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

February 8, 2002

R.C. Slovensky
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724

Dear Mr. Slovensky:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the **Lincoln Bypass Construction, South of Industrial Boulevard to North of Riosa Road**, Placer County, California (CEQ Number: 010513, ERP Number: FHW-K40249-CA). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR §1500-1508) and Section 309 of the Clean Air Act.

The Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) propose to construct a four-lane freeway around the City of Lincoln, in Placer County, California. The project begins on State Route (SR) 65, 0.5 miles south of Industrial Boulevard, and ends near Riosa Road. The purpose of the project is to relieve congestion and improve safety on SR 65 in the vicinity of the City of Lincoln and provide a regional traffic solution to projected traffic volumes in 2020. The project is predicated on projected traffic volumes, not on current congestion problems.

There are six build alternatives, ranging from 11.6 to 12.8 miles in length, and a no-build alternative. The two "AC alignments" run east of the Lincoln Airport and closest to the existing SR 65. The four "D alignments" run west of the Lincoln Airport and farther west of the existing SR 65. All build alternatives include an interchange at Industrial Boulevard and a Park-and-Ride facility at the intersection of Industrial Boulevard and the existing SR 65. The preferred alternative has not been selected. However, the DEIS identifies the D13 North Modification as the likely preferred alternative.

The project will be constructed in stages, based on the availability of funding. The "minimum" project includes a four-lane expressway to Nicolaus Road (for the "AC" alternatives) or Nelson Lane (for the "D" alternatives), with an interchange at Industrial Boulevard. A two-lane facility will be constructed for the rest of the project, with at-grade intersections at Nelson Lane, Nicolaus Road, Wise Road and Riosa Road. The "ultimate" project would be a four-lane freeway the entire length of the project, with three to five interchanges, depending on the alternative chosen. A

private developer will independently construct an interchange at Westwood Boulevard, regardless of which build alternative is chosen. The DEIS is based on the "ultimate" project.

On May 6, 1997, EPA, a signatory agency to the NEPA/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), concurred with the project purpose and need, criteria for selection of alternatives, and the range of alternatives. In prior NEPA/404 correspondence, EPA expressed concerns about: 1) whether Alternative D13 appeared to be the least environmentally damaging practicable alternative (LEDPA); 2) whether the project mitigation plan was consistent with the intent of the NEPA/404 MOU and would prevent significant degradation of the aquatic environment; and 3) whether the cumulative and indirect impacts of the SR 65 Concept facility were being addressed as required by 40 CFR §1508.7 and 1508.8(b), respectively.

Caltrans has addressed many important issues in the DEIS, and we want to thank Caltrans and FHWA for meeting with us on January 22, 2002 to discuss our major concerns with the project. As stated in this meeting, EPA continues to be concerned about: 1) the impacts to 30.2 acres of wetlands from the Park-and-Ride facility; 2) cumulative impacts of the project; 3) indirect impacts, including potential induced growth at interchanges and in Sheridan; 4) whether the likely preferred alternative identified in the DEIS will be the LEDPA; and 5) the DEIS acknowledgment that bottlenecks at Industrial Avenue and in Wheatland will occur after the bypass is built, without any discussion of how these bottlenecks will be mitigated.

Based on these concerns, we have rated the document ***EC-2, Environmental Concerns-Insufficient Information***. This rating applies to all the build alternatives. Please see the attached *Rating Factors* for a description of EPA's rating system.

EPA's detailed comments on the DEIS are attached. When the Final EIS is completed, please send us two copies at the address above (mail code: CMD-2) at the same time it is filed with EPA's Washington, D.C. office. If you have any questions, please feel free to contact me or Nancy Levin, the point of contact for this project. Nancy can be reached at 415-972-3848 or levin.nancy@epa.gov.

Sincerely,

/S/
Lisa B. Hanf, Manager
Federal Activities Office

Attachments: Summary of EPA Rating Definitions
Detailed Comments

cc: Karen McWilliams, Caltrans District 3
Tom Cavanaugh, U.S. Army Corps of Engineers
Jerry Bielfeldt, U.S. Fish and Wildlife Service
Michael Acituno, U.S. National Marine Fisheries Service

Impacts to Waters of the U.S.

