UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 18, 2011

John Suazo
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Subject: West Sacramento Levee Improvement Program (WSLIP), CHP Academy and the Rivers Early Implementation Projects, 408 Permission, Final Environmental Impact Statement (FEIS) / Environmental Impact Report, Yolo and Solano Counties, California, February, 2011 (CEQ# 20110039)

Dear Mr. Suazo:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA).

EPA provided comments on the Draft Environmental Impact Statement (DEIS) on July 13, 2010, and comments on the Notice of Intent to prepare a DEIS on February 26, 2009. We rated the DEIS Environmental Concerns – Insufficient Information (EC-2) due to our concerns regarding levee vegetation management and water resources. We also raised concerns about erosion control, mitigation, endangered species and migratory birds, beneficial use of dredged material, stormwater and spill prevention, and levee operation and maintenance.

EPA supports the change from a programmatic document with two Early Implementation Projects (EIPs) to a project-level document containing two EIPs. This alleviates many of the concerns raised in our letter on the Draft Environmental Impact Statement (DEIS). Our DEIS comment letter was separated into programmatic, programmatic and project, and project level comments. Because the FEIS is no longer a programmatic document, our programmatic comments are no longer applicable.

The West Sacramento Area Flood Control District's (the project proponent) coordination with the Department of Water Resources (p. 2-47) addresses our concerns with regard to the methyl tertiary butyl ether plume at the west end of the Rivers EIP. We are also pleased that the City of West Sacramento has an ordinance in place, described on page 3.1-8, that would avoid incompatible development on or near levees in the future.

EPA thanks the Corps for the clarifications provided in the response to comments. We recommend that all mitigation measures, also described as environmental commitments in the FEIS, such as those referenced on page ES-21, be adopted in the Record of Decision (ROD). We also

encourage the Corps to include specific criteria for successful mitigation. If any mitigation measures in the FEIS are not adopted, the ROD should provide justification for the decision not to adopt them.

We appreciate the opportunity to review the FEIS. Once the ROD has been 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 Tom Kelly, the lead reviewer for this project, at (415) 972-3856 or kelly.thomasp@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

cc: John Powderly, West Sacramento Flood Control Area
David Stavarek, Central Valley Regional Water Quality Control Board
Brent Lamkin, Department of Water Resource