



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Colonel Michael J. Farrell
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814

FEB 04 2015

Subject: Public Notice (PN) SPK-2015-00034, Lincoln, Placer County, CA

Dear Colonel Farrell:

Thank you for the opportunity to comment on the subject PN dated January 23, 2015. The applicant proposes to construct a 1,015-acre mixed-use, primarily residential development that would result in permanent impacts to approximately 15.924 acres, and temporary impacts to 1.489 acres of waters of the United States, including wetlands. Based on the available information, the EPA concludes that the applicant has not demonstrated compliance with the restrictions on discharges per the Federal Guidelines (Guidelines) promulgated under section 404(b)(1) of the Clean Water Act (CWA) at 40 CFR Part 230. Specifically, the applicant has not 1) submitted an Alternatives Analysis demonstrating that the proposed project is the least environmentally-damaging practicable alternative (LEDPA), or 2) provided adequate information regarding compensatory mitigation for unavoidable impacts.

Pursuant to the Guidelines, if discharge is proposed for a special aquatic site (such as wetlands) and does not have a water-dependent project purpose, practicable alternatives are presumed to exist unless clearly demonstrated otherwise. To date, an Alternatives Analysis (AA), which is required by the Guidelines, has not been provided by the applicant. An AA must consider off-site alternatives that eliminate or reduce impacts to waters of the United States. If no less damaging practicable sites exist, the AA should include a comprehensive evaluation of practicable avoidance configurations on-site to eliminate or reduce direct, indirect, and cumulative impacts to the extent practicable, especially special aquatic sites. Unavoidable direct and indirect impacts, including temporal losses, must be mitigated in compliance with the standards of the 2008 mitigation rule.

This project lies within the Placer County Conservation Plan (PCCP) planning area. Although the PCCP is not yet approved, it is anticipated that it could be in place well within the timeframe of approvals for this project. Since the City of Lincoln is a co-applicant in the PCCP, we believe this project should commit to consistency with all of the requirements in the PCCP, including avoidance and minimization measures, stream corridor protections, and other compensatory mitigation requirements.

Thank you for the opportunity to provide comments on this project. We look forward to working with the Corps and the applicant to resolve the important environmental issues concerning the proposed project. As additional information becomes available on the above concerns, please contact Leana Rosetti of my staff at (415) 972-3070, or rosetti.leana@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Brush". The signature is fluid and cursive, with the first name "Jason" written in a larger, more prominent script than the last name "Brush".

Jason Brush
Supervisor
Wetlands Office

Cc:
Lisa Gibson, Corps of Engineers Sacramento Office
Applicant