UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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November 19, 2012

Mitchell Stewart
Sacramento District
U.S. Army Corps of Engineers
1325 J. Street
Sacramento, CA 95814

Subject: Isabella Lake Dam Safety Modification Project Draft Environmental Impact Statement, Kern County, (CEQ # 20120338)

Dear Mr. Stewart:

The U.S. Environmental Protection Agency (EPA) is providing comments on the subject Final Environmental Impact Statement (FEIS). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA remains supportive of the project purpose, which is to remediate seismic, hydrologic, and seepage deficiencies at the Isabella Main and Auxiliary Dams and Spillway. We also acknowledge the project's urgency and the risk from catastrophic flooding. We support changes to the proposed alternative to create sand from on-site rock crushing of excavation material, supplemented by the reuse of sand from the auxiliary dam recreation area, rather than excavation of sand from the South Fork Delta borrow area. This change would reduce the proposed alternative's air quality and traffic impacts.

EPA reviewed the Draft Environmental Impact Statement (DEIS) for the Isabella Lake Dam Safety Modification Project and provided comments on May 22, 2012. We rated the document EC-2, Environmental Concerns – Insufficient Information. We based this on our concerns about air quality, water quality, environmental justice, noise, and the elements of the project description. We were particularly concerned about the project's compliance with EPA's general conformity requirements.

General Conformity and Air Quality

We appreciate the FEIS revisions that address our air quality and general conformity comments. We note that project emissions of air pollutants have increased from the DEIS to the FEIS[1], however, mitigation measures could reduce those emissions considerably[2].

[1] For example, the DEIS estimates 213 tons of NOx emissions in Table 3-27 compared to 292 tons of (unmitigated) NOx emissions totaled from Table 3-1-FEIS.

[2] The previously noted NOx emissions are reduced to 82 tons a year if mitigation measures are implemented (Table 3-1-FEIS).

While the FEIS refers to an extensive list of air quality mitigation measures as recommended, it does not commit to their implementation. As the FEIS notes, mitigated emissions from the proposed alternative do not exceed the conformity de minimis thresholds, but unmitigated emissions do exceed the thresholds.

Recommendations:

To comply with EPA's general conformity rule, the Corps may commit, in the Record of Decision (ROD), to mitigation sufficient to ensure the project will not exceed the de minimis thresholds.

Alternatively, the Corps may publish a conformity determination for public comment prior to signing a Record of Decision (ROD) for the project. If the first approach is taken, the ROD should also discuss the means by which the Corps will ensure the implementation of air quality mitigation measures.

Aquatic Resources

EPA appreciates the addition of the Clean Water Act Section 404(b)(1) analysis in Appendix B. We note, however, that the Corps did not specifically respond to some of our comments on water quality protection and monitoring. We recognize that the FEIS now commits to the development of water quality Action Levels (p. 3-17). The FEIS states that the Action Levels will be based on the Corps' water quality baseline study; the Clean Water Act; the stormwater permit for construction related activities; the Tulare Lake Basin Plan; coordination with the Central Valley Water Quality Control Board; and other applicable regulations (p. 3-17).

Recommendations:

The ROD should include the Corps' commitment to development of water quality Action Levels. In the subsequent development of the Actions Levels, we ask the Corps to further consider:

- specific monitoring parameters, such as turbidity, dissolved oxygen conductivity and water temperature, to assess potential negative impacts of the project and evaluate the project's effects on water quality;
- rapid turn-around of test results (field test kits may be available for many parameters), to provide real-time feedback on the effectiveness of mitigation measures;
- readily observable action levels for the use of turbidity curtains, based on parameters such as the observation of windblown dust, wind speed, and distance from grading or excavation activities to the lake; and
- reevaluation of mitigation measures or project elements to minimize water quality impacts if Action Levels are exceeded.

Cimate Change Impacts

It appears that the Corps misunderstood our comment on addressing the effects of climate change on the project. Our letter acknowledged that the DEIS considered the project's

impacts on climate change, but not the effects of climate change on the project. Our comment also noted that the California Department of Water Resources[3] anticipates an increase in extreme weather, leading to higher winter river flows, runoff, and flooding. As we stated, the action alternatives are likely to provide more benefits than drawbacks in addressing the effects of climate change. We also, however, emphasized the importance of measures that may make the project more adaptable to the effects of climate change. In response, the Corps stated, "[t]he proposed project's impact of greenhouse gas emissions on climate change was evaluated in the DEIS. It is located in section 3.5 - Air Quality, in the DEIS."

Recommendation:

In the ROD, we encourage further discussion of the proposed alternative's adaptability to climate change impacts, as well as commitments to measures that could make the project more adaptable to climate change.

We appreciate the opportunity to review this FEIS. When the ROD has been signed, please send one hard copy and one electronic copy to the address above (mail code: CED-2). If you have questions, please contact me at (415) 972-3843 or have your staff contact Tom Kelly at kelly.thomasp@epa.gov.

Sincerely,

FOR

Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

cc (via email): Brenda Ehmann, Sequoia National Forest
Julie Damo, Eastern Kern County Air Pollution Control District
Lonnie Woss, Central Valley Water Quality Control Board

[3] Climate Change in California, June 2007, see http://www.water.ca.gov/climatechange/docs/062807factsheet.pdf.