MEMORANDUM FOR Commander, San Francisco District, ATTN: CESPN-ET-PA, Ms. Tessa Beach

Subject: Kent Island Restoration at Bolinas Lagoon, Marin County, CA, Estuary Habitat Restoration Program, Review Plan Approval

1. The enclosed Kent Island Restoration at Bolinas Lagoon, Marin County, California, Estuary Habitat Restoration Program, Review Plan is in accordance with Engineering Circular (EC) 1165-2-214, Review of Decision Documents, dated 15 Dec 2012. With MSC approval the Review Plan will be made available for public comment via the internet and the comments received will be incorporated into future revisions of the Review Plans. The Review Plan excludes independent external peer review.

2. I hereby approve the Review Plan which is subject to change as study circumstances require. This is consistent with study development under the Project Management Business Process. Subsequent revisions to the Review Plan after public comment or during project execution will require new written approval from this office.

3. Point of contact for this action is Ms. Nenedia (Deanie) Kennedy, CESPD-PDS-P, 415-503-6585, Nenedia.C.Kennedy@usace.army.mil.

Building Strong From New Mexico All The Way To The Pacific!

[Signature]

MICHAEL C. WEHR
BG, USA
Commanding

Encl
Review Plan
REVIEW PLAN

Kent Island Restoration at Bolinas Lagoon
Marin County, California

Estuary Restoration Act of 2000
Estuary Habitat Restoration Program

U.S. Army Corps of Engineers
San Francisco District

December 2012
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Building Strong From New Mexico All The Way To The Pacific!

Encl
Review Plan

MICHAEL C. WEHR
BG, USA
Commanding
1. INTRODUCTION

a. Authority. The proposed Kent Island Restoration at Bolinas Lagoon (Kent Island project) is a small Federal grant/cost shared project being undertaken as part of the Estuary Habitat Restoration Program (EHRP) which is authorized by the Estuary Restoration Act (ERA) of 2000, Title I of PL 106-457 of the Estuaries and Clean Waters Act of 2000, as amended (33 U.S.C. 2903). The objectives of the ERA, as amended, are to promote the restoration of estuary habitat; to develop and implement a national estuary habitat restoration strategy for creating and maintaining effective partnerships within the Federal government and with the private sector; to provide Federal assistance for and promote efficient financing of estuary habitat restoration projects; and to develop and enhance monitoring, data sharing, and research capabilities.

The Estuary Restoration Act authorizes the Secretary of the Army to carry out estuary habitat restoration projects and establishes the Estuary Habitat Restoration Council (Council), comprised of the U.S. Army Corps of Engineers (USACE), Department of the Interior (acting through the U.S. Fish and Wildlife Service), National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), and Department of Agriculture (DOA).

District offices, subject to USACE Headquarters (HQUSACE) and Major Subordinate Command (MSC) oversight, are responsible for managing Council approved projects funded by USACE in cooperation with non-Federal interests.

b. Purpose. In accordance with Engineering Circular (EC) 1165-2-209, Civil Works Review Policy (2010) and the Implementation Guidance for the Estuary Habitat Restoration Program (2011), this review plan defines the scope and level of review for documents associated with the planning and construction phases of the Kent Island Restoration at Bolinas Lagoon in Marin County, California.

Documents covered by this review plan are “other work products” as defined by EC 1165-2-209. The level of review will be commensurate with the scope of the project and the ERA financial contribution that is granted to the non-federal sponsor for project implementation through USACE. Project review is intended to ensure technical viability and constructability, and reasonably assure that there will be no induced damages or other adverse risk from the project (EHRP Implementation Guidance, 2011).

Documents that would fall under the scope of this review plan include the project’s Environmental Assessment, Vegetation Removal and Planting plan, ERA Monitoring Plan, and ERA Operations and Maintenance (O&MRRR) manual.

However, this review plan was not initially prepared or submitted to the MSC for approval with the Project Management Plan and cooperative agreement (CA) package for this project. The CA package was approved by the South Pacific Division (SPD) MSC on August 12, 2011 and the District was authorized to execute the CA. The agreement was executed on September 8, 2011, and to date, the project Environmental Assessment, Vegetation Removal and Planting plan, and ERA Monitoring Plan have been completed.

