoration Project footprint (see Section 4). ARCADIS followed guidance provided in *California Rapid Assessment Method (CRAM) for Wetlands* (Collins et al. 2008) to assess the ecological function of the potential waters/wetlands. The goal of CRAM is to:

> "*provide rapid, scientifically defensible, standardized, cost-effective assessments of the status and trends in the condition of wetlands and the performance of related policies, programs and projects throughout California.*"

Appendix A presents details of the CRAM evaluation; the evaluation is summarized below. ARCADIS ecologists evaluated several assessment areas on site; these assessment areas are shown on Figure 2-4. Figures 2-5a and 2-5b present results for CRAM attributes scaled to 100 percent of their total possible scores and presents the overall CRAM score for each potential waters/wetlands scaled to 100 percent of their total possible scores.

Overall, CRAM scores indicate that existing waters/wetlands that have developed in the former industrial ponds and in the OU-E lowland provide between 33 and 58 percent of the total functional capacity that a reference wetland system could attain. These CRAM scores indicate the generally degraded character of the site waters/wetlands in their current condition. Industrial ponds on the site (i.e., Ponds 5 through 8) scored lowest in the CRAM evaluation (i.e., between 33 and 45 percent of total functional capacity).

Seasonal and seep wetlands that have developed in the OU-E lowland since demolition of the building foundations in this area scored the highest in the CRAM evaluation (i.e., 57 to 58 percent of total functional capacity). CRAM scores for Drainage D-1 (a surface component of the Maple Creek drainage in the northern end of the MSRA) indicate that this feature has 50 percent of the total functional capacity of a reference riparian wetland system.

Generally, CRAM results suggest that the depressional wetlands (i.e., industrial ponds and seep and seasonal wetlands) are most limited by physical structure (i.e., an average score of 31 percent of total). These isolated aquatic features are typically small and lack topographical complexity and physical structural diversity, which limit development of microhabitats that would support increased biological diversity. The higher CRAM scores for seep and seasonal wetlands in the OU-E lowland (i.e., E-1, E-2, and E-5/E-6) result from higher scores for the Hydrology attribute. The seep and seasonal wetlands have a more natural hydrologic regime with less anthropogenic influence resulting in a more consistent source of hydrology. In contrast, the industrial ponds are fed by primarily by flashy flows associated with runoff from developed areas (i.e., the site and/or the City) or are artificially impounded to prevent natural drawdown.

CRAM scores for Drainage D-1 attribute scores suggest that the riverine wetland is most limited by hydrology. Field indicators that caused the reductions in the Hydrology attribute included urban stormwater runoff being the primary hydrologic source and the presence of significant erosion of the stream bed and bank.

The results of the CRAM evaluation demonstrate the limited ecological function that the evaluated waters/wetlands on the site provide compared to a typical reference system. The results also provide an evaluation of the reasons why ecological function may be limited (i.e., small isolated nature of depressional wetlands limiting structural complexity and erosion and degradation of stream channel and banks resulting from flashy stormwater flows coming into Maple Creek).

3. Regulatory Setting

Local, state, and federal regulatory and trustee agencies participating in the MPC Restoration Project and the broader Mill Site Specific Plan development and approval are identified and their roles are briefly described with respect to the permits that will be required and the California Environmental Quality Act (CEQA) process.

3.1 City of Fort Bragg

The City will play a key role in the MPC Restoration Project from a planning and regulatory standpoint, as a participant in the Mill Site Specific Planning process with Georgia-Pacific, and as a steward of the Fort Bragg community vision for the site. In these roles, the City will:

- Serve as lead agency for the CEQA process and will prepare the environmental impact report (EIR) to address the project specific assessment of the MPC Restoration Project and the programmatic assessment of the Mill Site Specific Plan

- Evaluate and approve the Project with respect to compliance with the Local Coastal Plan as authorized by the California Coastal Commission, and will be responsible for issuing the necessary Coastal Development Permit (CDP) for the MPC Restoration Project

- Issue the necessary grading permits for the MPC Restoration Project and will ensure that the MPC Restoration Project conforms to the goals and objectives set forth for the site

