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

July 5, 2006

Maiser Khaled
Chief, District Operations North
Federal Highway Administration
650 Capitol Mall, Suite 900
Sacramento, CA 95814

Subject: Final Environmental Impact Statement for the State Route 65 Lincoln Bypass Project in Placer County, California (CEQ #20060226)

Dear Mr. Khaled:

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 Section 309 of the Clean Air Act. Our detailed comments are enclosed.

EPA has actively coordinated with the Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) under the NEPA/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU) since publication of the Draft Environmental Impact Statement (DEIS). Our February 8, 2002 DEIS comment letter rated the document as Environmental Concerns - Insufficient Information (EC-2).

FHWA and Caltrans responded to many of the concerns raised in our DEIS comment letter. We support Caltrans decision to incorporate $3.9 million of conservation easements near the Wise Road Interchange into the project description of the preferred alternative to avoid growth-inducing impacts to aquatic resources. We also recognize Caltrans for providing a much improved analysis of indirect and cumulative impacts following the publication of the DEIS. Finally, EPA commends Caltrans for establishing an advance mitigation site at Aitken Ranch to partially offset the impacts of the Lincoln Bypass.

EPA's continuing concerns with the Final EIS (FEIS) and recommendations for the Record of Decision (ROD) are described in our detailed comments. They include: 1) disclosure clear presentation of revised project impacts, including full build-out of the park and ride lot; 2) the basis for EPA concurrence on the preferred alternative as the least environmentally damaging practicable alternative (LEDPA); and 3) the use of indirect and cumulative impact analysis results in the FEIS comparison of alternatives.

We appreciate the opportunity to review the FEIS. When the ROD is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3988 or Nancy Levin, the lead reviewer for this project. Nancy can be reached at 415-972-3848 or Levin.nancy@epa.gov.

Sincerely,

/S/Connell Dunning for

Duane James, Manager
Environmental Review Office

Enclosures
EPA's Detailed Comments
Summary of Rating Definitions

cc
Katrina Pierce, Caltrans North Region
Tom Cavanaugh, U.S. Army Corps of Engineers
Ken Sanchez, U.S. Fish and Wildlife Service
John Baker, NOAA Fisheries
Jeff Finn, California Department of Fish and Game
Eric Tattersall, U.S. Fish and Wildlife Service

EPA DETAILED COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE STATE ROUTE 65 LINCOLN BYPASS PROJECT, PLACER COUNTY, CALIFORNIA, JULY 5, 2006

Revised Project Impacts

The Final Environmental Impact Statement (FEIS) states that the estimated project impacts increased from the estimates in the Draft EIS (DEIS) after Caltrans applied revised design information to the preferred alternative and used the appropriate U.S. Fish and Wildlife Service (FWS) guidelines. The permanent direct impacts to jurisdictional wetlands and waters increased more than three times the original estimate (13.6 acres) to 43.31 acres. Indirect (not including growth-inducing) impacts to vernal pools/swales are now estimated at 21.0 acres. However, the FEIS does not uniformly reflect these revised project impacts. For example, the FEIS Abstract cites the older impact estimates. Section S.4.1 states that Table ii summarizes the potential environmental impacts of the project, yet Table ii also reflect the older impact estimates.

Recommendation:

- The Record of Decision (ROD) should clearly state the full impacts of the project using the most up-to-date estimates.

Park and Ride

The FEIS states that the project proposes to secure the right of way for a Park and Ride lot facility located adjacent to Industrial Avenue and the intersection with SR 65 for construction at a later date. In the DEIS, Caltrans estimated that the Park and Ride lot would affect 30.2 acres of wetlands, including 29.1 acres of vernal pools. Based on Caltrans' response to the U.S. Environmental Protection Agency's (EPA) comments on the DEIS, we understand that the Park and Ride lot is substantially reduced in size and will affect less than one acre of wetlands. However, we also understand that the Park and Ride lot will be expanded in the future with developer funds. The FEIS should clarify whether there will be any additional impacts when the lot is fully expanded, what they would be, and how they are accounted for in the impact summary and mitigation plan.

Recommendation:

- The ROD should provide the impacts for the full build-out of the Park and Ride lot, and confirm that Caltrans will mitigate for the impacts of the full build-out prior to construction.

Least Environmentally Damaging Practicable Alternative (LEDPA)

FHWA uses the same name -- "D13 North Modified" -- for the preferred alternative/LEDPA in the FEIS and an alternative in the DEIS that is not the LEDPA. "D13 North Modified" as presented in the DEIS was rejected by EPA and the U.S. Army

Corps of Engineers (Corps) as the LEDPA. EPA and the Corps concurred that "D13 North Modified with Conservation Easements" is the LEDPA. Using the same name for alternatives with different project descriptions is confusing, and should be corrected in the ROD.

Recommendations:

- Clearly state in the ROD that EPA and the Corps concurred on "Alternative D13 North Modified with Conservation Easements" as the LEDPA.

- Rename the preferred alternative so that it is not confused with the "D13 North Modified Alternative" that was analyzed in the DEIS.

The FEIS should clearly state the basis for EPA's concurrence on the LEDPA for the proposed project, pursuant to the 1994 National Environmental Policy Act/Clean Water Act Section 404 Memorandum of Understanding (NEPA/404 MOU). The FEIS incorrectly states that the A alternatives were eliminated based on greater environmental impacts. Rather, EPA believes the A alternatives to be less environmentally damaging than the D alternatives, when taking into account indirect (including growth-inducing) and cumulative impacts. EPA agreed to eliminate the A corridor alignments from LEDPA consideration because they were no longer practicable (see EPA letter to Caltrans dated July 9, 2003).

Recommendations:

- The ROD should clarify that EPA considers the A alternatives to be less environmentally damaging than the D alternatives, but agreed that the A alternatives became impracticable due to residences built on the A alignment.

- The ROD should include the LEDPA concurrence letters from EPA and the Corps dated July 9, 2003 and August 8, 2003, respectively.

<u>Indirect and Cumulative Impact Analysis</u>

In our DEIS comment letter, EPA expressed concerns about the potential cumulative and indirect (growth-inducing) impacts of the proposed project, and recommended Caltrans prepare a more thorough analysis. In 2003, Caltrans prepared a report that more thoroughly addressed cumulative and growth-inducing impacts of the project. In the report, Caltrans presents important information and maps regarding land-use designations, the occurrence of sensitive natural resources, and land ownership. While the report recognizes that many factors can contribute to growth, it concludes that the Lincoln Bypass may increase the pace or location of growth, particularly at new access points such as the Wise Road interchange.

The analysis demonstrates extensive data gathering and analysis; however, it does not provide estimates of indirect and cumulative impacts to sensitive resources as a result

of the project. We believe that the data provided can be used to provide reasonable estimates of potential indirect and cumulative impacts. In addition, the potential growth-inducing and cumulative impacts are not reflected in the tabular or narrative impact summaries in the FEIS.

Recommendation:

- Update the tabular and narrative summary of impacts in the ROD to reflect the growth-related and cumulative impacts of the preferred alternative, as compared to the other alternatives analyzed.