

Consultation, Coordination, and Integration with Other Federal Requirements

Consultation and Coordination

The City of Vallejo (City), in cooperation with the U.S. Army Corps of Engineers (Corps), has coordinated the environmental review of the proposed action with appropriate federal, state, and local agencies; concerned organizations; and interested citizens, as described below.

Notice of Preparation and Notice of Intent to Prepare a Draft EIS/EIR

In compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the City and the Corps published and distributed a Notice of Intent (NOI) in compliance with NEPA and a Notice of Preparation (NOP) in compliance with CEQA to prepare a draft environmental impact statement/draft environmental impact report (Draft EIS/EIR). The NOI was published in the Federal Register on March 8, 2002, and the NOP was subsequently filed with the State Clearinghouse. The notices were distributed to federal, state, and local agencies and interested members of the public for a 45-day review. These notices are included in Appendix A of this Draft EIS/EIR. Written comments received on these notices are on file at the City of Vallejo Planning Division.

Responsible Agencies/Cooperating Agencies

CEQA defines a responsible agency as “a public agency which proposes to carry out or approve a project for which a lead agency is preparing or has prepared an EIR.” NEPA defines a cooperating agency as “any federal agency other than the lead agency that has discretionary authority over the proposed action, jurisdiction by law, or special expertise with respect to the environmental impacts expected to result from an action.”

The City is the state lead agency for the proposed project under CEQA, and the Corps is the federal lead agency under NEPA. The following agencies have been identified as responsible or cooperating agencies under CEQA and NEPA:

- U.S. Environmental Protection Agency
- San Francisco Bay Regional Water Quality Control Board
- State Lands Commission
- San Francisco Bay Conservation and Development Commission
- California Department of Fish and Game
- U.S. Fish and Wildlife Service
- National Oceanic and Atmospheric Administration Fisheries Service
- Solano County Mosquito Abatement District
- California Department of Transportation
- Bay Area Air Quality Management District
- The U.S. Coast Guard

Required Permits and Approvals

As described in more detail below, operation of the Dredged Material Disposal Facility (DMDF) depends on the receipt of numerous permits and other discretionary approvals from a variety of responsible or trustee agencies with specialized expertise and exclusive or shared jurisdiction over certain aspects of the DMDF. Each agency will specify conditions of approval and may require additional mitigation measures in its area of jurisdiction and expertise, based on the agency's standards. WESTON will be obligated to comply with all such conditions of approval and mitigation measures.

The discretionary actions required by the City as the lead agency under CEQA for action implementation are as follows.

- Certification of the EIR and associated mitigation monitoring program
- Approval of a proposed action/selection of an alternative
- Approval of final engineering designs
- Approval to award the construction contract

The discretionary actions required by the Corps as lead agency under NEPA for action implementation are as follows.

- Approval of the wetland delineation for the action area
- Issuance of a Section 404 (Clean Water Act [CWA]) permit (described further below)
- Certification of the EIS

This environmental document may be used by several other responsible or trustee agencies that also have review authority over the action. The various local, state, and federal agencies that may use this document are listed below.

- **City of Vallejo—Planned development/unit plan, site development permit, and grading permit.** The plan and grading permit would be issued for a specific time period (usually 10 years, with a provision for renewal). The project proponent has applied for concurrent approval of all phases of the action.
- **U.S. Environmental Protection Agency (EPA)—Oversight of Clean Water Act (CWA) Section 404 permit.** EPA will comment on this Draft EIS/EIR and on permit applications to ensure compliance with NEPA and CWA Section 404(b)(1) guidelines. EPA likely will focus on the effect of the proposed action on wetlands and the adequacy of the alternatives analysis, among other issues. EPA also has primary responsibility for implementing the Clean Air Act and will ensure compliance with its provisions.
- **U.S. Army Corps of Engineers (Corps)— Clean Water Act (CWA) Section 404 permit, Rivers and Harbors Act of 1899 Section 10 permit.** The Corps will review this Draft EIS/EIR during its process for issuing permits under Section 404 of CWA (Title 33, United States Code [USC], Section 1344) for the discharge of dredged material in waters of the United States and under Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 402–403) for work in navigable waters of the United States.