- Participate directly in the conceptual design of the MPC Restoration Project and facilitate the community planning and outreach process

- Coordinate with the responsible agencies during the preparation of the EIR

3.2 Department of Toxic Substances Control

The DTSC is authorized by the California Health and Safety Code to investigate, remove, and remedy conditions associated with a release of a hazardous substance at the site and correct conditions that threaten the release of a hazardous substance. DTSC is the lead agency for investigation and remedial action at the site under Docket No. HAS-RAO 06-07-150. In this regulatory role, the DTSC:

- Has lead authority for the remedial investigation, risk assessment and remediation process, and approval of all remedial action plans and related studies

- Will serve as a responsible agency in the review of the EIR

3.3 Division of Safety of Dams

The Department of Water Resources (DWR), DSOD has oversight of state jurisdictional dams. DSOD has jurisdiction over the removal, upgrade or maintenance of all dams within their jurisdiction. DSOD established in their letter to Georgia-Pacific dated August 11, 2010, that the Mill Pond dam (i.e., the spillway, cribwall, and north wall) was no longer seismically stable and should be removed by the close of 2015. Under this authority, the DSOD will:

- Oversee the removal of the Mill Pond Dam to ensure removal is done safely
- Review and approve all dam removal plans and specifications
- Act as a responsible agency in the CEQA process

3.4 Regional Water Quality Control Board

The RWQCB regulates waters of the State and is responsible for the identified beneficial uses of water resources within the north coast region and will serve as both permitting and Responsible Agency for the Project. The RWQCB is responsible for administering Clean Water Act Section 401 (CWA 401) within California and must certify that any permits issued by the USACE under Section 404 of the CWA meet state water quality objectives. The RWQCB also has jurisdiction overwaters of the State as defined in the Porter-Cologne Act and could issue Waste Discharge Requirements (WDRs) for activities that impact waters of the State. For the MPC Restoration Project, the RWQCB will also act as a responsible agency under CEQA. Acting as a Responsible Agency, the RWQCB will coordinate closely with the City to ensure that any mitigation measures developed in the EIR are consistent with CWA 401 and Porter-Cologne and with the designated beneficial uses in the Basin Plan.

The RWQCB, on behalf of the State Water Resources Control Board (SWRCB), will also over oversee the stormwater permits and implementation for construction of the Project. The SWRCB oversees the stormwater program and the Construction General Permit and the RWQCB enforces individual construction sites. The RWQCB will have authority over the stormwater plan prepared for the Project and will oversee how stormwater is discharged into waters of the state. The RWQCB will ensure that stormwater within the site does not contribute to the degradation of surface waters and wetlands.

Within its role as permitting and responsible agency, the RWQCB will:

- Coordinate with DTSC to protect groundwater and surface water resources during the remedial process

- Issue the CWA 401 Water Quality Certification and possibly Waste Discharge Requirements (WDRs) for the restoration work involving waters of the U.S. and waters of the state

- Review and comment on the conceptual and final restoration plans, ensuring no net loss of waters of the state and establishing compensatory mitigation requirements, where applicable

- As responsible agency, provide formal review and comment on the EIR and coordinate with the City to ensure that the EIR appropriately addresses potential impacts on waters of the State and designated beneficial uses and ensure consistency between the EIR and all permits issued by the RWQCB

- Review the Stormwater Pollution Prevention Plan (SWPPP) and any associated stormwater plans to ensure no impacts to beneficial uses of waters of the State

- Review annual monitoring reports

3.5 California Department of Fish and Game

The California Department of Fish and Game (CDFG) will serve in a regulatory, responsible, and trustee agency role over the Project. All lakes, streams, and rivers, as habitat for fish and wildlife species, are under the jurisdiction of the CDFG under Fish and Game Code 1600-1616. Any activities that disturb the bed or banks within jurisdictional streams or lakes would require obtaining a Lake and Streambed Alteration Agreement from CDFG. Construction of drainages, including any daylighting of drainages associated with the MPC Restoration Project, would require authorization from CDFG for work within these features. In addition, any activities within riparian zones or habitat for nesting birds and raptors would fall within CDFG's jurisdiction. CDFG will review and comment on the conceptual restoration plan and on the final plan in addition to issuing Lake and Streambed Alteration Agreement(s) for implementation of the remediation and restoration activities within CDFG jurisdiction. CDFG will provide review and comment on the plan and will specify annual monitoring requirements to document fulfillment of the restoration objectives.

