

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
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Jan 17 2014

Mr. John Suazo  
U.S. Army Corps of Engineers  
Sacramento District  
Attn: Planning Division (CESPK-PD-R)  
1325 J Street  
Sacramento, CA 95814-2922

Subject: Southport Sacramento River Early Implementation Project Draft Environmental Impact Statement / Environmental Impact Report, Yolo County, California, [CEQ# 20130337]

Dear Mr. Suazo:

The Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the above project. Our review and comments are 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. Our comments are provided in accordance with the deadline extension provided to Jean Prijatel by Tanis Toland on December 16, 2013. Thank you for the extension.

EPA acknowledges the need for reliable flood protection in the West Sacramento area and the need to address levee deficiencies as part of the West Sacramento Area Flood Control Agency's overall flood risk management strategy and the state-mandated target of 200-year protection for urbanized areas.

EPA provided comments on the Notice of Intent for this project on September 26, 2011. We are pleased to see that the DEIS addresses several of our recommendations. In particular, we appreciate the U.S. Army Corps of Engineers' inclusion of setback levees in the alternatives; the use of dredged material from the Sacramento River Deep Water Ship Channel Project as a source of borrow material, if available; the efforts to align the vegetation removal policy with the Central Valley Flood Management Protection Plan 2012 for this project; and limited vegetation removal on the existing levees in the action alternatives.

EPA recommends that the Final EIS provide sufficient information to identify the Least Environmentally Damaging Practicable Alternative for a Clean Water Act 404 permit; provide additional information about the cumulative impacts from induced growth; include a General Conformity Determination for the selected alternative; review alternative rock slope protection measures; commit to residual risk communication to property owners; and provide additional discussion of climate change resiliency.

In light of the above stated concerns, and as further described in the attached detailed comments, we have rated the DEIS action alternatives as *Environmental Concerns – Insufficient Information* (EC-2). Please see the enclosed “Summary of EPA Rating Definitions.”

We appreciate the opportunity to review this DEIS. Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Jean Prijatel, the lead reviewer for the project. Jean can be reached at (415) 947-4167 or [prijatel.jean@epa.gov](mailto:prijatel.jean@epa.gov).

Sincerely,

/s/ Connell Dunning for

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

Enclosures: Summary of EPA Rating Definitions  
EPA Detailed Comments

cc: Jennifer Norris, U.S. Fish and Wildlife Service, Sacramento Field Office  
William Steele, National Oceanic and Atmospheric Administration, West Coast Region  
Marshall McKay, Yoche Dehe Wintun Nation, Chairman  
David Keyser, United Auburn Indian Community, Chairman  
Andrew Franklin, Wilton Rancheria, Chairman

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR SOUTHPORT SACRAMENTO RIVER EARLY IMPLEMENTATION PROJECT, WEST SACRAMENTO, CA, JANUARY 17, 2014

**Water Quality**

As stated in the DEIS, Section 404 of the Clean Water Act requires that a permit be obtained from the Corps for discharge of dredged material or fill into waters of the United States. Table 3.8-3 summarizes acreage impacts to waters of the United States by Alternative, and demonstrates that Alternative 5 has the fewest total acres with permanent effects. The DEIS does not make a determination of which Alternative would be the Least Environmentally Damaging Practicable Alternative, but makes assurances that the established 404 permit process will be followed when the West Sacramento Area Flood Control Agency submits an application to the Corps.

***Recommendation:*** The FEIS should include a 404(b)(1) alternatives analysis or sufficient information to assess the selection of the Least Environmentally Damaging Practical Alternative, as stated in Corps Standard Operating Procedures.

The setback levee and restoration activities proposed in Alternatives 2, 4, and 5 will create an area of restored floodplain along the Sacramento River. The breach locations planned in the existing levee and the new floodplain between the existing levee and the setback levee will be graded to provide drainage and possible perennial aquatic habitat. The DEIS states that these alternatives would create open water and emergent wetland habitat that would compensate for the loss of waters of the United States elsewhere in the project area at a ratio of at least 2:1. It also states that new riparian habitat, including overstory and understory species to mimic the natural structure of riparian forests along the Sacramento River, would be created within the expanded floodplain, compensating for the loss of other riparian habitat at a ratio of 2:1.

The DEIS states that the study area contains critical habitat for Central Valley spring-run Chinook salmon, Central Valley winter-run Chinook salmon, Central Valley steelhead, Southern Distinct Population Segment green sturgeon, and Delta smelt. It further states that floodplains can expand quantity and quality of habitat available to fish during seasonal inundation periods, and that, in some years, floodplain use in the project reach may increase adult abundance and juvenile production for some species.