Each of these work products were developed by the non-federal sponsor and underwent District Quality Control/ Quality Assurance (DQC) prior to approval by the District as required by EC 1165-2-209, paragraph 8, which states that all civil work products must undergo DQC. The document remaining to be developed and reviewed under the scope of this review plan is the Operations and Maintenance (O&MRRR) manual.
This review plan has now been incorporated into the project management plan and is being submitted for approval to fulfill the requirements of EC 1165-2-209.

c. **Requirements.** This Review Plan was developed in accordance with the Implementation Guidance for the EHRP (2011) and EC 1165-2-209. EC 1165-2-209 establishes an accountable, comprehensive, life-cycle strategy for review of all Civil Works projects that is risk-informed and scalable to the level of complexity and relative importance of the actions being supported in any project.

d. **Applicability.** This review plan does not cover decision documents or implementation products as defined by EC 1165-2-209. Documents covered by this review plan are “other work products” as defined by EC 1165-2-209.

The EC outlines four general levels of review: District Quality Control /Quality Assurance (DQC), Agency Technical Review (ATR), Independent External Peer Review (IEPR), and Policy and Legal Compliance Review. The EC specifies that all civil works products shall undergo DQC, a subset of these will undergo ATR, and smaller subsets of the ATR group will undergo one or both types of IEPR. The EC (section 6.b.(1)) requires that the risk-informed decision making process outlined in paragraph 15 of the EC be applied to determine whether ATR and IEPR are appropriate for such other work products. This decision making process was carried out for the work products associated with the Kent Island Restoration project and is outlined in Section 4 below.

e. **References.**
   2. Implementation Guidance for the Estuary Habitat Restoration Program (Cooperative Agreement), June 2011
   3. Project Management Plan, Kent Island Restoration at Bolinas Lagoon (P2 Number 331131)

2. **REVIEW MANAGEMENT ORGANIZATION (RMO) COORDINATION**
The RMO for the effort described in this Review Plan is the South Pacific Division (SPD). The Division will coordinate and approve the review plan. The San Francisco District will post the approved review plan on its public website.

3. **PROJECT INFORMATION**

a. **Background.** In 2009 The Marin County Open Space District (MCOSD), the recipient submitted a proposal to implement the Kent Island project as part of the EHRP. In accordance with the EHRP, the Estuary Habitat Restoration Council approved the project for implementation in conjunction with USACE and awarded the project $470,000 in ERA funding. The balance of the $795,000 total project cost will be provided by MCOSD.

   Based on review of the “Kent Island Restoration at Bolinas Lagoon” EHRP project proposal and discussions with the recipient, the San Francisco District (SPN) determined that a Cooperative Agreement (CA) was suitable for use in the implementation of this project.

   The MSC is the approval authority for execution of a CA with a non-federal sponsor. The Kent Island CA package was developed by SPN and the recipient in 2011 in conjunction with the Sacramento District Real Estate Division and Los Angeles District Contracting Division. The CA package was
reviewed and certified by the SPN Office of Counsel then approved by the SPN District Engineer and Los Angeles District Grants Officer (USACE Signatory Authority).

The following components of the Cooperative Agreement (CA) package were completed by SPN and submitted to the South Pacific Division (SPD) MSC for review and approval on June 29, 2011: Cooperative Agreement Document, EHRP Project Proposal, Project Management Plan with work and payment schedules, Standard Terms and Conditions, Certifications and Representations, and Documentation of Required Real Estate. Two additional components of the CA package, the Monitoring Plan and site specific O&MRRR Manual, are authorized in the EHRP guidance to be completed after execution of the CA but must be completed prior to project construction and prior to project close out, respectively.

The South Pacific Division approved the CA package on August 12, 2011 and authorized execution of the CA. The District and Non-federal executed the CA on September 8, 2011.

After execution of the CA, the project monitoring plan was developed by the recipient, underwent DQC by the District, and has since been finalized and was submitted to USACE HQ for approval by the ERA program manager on 18 OCT 2012. Approval will be obtained prior to commencement of vegetation removal.

b. Project Location. Kent Island is located within Bolinas Lagoon opposite the Town of Bolinas in Marin County, California, at a latitude is 37° 54’44″N and longitude is 122°40’43″W, approximately 15 miles northwest of San Francisco (Figure 1). The island is part of the Gulf of the Farallones National Marine Sanctuary and the 1,100-acre Bolinas Lagoon was designated as a Wetland of International Importance by the Ramsar Convention in 1998. The greater lagoon provides habitat for shorebirds, waterfowl, fish, invertebrates, and special status plants and animals.

