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

November 12, 2013

Abdelmoez A. Abdalla
Environmental Program Manager
Federal Highway Administration
705 N. Plaza, Suite 220
Carson City, NV 89701

Subject: Draft Environmental Impact Statement for the Pyramid Highway/US 395 Connection, Washoe County, Nevada (CEQ #20130263)

Dear Mr. Abdalla:

The 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. Our detailed comments are enclosed.

EPA has provided feedback on this project beginning in 2008 when we provided comments on the Notice of Intent (NOI) for the Draft Environmental Impact Statement (DEIS) and accepted participating agency status. Since then, the Federal Highway Administration (FHWA), Nevada Department of Transportation (NDOT), and the Washoe County Regional Transportation Commission (RTC) have engaged EPA in discussions as the alternatives were developed and analyzed. We appreciate the efforts made by the agencies to provide information early and seek our feedback, which we believe is helpful in identifying and minimizing project impacts.

EPA reviewed an administrative DEIS in February 2013 and FHWA provided responses to our comments. Most of our comments were addressed by those responses. We find the DEIS to be reader-friendly and well organized, which is supportive of the public participation goals of the NEPA process. We have some remaining comments and recommendations for the remainder of the environmental review process, and subsequent design and construction. We have rated this document EC-1, *Environmental Concerns, Adequate Information.* Please see the attached *Rating Factors* for a description of our rating system.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send one hard copy and one electronic copy to the address above (mail code: CED-2). If you have any questions, please contact Carolyn Mulvihill, the lead reviewer for this project, at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,

Carolyn Mulvihill for

Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments

cc: Steve M. Cooke, NDOT
Doug Maloy, RTC

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PYRAMID HIGHWAY/US 395 CONNECTION, NOVEMBER 12, 2013

Water Quality and Wetlands

As discussed in our previous comments, EPA recommends that once a preferred alternative is selected, the Federal Highway Administration (FHWA), Nevada Department of Transportation (NDOT), and the Washoe County Regional Transportation Commission (RTC) coordinate with the US Army Corps of Engineers (USACE) to verify the jurisdictional delineation of wetlands and impacts in the study area, prior to publication of the Final Environmental Impact Statement (FEIS). (Hereafter, when we refer to FHWA, we will be referring to all three agency sponsors of the project.) FHWA should also coordinate with USACE and EPA to determine appropriate mitigation for wetland impacts. Based on the wetland impacts discussed in the Draft Environmental Impact Statement (DEIS), this project does not meet the threshold of five acres of impacts to waters under USACE jurisdiction for which EPA encourages FHWA to use the National Environmental Policy Act and Clean Water Action Section 404 Integration Process for Federal Aid Surface Transportation Projects. If this project, or others, were to meet the five acre threshold, we encourage use of the NEPA/404 Integration Process.

Once a preferred alternative is identified, the FEIS should also identify potential areas of indirect impacts to wetlands and mitigation for those impacts. Additional recommendations for minimizing impacts are included below.

Recommendations:

- Please document coordination on extent of impacts and mitigation with the USACE and EPA in the FEIS. Discuss the extent of impacts, including indirect impacts, to wetlands and waters, the status of a jurisdictional delineation, and proposed mitigation.
- EPA recommends the integration of "green infrastructure" into project design where feasible for stormwater management and treatment, and identification of specific design commitments in the FEIS.
- We also recommend the use of natural washes, in their present location and natural form, to the maximum extent practicable for protection of water quality and flood control, and natural bottom instead of culverts under bridges where feasible to sustain natural hydrology and minimize impacts. Discuss in the FEIS where natural washes and natural bottom were considered and are being implemented.
- Include in the FEIS a discussion of hydrologic modeling to demonstrate that downstream flows will not be disrupted due to proposed changes to any natural washes, or the excavation of large amounts of sediment.
- Document in the FEIS any coordination, outside of public comment on the DEIS, that takes place with the Nevada Division of Environmental Protection, Truckee Meadows Water Authority, and Washoe County Department of Water Resources on issues relating to proposed temporary and permanent best management practices and their sufficiency to prevent adverse impacts to water quality and flood risk that may result from the project.

