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

July 18, 2008

Ms. Janet Adams
Director of Projects
Solano Transportation Authority
One Harbor Center, Suite 130
Suisun City, CA 94585

Subject: Draft Environmental Impact Statement for the Jepson Parkway Project, Solano County, California (CEQ #20080220)

Dear Ms. Adams:

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. EPA has previously provided feedback on this project through the *National Environmental Policy Act and Clean Water Action Section 404 Integration Process for Surface Transportation Projects Memorandum of Understanding* (NEPA/404 MOU). The NEPA/404 MOU was updated in 2006, since the last concurrence point for the project, and we have enclosed a copy of the updated document. Our detailed comments are also enclosed.

The State of California has assumed responsibilities under NEPA for this project pursuant to the *Memorandum of Understanding Between the Federal Highway Administration and the California Department of Transportation Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program*.

EPA appreciates the efforts made by the project development team to coordinate through the NEPA/404 MOU process. However, we have some concerns about impacts to wetlands and waters of the United States and growth inducement. We also have recommendations regarding air quality, wildlife and habitat, multimodal features, and stormwater management. EPA has rated this document EC-2, *Environmental Concerns, Insufficient Information*. Please see the enclosed *Rating Factors* for a description of our rating system.

We appreciate the opportunity to review this Draft Environmental Impact Statement and look forward to future coordination on the project. The next steps in the

NEPA/404 MOU process are agreement on the 1) Least Environmentally Damaging Practicable Alternative (LEDPA), the only alternative that is permittable pursuant to the Clean Water Act Section 404(b)(1) Guidelines, and 2) the conceptual mitigation plan. We look forward to receiving future information from the Solano Transportation Authority (STA) and Caltrans regarding the LEDPA and conceptual mitigation plan. We encourage STA and Caltrans to schedule a meeting with the NEPA/404 MOU agencies to discuss next steps in the process. Also, when the Final Environmental Impact Statement is released for public review, please send two hard copies to the address above (mail code: CED-2) at the same time the document is filed with our EPA Headquarters office.

If you have any questions, please contact Carolyn Mulvihill of my staff at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,

/s/ Connell Dunning

Nova Blazej, Manager
Environmental Review Office

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments
National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding, 2006 (NEPA/404 MOU)

cc: Melanie Brent, Caltrans
Michelle Tovar, U.S. Fish and Wildlife Service
Doug Hampton, NOAA Fisheries
Peter Straub, U.S. Army Corps of Engineers

Wetlands and Other Waters of the United States

EPA has participated in this project as outlined in the *National Environmental Policy Act and Clean Water Action Section 404 Integration Process for Surface Transportation Projects Memorandum of Understanding* (NEPA/404 MOU). The next steps in the NEPA/404 MOU process are agreement on the Least Environmentally Damaging Practicable Alternative (LEDPA) and the conceptual mitigation plan (Checkpoint 3). More information is needed to inform an alternatives analysis and to justify selection of the LEDPA. This information should be provided in the Final Environmental Impact Statement (FEIS) if the FEIS will be used to justify selection of a LEDPA. At a minimum the information should be included in the future request for agreement on the LEDPA and the conceptual mitigation plan. EPA provides the following recommendations to assist in identification of the LEDPA and conceptual mitigation plan:

Recommendations:

- Engage EPA, the Army Corps of Engineers, and other resource agencies in the identification of the LEDPA before publication of the FEIS, as outlined in the NEPA/404 MOU.

- The FEIS should include an explicit discussion of the various trade-offs between the alternatives in terms of impacts to wetlands and other waters of the U.S. and other resources. For example, it appears that Alternative B has the highest impacts, in terms of acreage of wetlands and waters of the U.S., and may have more floodplain impacts than the other build alternatives. Alternative B would also cut through a High Value Conservation Area, as identified by the Draft Solano County Multi Species Habitat Conservation Plan. Alternative E appears to have the lowest acreage of wetland impacts; however, it would also impact 4(f) properties and would result in residential relocations. Since the project is not water-dependent, practicable alternatives to filling wetlands are presumed to exist, and the Solano Transportation Authority (STA) should provide a detailed argument to justify the statement that no practicable alternatives exist.

- The FEIS, and the request for agreement on the LEDPA prior to release of the FEIS, should include a discussion of the functional values of the wetland and other habitat resources that would be impacted by the various alternatives.

- The FEIS should identify that the alternative that is ultimately chosen as the preferred alternative avoids and minimizes impacts to wetlands and waters of the U.S. to the maximum extent practicable. Where impacts exist, the FEIS should include a discussion of why avoidance is not practicable, with regard to cost, logistics, and technology.

- The analysis of cumulative impacts to wetlands and waters of the U.S. should include quantitative information about the impacts of other projects in the vicinity of the proposed Jepson Parkway. The FEIS should include any data that is available regarding these impacts.

- The discussion of Executive Order 11990 should be expanded in the FEIS. The statement that "avoidance alternatives to minimize harm to wetlands in compliance with Executive Order 11990 have been determined to be infeasible" should be justified.

- The FEIS should include more specific information about compensatory mitigation, which should be discussed with EPA and the other agencies involved in the NEPA/404 MOU process, prior to Checkpoint 3.

Growth Inducement

EPA has concerns that the proposed project may lead to induced growth. Specifically, the statements that "there is little opportunity for infill development within the existing city limits of Vacaville" and that "this suggests that future growth will occur on the city's edges, including the areas east and southeast of the city, in the vicinity of the corridor" imply that there is a high probability of induced growth in unincorporated county areas east of Leisure Town Road and in the vicinity of Vanden Road. This area is also characterized as Prime Farmland.

