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

July 8, 2013

Colonel William J. Leady, District Engineer
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814-2922

Attention: Tyler Stalker

Subject: Draft Environmental Impact Statement for the Truckee Meadows Flood Control Project, General Reevaluation Report (CEQ # 20130136)

The U.S. Environmental Protection Agency (EPA) is providing comments on the Draft Environmental Impact Statement (DEIS) for the Truckee Meadows Flood Control Project, General Reevaluation Report. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), our NEPA review authority under Section 309 of the Clean Air Act, and the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act.

EPA supports the project purpose of reducing the risk of flood damage in the Truckee Meadows project area, and the goal of increased recreational opportunities along the Truckee River. Nevertheless, we are concerned that the Corps did not propose to fulfill the Congressional direction to improve spawning and migratory habitat for the cui-ui and Lahontan cutthroat trout, noted on page 2-4 of the DEIS, nor clarify any future plans to fulfill this direction. We have enclosed Detailed Comments providing our concerns and recommendations regarding water resources, including restoration, and air quality. Based on these concerns, we have rated the action alternatives Environmental Concerns – Insufficient Information (EC-2).

We commend the local project sponsor Truckee River Flood Management Authority (including the City of Reno, Sparks and the County of Washoe) for its involvement in restoration already performed on the Truckee River. We also recognize the environmentally preferable elements that the Corps has incorporated into the project, such as the setback levees and floodplain terracing included in Alternative 3 (the Tentatively Selected Plan).

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 questions, please contact me at (415) 972-3521 or have your staff contact Tom Kelly at kelly.thomasp@epa.gov or (415) 972-3856.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

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

cc (via email): Andy Starostka, U.S. Fish and Wildlife Service
Caryn Huntt DeCarlo, U.S. Bureau of Reclamation
John Mosely, Pyramid Lake Piute Tribe
Danielle Henderson, Truckee River Flood Management Project

EPA DETAILED COMMENTS, DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE TRUCKEE MEADOWS FLOOD CONTROL PROJECT, GENERAL EVALUATION REPORT, WASHOE COUNTY, NEVADA (CEQ # 20130136), July 8, 2013

Water Resources

Restoration

The Truckee River is highly degraded. The DEIS states, "summer low flows and limited riparian shading make the Truckee River inhospitable to trout in the summer below the Vista Narrows area" (p. 5-80). As the DEIS notes in many locations (e.g. p. 2-4), the Corps received Congressional direction to restore the Truckee River, in addition to direction to reduce flood risks. Based on the interests of the local project sponsor[1] and the Pyramid Lake Paiute Tribe, the Army Corps specifically evaluated fish passage in the General Reevaluation Report (GRR) (p. 2-1), and the Corps' Engineer Research and Development Center developed measures to address 18 barriers to fish passage on the River (GRR p.S-4). Despite this evaluation and the Corps' finding of a federal interest (i.e. a plan acceptable to the Corps), no action to allow fish passage was recommended for funding, due to budget constraints (p. 2-8).

The Corps appears to have willing restoration partners. The local project sponsor has participated in restoration of the Truckee River at McCarran Ranch, Lockwood, 102 Ranch and a portion of Mustang Ranch (p. 5-81). The DEIS does not mention that the local project sponsor is also involved in ongoing restoration at the Tracy Power Plant, West McCarran Ranch, and Upper Mustang Ranch.[2] The Pyramid Lake Paiute Tribe stock the Truckee River with Lahontan Cutthroat Trout, in cooperation with the U.S. Fish and Wildlife Service and the Nevada Department of Wildlife (p. 5-97). The Tribe has also received EPA wetlands program grants for work along the Truckee River and Pyramid Lake.[3]

> *Recommendation:*
> In recognition of the Congressional authority, local interest and the degraded state of the Truckee River, we recommend that the Army Corps continue to explore opportunities for river restoration that could be accomplished despite the referenced funding constraints, and outline its plans in the FEIS.

Temperature Impacts

The State of Nevada has designated reaches of the Truckee River within the project area as impaired due to high water temperatures below the Vista Narrows (p. 5-38), which, as noted above, render the river inhospitable to trout during summer and early fall (p.5-80). We acknowledge the conclusion that the long-term benefits of vegetation in the floodplain terraces of Alternative 3, particularly shading, outweigh the long-term impacts; however,

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[1] The local project sponsor is the Truckee River Flood Management Authority, composed of the Cities of Reno and Sparks and the County of Washoe (see http://truckeeflood.us/).

[2] Environmental Assessment (April 2012) and Finding of No Significant Impact (August 2012) for the Lower Truckee River Restoration Projects at Tracy Power Plant, West McCarran Ranch, and Upper Mustang Ranch, April 2012.

[3] See http://www.epa.gov/region9/water/wetlands/grants/

we recommend that the DEIS more thoroughly disclose the benefits beyond comparing acreage by habitat cover type (Table 5-11 and 5-16).

