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

9/7/2010

Mr. Jesse Martinez
Naval Facilities Engineering Command, Southwest
1220 Pacific Highway
San Diego, CA 92132-5190

Subject: Final Environmental Impact Statement (FEIS) for Basewide Utilities at Marine Corps Base Camp Pendleton, CA (CEQ # 20100293)

Dear Mr. Martinez:

We appreciate the opportunity to review 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. This letter conveys our comments, which were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA).

EPA submitted comments on the Draft Environmental Impact Statement (DEIS) on November 18, 2009. We rated the DEIS Environmental Concerns – Insufficient Information (EC-2) due to our concern regarding impacts to water resources, specifically that the document did not demonstrate compliance with EPA's Guidelines for the discharge of dredged or fill material into waters of the United States (WUS).

EPA acknowledges the need for improved wastewater treatment and a reliable source of power for Marine Corps Base Camp Pendleton. We thank the Marine Corps for incorporating our recommendations on air quality and some of our recommendations on energy conservation into the Final EIS. While EPA appreciates the clarification provided by estimating the anticipated, as well as the maximum, impacts to WUS, we remain concerned about the impacts.

The FEIS anticipates no permanent, but 41.64 acres of temporary, impacts to WUS. It also provides a maximum estimate for permanent and temporary impacts of 0.4 acres and nearly 86 acres respectively. The FEIS appears to base the temporary impacts on intersection of utility corridors with WUS. Many of these corridors are anticipated to be 60 feet wide at WUS, with a maximum width of 125 feet (Appendix A-3 p. 11). We assume this is the reason anticipated impacts are only 48% of the maximum impact.

The response to comment states, "the Marine Corps' intent to influence design toward minimizing impacts has pervaded the preliminary design of all build alternatives analyzed in the EIS." While we agree with this statement on permanent impacts, its not

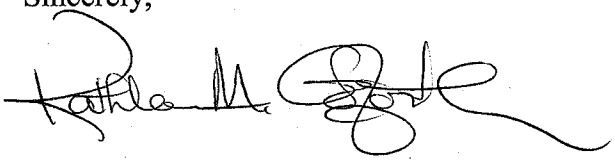
clear with respect to temporary impacts. We recommend the Marine Corps take the steps to avoid and minimize temporary impacts to WUS that were included in our letter on the DEIS.

The FEIS raised the possibility of a U.S. Army Corps of Engineers (COE) nationwide permit (p. 4.1-19). Tom Kelly, of my staff, discussed this possibility with Sara Dean of the COE San Diego Field Office. She indicated that the extent of temporary impacts would likely have more than a minimal impact, the standard for a nationwide permit. We recommend the Marine Corps discuss this issue with the COE, and we would welcome the opportunity to participate in this discussion. If an individual permit is required for this project, EPA plans to follow it through the CWA permitting process to ensure compliance with EPA's 404(b)(1) guidelines.

EPA recognizes that many of the concerns raised in this letter may be issues the Marine Corps considers details to be addressed after the "design of each project is completed by the design/build contractor after the ROD [Record of Decision] is issued . . ." (Appendix A-3, p. 10). Still, the DEIS and FEIS represent the only opportunity for input to reduce environmental impacts. Please note that the purpose of NEPA is to inform federal decision-making, thus the potential impacts and options for avoiding, minimizing, and mitigating these impacts should influence the design of each project. Based on the information provided in the FEIS, it appears that a number of simple and practical measures, some of which were mentioned in the FEIS (e.g. varying alignments and utility pole spacing, p.2-41), can substantially avoid and minimize temporary impacts to WUS. We recommend that the ROD include commitments to implement such measures.

We appreciate the opportunity to review this FEIS. When the Record of Decision is released completed, please send one (1) hard copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Tom Kelly, the lead reviewer for this project. Tom can be reached at (415) 972-3852 or kelly.thomasp@epa.gov.

Sincerely,



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

cc: Shannon Bryant, Marine Corps Base Camp Pendleton
Crystel Doyle, U.S. Army Corps of Engineers
Sara Dean, U.S. Army Corps of Engineers
Peter Beck, U.S. Fish and Wildlife Service
David Gibson, San Diego Regional Water Quality Control Board