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

JAN 28 2014

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

Attention: Tyler Stalker

Subject: Final Environmental Impact Statement for the Berryessa Creek Flood Control Project, Santa Clara County, California (CEQ # 20130383)

The U.S. Environmental Protection Agency is providing comments on the subject Final Environmental Impact Statement. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement for the Berryessa Creek Project and provided comments in our May 6, 2013 letter. We rated the document EC-2, Environmental Concerns – Insufficient Information, based on our concerns about sea-level rise, water quality, and maintenance.

We appreciate the clarifications and modifications made in response to our comments; however, several commitments made in the response to comments do not appear as mitigation measures in the FEIS. We encourage the Army Corps to include the following commitments as mitigation measures in the Record of Decision: avoidance of portable generators where power can be practically obtained from the local power grid; inclusion of a contract specification expressing a preference for clean construction fleets in the Army Corps' solicitation for construction bids; and locating equipment staging areas away from sensitive receptors to the greatest extent practicable. We also encourage the Army Corps to include all mitigation measures from the FEIS in the ROD as enforceable mitigation.

We appreciate the opportunity to review this FEIS. When the Record of Decision has been signed, please send one copy to the address above (mail code: CED-2), or you may send an

electronic file to the lead reviewer for the project, Tom Kelly, at kelly.thomasp@epa.gov. If you have questions, please contact me at (415) 972-3843.

Sincerely,

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

cc (via email): Dennis Cheong, Santa Clara Valley Water District
Tami Schane, California Department of Fish and Wildlife