



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

August 13, 2010

Lisa M. Gibson
U.S. Army Corps of Engineers
Sacramento District
Regulatory Division
1325 J Street, Room 1480
Sacramento, CA 95814-2922

Subject: Final Environmental Impact Statement for the Rio del Oro Specific Plan
Project, Sacramento County, California (CEQ#20100252)

Dear Ms. Gibson:

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.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and the Supplemental Draft Environmental Impact (SDEIS) and provided comments to the U.S. Army Corps of Engineers (Corps) on February 15, 2007, and July 11, 2008, respectively. We rated both EISs as Environmental Concerns – Insufficient Information (EC-2), primarily due to concerns about impacts to waters of the U.S., determination of the Least Environmentally Damaging Practicable Alternative (LEDPA), and habitat impacts. We also recommended, because of concerns about the availability of water to serve the development, efforts to maximize water conservation and incorporate green infrastructure.

Thank you for the detailed responses to our comments. These responses provided important additional information concerning the impacts to waters of the U.S., the process for determining the LEDPA, and the water conservation and reuse features of the project design. While we commend the efforts made to improve the project, especially the compensatory mitigation added in the SDEIS, we remain concerned over the numbers of acres of jurisdictional waters of the U.S. and isolated waters intended for fill.

As with our earlier comment letters, we recommend that the final project avoid wetland impacts to the greatest extent possible. It is still not clear that the proposed project represents the LEDPA. We recommend that the Corps adopt the Impact

Minimization Alternative and incorporate the recommendation of the U.S. Fish and Wildlife Service included in its draft biological opinion by increasing the proposed wetland preserve to 1,310 acres.

We appreciate the opportunity to review this FEIS. If you have any questions, please contact me at (415) 972-3521, or contact Jason Gerdes, the lead reviewer for this project. Jason can be reached at (415) 947-4221 or gerdes.jason@epa.gov.

Sincerely,

/s/

Connell Dunning for

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

cc: Kelly Fitzgerald, U.S. Fish and Wildlife Service