Air Quality

As discussed in our previous comments, EPA appreciates FHWA's recognition that localized increases in mobile source air toxics (MSAT) emissions are anticipated near congested intersections and where roadways are built closer to receivers. We support the recommendation of concrete barriers and screening walls in some areas where localized increases in MSAT emissions are anticipated. We encourage inclusion of measures that could mitigate MSAT emissions in all areas where sensitive receptors, such as schools, medical facilities, and residences are located and localized increases in emissions are anticipated.

Recommendation:

- Include in the FEIS measures to mitigate MSAT emissions in all areas where sensitive receptors, such as schools, medical facilities, and residences are located and localized increases in emissions are anticipated.

Environmental Justice

EPA appreciates the thorough environmental justice analysis included in the DEIS and the documented outreach to environmental justice communities in the study area. We also appreciate that environmental justice impacts were considered during the alternatives analysis process and that efforts to minimize impacts were incorporated into that process.

We support the FHWA commitment to provide screening walls in low-income and minority neighborhoods, if desired by the communities, and the provision of landscaping and aesthetic treatments along Sun Valley Boulevard. We appreciate the noting of our suggestions for other community enhancement projects for those neighborhoods that would be bisected by the project, such as community facilities or community beautification projects, and encourage other landscaping and aesthetic treatments for impacted communities as determined through coordination with the communities.

Recommendations:

- EPA supports the FHWA commitments thus far, as detailed in the DEIS, to mitigate impacts to environmental justice communities and encourage FHWA to continue to work with the affected communities through project design and construction to seek measures to mitigate visual, noise, and other impacts.
- We encourage mitigation of any significant noise impacts in environmental justice communities. We encourage FHWA to consider other factors such as disproportionate impacts to environmental justice communities when determining cost-effectiveness of noise barriers. We also recognize and appreciate that screening walls would provide some noise mitigation benefit to affected residents.

Right of Way/Relocation

EPA appreciates that the project team sought to avoid and minimize impacts to private and public property, in particular relocations, as part of the alternatives analysis process, including the use of retaining walls. We are also pleased to hear about the FHWA Programmatic Waiver that will allow

NDOT to acquire homes with negative equity without reducing other provided benefits, as this will mitigate impacts to environmental justice communities and others impacted by relocation due to the project.

Recommendations:

- Include in the FEIS a commitment to provide any homeowners who will face relocation sufficient compensation to settle debts associated with negative equity.
- The DEIS discusses the significance of personal property and real property, in the context of residents of mobile homes who will be relocated. EPA recommends that any residents who would be required to relocate due to the project be provided assistance in order to avoid potential environmental justice impacts. We also continue to encourage FHWA to work with local housing and social service agencies to facilitate the provision of sufficient affordable housing for those who will be relocated.

Transportation

EPA appreciates that the project includes multimodal improvements that will facilitate the use of alternative modes of transportation, including sidewalks, bike lanes, and the shared-use path. EPA also supports the planned bus service and inclusion of park-and-ride lots in the project design to facilitate carpooling and transit use.

Recommendation:

- As stated in the DEIS, RTC plans to provide regional bus service along Pyramid Highway to serve corridor demand consistent with RTC service standards. We encourage RTC to implement service along the corridor since low use of alternative transportation in the study area is in part due to lack of transit service, and this service could begin a positive feedback cycle of transit use, particularly as the local population ages, as noted in the DEIS.

Consultation

We appreciate the information provided in the DEIS regarding coordination with the Reno-Sparks Indian Colony (RSIC) and the Bureau of Indian Affairs (BIA) regarding land held in trust, and other agency coordination.

Recommendations:

- We appreciate FHWA's commitment to continue to coordinate with RSIC and BIA through the remainder of project design and construction, and recommend that FHWA continue efforts to minimize impacts to RSIC property and provide mitigation for any impacts.
- EPA recommends that the FEIS documents continuing consultation with the State Historic Preservation Officer (SHPO) and other consulting parties as part of the Section 106 process taking place after publication of the DEIS. We encourage FHWA to receive concurrence on determinations from the SHPO prior to publication of the FEIS.