UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAY 2 1 2012

Christy Smith
Refuge Manager
San Pablo Bay National Wildlife Refuge
7715 Lakeville Highway
Petaluma, CA 94954

Subject: Final Environmental Impact Statement (FEIS) for the Sears Point Wetlands and Watershed Restoration Project, Sonoma County, California (CEQ # 20120110)

Dear Ms. Smith:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Sears Point Wetlands and Watershed Restoration Project (Project). Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act (CAA).

EPA reviewed the Draft Environmental Impact Statement (DEIS) on October 15, 2009. We rated the DEIS as *Environmental Concerns – Insufficient Information* (EC-2), primarily due to a lack of specific information regarding potential impacts to waters of the United States. In addition, we noted that the FEIS should include contingency measures for potential damage to levees partially constructed with contaminated sediments and that the FEIS should address the San Francisco Bay Area's attainment status in regards to the 24-hour National Ambient Air Quality Standard (NAAQS) for fine particulate matter ($PM_{2.5}$).

EPA appreciates the inclusion of additional information regarding measures proposed to protect the portion of the levee that would be constructed using contaminated soils, the clarification added to the description of the methyl mercury adaptive management plan, and the commitment to incorporate measures for the reduction of fine particulate matter.

The FEIS continues to lack sufficient information about impacts upon Waters of the United States (WUS) falling under the jurisdiction of the Army Corps of Engineers (USACE). While additional information has been added to the FEIS addressing the regulatory processes that will occur in relation to the dredge/fill of jurisdictional waters, the discussion remains general in nature. We recommend that the ROD more clearly discuss the status of the project in the regulatory process and the status of consultation with the USACE (i.e. in regards to Clean Water Act Section 404).

We appreciate the opportunity to review this FEIS and continue to support the overall goals of the proposed project. When the Record of Decision is signed, please send one copy to the address above (mail code CED-2). If you have any questions, please contact me at 415-972-3521, or contact Carter Jessop, the lead reviewer for this FEIS. Carter can be reached at 415-972-3815 or jessop.carter@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division