Park-and-Ride Facility

EPA is primarily concerned about the Park-and-Ride facility's impacts to wetlands; however, it is also unclear how this facility serves the purpose and need for the project. Is there or will there be a problem that the Park-and Ride facility would solve? Are there data to support demand for the facility? Was the facility included to fulfill a governmental requirement? There is no explanation of how the number of cars served (120 spaces, with the potential for 1,200 spaces) was set; how and when build-out of the facility would occur; or how and when it would link to transit services.

The proposed Park-and-Ride facility would directly impact 30.2 acres of wetlands, including 29.1 acres of vernal pools (Table 4-26), regardless of which alignment is selected. Given the acreage of wetland impacts -- which is more than that of any of the roadway alternatives -- reasonable alternatives and mitigation must be considered for the Park-and-Ride facility. All practicable alternatives that are less environmentally damaging are presumed to be available unless clearly demonstrated otherwise [40 CFR §230.10(a)(2) and (3)].

The impacts of the Park-and-Ride facility were not included in the Summary of Major Environmental Impacts (Table iii) in the Draft Environmental Impact Statement (DEIS) even though the facility is included in each build alternative. The impacts of the facility also were not included in the Habitat Mitigation and Monitoring Proposal.

Recommendations

- The Final EIS should address why the Park-and-Ride facility is part of the proposed project, how the facility serves the project's purpose and need, and why it needs to be built now.
- Analyze all reasonable and practicable alternatives for the Park-and-Ride facility so that impacts to wetlands are avoided. Demonstrate that no other practicable alternatives exist. This information will be seriously considered by EPA prior to concurrence on the least environmentally damaging practicable alternative (LEDPA).
- Include the impacts of the Park-and-Ride facility in the summary of environmental impacts.
- Discuss the future light-rail commuter transit opportunities that the Park-and-Ride facility would accommodate, and how the facility fits into a larger transit plan for Lincoln and the region.

D13 North as likely Preferred Alternative

The DEIS identifies D13 North modification, with 13.8 acres of wetlands impacts, as the likely preferred alternative as compared to the "AC" alignments, with 15.5 to 23.1 acres of wetland impacts.

Looking only at the number of acres of wetlands impacted does not take into account the issues of habitat fragmentation, loss of wetland functions, and development patterns. We are aware

of the rapid growth in the City of Lincoln and understand that virtually all privately-owned and undeveloped land within the City's sphere of influence has received entitlements and, thus, is expected to be developed within the next decade. We expect that the waters associated with the "AC" alignments (which are closer to existing development than the "D" alignments) are likely to be impacted by development regardless of whether these alternatives are selected. Lands crossed by the "D" alignments, on the other hand, are in rural areas and farther from development pressures. Based on these broader considerations we believe that Alternative AAC2 should not be ruled out as the LEDPA.

Recommendations

- The discussion of wetland impacts should address the extent of habitat fragmentation, loss of wetland functions adjacent to the alignment, and impacts to hydrology that affect wetlands, in the context of reasonably foreseeable development.

- Design the facility to avoid and minimize impacts to resources to the extent practicable by minimizing the median strip and footprint. Clearly delineate the project dimensions and footprint in the Final EIS.

Cumulative Impacts

The Council on Environmental Quality (CEQ) regulations implementing NEPA define a cumulative impact as "...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" [40 CFR §1508.7].

The City of Lincoln is located in the greater Sacramento region, which has experienced rapid population growth in recent years. Anticipated future growth has led to efforts to upgrade the transportation corridor that encompasses State Routes (SR) 70, 99 and 65, connecting Sacramento to the cities of Roseville, Rocklin, Lincoln, Marysville/Yuba City, Oroville and Chico (Tables ii, 1-8, 1-9, 4-33). Lincoln is also undergoing rapid development. New residential developments (Table 3-1) involve building more than 15,453 new homes on 7,410 acres. A number of large projects have entitlements in currently undeveloped areas in the City of Lincoln's sphere of influence.

