



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

### Region 6

1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

April 30, 2012

Jacobs Engineering  
Mark Asher  
10816 Executive Center Drive, Ste. 300  
Little Rock, Arkansas 72211

SUBJECT: Future Interstate 555 (US 63) Access Road Study Environmental Assessment

Dear Mr. Asher:

The Environmental Protection Agency (EPA) Region 6 has reviewed the Draft Environmental Assessment (DEA) prepared by the Arkansas State Highway and Transportation Department. In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas is providing the following comments.

#### Social and Economic Development

This section should characterize the population within the project area, including demographic and economic data on a statewide, county, and project area basis.

#### Environmental Justice and Title VI

This section should include census data (by Census Tract and Block Group) that characterizes the project areas' population in terms of race and income. Executive Order 12898- Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, directs federal agencies to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high adverse human health or environmental effects of its activities on minority and low-income populations. The DEA contains no substantive analysis of project impacts to minority or low-income populations. There is no data to support the conclusion that both alternatives "are in compliance with Title VI and Executive Order 12898." The Final EA must provide a more thorough analysis of environmental justice concerns to prove that the project would have no impacts to minority or low-income populations.

#### Public Recreational Lands

EPA recommends this section include a more detailed description of potential encroachments on the Marked Tree Sports Complex. A schematic of the complex and the B/BC1 build alternative would be useful. If any land from the Complex is converted to transportation uses, then a Section 4(f) evaluation must be completed.

A summary of any consultation with Federal Highway Administration (FHWA) regarding the applicability of Section 4(f) to the Sunken Lands Wildlife Management Area (WMA) should be included. Although the DEA states that the Sunken Lands WMA is not a wildlife refuge, it may be a recreational area. Waterfowl hunting and fishing are recreational activities, which could subject the Sunken Lands WMA to a Section 4(f) evaluation for converting land from the WMA to transportation uses.

#### Wetlands and Waters of the U.S.

EPA recommends this section include a characterization of all surface waters and impacts to water quality, including a listing of and impacts to 303(d) impaired waters within the study area. EPA recommends this section include the Arkansas Pollutant Discharge Elimination System (APDES) General Permit for Storm Water Discharges from Construction Activities requirements and the recommended best management practices (BMP) to be utilized during and post construction.

Impacts to water quality should be discussed in depth as the proposed project would involve installing bridges over six water crossings and destroying wetlands. Turbidity induced by construction activities could impact fisheries and benthic macroinvertebrates, including the endangered fat pocketbook mussel.

#### Additional Comments

A section should be added to the document which characterizes the vegetation in the area of potential effect by type/species and acreage and then determines impacts by the Preferred Alternative.

A cumulative impacts section should be added to the document. 40 CFR Part 1508.7 states that cumulative impacts are those impacts "on the environment which result 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 persons undertake such actions." NEPA requires a thorough analysis of cumulative impacts by setting spatial and temporal boundaries and including a list and description of past, present, and reasonably foreseeable future projects. The analysis should include all projects that have or will occur within the project vicinity, not only transportation related projects.

We appreciate the opportunity to provide comments on the DEA. Thank you for your coordination and don't hesitate to contact John MacFarlane, of my staff, at 214-665-7491 or [macfarlane.john@epa.gov](mailto:macfarlane.john@epa.gov) should you have any questions or concerns regarding this letter.

Sincerely,

  
Rhonda Smith  
Chief, Office of Planning and  
Coordination