Kent Island is designated in the Marin County General Plan as Open Space and all but the southwestern area containing a Monterey pine and cypress stand area falls within a parcel owned by the County of Marin and maintained by the Marin County Open Space District (MCOSD). The area covered by the pine and cypress stand falls within a parcel owned by the Audubon Canyon Ranch and a perpetual easement granting access to that area has been acquired by MCOSD for this project. There are no structures or infrastructure on the Island.
Figure 1. Kent Island at Bolinas Lagoon

Figure 2. Vegetation Management Units on Kent Island
c. **Project Description.** Native terrestrial vegetation on Kent Island has been largely displaced by dominant non-native invasive vegetation which stabilizes sands and anchors the island, adversely affecting the natural hydrological function and sediment transport within the Lagoon. The project will restore 23 acres of tidal marsh/coastal dune habitat on Kent Island through removal of non-native vegetation, replanting with native species, and monitoring.

Removal of non-native, invasive vegetation including tree seedlings, invasive beach grass, iceplant, wattle (acacia), French broom, and fennel among others, will be accomplished primarily through salt water irrigation and manual removal techniques within specific vegetation management units. These vegetation management units are shown in Figure 2. Manual removal techniques will include hand tool clonal fragmentation, mattock and manual pulling, girdling of trees, smothering, and limited herbicide wick application. The 5-acre primary stand of Monterey Pine and Cypress on the island will not be removed due to recent nesting of Great Blue Herons on the Island and per the MCOSD’s Memorandum of Agreement with the Audubon Canyon Ranch. The initial restoration phase of the proposed project is expected to begin in January 2013 and extend through January 2014. This phase would be followed by five years of monitoring and subsequent removal and native replanting in areas where invasives recolonize.

Benefits of this project will include restoration of regionally rare flood-shoal tidal delta habitat for native plants and species and a major component of Bolinas Lagoon’s natural hydrodynamics. The Project would provide habitat for expansion of local populations of rare salt marsh owl's-clover and northern salt marsh bird's-beak and possible reintroduction of rare coast marsh milkvetch and north coast pink sand verbena.

The estimated total cost of the project is $795,000 including a Federal contribution of $470,000 (59% of the total cost) and a non-federal contribution of $325,000 (41% of the total cost).

4. **FACTORS AFFECTING THE SCOPE AND LEVEL OF REVIEW**

ERA projects are fundamentally different from those projects that are designed and implemented by our Districts. ERA projects have been approved by the interagency Council and the ASA(CW) for implementation. Project Recipients are the designer of record for their projects and are responsible for the design, construction management, and operations and maintenance of the approved project.

For project review, ERA implementation guidance 4.a states that:

(4.a) Districts shall comply with EC 1165-2-209, Civil Works Review Policy, at a level appropriate for the nature of the project; including but not necessarily limited to performance of appropriate District Quality Control/Quality Assurance, and application of the Risk Informed Decision process as appropriate to determine if Agency technical Review is appropriate.

(5.b (1)): Districts should endeavor to rely largely on the planning and design work that the Recipient has already accomplished and that the District will want to do the minimum necessary to insure technical viability, constructability and to reasonably assure that there will be no induced damages or other adverse risk.

The Kent Island Restoration at Bolinas Lagoon project is not likely to have significant economic, environmental, or social effects to the Nation or involve a significant threat to human life/safety. It is an estuary habitat restoration project consisting of vegetation removal through saltwater irrigation and
hand removal techniques and involves a relatively small footprint of 23 acres. The vegetation removal and planting plan was designed by the recipient’s consultant and the project is intended to restore the biological productivity of the area. The U.S. Fish and Wildlife Service as well as the National Marine Fisheries Service’s (NMFS) Endangered Species, Essential Fish Habitat, and Marine Mammal branches have all concurred that the project will have no adverse effect on species or habitats under their purview. District DQC review was conducted to ensure technical viability, constructability, and to reasonably assure that there will be no induced damages or other adverse risk to the public. The Corps will not assume any technical control or responsibility for the project, which will remain with the recipient.