The DEIS states that the restored floodplain area of this project may contribute to the restoration goals of the Biological Opinions issued by the US Fish and Wildlife Service and the National Marine Fisheries Service for the Central Valley Project and State Water Project. These BOs are in place until the new water conveyance infrastructure identified in the Bay Delta Conservation Plan becomes operational.

***Recommendation:*** The FEIS should describe how the project's floodplain restoration is compatible with the restoration goals of the Biological Opinions for the Central Valley Project, State Water Project, and the Bay Delta Conservation Plan. Opportunities to optimize restoration benefits should be explored and committed to in the final alternative selection.

**Cumulative Impacts of Induced Growth**

EPA appreciates that the Corps is acknowledging the project as growth inducing, but we are concerned that the impacts are not adequately described due to the review of the project in isolation. We also found the discussion of growth inducement somewhat inconsistent and confusing. The DEIS states that the

Southport project is a key link in West Sacramento's overall flood management system, as one of nine levee reaches around the city, all of which are currently being considered for additional flood-risk reduction measures. For this reason, the DEIS considers the Southport project to be "incrementally growth inducing" (page 4-4). The document further states, however, that there are no current flood management barriers to growth in West Sacramento as it is not a "special flood hazard area" in current FEMA maps and that this designation will not be changed by the Southport project improvements alone.

Incongruously, the DEIS states that the General Plan Update for the City of West Sacramento, expected early 2014, will describe development anticipated by 2030 including "the fact that growth and development in the city are expected to be strongly tied to flood risk-reduction actions because of restrictions by FEMA resulting from existing levee conditions." (page 4-2) This statement about the General Plan Update suggests that existing levee conditions are restrictive to future growth, seemingly contradicting the previous statement that there are no current flood management barriers to growth.

The DEIS also lists the relevant land use plans for the area protected by the project (including the City of West Sacramento General Plan and the Southport Framework Plan), and various upcoming public and private development projects in West Sacramento. The discussion lacks accompanying maps that could better illustrate the reasonably foreseeable land use changes and development in the area. It does state that the Plans and a City of West Sacramento statement of overriding consideration explain that urban development is of greater benefit to the City than the preservation of agricultural land within certain portions of Southport.<sup>1</sup> The DEIS further states that the City of West Sacramento and specific growth development project proponents are responsible for imposing and enforcing measures to avoid, minimize, and mitigate effects of development, and that those effects are considered in the Environmental Impact Reports for those Plans, not in this DEIS. While we agree that the burden to mitigate future development is likely to fall to the project proponents of these local projects, NEPA requires the disclosure of growth inducing impacts [40 CFR 1508.8(b)]; these were not sufficiently described in this DEIS.

***Recommendations:*** The FEIS should more clearly and thoroughly describe the growth inducing impacts of the project (e.g. include maps of planned developments the numbers of houses, residents, commercial or industrial developments; employment projections; pollutant emissions; and traffic impacts).

### **Air Quality**

The DEIS focuses the air quality analysis on the construction impacts of the project, which will occur over two years. Pollutants of concern are identified as ozone, carbon monoxide, and particulate matter, while the discussion also includes toxic air contaminants. Unmitigated impacts to air quality for all of the action alternatives include violation of NO<sub>x</sub> (National) and PM<sub>10</sub> (California) air quality standards, exposure to fugitive dust, and exposure to diesel exhaust. The DEIS' mitigation measures for these impacts are extensive and contain EPA's commonly recommended best practices for limited idling, equipment maintenance and modernization, emission control devices, location of stationary diesel-powered equipment, use of existing power sources, fugitive dust control plans, and resident notification of construction schedule.

We also note that the Corps provided a General Conformity Determination for Alternative 5 in Appendix E. The analysis showed that annual construction emissions would exceed General Conformity thresholds for NO<sub>x</sub> in the Sacramento Valley Air Basin (Yolo-Solano Air Quality Management District

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<sup>1</sup> Willdan Associates, 1994 Southport Framework Plan Master Development Plan Draft EIR

and Sacramento Metropolitan Air Quality Management District). The proposed mitigation for this air quality impact is to reduce exhaust emissions (Air-MM-1) and fully offset emissions to zero through a mitigation contract with YSAQMD and SMAQMD that would contribute to SMAQMD's Heavy-Duty Low-Emission Vehicle Incentive Programs (Air-MM-4). The details of the incentive program and proposed contract are provided in the DEIS.

