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

AUG 20 2012

Ms. Kathleen Dadey
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922

Subject: Draft Environmental Impact Statement for the Mather Specific Plan Project, Sacramento County, California (CEQ # 20120221)

Dear Ms. Dadey:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the Mather Specific Plan Project (Project) pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Thank you for your agreement to a two-week extension for the EPA to submit comments on this DEIS.

The EPA recognizes the desire to redevelop the former Mather Air Force Base for productive civilian use, and the commitment already demonstrated by the U.S. Army Corps of Engineers (USACE) and Sacramento County to work with the EPA and other federal, State, and local agencies to develop the conservation goals of the Mather Specific Plan Project (Project). We have significant concerns, however, about the potential impacts to waters of the U.S. and air quality associated with the Project, particularly when considered in concert with the multiple housing, transportation, and other development projects proposed in Sacramento County. These impacts represent a daunting cumulative burden that would be extremely difficult to mitigate.

Based on our review of the DEIS, we have rated the preferred alternative and the document as EC-2, Environmental Concerns – Insufficient Information (see enclosed EPA Rating Definitions). Though we acknowledge the inclusion of a 1,272-acre Preserve and 13-acre riparian buffer area in the Applicant's Preferred Alternative (Alternative A) and the commitment to meet the preservation goals of the Mather Recovery Plan, the EPA is concerned about Alternative A's projected significant impacts to waters of the U.S., particularly vernal pools. We also have concerns about projected Project emissions of nitrogen oxides, particulate matter, and other pollutants, and how these emissions would conform to the State Implementation Plans for the nonattainment areas located within the planning area. We recommend that the FEIS identify the Least Environmentally Damaging Practicable Alternative (LEDPA) and include a Draft General Conformity Determination. We also recommend that the FEIS include additional information on the potential effects of climate change on the proposed Project. Our detailed comments are enclosed.

We appreciate the opportunity to review this DEIS, and are available to discuss our comments. When the FEIS is released for public review, please send one hard copy and one CD to the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Jason Gerdes, the lead reviewer for this project. Jason can be reached at 415-947-4221 or gerdes.jason@epa.gov.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosures: Summary of the EPA Rating System
EPA Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE MATHER SPECIFIC PLAN PROJECT, SACRAMENTO COUNTY, CALIFORNIA, AUGUST 20, 2012

Cumulative Impacts

The EPA has serious concerns regarding the significant cumulative impacts to air quality, water quality, habitat for sensitive species, and traffic in the Mather Specific Plan Project (Project) cumulative effects study area. While Chapter 4 of the Draft EIS (DEIS) identifies several planned development, transportation, and infrastructure improvement projects in the Project cumulative effects study area, the EPA is aware of many additional federal projects in which USACE is involved and that are planned in the study area for the same general time period as the Project. These projects, however, have not been identified in the DEIS. They include the Sierra Vista Specific Plan Project, Folsom South of US Highway 50 Specific Plan, Southport Sacramento River Early Implementation Project, Folsom Dam Modification Project Approach Channel, and the Natomas Levee Improvement projects. It is unclear whether these projects have been considered in the Project cumulative impacts analyses.

> ***Recommendation*:**
> Additional efforts should be made by the U.S. Army Corps of Engineers (USACE) to coordinate with appropriate agencies and applicants on the multiple projects in the area so that the cumulative effects of past, current, and foreseeable future projects can be more accurately identified, and minimized and/or effectively mitigated for each resource.At minimum, the projects identified above should be considered in the cumulative impacts analysis. Additional comments on the cumulative impacts associated with the Mather Specific Plan Project are included in our resource-specific comments below.

Impacts to Waters of the U.S.