5. REVIEW

EC 1165-2-209 outlines four general levels of review: District Quality Control, Agency Technical Review (ATR), Independent External Peer Review (IEPR), and Policy and Legal Compliance Review. The risk-informed decision process outlined below was undertaken to determine the appropriate level of review commensurate with the size and complexity of the Kent Island project. Based on this scope, SPN recommends that Kent Island project documents be subject to DQC and Policy and Legal Compliance Review but not to ATR or IEPR.

a. District Quality Control.

All civil work products must undergo DQC as provided in EC 1165-2-209, paragraph 8. DQC is an internal review process of basic science and engineering work products focused on fulfilling the project quality requirements defined in the Project Management Plan (PMP). The home district shall manage DQC. Documentation of DQC activities is required and should be in accordance with the Quality Manual of the District and the home MSC.

1. Products to Undergo DQC. DQC for the Kent Island project has already included a Quality Assurance (QA)/Quality Control (QC) review of the project’s Cooperative Agreement Package, recipient’s Vegetation Removal and Planting Plan, Environmental Assessment, and Monitoring Plan. Once available, the District will complete a DQC of the project’s O&MRRR manual.

2. Documentation of DQC. DQC comments for products completed by the Recipient will be compiled into a memorandum to be given to the project’s Recipient for review and response.

3. Required DQC Expertise. DQC is managed in the San Francisco District in accordance with MSC and District Quality Management Plans and may be conducted by in-house staff as long as the reviewers are not doing the work involved in the study. This DQC review team consists of District personnel from Environmental Planning, GIS, Civil Design, Cost Engineering, Real Estate, Office of Counsel, and Construction Management.

The Cooperative Agreement Package Contents (Project Proposal, Real Estate Plan, and Project Management Plan) were reviewed by all team members listed in Attachment A Table 1, including personnel from the Environmental Planning, Geographic Information Systems (GIS), Civil Design, Cost Engineering, Real Estate, Office of Counsel, Construction Management, Grants Management, and Contracting sections. The Vegetation Removal and Planting Plan and the Vegetation Monitoring Plan were reviewed by the team members from the Environmental Planning and Environmental Science sections listed in Attachment A Table 2 and the Environmental Assessment was reviewed by the team members from the Environmental Planning, Environmental Science, Office of Counsel and Public Affairs sections listed in Attachment A, Table 3. The O&MRRR manual will be reviewed by yet to
be determined team members from the Environmental Planning and Science Sections and if applicable, team members from the Construction Management or other sections.

b. **Agency Technical Review.**
The implementation guidance for the Estuary Habitat Restoration Program (section (4)) requires that the Risk Informed Decision process be applied to determine if Agency Technical Review is appropriate for an EHRP project. After applying this process, SPN determined that ATR is not warranted for this project.

The implementation risk to USACE for the Kent Island project is considered extremely low given the nature of the work to be preformed and because the Recipient is the designer of record for this project and is responsible for the design, construction, and operation and maintenance. The project solely involves removal of invasive vegetation through salt water irrigation and hand removal techniques followed by replanting of native vegetation. The vegetation removal and replanting design for the project was completed by the Recipient’s contractors, including an experienced botanist and ecologist, in conjunction with the Gulf of the Farallones National Marine Sanctuary and Marin County. Assistance was provided by the National Marine Fisheries Service (NMFS) Fisheries Bioengineering and Hydropower Branch to ensure the single temporary pump and irrigation system would not impact species under NMFS purview. The NMFS service concurred that the project, as designed, would have no effect on species under their purview. No heavy, earth-moving machinery will be involved and no permanent surface features or infrastructure will be constructed. The vegetation removal and planting plan underwent DQC by the District Environmental Planning section and a memorandum documenting comments was provided to the recipient.

To support the recommendation that ATR not be undertaken for this project, SPN answered questions provided in EC 1165-2-209 to decide whether to carry out ATR for other work products. The questions are intended to help the user determine if the work product at hand is a decision and/or an implementation document requiring ATR. The questions and responses pertaining to the Kent Island Project are listed below. For some responses, context is provided in italicized font. **Bolded** questions indicate affirmative answers to the question.