Prior to issuing a CWA Section 404 permit, the Corps requires that a CWA Section 401 water quality certification be issued or waived by the State Water Resources Control Board (SWRCB), that a Bay Conservation and Development Commission (BCDC) permit be issued (this is part of the requirement for the Corps to be consistent with the state Coastal Zone Management Act), and that a no jeopardy opinion from U.S. Fish and Wildlife Service (USFWS) be issued. These actions are described below.
- **San Francisco Bay Regional Water Quality Control Board (RWQCB)— Clean Water Act (CWA) Section 401 water quality certification, CWA Section 402 National Pollutant Discharge Elimination System (NPDES) permit, waste discharge requirements (WDRs).** The San Francisco Bay RWQCB is responsible for managing water quality in the Bay Area. The RWQCB will review the Draft EIS/EIR before issuing a CWA Section 401 water quality certification in support of the CWA Section 404/RHA Section

10 permit and WDRs under the Porter-Cologne Water Quality Control Act. In addition, the RWQCB will review the document prior to granting coverage under the General NPDES Permits for stormwater and industrial activities.

- **State Lands Commission (SLC)—Permit/lease.** SLC has jurisdiction and management control over lands received by the state upon its admission to the United States in 1850. At Mare Island, the property west of what is known as the “Joy Survey Line” (see Figure 1-2), including the disposal ponds, has reverted to the State with completion of the transfer from the Navy. SLC has granted a long-term lease to the City for the western parcel of Mare Island. The City has executed a management and operating agreement with Weston Solutions, Inc., in the form of a sublease to manage the disposal ponds as proposed. The sublease will be effective upon the certification of this Draft EIS/EIR. Any proposed land use within SLC jurisdiction must be authorized by SLC. SLC will use this Draft EIS/EIR to evaluate the proposed action as part of the proponent’s lease application for operation of the disposal ponds and construction of any structures for mooring barges and anchoring the deep-water intake pipeline.
- **Department of Toxic Substance Control (DTSC)—Land Use Control.** DTSC provides the environmental oversight for the SLC for the properties leased west of the Joy Survey Line or the Western Early Transfer Parcel (WETP), which includes the Mare Island disposal ponds. The Final Remedial Action Plan for WETP invoked certain institutional controls and access restrictions to maintain public safety and protect the environment. These controls and restrictions were implemented by the Draft Operation and Management Plan (for the WETP at Mare Island, Vallejo, California) (WESTON 2003b). The Draft Operation and Management Plan (for the WETP at Mare Island) requires that any work plan that performs any form of earth movement within the must be approved by DTSC prior to implementation.
- **Bay Conservation and Development Commission (BCDC)—Major Activity Permit.** BCDC issues permits for filling, dredging, and other activities affecting the waters of the San Francisco Bay (Bay). BCDC’s fundamental objectives are to protect the Bay for the benefit of present and future generations and to develop the Bay and its shoreline to their highest potential with a minimum of Bay filling. BCDC will use this Draft EIS/EIR to evaluate the proposed action as part of the proponent’s permit application for activities in the vicinity of Piers 34 and 35 and the outfall diffuser, and for placing of fill in the action area. Through its issuance of the federal consistency determination (this is a requirement of the CWA Section 404 permit), BCDC also has input to the Corps’ permit process.
- **California Department of Fish and Game (CDFG)—Incidental take permit for potential “taking” of state-listed threatened and endangered species, except those species that are fully protected.** Pursuant to the Section 2081 of the California Endangered Species Act (CESA), the action would require an incidental take permit for the “take” of state-listed

threatened or endangered species, to be issued only if specific requirements are met.

- **U.S. Fish and Wildlife Service (USFWS)—Endangered Species Act (ESA) Section 7 consultation with biological opinion for potential “taking” of federally listed threatened or endangered species.** Under ESA, the Corps must consult with USFWS if the proposed action may adversely affect or jeopardize the continued existence of a threatened or endangered species. Such consultation is also required under the CWA Section 404(b)(1) guidelines. USFWS will use this Draft EIS/EIR to review the environmental consequences of the proposed action on fish and wildlife resources. In addition, the CWA Section 404(b)(1) guidelines prohibit the Corps from issuing a permit for projects that will jeopardize the continued existence of fish or wildlife species federally listed as threatened or endangered. Under the Fish and Wildlife Coordination Act of 1956, the Corps must consult with USFWS to prevent the direct and indirect loss of, or damage to, wildlife resources, and must “fully consider” resource agency comments.
- **National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries)—Section 7 Endangered Species Act (ESA) consultation with biological opinion for federally protected commercially important anadromous fishes.** The Corps must consult with NOAA Fisheries if marine mammals or anadromous fishes may be affected by the proposed action. Under the Fish and Wildlife Coordination Act of 1956, the Corps must consult with NOAA Fisheries to prevent the direct and indirect loss of, or damage to, fish resources, and must “fully consider” resource agency comments.