**Recommendations:** If Alternative 5 is not identified as the preferred alternative, the FEIS should include a General Conformity Determination for the selected alternative. If Alternative 5 is selected, EPA encourages the proposed mitigation contract with the Air Quality Management Districts and recommends that the FEIS include a copy of the contract.

### **Alternatives for Erosion Control**

The DEIS includes rock slope protection (also known as riprap) for all of the alternatives. In 2004, the U.S. Fish and Wildlife Service published an updated report, *Impacts of Riprapping to Aquatic Organisms and River Functioning, Lower Sacramento River, California*, that documents the negative effects of rock slope protection.

Possible alternatives to riprapping are suggested in the FEMA brochure *Engineering with Nature: Alternative Techniques to Riprap Bank Stabilization*. Riprap alternatives include bio-engineering, hydro-seeding, controlled planting, and construction of engineered logjams; however, some of the methods explored in the brochure may not be compatible with the Southport project needs or the Corps vegetation policy.

**Recommendation:** Because the FWS has documented problems associated with riprap on the Lower Sacramento River, the FEIS should explore additional alternative methods of erosion control.

### **Residual Flood Risk**

Even with the proposed improvements to the Southport levee, residual flood risk remains for the properties protected by the levee system. The DEIS mentions the City of West Sacramento's Emergency Operations Plan – including a Flood Plan and an Evacuation Plan – that is reviewed and updated on a regular schedule.

**Recommendations:** The Corps should commit in the FEIS to communicating residual risk behind levees on a regular basis, as recommended by the National Levee Safety Committee<sup>2</sup> and the American Society of Civil Engineers.<sup>3</sup> The updates should include a communication strategy to clearly relate: level of protection provided by the levees during and after construction; indication that levees may fail or be overtopped; and that the area is a floodplain, with indications of the depth of flooding when the levee fails or is overtopped. The Corps should commit in the FEIS to commenting on the adequacy of the current City of West Sacramento Emergency Operations Plan, with insights about the project enhancements and residual risk. Further, the Corps should seek a voluntary commitment from the City to requiring flood insurance for structures protected by levees, as recommended by NLSC.<sup>4</sup> We encourage inclusion of such commitments in the FEIS and Record of Decision.

<sup>2</sup> [http://www.leveesafety.org/docs/NCLS-Recommendation-Report\\_012009\\_DRAFT.pdf](http://www.leveesafety.org/docs/NCLS-Recommendation-Report_012009_DRAFT.pdf)

<sup>3</sup> <http://content.asce.org/ASCELeveeGuide.html>

<sup>4</sup> Recommendation #20, Levee Policy Challenges White Paper, 4/2007

[http://www.floods.org/PDF/ASFPM\\_Levee\\_Policy\\_Challenges\\_White\\_Paper.pdf](http://www.floods.org/PDF/ASFPM_Levee_Policy_Challenges_White_Paper.pdf)

### Climate Change

The DEIS states that the project alternatives would improve the resiliency of the levee system with respect to the effects of climate change, which could include changes to temperature and rainfall, increasing the risk of flooding due to insufficient reservoir capacity upstream of the project reach.

In light of the President's November 1, 2013 Executive Order "Preparing the United States for the Impacts of Climate Change," there is an opportunity with the Southport project to illustrate and maximize the climate-resilient benefits of levee design and floodplain restoration. The DEIS seems to indicate that the 200-year flood enhancements are the primary factors for improved resiliency without exploring how the differences in the alternatives' floodplain and wetlands restoration would also impact resiliency.

***Recommendation:*** We recommend that the FEIS include a discussion about the impacts to climate change resiliency for each of the alternatives and consider those impacts in the final alternative selection.

### Consultation and Coordination with Tribal Governments

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), directs federal agencies to establish tribal consultation and collaboration processes for the development of federal policies that have tribal implications, and is intended to strengthen the United States government-to-government relationships with Indian tribes. The DEIS mentions coordination efforts with Native American contacts for Yolo and Sacramento Counties and states that three tribal groups in the region requested consultation: Yocha Dehe Wintun Nation, United Auburn Indian Community, and the Wilton Rancheria.

The DEIS states that there have been on-site meetings with the three consulting groups and that consultation is ongoing, but it fails to document any input received during those meetings or other consultative efforts.

***Recommendation:*** The Final EIS should discuss the status of consultation with tribes affected by the project and the impacts and mitigation measures identified through that consultation. The tribes should be included in the distribution list of the Final EIS and Record of Decision.