The DEIS describes various city and county planning mechanisms which could limit growth induced by the project. However, EPA is concerned that the Solano County Orderly Growth Initiative (Proposition A) is only in effect until 2010. As stated above, the unincorporated county areas east of Leisure Town Road and in the vicinity of Vanden Road are dominated by Prime Farmland and development pressure in this area would likely increase due to improved access provided by the project.

Recommendations:

- The FEIS should discuss the implications of Proposition A no longer being in effect and whether there are efforts to extend its protections for agriculture and open space in the county.

- The FEIS should include a more detailed analysis of growth-related impacts. EPA recommends using the May 2006 *Guidance for Preparers of Growth-related, Indirect Impact Analyses* (Guidance) [http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm] developed jointly by Caltrans, the Federal Highway Administration (FHWA), and EPA. EPA recommends following the Step-by-Step Approach for Conducting the Analysis in Chapter 6 of the Guidance. The Guidance recommends that an analysis of growth-related impacts:
    - Identify if the project will affect the location and/or timing of planned growth in the area;

    - Identify the potential resources that may be affected by the increased "zone of influence" associated with interchanges; and
    - Include a discussion of mitigation strategies to reduce impacts if adverse impacts cannot be avoided or minimized. Section 6.3 of the Guidance provides an approach to address mitigation for growth-related impacts.

- Use the results of the analysis to inform transit options, road design, and recommendations for future zoning near the proposed alternatives as well as mitigation measures to reduce environmental impacts.

Air Quality

Construction Emissions

The DEIS states that the Yolo Solano Air Quality Management District (YSAQMD) requires quantification of construction emissions, while the Bay Area Air Quality Management District (BAAQMD) does not. Instead, BAAQMD recommends that significance be based on a consideration of the control measures to be implemented.

Recommendation:

- Given the YSAQMD requirement and the fact that a quantification of emissions would inform the type of control measures necessary to mitigate impacts, EPA recommends that a quantification of construction emissions be included in the FEIS. This analysis should include the timeframe of construction activities, the types of equipment that will be used, hours of operation, and specific emissions that will result from each type of construction equipment. Mitigation measures to reduce these impacts should also be presented.

Mobile Source Air Toxics

The DEIS states that "available technical tools do not enable us to predict the project-specific health impacts of the [mobile source air toxics (MSAT)] emission changes associated with the alternatives under the proposed project." EPA and FHWA have an ongoing dialogue regarding the technical tools available for analysis of MSAT impacts. Tools for evaluating project-specific health impacts from MSATs do exist and EPA would be happy to work with Caltrans and STA to identify appropriate and available methods for evaluating MSAT impacts to include in the FEIS.

The DEIS states that "under each build alternative there may be localized areas where ambient concentrations of MSATs could be higher under certain build alternatives than Alternative A." Specifically, the DEIS states that "the additional travel lanes contemplated as part of the build alternatives would have the effect of moving some traffic closer to nearby homes and businesses." MSAT impacts would differ based on the proximity of the various alternatives to current and future development. Since no locational analysis has been performed, these impacts are unknown; however the DEIS lists specific locations where MSAT concentrations would most likely increase. The DEIS also states that these increased concentrations could be offset due to increases in travel speeds and reductions in congestion.

Recommendations:

- Technical tools are available to analyze the MSAT impacts of the various alternatives at specific locations and EPA recommends their use to determine impacts on sensitive receptors near the proposed project. However, if this analysis is not performed, we recommend that Table 3.13-3, Summary of Air Quality Impacts, be amended to remove the statements that Alternatives B-E will have "no impact" with regard to MSATs. This conclusion is not justified based on the information included in the DEIS.
- Identify in the FEIS specific mitigation measures that can be adopted to reduce MSAT impacts, including any design changes that would move the roadway away from sensitive receptors.

Wildlife and Habitat

The DEIS includes information from wildlife and habitat surveys that have taken place during various phases of project planning, ranging from 1999 through 2007. It is unclear whether all necessary studies have been verified as containing current information. The DEIS also does not indicate the status of Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) or consultation with other resource agencies on impacts to wildlife and habitat.

Recommendations:

- The FEIS should include verification from the USFWS, National Marine Fisheries Service, California Department of Fish and Game, and any other relevant agencies, that the data collected in wildlife and habitat surveys is still current and applicable.
- The FEIS should also include a discussion of Section 7 consultation and the final compensatory mitigation commitments for impacts to wildlife and habitat, as determined in the Biological Opinion by the USFWS and in consultation with other regulatory agencies.

Multimodal Features

EPA commends STA for including multimodal features in the project, including bicycle and pedestrian amenities. EPA encourages STA to coordinate with local transit agencies, as well as those responsible for improvements to the Future Multimodal Train Station, to determine whether additional improvements, such as bus shelters or other features to facilitate transit service, can be provided during construction of the project.

Recommendations:

- STA should coordinate with local transit agencies and those responsible for improvements to the Future Multimodal Train Station to determine whether additional transit improvements can be provided during construction of the project.
- Include detailed information in the FEIS about future bus routes on the proposed corridor.

- Provide consistent bicycle and pedestrian facilities along the entire length of the proposed project corridor to provide safe and efficient multimodal travel options.

Green Infrastructure and Stormwater Management

The project will result in both an encroachment into the 100-year floodplain and an increase in impervious surface, which may alter local stormwater drainage patterns. In order to mitigate these impacts, EPA recommends that the project integrate green infrastructure approaches to protect water quality.

Recommendation:

- Integrate green infrastructure approaches into the stormwater management plans for the project and include a discussion of the proposed strategies in the FEIS. Examples of green infrastructure that should be considered for the project include constructed wetlands and vegetated swales or filter strips. Detailed information about these and other green infrastructure approaches is available at http://cfpub.epa.gov/npdes/greeninfrastructure/technology.cfm.