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

July 11, 2013

Kathy Norton
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814

Subject: Draft Environmental Impact Statement for the Westbrook Project, Placer County, California (CEQ# 20130138)

Dear Ms. Norton:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Westbrook Project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. We appreciate efforts by the U.S. Army Corps of Engineers (Corps) to coordinate with our agency throughout the environmental review process.

The Westbrook Project was previously part of the Sierra Vista Specific Plan (SVSP). In 2008, the previous owner of the Westbrook property stopped pursuing the application for a Corps permit, and the remainder of the SVSP site continued through the environmental review process without the Westbrook property. The Westbrook property was part of the SVSP when the Corps issued Public Notice (PN) 200601050 on March 28, 2008. EPA's April 28 and May 12, 2008 letters in response to the PN for SVSP initiated the 404(q) elevation process due to concerns over potential impacts to Aquatic Resources of National Importance (ARNI). We note that, as presently proposed, the split of the development plan has not resulted in any reduction of proposed impacts to ARNI, nor has the value of the resource changed since 2008; therefore, EPA's ARNI designation for the original SVSP site, including Westbrook, remains and applies to both the Sierra Vista and Westbrook Projects. EPA's February 22, 2013 comments on the Administrative DEIS for the Westbrook Project again raised objections to impacts to Waters of the U.S. (WUS), as well as the proposed project's potential inability to comply with the 404(b)(1) Guidelines and achieve adequate mitigation.

The Proposed Action Alternative would establish a 35.8-acre open space area in the northwestern corner of the site. It would also, however, eliminate 76 percent (9.56 of the 12.55 acres) of onsite WUS. While vernal pools and other seasonal wetlands on the site have been disturbed by past agricultural activities, they continue to be important parts of the landscape and cannot easily be replaced. Based on information EPA has reviewed to date, the Clean Water Act Section 404 Permit Applicant (Applicant) has not demonstrated compliance with the 404(b)(1) Guidelines, which require the Corps to permit only the Least Environmentally Damaging Practicable Alternative (LEDPA). The Applicant has also not demonstrated that unavoidable impacts to WUS would be fully mitigated if the Proposed Action is implemented.

We have rated the DEIS as Environmental Objections – Insufficient Information (EO-2) (see enclosed EPA Rating Definitions) based on (1) impacts to Waters of the U.S., (2) the potential for the Proposed Action Alternative to be selected for implementation when it does not appear to be the LEDPA, and (3) the potential inability of the Proposed Action Alternative to achieve no net loss of wetland functions. Please find our detailed comments attached, which provide recommendations to address these issues as well as our concerns with: (1) stormwater and flooding risk, (2) impacts to air quality, (3) transportation, and (6) opportunities to create a more environmentally sustainable project.

We acknowledge that the DEIS addresses some of EPA's comments on the Administrative DEIS by providing: (1) further explanation of the need for the project, (2) assessment of how the project aligns with the regional Sustainable Communities Strategy, and (3) clarification of mitigation measures. The DEIS also includes information EPA requested on cumulative air impacts from other reasonably foreseeable projects within the Sacramento Valley Air Basin. The disclosure of quantitative measures of cumulative air impacts (to the degree that information is available) enables a better understanding of long term health impacts, and facilitates stronger mitigation planning. Given the many planned development projects in the region, mitigation will be a challenge, and we encourage coordination with the Placer County Air Pollution Control District on this matter.

We appreciate the opportunity to review this DEIS, and are available to discuss our comments. If you have any questions, please contact Jen Blonn, the lead reviewer for this project. Ms. Blonn can be reached at 415-972-3855 or blonn.jennifer@epa.gov.

Sincerely,

for Jeff Scott, Director
Waste Management Division and
Communities and Ecosystems Division

Enclosures:
Summary of the EPA Rating System
EPA Detailed Comments

Cc via email:
Mike McKeever, Sacramento Area Council of Government

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE WESTBROOK PROJECT, PLACER COUNTY, CALIFORNIA, JULY 11, 2013

Waters of the U.S. (WUS)

Compliance with the 404(b)(1) Guidelines

Page 29 of the Corps South Pacific Division (SPD) February 8, 2013 Regulatory Program Standard Operating Procedure for Preparing and Coordinating EISs (12509-SPD) states:

> Districts will make all reasonable efforts to ensure the NEPA alternatives analysis is thorough and robust enough to provide the information needed for the evaluation of alternatives under the section 404(b)(1) Guidelines ("Guidelines") and the public interest review. The goal of integrating the NEPA alternatives analysis and the section 404(b)(1) alternatives analysis is to gain efficiencies, facilitate agency decision-making and avoid unnecessary duplication.