- **Does it include any design (structural, mechanical, hydraulic, etc)?** Yes. *While the project does not include designs for structural, mechanical, or hydraulic engineering, it does include a plan for vegetation removal and replanting.*
- Does it evaluate alternatives? No.
- Does it include a recommendation? No.
- **Does it have a formal cost estimate?** Yes. *The Recipient’s documentation for the ERA process includes project cost estimates. The cost estimate was reviewed by SPN Cost Engineering section and determined to be well supported and reasonable.*
- **Does it have or will it require a NEPA document?** Yes. *A project joint NEPA Environmental Assessment and CEQA Initial Study has been completed. The joint document was made available to agencies and the interested public for a 30 day public comment period. No public or agency comments were received. The non-federal sponsor issued a CEQA Negative Declaration on 8 NOV 2012. A NEPA finding of no significant impact FONSI is pending SPN DE approval and signature.*
- Does it impact a structure or feature of a structure whose performance involves potential life safety risks? No.
- What are the consequences of non-performance? Non performance would jeopardize ERA wetland restoration objectives.
• Does it support a significant investment of public monies? No. *Corps cost for this granting project is $470,000, with approximately $380,000 being expended on Construction. For this review plan this is not significant.*
• Does it support a budget request? No.
• Does it change the operation of the project? No.
• Does it involve ground disturbances? No.
• Does it affect any special features, such as cultural resources, historic properties, survey markers, etc, that should be protected or avoided? No. *Cultural Resources documentation has been completed for CEQA and NEPA compliance and no such resources are expected at the project site.*
• **Does it involve activities that trigger regulatory permitting such as Section 404 or stormwater/NPDES related actions?** Yes. *While neither a Section 404 or NPDES permit will be required for this project, the non-federal sponsor obtained a permit from the Marine Sanctuary and a 401 Certification from the Regional Water Quality Control Board. A permit from the California Coastal Commission is pending. All permitting will be complete prior to the initiation of construction.*
• Does it involve activities that could potentially generate hazardous wastes and/or disposal of materials such as lead based paints or asbestos? No.
• Does it reference use of or reliance on manufacturers’ engineers and specifications for items such as prefabricated buildings, playground equipment, etc? No.
• Does it reference reliance on local authorities for inspection/certification of utility systems like wastewater, stormwater, electrical, etc? No.
• Is there or is there expected to be any controversy surrounding the Federal action associated with the work product? No.

While the affirmative answers to the four questions from EC 1165-2-209 above suggest that the Kent Island plans could be implementation documents, SPN supports that ATR for these “other work products” is unnecessary and the project does not rise to the significance of having external district review of the project documents. The recipient’s reviews, permitting requirements, and the Corps’ DQC review would provide adequate review for this project and would be sufficient to insure technical viability, constructability, and to reasonably ensure that there will be no induced damages or other adverse risk. Expending the very limited project funds for ATR would further deplete the remaining funds needed for actual construction of the project and delay construction for another year.

c. **Independent External Peer Review.**

According to EC 1165-2-209 there are two types of IEPR: Type I is generally for decision documents and Type II is generally for implementation products. A Type I IEPR is not required because this review plan does not cover any decisions documents. A Type II IEPR is not required because the project does not does not meet any of the criteria for conducting Type II IEPR outlined in Paragraph 2 of Appendix E of EC 1165-2-209:

- The project does not involve the use of innovative materials or techniques where the engineering is based on novel methods, present complex challenges for interpretations to minimize risks to human health and safety;
- The project does not contain precedent-setting methods or models, or present conclusions that are likely to change prevailing practices;
- The project design does not require redundancy, resiliency, and/or robustness to minimize risks to human health and safety;
- The project does not include unique construction sequencing or a reduced or overlapping design construction schedule.
• The project is not controversial, does not have significant interagency interest, has a total project cost less than $45 million, is not preparing an EIS, and does not have significant economic, environmental, and social effects to the nation.
• The project does not involve a significant threat to human life and safety and failure of the project would not pose a significant threat to human life:

