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

JUL 1 0 2013

Jeff Koschak
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814-2922

Subject: Feather River West Levee Project Final Environmental Impact Statement (FEIS), Butte and Sutter Counties, California [CEQ #20130168]

Dear Mr. Koschak:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500 - 1508, and our review authority under Section 309 of the Clean Air Act.

The FEIS and Mitigation and Monitoring Plan (MMP, Appendix F-3) provide additional information and respond to most of the issues raised in our February 11, 2013 letter on the Draft EIS. Based on the information provided, however, we make the following observations and offer recommendations that we believe would improve the project.

Although only 0.432 acre waters of the U.S. would be permanently affected by the proposed project, 7.6 acres of waters of the U.S. would temporarily be affected (FEIS, p. 3.8-35). The MMP, however, does not describe how temporarily affected waters of the U.S. would be restored. Nor does it identify success criteria or monitoring commitments for these temporary impacts. We note that such information is provided in the MMP for restoration and/or creation of riparian, non-riparian, and Valley Elderberry Longhorn Beetle habitat. We recommend that the permit include a condition that the permittee: (1) actively restore temporarily affected waters of the U.S. to meet specified success criteria, and (2) provide monitoring reports to the U.S. Army Corps of Engineers to demonstrate successful restoration of these resources.

According to the MMP (p. 4-1), success criteria standards for planted areas include demonstrating at least 60 percent survival of all plantings after 20 years. Elsewhere, the MMP (p. 3-9) states, "It is anticipated that at the end of the 3-year establishment period, 70% survivorship of woody species will be attained." According to the Corps Regulatory Program Uniform Performance Standards for Compensatory Mitigation Requirements (Version 8/9/2012, SPD QMS 12505.1), permittees are required to ensure equal or greater than 80 percent survivorship for vegetation and monitor annually until a minimum of 2 years of success post-irrigation. We recommend the Corps require the applicant to meet this performance standard as a condition of their permit.

We appreciate the opportunity to review this FEIS. Please send a copy of the Record of Decision to this office (mailcode CED-2) when it becomes available. If you have any questions, please call me at (415) 972-3521 or contact Jeanne Geselbracht, our lead NEPA reviewer for this project, at geselbracht.jeanne@epa.gov or (415) 972-3853.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Office