



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

September 24, 2009

Ms. Elizabeth Holland
Planning Division
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Final Environmental Impact Statement (FEIS) for the Natomas
Levee Improvement Program, Phase 3 Landside Improvements Project
(CEQ# 20090288)

Dear Ms. Holland,

The U.S. 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 our NEPA review authority under Section 309 of the Clean Air Act. We appreciate the additional time granted to conduct our review (per our September 16, 2009 telephone conversation).

EPA previously provided comments concerning Phase 2 Landside Improvements Project and programmatic evaluation of the entire Natomas Levee Improvement Program (NLIP). We expressed concerns regarding the Least Environmentally Damaging Practicable Alternative (LEDPA), the residual flood risk to development protected by levees, and potential indirect and cumulative environmental effects of planned development facilitated by this levee project.

We appreciate the U.S. Army Corps of Engineer's attention to our comments regarding the DEIS, several of which are addressed in the FEIS. In particular, we note the continued consultation and collaboration with the U.S. Fish and Wildlife Service, California Department of Fish and Game, The Natomas Basin Conservancy, Sacramento Area Flood Control Agency, and Sacramento Area Council of Governments to work towards further minimization of temporary (371.48 acres) and permanent (36.75 acres) impacts to waters of the United States for all four phases of the Natomas Levee Improvement Program (2008-2010). We recommend that these commitments be included in the Record of Decision (ROD).

While the above collaboration is commendable, we continue to have concerns regarding the residual flood risk and the potential for indirect and cumulative impacts of future development. We recommend rapid implementation of the Natomas Basin flood safety plan prior to approval of additional development, so that new development does not compromise the flood-damage-and-risk-reduction achievements of this project.

We appreciate the opportunity to review this document. If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

Connell Dunning /s/

for
Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

cc: Ken Sanchez, U.S. Fish and Wildlife Service
Robert Solecki, Central Valley RWQCB
Jeff Drongesen, California Department of Fish and Game
John Bassett, Sacramento Area Flood Control Agency
John Roberts, The Natomas Basin Conservancy
Helen Thomson, Sacramento Area Council of Governments