The discussion of alternatives in the FEIS does not provide the information needed for the evaluation of alternatives under section 404(b)(1). The Proposed Action Alternative would fill 76 percent (9.56 of the 12.55 acres) of onsite WUS, which includes filling 0.86 of 1.81 acres of onsite vernal pools. The Proposed Action Alternative appears to impact substantially more acres of WUS than would other alternatives. For example, Alternatives 1 and 2 would fill 3.08 onsite acres; Alternative 3 would fill 5.03 onsite acres; Alternative 4 would fill 0.92 onsite acres; Alternative 5 would fill 0.47 onsite acres. The DEIS does not demonstrate that WUS have been avoided to the greatest reasonable extent, nor does it indicate that relatively less impactful alternatives are not *practicable*, as defined by the Clean Water Act Section 404(b)(1) Guidelines (Guidelines). For further coordination on issues pertaining to WUS, please contact Eric Raffini, EPA Wetlands Office, at (415) 972-3544 or Raffini.eric@epa.gov.

Recommendation for the Final Environmental Impact Statement (FEIS):
Include a 404(b)(1) Alternatives Analysis in order to demonstrate that the project is avoiding and minimizing damage to WUS to the maximum extent practicable and is in compliance with the Guidelines. EPA is available to assist the Corps and the Section 404 Permit Applicant (Applicant) in determining compliance with the Guidelines.

Habitat Preservation

The project site is located within the Western Placer County (Zone 2) core recovery area of the Southeast Sacramento Valley vernal pool region. Core recovery areas are identified by the U.S. Fish and Wildlife Service (FWS) to focus recovery actions for species of animals and plants that are listed as either Endangered or Threatened. Statewide losses of vernal pools currently exceed 85 percent of the historic distribution, and tens of thousands of acres of land supporting vernal pools and related ecosystems are threatened by numerous proposed developments in western Placer County and adjacent counties. Protection of Zone 2 areas "will significantly contribute to the recovery of species" (page 3.4-38), which heightens the importance of avoiding and minimizing impacts to WUS, mitigating for all impacts within the watershed, and mitigating for vernal pool impacts within the core recovery area.

Recommendation for the FEIS:
Ensure that any potential mitigation for vernal pools is located within the Western Placer County core area of the Southeast Sacramento vernal pool region.

Placer County Conservation Plan (PCCP)
The proposed project is located within the geographic area covered by the draft PCCP (pages 3.0-5 and 3.0-13). EPA strongly supports the development of the PCCP. Since the PCCP is not approved, we agree with the Corps' decision to evaluate the proposed development in the context of a stand-alone project. Based on information in the DEIS, it is unclear whether development in the project area aligns with the PCCP, and whether the Applicant might participate in the PCCP if it is approved, thereby potentially changing the mitigation strategy. We believe that the best mitigation would come about as the result of the project fulfilling its compensation and preservation requirements under the auspices of an approved PCCP, if the opportunity becomes available.

> **Recommendation for the FEIS:**
> Discuss whether the proposed project is consistent with the land use designations under the draft PCCP, whether the Applicant may participate in the PCCP if it is approved, and how potential participation in the PCCP could alter project-specific mitigation plans.

Compensatory Mitigation Plan
Appendix 3.4 contains the Applicant's conceptual compensatory mitigation plan. The plan outlines the Applicant's strategy to compensate for impacts to WUS by constructing and preserving wetlands onsite and through the purchase of credits off-site at an approved mitigation bank. In addition, Appendix 3.4 explains that, in lieu of purchasing credits at a bank, "...the Applicant wishes to maintain the option to develop a permittee-sponsored mitigation plan..." (page 2); EPA is unable to evaluate this option because details are not provided. We recognize that Mitigation Measures BIO-1a and BIO-1b indicate that details on mitigation, including final ratios and locations, will be reached prior to the Record of Decision. We believe, however, that the DEIS should have documented the availability of appropriate mitigation for this project and provided more details on a mitigation strategy that would comply with the applicable regulations.