In its role as responsible and trustee agency, CDFG has jurisdiction over the natural resources within California and will provide formal review and comment on the EIR document during the public review period and would also have discretionary approval over the Project. In these roles, CDFG will:

- As responsible agency, provide formal review and comment on the EIR and will ensure that mitigation measures for biological resources impacts are reduced to a less than significant level

- As trustee agency, provide expertise on issues related to plants, fish, and wildlife during preparation of the EIR and ensure protection measures for California species of special concern that may be present in the project area

- Issue 1602 Lake and Streambed Alteration Agreement(s) for restoration and remediation activities within jurisdictional streams, and establish compensatory mitigation requirements, where applicable

- Provide review and comment on conceptual and final restoration plans

- Review annual monitoring reports

3.6 California Coastal Commission

The CCC oversees the California Coastal Act (CCA) and the federal Coastal Zone Management Act (CZMA). The CCC, in partnership with coastal cities and counties, plans and regulates land and water resources within the coastal zone. For the MPC Restoration Project, the CCC has appeal authority under the City's LCP in the event that an appeal on the City's decision is made.

The CCC will serve as responsible agency during the preparation of the EIR. In this role, the CCC would have a discretionary approval over the Project and would be available to the City for early coordination to ensure that the Project activities are consistent with the CCA and CZMA. In these roles CCC will:

- Provide formal review and comment on the EIR to ensure it addresses activities within the Coastal Zone

- As responsible agency, provide review and comment on conceptual and final restoration plan for consistency with CCA and CZMA policies, and will establish compensatory mitigation requirements where applicable

- Review annual and post restoration monitoring reports

- Serve as appeal body under the CCA in the event the CDP decision by the City is appealed

3.7 United States Army Corps of Engineers

Several wetlands and surface waters within the MPC Restoration Project area fall under the jurisdiction of the USACE. Any discharge or placement of dredge or fill material within a water of the U.S., including any remediation action, is subject to USACE approval under Section 404 of the federal Clean Water Act. The USACE will also serve as the federal lead agency for consultation under Section 7 of the federal Endangered Species Act should a federally listed threatened or endangered species be located in the project area. In its regulatory role, the USACE will:

- Review and comment on the conceptual and final restoration design plan

- Issue Clean Water Act Section 404 permits for activities within jurisdictional waters of the U.S.
- Consult with United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) for impacts to federally listed threatened or endangered species, if appropriate
- Review annual monitoring reports following implementation of the restoration plan

3.8 United States Fish and Wildlife Service

The USFWS is charged with regulatory oversight under the federal Endangered Species Act (ESA) for federally listed threatened and endangered plant, terrestrial wildlife species, and certain fish species. Federally listed animal species are not present on the site. Several special status plants occur or have the potential to occur near the MPC Restoration Project footprint. However, plant surveys conducted to date have not found any rare plants in the MPC Restoration Project area. Federally listed threatened and endangered animal species are not located in the project area. Consequently, Section 7 consultation between the USACE and USFWS is not anticipated to be necessary because no federal actions are expected to affect federally listed threatened and endangered species. The USFWS has participated throughout the site closure process and is expected to continue to provide their expertise regarding the protection, enhancement, and restoration of ecological resources associated with the MPC Restoration Project.

3.9 National Marine Fisheries Service

The NMFS is charged with regulatory oversight under Section 7 of the federal ESA for listed threatened and endangered marine fish and mammal species. Potential habitat for protected marine mammal occurs offshore of the site. Although Section 7 consultation with the USACE is not anticipated, coordination with NMFS may be necessary to confirm the MPC Restoration Project will not result in adverse effects to listed fish species or marine mammals.