Based on the above and in accordance with Director of Civil Works’ Policy Memorandum # 1, signed 19 January 2010, and EC 1165-2-209, Civil Works Review Policy, the work products under review for this ERA project are not subject to Type I IEPR.

d. **Policy and Legal Compliance Review.**
   Project documents will be reviewed for their compliance with applicable law and policy.

e. **Cost Engineering Review and Certification.**
   There are no decision documents requiring cost review associated with this project. The basic material, labor, and construction costs for this project have been reviewed and certified by the SPN District Cost Estimating Section.

f. **Model Certification and Approval.**
   This project does not require any modeling.

g. **Value Engineering.**
   The estimated total cost of the project is $795,000 including a Federal contribution of $470,000 (59% of the total cost) and a non-federal contribution of $325,000 (41% of the total cost). As the total project cost is less than $1 Million, value engineering is not required per ER 11-1-321.

6. **REVIEW SCHEDULE AND COST**
   DQC for the Kent Island project Vegetation Removal and Planting Plan, Environmental Assessment, and Monitoring Plan have already been completed. The remaining DQC on the OMRR&R plan will be performed in 2-5 working days by applicable team members and as described in the project’s PMP. Due to the extremely limited budget for ERA projects, the total cost for this remaining DQC should not exceed $2,500.

7. **PUBLIC PARTICIPATION**
   There has been extensive public participation in the Kent Island Restoration Project. The Project is an action included in the Bolinas Lagoon Ecosystem Restoration Project: Recommendations for Restoration and Management (August 2008) prepared by a Working Group of the Gulf of the Farallones Sanctuary Advisory Council made up of the Marin County Open Space District, Gulf of the Farallones National Marine Sanctuary, USACE, Audubon Canyon Ranch, other resource agency personnel, scientists, environmental groups and community members. The project has been developed in close coordination with these partners and is expected to be completed with assistance from community volunteers. A public town hall meeting was held in May 2011 at which the San Francisco District and Marin County Open Space District introduced the ERA program and the Kent Island project and engaged in discourse with the public regarding the project. A project joint NEPA Environmental Assessment and CEQA Initial Study was completed and made available to resource agencies and the interested public for a 30 day public comment period. No public or agency comments were received. Moreover, coordination is being undertaken with federal, state, and local resource agencies as required by applicable laws and regulations.
8. **REVIEW PLAN APPROVAL AND UPDATES**

The SPD Commander is responsible for approving this Review Plan. The Commander’s approval reflects vertical team input (involving district, MSC, RMO, and HQUSACE members) as to the appropriate scope and level of review for the decision document. Like the PMP, the Review Plan is a living document and may change as the study progresses. The home district is responsible for keeping the Review Plan up to date. Minor changes to the review plan since the last MSC Commander approval are documented in Attachment 2. Significant changes to the Review Plan (such as changes to the scope and/or level of review) should be re-approved by the MSC Commander following the process used for initially approving the plan. The latest version of the Review Plan, along with the Commanders’ approval memorandum, should be posted on the Home District’s webpage. The latest Review Plan should also be provided to the RMO and home MSC.

The latest version of the review plan, along with the SPD approval memorandum, will be posted on the SPN webpage at:

http://www.spn.usace.army.mil/project_review_plans/index.html

9. **REVIEW PLAN POINTS OF CONTACT**

Public questions and/or comments on this review plan can be directed to the following points of contact:

- San Francisco District Project Manager, Tessa Beach: 415-503-6713
- South Pacific Division Point of Contact, Nedenia Kennedy: 415-503-6585
## ATTACHMENT 1: DQC TEAM ROSTERS

### Table 1 – Cooperative Agreement Package DQC Team

<table>
<thead>
<tr>
<th>Discipline</th>
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### Table 2 - Vegetation Removal and Planting Plan; Vegetation Monitoring Plan DQC Team

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Name</th>
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<tbody>
<tr>
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### Table 3- Environmental Assessment DQC Team

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Name</th>
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<tbody>
<tr>
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<td>Bill DeJager</td>
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### Table 4- OMRR&R Manual DQC Team

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<tr>
<th>Discipline</th>
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<td>Environmental Planning</td>
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<td>Construction Management</td>
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# ATTACHMENT 2: REVIEW PLAN MINOR REVISIONS

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