The approach to mitigation proposed for Westbrook Project closely mirrors the proposal for the adjacent Sierra Vista Project (Corps DA # SPK-2006-01050). In EPA's September 4, 2012 comment letter on the Sierra Vista DEIS, we emphasized that features that primarily manage stormwater should not be counted as compensation for wetlands. The Westbrook mitigation plan, however, proposes constructing 3.88 acres of riverine wetlands on low terraces adjacent to the two intermittent streams on the north portion of the property. These wetlands "are designed to be inundated during frequent storm events" and will accommodate post-development flows from the surrounding developments. EPA considers these to be "treatment" wetlands, which have a stormwater management and water quality polishing function. While constructed treatment wetlands provide a good approach to stormwater management, we do not believe that they are appropriate compensation for the loss of depressional and slope wetlands such as vernal pools, seasonal wetlands, and seasonal swales. EPA requests the opportunity to discuss the role of stormwater control wetlands in the compensatory mitigation plan with the Corps. Please contact Eric Raffini, EPA Wetlands Office, at (415) 972-3544 or Raffini.eric@epa.gov.

Recommendations for the FEIS:

- Provide more detailed information on where and how the Applicant would meet mitigation requirements. Include details on proposed ratios and types of mitigation. Ensure that mitigation ratios are consistent with the Corps South Pacific Division's Standard Operating Procedures for establishing mitigation ratios.
- Commit to avoid introducing any untreated or unpolished stormwater into any wetlands for which onsite compensatory mitigation credits would be issued.
- Ensure that permittee-sponsored mitigation is only allowed if it would (1) support a watershed approach to aquatic resource management (such as contributing to existing regional conservation plans), and (2) "restore an outstanding resource based on a rigorous scientific and technical analysis" (40 CFR 230.93(b)(2)). Otherwise, we recommend that the purchase of approved credits for the types of wetlands that would be lost be the preferred approach to mitigation for this project.
- Revise Table 3.4-21 so that it includes a column for total mitigation without preservation. The current total mitigation column is misleading because it includes preservation acres, which primarily fulfill requirements from FWS Biological Opinions under Section 7 of the Endangered Species Act, and are not mitigation for impacts to WUS.

Stormwater & Downstream Flood Risk

Mitigation Measure HYDRO-1 addresses downstream flooding effects by requiring the Applicant to pay a fair-share contribution toward the cost of the Reason Farms flood control project (page 3.10-17). Timing of the Reason Farms flood control project is uncertain; the project could be constructed in 10 years (page 3.10-3). While there appears to be ample retention capacity for the Westbrook Project, it is unclear how many other projects are also relying on the Reason Farm flood control system to mitigate stormwater runoff and flood risks.

Recommendations for the FEIS:

- Ensure that the Westbrook Project does not rely on the Reason Farms Project for mitigation before the flood control system is operational. If the Westbrook Project schedule could move ahead of the Reason Farms Project schedule, identify an alternative measure to control downstream flooding.
- In the cumulative impacts analysis (page 3.10-35), list other projects that are also relying on Reason Farms to mitigate stormwater runoff and flood risk, and include a comparison of planned use and capacity.
- Discuss the feasibility of using permeable pavements for roadways as a means to further reduce stormwater runoff, protect water quality, and minimize flood risk.

Air Quality

EPA is concerned with air quality impacts from this project, particularly when considered in concert with the numerous other development and major infrastructure projects proposed or in process within the region. The DEIS explains that, "The Proposed Action and all alternatives are included in current growth forecasts for the Roseville area but were not included in growth forecasts used in preparation of the most recent State Implementation Plan (SIP). Therefore, unmitigated emissions associated with operation and occupancy of the Proposed Action and all alternatives and build-out of cumulative development would directly adversely affect the

region's ability to achieve compliance with air quality standards" (page ES-6). In order to achieve attainment, strong measures are needed to avoid, minimize, and mitigate impacts.

Thank you for including tables with criteria pollutant emission estimates from construction and operational phases of other major infrastructure projects in the region. Such information helps clarify the intensity of cumulative impacts, as well as future challenges the region would face in attaining federal air quality standards.