LEDPA Determination

Pursuant to the EPA's *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA (Guidelines), only the Least Environmentally Damaging Practicable Alternative (LEDPA) that achieves the overall project purpose, while not causing or contributing to significant degradation of the aquatic ecosystem, can be permitted by the USACE. At this time, the EPA believes that the alternatives analysis in the DEIS does not contain sufficient detailed information for the Corps to identify the LEDPA in compliance with the Guidelines. The DEIS simply states that "prior to issuing a permit, the USACE will make a series of factual determinations with respect to the least environmentally damaging practicable alternative (LEDPA) based on the criteria contained in 40 CFR Part 230" (p. 1-10). The Applicant's Preferred Alternative (Alternative A) would fill approximately 40.25 acres of jurisdictional waters of the U.S. The Multiple Preserves Alternative (Alternative C) would fill 33.65 acres of jurisdictional waters; though reduced, the impacts for this alternative are still significant. It is unclear from the DEIS if Alternative C represents the LEDPA, or if impacts to jurisdictional waters could be reduced even further.

> ***Recommendation:***
> The Final EIS (FEIS) should include a detailed evaluation of the project alternatives in order to demonstrate the project's compliance with the 404(b)(1) Guidelines and support the identification of the LEDPA by the USACE. The alternatives analysis should demonstrate that the proposed project is avoiding and minimizing damage to waters to the maximum extent practicable.

Indirect Impacts to waters of the U.S.

Another provision of the Guidelines is the requirement that the applicant mitigate for unavoidable impacts to jurisdictional waters. The DEIS, however, lacks a comprehensive discussion of compensation for potential indirect impacts to waters of the U.S. The DEIS states that indirect impacts to jurisdictional waters are discussed in detail in Section 4.3, Section 4.5 and Mitigation Measures 5.1b and 5.1c (p. 4.6-1); but the discussion in these sections is limited to indirect effects to habitat for vernal pool species.

> ***Recommendation*:**
> The FEIS should include an analysis of all direct and indirect impacts to jurisdictional waters of the U.S.

Compensatory Mitigation

The DEIS states that the project proponent proposes on-site habitat preservation in perpetuity, and to purchase habitat creation credits at an USACE and U.S. Fish and Wildlife Service (USFWS) approved mitigation bank and/or to restore/enhance habitat within the designated Preserve areas (upon USFWS approval), to fully compensate for direct and indirect effects to habitat for federally listed vernal pool species (p. 4.6-6). Similarly, the "project proponent would also ensure that any loss of waters of the U.S. would be compensated for by restoration or creation of waters at a ratio no less than 1:1, prior to construction, and that compensation may include on or offsite creation, restoration, enhancement, or purchase of appropriate credits from a Corps-approved mitigation bank" (p.4.6-6). The reliance on mitigation banks for one form of compensatory mitigation is supported by the EPA, but the mitigation bank(s) that would be used are not identified in the DEIS. This is concerning, as Mather represents just one of the many proposed large-scale development projects in Sacramento County that will require compensatory mitigation from a Corps-approved mitigation bank, and the availability of sufficient credits for all of these projects has not been demonstrated.

> ***Recommendations*:**
> The FEIS should include information on the supply of existing and proposed mitigation banks within Sacramento County, and the mitigation banks that would be used as compensatory mitigation for the Project.

Air Quality

General Conformity

The project site is located in an area that is federally designated nonattainment for ozone and PM_{10} and $PM_{2.5}$ (particulate matter smaller than 10 or 2.5 microns, respectively). Based on the proposed project's potential construction emissions estimates in the DEIS, it appears that a conformity determination will be needed.

> ***Recommendations*:**
> The FEIS should demonstrate that the direct and indirect emissions of the project conform to the SIP and do not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS). We recommend that the USACE work closely with the Sacramento Metropolitan Air Quality Management District on its conformity determination. We also recommend that the Draft

General Conformity Determination be included in the Final EIS, either as a detailed summary or as an appendix.

The DEIS provides construction and operational emissions estimates in pounds per day for purposes of comparing them with emissions budgets and general conformity de minimis thresholds. It appears that, with the exception of carbon monoxide, the proposed project's direct and indirect contaminant emissions have not been modeled to show their estimated *concentrations* in the project area.

