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

SEP 08 2009

Melanie Brent
California Department of Transportation District 4
111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623-0660

Subject: Final Environmental Impact Statement/Environmental Impact Report for the Marin-Sonoma Narrows HOV Widening Project, Marin and Sonoma Counties, California (CEQ #20090274)

Dear Ms. Brent:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. EPA has previously provided feedback on this project through the *National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding, 2006* (NEPA/404 MOU).

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA) on December 14, 2007. We rated the DEIS as Environmental Concerns – Adequate Information (EC-1), and encouraged Caltrans and FHWA to continue efforts to avoid and minimize potential adverse impacts to sensitive biological, farmland, community, and cultural resources through the remaining planning and design process and future construction.

We also recommended selection of the Fixed HOV Lane Alternative because it would provide HOV lanes in both north and south directions during both morning and afternoon peak periods. We agreed with Caltrans' selection of this alternative, with Access Option 12b, as the preliminary least environmentally damaging practicable alternative (LEDPA) in our March 4, 2009 letter. Estimated impacts to wetlands and waters of the U.S. listed in the Final Environmental Impact Statement (FEIS) are greater than those stated in the DEIS, but differences in estimated impacts between the access options remain nominal. We encourage Caltrans and FHWA to continue efforts to minimize impacts through project design modifications where possible.

EPA has had discussions with Caltrans, FHWA, and the Regional Water Quality Control Board regarding options to mitigate impacts to wetlands and waters of the U.S., including acquisition of property by Caltrans and mitigation bank opportunities. We continue to be available to discuss mitigation options with Caltrans and FHWA as a final mitigation plan is developed.

We appreciate the opportunity to review this FEIS. When the ROD is signed, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact Carolyn Mulvihill of my staff at 415-947-3554 or mulvihill.carolyn@epa.gov or Jason Brush of EPA's Wetlands Regulatory Office at 415-972-3483 or brush.jason@epa.gov.

Sincerely,

for Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

cc. Lanh Phan, Federal Highway Administration
Joyce Ambrosius, NOAA Fisheries
Jane M. Hicks, U.S. Army Corps of Engineers
Ryan Olah, U.S. Fish and Wildlife Service
Brendan Thompson, Regional Water Quality Control Board