Recommendations for the FEIS:

- Please coordinate with the Placer County Air Pollution Control District to ensure that construction and operational emissions from this project, combined with other reasonably foreseeable projects nearby, will not exceed the relevant emission budgets in the SIPs, and document this coordination in the FEIS.
- Include the following projects in Tables 3.3-9, 3.3-10, 3.3-14 and 3.3-15, or explain why they are excluded: Mather Specific Plan, Southport Sacramento River Early Implementation Project, Jackson Township Project, and Folsom Dam Modification Project Approach Channel.
- Clarify whether Tables 3.3-9, 3.3-10, 3.3-14 and 3.3-15 contain emission estimates before or after mitigation.
- Discuss potential differences between lower density and higher density alternatives with respect to long-term regional cumulative air quality impacts from the operational period. The potential benefits of "smart growth" do not appear to be fully described.
- Update pages 3.3-6 and 3.3-40 so that they correctly list Placer County's unclassified attainment status for PM10.

Transportation

Creating an entirely new development provides ample opportunities to incorporate policies and designs that minimize traffic impacts and create a high-quality living environment, with easy access to jobs, services, and recreation. Proactive early collaboration between the City, County, Applicant, transit agencies, and the Sacramento Area Council of Governments (SACOG) to integrate transit, such as a bus rapid transit system, into the overall site design appears to be an additional opportunity that could significantly lower long term emissions from the project.

All alternatives would have significant effects on traffic after mitigation (page 3.14-32), and transportation would account for over 80 percent of operational greenhouse gas (GHG) emissions for the proposed project (43,015 of 52,744 tons of CO2e; page 3.5-18). Mitigation Measure GHG2b requires consideration of several elements, including "construction of transit facility/amenity...for existing public and private transit" (page 3.5-25). A strong commitment to *new* transit to serve the proposed development area does not appear to be included. Several traffic mitigation measures require the Applicant to pay a "fair share" towards the cost of intersection and roadway construction; however, no similar measure is proposed to support transit system planning and development.

Recommendations for the FEIS:

- Coordinate with the City, County, Applicant, transit agencies, and SACOG on the feasibility of incorporating a robust new transit plan as a component of the project.

Assess the benefits of including development of transit routes early in the neighborhood design process in order to maximize ridership and efficiently incorporate transit facilities into streetscapes. Document coordination in the FEIS, and include relevant commitments.

- Consider an additional mitigation measure under which the Applicant would pay a "fair share" for transit system planning and development as a means to mitigate significant impacts on traffic, criteria air pollutants, and GHGs. Coordinate with the City and County on the feasibility of such a measure, and document coordination in the FEIS.
- Consider using a grid pattern for neighborhood roadways to reduce the travel distance for vehicles, bikes, and pedestrians for local trips. Grid patterns can make more trips possible to complete without use of a vehicle.

Sustainable Transportation & Building

Green building incorporates strategies to reduce energy and water needs, minimize harmful chemicals, and create a healthy indoor environment, among other goals. Green building strategies can also reduce operation and maintenance costs for owners and ease public service (i.e. water and electricity) demand requirements for the project. The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program offers detailed guidance, and EPA is available to assist the Applicant in identifying appropriate opportunities.

Recommendations for the FEIS:

- Discuss the feasibility and benefits of obtaining LEED for Neighborhood Development (ND) Certification for the project area or a portion of it. LEED-ND certification provides independent, third-party verification that a neighborhood development project is located and designed to meet high levels of environmentally responsible, sustainable development, with principles that are in line with the Sacramento Region Blueprint's growth principles.
- Discuss the feasibility and benefits of obtaining LEED certification for homes, schools, and commercial buildings.
- Discuss the feasibility and benefits of exceeding CALGreen standards in priority areas by meeting "optional" standards, including: pollutant control, indoor air quality, renewable energy, energy and water conservation, and low impact development.
- Consider recycled materials that could be used to replace raw materials for particular infrastructure components. Some options include tire-derived aggregate, crushed recycled concrete, recycled asphalt pavement, and rubberized asphalt concrete.
- Consider establishing a policy to use locally sourced materials to reduce air emissions from transport.