Other Agencies. Several agencies, including the Solano County Mosquito Abatement District (SCMAD), the California Department of Transportation (Caltrans), the Bay Area Air Quality Management District (BAAQMD), the California Department of Water Resources, and the U.S. Coast Guard, will participate in the design review process to ensure compliance with their guidelines. SCMAD will review the proposed action to ensure that it meets the requirements of the California Health and Safety Code, Section 2274, regarding the control of mosquitoes. Caltrans reviews projects involving the use of public roads, and BAAQMD reviews projects that use equipment that could produce air emissions. The DSOD will review the Draft EIS/EIR with a focus on levee construction elements. The U.S. Coast Guard will use the Draft EIS/EIR to monitor and consider the environmental effects on maritime traffic.

Consultation and Coordination

Development of project elements relied on guidance and input received from regulatory and resource agencies, environmental groups, and other interested parties. Numerous meetings were held to identify key issues that the proposed action needed to address. The following agencies held meetings and presented

information regarding the proposed action prior to development of this Draft EIS/EIR:

- City of Vallejo. August 26, 1999: Mare Island disposal ponds privatization briefing. April 3, 2001: Mare Island early transfer briefing. February 3, May 26, and June 20, 2005: Project status meetings.
- Naval Facilities Engineering Command and City of Vallejo. November 4, 1999: Mare Island disposal ponds privatization work session.
- U.S. Navy, EPA, California Department of Toxic Substances Control (DTSC), and City of Vallejo. November 23, 1999: Mare Island disposal ponds presentation. December 21, 1999: Mare Island disposal ponds update.
- Port of Oakland. July 13, 2000, December 1, 2000, March 15, 2002, and February 15, 2001: Mare Island DMDF project update.
- The Corps and Port of Oakland. November 6, 2000: Mare Island site tour.
- San Francisco Bay RWQCB. November 16, 2000: Mare Island Disposal Ponds Briefing. December 11, 2000, March 5, 2001, and August 22, 2001: Mare Island disposal ponds update. March 12, 2004: Meeting regarding potential effluent quality, sediment acceptance criteria, and other waste discharge permit requirements. May 18, 2004: Meeting to discuss wetland mitigation and restoration elements of project. September 27, 2004: Meeting with Lennar Mare Island to brief RWQCB.
- BCDC. February 12, 2001: Mare Island disposal ponds briefing and presentation. April 19, 2001: General briefing and coordination regarding permit.
- SLC. February 16, 2001: Mare Island disposal ponds briefing. March 2, 2001, November 9, 2001, and December 9, 2001: Mare Island DMDF project update. January 17, 2002: Mare Island ordnance and explosive confirmation survey update presentation. January 26, 2004: Meeting to discuss public access trail, FOST and LIFOC parcels.
- SLC and City. January 26, 2005: Discussion of Navy leases, final restoration requirements, public access, and permits.
- SLC, USFWS, City, and Corps. March 3, 2005: Discussed disposition of three northern-most ponds, public access trail, Section 7 requirements, and lease of Areas I and J wetlands to USFWS.
- Regulatory Agencies (the Corps, USFWS, EPA). March 7, 2001: Mare Island Areas H1, I, and J and submerged lands briefing. March 14, 2001 and May 14, 2001: DMDF interagency meeting. August 30, 2001: Mare Island disposal ponds tour.
- EPA and San Francisco Bay RWQCB. March 26, 2001: Mare Island disposal ponds update. April 26, 2001: Discussion of wetlands, discharge criteria, and sediment acceptance criteria.
- EPA and Corps. July 7, 2004: Meeting to discuss mitigation, beneficial reuse, sediment acceptance criteria, and effluent quality.