Short-term temperature impacts should also be discussed more thoroughly in the DEIS. According to the DEIS, "any short-term increase in water temperature resulting from loss of riparian vegetation is considered a significant effect" (p. 5-84). Both action alternatives would remove riparian vegetation; however, the impact analysis for each is silent on whether or not this would result in a significant effect.

> *Recommendations:*
> The FEIS should explain why any short-term increase in water temperature resulting from loss of riparian vegetation would be considered a significant effect, and clarify whether the project will result in a significant increase in short-term temperatures in the Truckee River.
>
> The FEIS should evaluate the feasibility and potential benefits of additional mitigation, such as:
> - removing existing vegetation as late as possible in the July to September construction window;
> - planting more mature vegetation as close practical to the main or low flow channel of the Truckee River.
>
> The FEIS should provide additional information related to the vegetation in the floodplain terraces:
> - the proximity of vegetation in the floodplain terrace to the main channel (e.g. show vegetation in Figure 4-4);
> - the relative percentage of cover at maturity and time to maturity; and
> - a rough estimate of shading provided initially and during interim periods before maturity is reached.

Reporting of Mitigation and Monitoring

In Section 5.4.3, the DEIS commits to many mitigation measures to ensure the project does not degrade water quality. This section commits to water quality monitoring for "turbidity and sedimentation." A particular field test is specified for turbidity, and the DEIS discusses the Nevada Water Quality Criteria for Total Suspended Solids (Table S-1), but it falls short of specifying how sedimentation will be monitored. Even the Stormwater Pollution Prevention Plan, which includes daily and hourly requirements for turbidity monitoring, only vaguely refers to monitoring settleable solids (p. 4-21).

We note that the Council on Environmental Quality guidance states: "agencies are encouraged to make proactive, discretionary release of mitigation monitoring reports…,"[4] but the DEIS does not commit to making monitoring data publicly available.

[4] Memorandum for the Heads of all Departments and Agencies, from Nancy Sutley, CEQ, dated January 14, 2011, Subject: Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact, see page 14.

Recommendations:
The FEIS should ensure consistency with Nevada's Water Quality Criteria and describe the monitoring that would occur for total suspended solids. Additionally we recommend that the FEIS commit to making the results of mitigation monitoring readily available to the public (e.g. posting on the local project sponsor's website).

Air Quality

The DEIS concludes that emissions of particulate matter less than 10 microns would be below the EPA General Conformity de minimis level of 70 tons per year for all years of construction (p. 5-177). We note that the project elements that served as the basis for the air emissions estimate include tasks that are no longer part of the project, such as the Virginia Street Bridge, Sierra to Booth Street Floodwalls, Lockwood/Rainbow Bend Floodwall and Wadsworth Floodwall (see page 3-1 of Appendix G for a complete list). While we acknowledge that overall emissions would be reduced by removing construction elements of each alternative, annual emissions could increase or decrease depending on the amount of construction in a particular year, which is not accurately estimated in the DEIS, given the elimination of the above tasks.

The Corps could further reduce the project's emissions through careful planning and the use of clean diesel equipment meeting the most stringent of applicable Federal[5] or State Standards.[6]

Recommendations:
The FEIS should include:

- an updated, more accurate estimate of annual project emissions.
- a commitment to give preference (among other factors such as low cost) to contractors employing clean construction fleets and verify that the contractors are using the specified equipment.
- a commitment to avoid the use of portable generators where power can be practically obtained from the local power grid.

Public Health

We commend the Corps for considering potential increases in criminal activity that could result from the project. The DEIS states that the proposed floodwalls could create a significant effect by reducing the view of patrolling law enforcement personnel (p. 5-204). The Department of Health and Human Services (HHS) considers exposure to crime and violence as one of several determinants of health.[7] According to HHS, these determinants influence a wide range of health, functioning and quality of life outcomes. The DEIS commits to coordinating the project design with law enforcement offices, but notes that this measure is not expected to reduce the impact to less than significant.

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[5] EPA's website for nonroad mobile sources is http://www.epa.gov/nonroad/.
[6] For ARB emissions standards, see: http://www.arb.ca.gov/msprog/offroad/offroad.htm.
[7] http://www.healthypeople.gov/2020/topicsobjectives2020/overview.aspx?topicid=39

Recommendation:
We recommend that the Corps solicit community input on the issue of design elements to reduce potential criminal activity, as recommended by Department of Justice guidance[8] and research linked to the Centers for Disease Control's website.[9]

[8]Using Crime Prevention Through Environmental Design in Problem-Solving, see http://www.cops.usdoj.gov/Publications/e0807391.pdf.
[9] The Center for Disease Control's website (http://www.cdc.gov/healthyplaces/projects.htm) is linked to Zoning Out Crime and Improving Community Health in Sarasota, Florida: "Crime Prevention Through Environmental Design" Sherry Plaster Carter, Stanley L. Carter, and Andrew L. Dannenberg American Journal of Public Health 2003 93:9, 1442-1445.