Caltrans has recognized that the bypass will "substantially contribute to potential cumulative losses of riparian forest, oak woodland, vernal pools and wetlands. The project's contribution to regional habitat fragmentation will also be substantial, as will the project's contribution to potential effects on special status vernal pool plants and invertebrates and Swainson's hawks."[1] EPA estimates that 500 acres of vernal pools are lost in Placer County each year. EPA has determined that vernal pools, seasonal marshes and wetlands in Placer County are Aquatic Resources of National

[1]Caltrans Route 65 Lincoln Bypass Natural Environment Study Report (August 10, 2000).

Importance, pursuant to the 1992 Clean Water Act §404(q) Memorandum of Agreement between the U.S. Army Corps of Engineers (Corps) and EPA.[2] EPA has indicated that the loss of additional wetlands in Placer County, particularly vernal pools, should be considered a significant adverse environmental impact when viewed from a cumulative perspective.

The Cumulative Impact Study Area (CISA) map in the DEIS appropriately includes the SR 99/SR70 corridor west of Lincoln from the southern Placer County line to Marysville -- although considering the wetland functions and connectivity of these resources, the entire corridor through Chico would be an appropriate study area. The Cumulative Impacts section of the DEIS makes a good start at an analysis by identifying the areas of potential cumulative impacts. The DEIS, however, does not provide information reflecting the magnitude of these cumulative impacts. It does not demonstrate the rate at which resources have been lost in the area on a cumulative basis, nor the relative importance of losses that would result from the Lincoln Bypass.

Recommendations

- Identify projects (not only transportation) that are ongoing, planned and reasonably foreseeable in the CISA that may contribute to cumulative impacts. Quantitative information on impacts should be readily available in project Environmental Impact Reports, and is useful for cumulative analysis.

- Discuss in greater detail the cumulative loss of aquatic resources; and endangered and threatened species, and their habitat. Analyze the rate of loss and magnitude (size and relative importance) of impacts to these resources.

Indirect Impacts

The CEQ regulations implementing NEPA define indirect impacts as impacts that "are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." [40 CFR §1508.8(b)]. EPA is concerned about indirect impacts of the bypass, particularly potential induced growth.

Induced Growth

The Final EIS should disclose the potential growth-inducing impacts of the proposed action. It should specifically address the potential growth-inducing impacts associated with new interchanges. In the proposed project, all the build alternatives require construction of new roadway and new interchanges through agricultural land, areas of high quality wetlands, and wildlife habitat. New access to these areas, combined with growth pressures in Lincoln and the region, increases the likelihood of induced growth.

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[2]Letters from EPA in response to Corps public notices (September 29, 1999 Foskett Ranch; December 18, 2000 Buzz Oates; December 6, 2001 San Antonio Mountain Ranch; April 9, 2001 Del Webb; September 7, 2001 Hans Becker).

The potential for induced growth should be analyzed, particularly at the intersections in undeveloped areas (e.g., Wise and Riosa) and in the vicinity of Sheridan. While Lincoln has planned for growth, Sheridan may be less prepared for growth since its general plan was last updated in 1976, and there are no policies to support its land use or resource protection goals. A new interchange in such an area can induce growth.

Recommendations

- Analyze the potential indirect impacts of interchanges, particularly in rural areas (Wise and Riosa Roads). The Final EIS should clearly show interchange locations and footprints.

- Analyze potential land use changes and indirect impacts in Sheridan as a result of a bypass and intersection. The Placer Legacy Report (2000) contains information on land use trends in this area.

Connected Actions

According to CEQ's NEPA regulations, "Actions are connected if they: Automatically trigger other actions which may require environmental impact statements; (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously; (iii) Are interdependent parts of a larger action and depend on the larger actions for their justification [40 CFR §1508.25 (a)]. The Final EIS should examine the full scope of impacts of the project and any connected actions.

Construction of a Westwood Boulevard interchange by a private developer and the upgrade to Nelson Lane (to serve as the main entrance road to the Lincoln Airport) will not proceed without the construction of the bypass, and are, therefore, connected to the bypass. The DEIS indicated that the approval of new development projects is contingent on building a bypass (page 4-6). If so, those projects would be considered connected actions.

Recommendations

- Analyze the full scope of impacts of the proposed action, which includes all connected actions (e.g., the Westwood Boulevard interchange and upgrades to Nelson Lane).