***Recommendation*:**
Additional dispersion modeling should be conducted to determine air pollutant concentrations of criteria pollutants from direct, indirect, and cumulative emissions for an accurate comparison with the NAAQS, using comparable units (e.g. micrograms per cubic meter, parts per billion, or parts per million). The results should be presented in the FEIS.

Cumulative Air Impacts

The DEIS (p. 4.16-10) indicates that the proposed action would result in a significant cumulative impact due to operational emissions. According to the DEIS (p. 4.16-8), the study area for cumulative air quality impacts is the Sacramento Valley Air Basin. As stated above, the EPA is aware of multiple federal projects, in which USACE is involved, and that are planned in the Sacramento Valley Air Basin for the same general time period as the proposed Project. Because many of these projects are not identified in the discussion in section 4.16.3.3 of the DEIS, however, it is unclear whether they have been considered in the cumulative air quality impacts analysis.

***Recommendation*:**
The air quality cumulative impacts analysis should account for all reasonably foreseeable future actions in the Sacramento Valley Air Basin, and evaluate the potential for the cumulative emissions to contribute to violations of the NAAQS. We recommend that the FEIS provide a table that includes the criteria pollutant emissions estimates and totals from all of these sources for both the construction and operational phases of the projects.

Editorial Notes

Table 4.4-3 shows the predicted unmitigated and mitigated construction emissions for the worst-case year and compared to the federal de minimis thresholds. According to the table, only reactive organic gases (ROG) are projected to decrease after mitigation. The values for nitrogen oxide (NOx), PM_{10}, $PM_{2.5}$, and carbon monoxide (CO) are projected to remain unchanged after mitigation. This seems unlikely, and either represents an error in presentation, or is an indication that the mitigation identified is insufficient and needs to be strengthened.

***Recommendation*:**
The Corps should examine the information presented in Table 4.4-3 of the DEIS and determine if it needs to be corrected in the FEIS.

The DEIS (p. 3.4-5) cites the general conformity rule incorrectly. The general conformity rule was revised April 5, 2010 (75 FR 17257). The EPA deleted the provision in 40 CFR 93.153 that required federal agencies to conduct a conformity determination for regionally significant actions where the direct and indirect emissions of any pollutant represent 10 percent or more of a nonattainment or maintenance area's emissions inventory for that pollutant.

***Recommendation*:**
The incorrect language should be deleted from the EIS.

Climate Change

The EPA commends the USACE for including the commitment, in Appendix F, to incorporate green building and development measures to reduce construction and operational greenhouse gas (GHG) emissions, as well as for providing a general description of potential climate change impacts in California. There are no detailed descriptions, however, of how climate change may affect the projects planned in the preferred alternative, sensitive water resources and species (such as the vernal pool fairy shrimp and vernal pool tadpole shrimp), and wetland restoration efforts.

Recommendations:
The USACE should describe in the FEIS how climate change may affect the projects planned in the preferred alternative, sensitive species, and wetland restoration efforts. The FEIS should also include a climate change mitigation and adaptation plan.

Traffic

The DEIS states that the addition of traffic volumes generated by Alternative A would degrade operating conditions at several intersections of the segment of Bradshaw Road from Old Placerville Road to Kiefer Boulevard to unacceptable levels of service. Additionally, the DEIS indicates that with the addition of Alternative A, the operation of several City of Rancho Cordova roadway facilities would degrade from acceptable to unacceptable levels of service (p. 4.9-3). These impacts are significant, and when compounded with the anticipated traffic volume increases from other reasonably foreseeable development in Sacramento County, represent cumulative impacts that would be exceedingly difficult to mitigate.

***Recommendation*:**
The FEIS should include additional measures to reduce and mitigate anticipated traffic volumes generated by Alternative A to the greatest possible extent.