- USFWS. March 29, 2001 and December 11, 2001: Mare Island disposal ponds tour. March 3, 2002, June 26, 2002, and May 8, 2002: Mare Island DMDF project update. March 13, 2002: Mare Island wetland mitigations briefing. January 16, 2002: Mare Island environmental assessment meeting. March 24, 2005: Requested (and received) an updated species list from USFWS.
- USFWS and SLC. April 29, 2001: General briefing and tour of the DMDF disposal ponds.
- Airport Staff. May 2, 2001: San Francisco International Airport briefing.
- Lennar Mare Island and City. April 18, 2001: General briefing and discussion of potential impacts to future housing developments. June 13, 2001: Discussion of geotechnical issues. June 25, 2001: Mare Island DMDF project update. August 2, 2001: Follow-up meeting. September 13, 2001: Technical discussion of issues, including levee heights. September 18, 2001: Discussion of levee heights and alternative proposals. September 24, 2001: Continuing discussion of levee height proposals. October 1, 2001: Development of levee height compromise. February 7, 2005: Meeting with master developer to discuss stormwater runoff hydraulics in project area.
- Corps. January 19, 2000: Discussed project concept, wetland impacts, environmental documents, and acceptance of unsuitable material. September 18 and December 13, 2001, February 28, 2002: Mare Island DMDF project update. October 30, 2001: Mare Island disposal ponds tour. January 25, March 2, April 19, May 24, and June 21, 2005: Project status meeting. January 31, 2005: Technical discussion of cumulative impacts.
- EPA, DTSC, and Restoration Advisory Board (RAB). December 4, 2001: Mare Island disposal ponds presentation.
- DTSC and SLC. February 8, 2002: Mare Island ordnance and explosive confirmation survey briefing.
- DTSC and Navy. February 22, 2002: Mare Island DMDF project update.
- DTSC and City. June 3, 2004: Discussion of use of South Shore area and other Navy lease areas for future operations of DMDF.
- USFWS, CDFG, and Corps. November 9, 2004: Meeting at the Sacramento USFWS office to discuss the project and ESA compliance.
- USFWS and Corps. February 15, 2005: Meeting at the Sacramento USFWS office to discuss the project and ESA compliance.
- CDFG. April 4, 2005: DMDF tour.
- USFWS, NOAA Fisheries, and Corps. April 11, 2005: Conference call to discuss project effects and avoidance measures for fish.

Public Outreach Program

In addition to the collaboration described above, a public scoping meeting was held on March 13, 2002. At this meeting, the proposed action was introduced to concerned citizens, and the floor was opened for discussion. Since that time, additional meetings with held with other members of the public or special interest groups, including the following.

- City of Vallejo and Corps. March 11, 2004: Public workshop on Draft EIS/EIR.
- City of Vallejo Planning Commission and Corps. March 15, 2004: Public hearing regarding Draft EIS/EIR.
- RAB. September 21, 2000: Mare Island disposal ponds briefing. October 25 and November 30, 2000; February 21, June 13, and September 27, 2001; and March 25, 2004: Mare Island DMDF update. February 22, 2001: Mare Island Areas H1, I, and J and Submerged Lands—status of response action briefing. June 21, 2001: Follow-up to February 21 meeting. August 21, 2001: Mare Island early transfer briefing. November 8, 2001: Mare Island disposal ponds ordnance and explosives removal action briefing.
- Regional Park Task Force. July 21 and October 13, 2004: Land use compatibility with DMDF. March 23, 2005: Osprey and heron relocation.
- Regional Park and Historical Preservation groups: July 21, 2004. Meeting to discuss compatibility of operations with other uses.
- Sandy Beach Community. June 15, 2005: Project briefing and question/answer session.
- Public. March 28, 2002: Discussion of Mare Island Remedial Action Plan for Investigation Areas I and J and Submerged Lands.

Other Federal Requirements

Executive Order 13045: Health and Safety

A growing body of evidence indicates that children within the United States suffer disproportionately from environmental health risks and safety risks. Executive Order 3045 requires that federal agencies identify and assess environmental health or safety issues that may disproportionately affect children. Health and safety risks are considered to be those attributable to products or substances that a child is likely to come into contact with or ingest. The areas that are the focus of this evaluation include those where high concentrations of children might occur, such as schools, recreational or daycare centers, and residential areas.

At present, none of these child-related facilities is located near the action area. Schools and day care centers on the island are currently located a safe distance from the proposed uses of the site.

With incorporation of the mitigation measures presented in this document, no activities associated with operation of the proposed action are anticipated to affect adjacent residential or public areas. Levees on the eastern boundary of the disposal facility would be raised and the existing pipeline would be extended or repaired before new residences are constructed; therefore, most of the proposed activities would not affect residents in these areas.

Executive Order 12898: Environmental Justice

Executive Order 12898, “Federal Actions Address Environmental Justice in Minority Populations and Low-Income Populations” provides that each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The proposed action would have no environmental justice effects. Section 3.12, “Population, Housing, Employment, and Environmental Justice,” discusses environmental justice in more detail.