- Clarify the City of Lincoln's policy on new development proposals, and whether approval of new developments would occur only if a bypass is built. If so, include the impacts of those actions and analyze them in the Final EIS.

Traffic Analysis

Traffic Bottlenecks

The purpose of the proposed project is, in part, to improve inter-regional traffic in the vicinity of the City of Lincoln. Yet, two acknowledged bottlenecks will occur at project completion near both ends of the bypass -- at Industrial Boulevard (page 1-8) and in the town of Wheatland

(page 4-13). These indirect impacts (and potential mitigation) have not been fully discussed and analyzed in the DEIS.

Recommendations

- Address the future bottlenecks in the context of the project's independent utility and logical termini.
- Discuss how the impacts of bottlenecks at Industrial Boulevard and in Wheatland will be mitigated, including whether additional improvements are necessary or reasonably foreseeable. Discuss whether other bottlenecks are expected to occur elsewhere on SR 65.

Safety

According to the DEIS, "the accident rate in downtown Lincoln is higher than the average rate for this type of facility." Yet, the data in Table 1-6 appear to contradict that statement. The average accident rate for this type of facility (conventional highway) is 1.8 accidents per million vehicle miles. The rate in downtown Lincoln (Moore Road to Gladding Road) is 0.85. It appears that the only existing safety problem is at the Sheridan railroad crossing -- where the accident rate is 4.11.

Recommendations

- Clarify how the accident rate data demonstrate a safety problem in downtown Lincoln, and how the proposed project (as defined by the Purpose and Need, and Alternatives) has been developed to address this.

Local Traffic

An estimated 40% of the 2025 northbound trips on the Bypass will have local origins and destinations, presumably serving the new residential developments and other areas of Lincoln west of the existing SR 65. The DEIS does not discuss the potential for increased congestion on Lincoln's local arterial roadways leading to and from the bypass.

Recommendations

- Disclose future traffic conditions on local roads as they are associated with the bypass.
- Work with the City of Lincoln to address increased local transportation demand and potential circulation issues associated with the bypass.

Impacts to Natural Resources/Mitigation

Caltrans has done a good job investigating creative mitigation strategies for impacts to natural resources. EPA is concerned, however, that Caltrans considers planting acorns to be a feasible way of mitigating oak woodland habitat loss (page 5-1). Recent studies have questioned the practice of planting to mitigate for habitat loss.[3]

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[3]Harris/Kocher, Oak management by county jurisdiction in the central Sierra Nevada, California, 2001. Standiford, Modeling the effectiveness of habitat loss mitigation in blue oak

One report concludes: "...It is a very costly, long-term effort to restore an area. Many important habitat elements, such as cavities, acorns, snags, and woody debris will not be mitigated – at least in the 50-year interval evaluated in this study – through a tree planting strategy alone..."[4]

EPA would like to emphasize that Caltrans should first avoid, and then minimize impacts to natural resources. If mitigation is necessary, mitigation plans should consider the long-term success of the resource. EPA would like to encourage Caltrans to work closely with established conservation groups (e.g., Placer Legacy and Ducks Unlimited) to preserve large tracts of existing habitat.

Recommendations

- First avoid, and then minimize impacts to natural resources. Minimize use of planting as a mitigation method for replacement of oak woodland habitat. Use mitigation measures to preserve existing mature habitat.

- Take a "big picture" approach to mitigation throughout the corridor and work with established conservation groups (e.g., Placer Legacy and Ducks Unlimited) to preserve large tracts of existing habitat.

Current data

Given the rapid growth in the region, data should be as current as possible. EPA recognizes that 2000 census data were not available for use in the DEIS. Other data appear to be outdated.

Recommendations

- Use 2000 census data for the Demographic Profile and Trends section of the Final EIS.
- Use the most current data available for employment, labor force, farmland conversion and other areas to provide a more accurate description of the social and economic environment.

Cooperating Agency Status

The EPA is incorrectly identified as a cooperating agency for this project on the front page of the DEIS. This should be corrected in the Final EIS.

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woodlands with tree planting, 2001.

[4]Standiford, 2001.