UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

August 29, 2013

Mr. Daniel Allen
U.S. Army Corps of Engineers
CESWF-PER-EC
P.O. BOX 17300
Fort Worth, TX 76102-0300

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) Region 6 has reviewed the Draft Environmental Assessment (EA) for the Westside Creeks Ecosystem Restoration Project in San Antonio, Texas. The proposed action will restore natural stream function to the aquatic ecosystems of San Pedro, Apache, Alazan, and Martinez Creeks (Westside Creeks or Creeks). Native plantings will restore the riparian area function adjacent to the Creeks. In addition to these actions, a planned multi-use trail system will enhance recreational opportunities within the surrounding community. Attached are specific comments for your consideration in preparation of the Final EA.

We appreciate the opportunity to provide comments for the Draft EA. Please send the Final EA to my attention. Should you have any questions or concerns regarding this letter, do not hesitate to call me at 214-665-8006, or contact Keith Hayden of my staff, at 214-665-2133 or hayden.keith@epa.gov for assistance.

Sincerely,

Debra A. Griffin
Associate Director,
Compliance Assurance
and Enforcement Division

DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL ASSESSEMENT
FOR THE
WESTSIDE CREEKS ECOSYSTEM RESTORATION PROJECT
SAN ANTONIO, BEXAR COUNTY, TEXAS

BACKGROUND: Section 203 of the Flood Control Act of 1954 authorized the San Antonio Channel Improvement Project (SACIP) as part of a comprehensive plan for Flood Risk Management in the Guadalupe and San Antonio River Basins. Section 103 of the Water Resources Development Act (WRDA) of 1976 and Section 335 of the WRDA of 2000 modified the authorization. The modifications added ecosystem restoration and recreation as authorized purposes. The San Antonio River Authority (SARA) initiated the SACIP and Draft EA to evaluate the addition of ecosystem restoration and recreation purposes to the Westside Creeks. The Westside Creeks study area encompasses those portions of Martinez Creek, Alazán Creek, Apache Creek, and San Pedro Creek within the originally constructed SACIP footprint. These creeks are located on the west side of downtown San Antonio.

Chapter 2: Existing Condition

Wetlands; page 19

Site surveys conducted in April 2012 identified sporadic fringe wetlands adjacent to the Westside Creeks. The Westside Creeks are jurisdictional waters of the U.S. and protected under Sections 401 and 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899.

Recommendation:

- The sponsor should provide a wetland delineation and functional assessment of all adjacent wetlands (if present) within the Westside Creeks stream corridors. It is not necessary to delineate fringe wetlands that are part of the stream channel. The wetland delineation and assessment (if needed) would allow the sponsor to avoid and minimize impacts to existing high quality wetlands.

Chapter 4: Environmental Consequences

Wetlands and Waters of the U.S.; page 61

The EA states that a United States Army Corps of Engineers (USACE) permit will not be issued for the proposed ecosystem restoration project; however, Nationwide Permit 27 would cover the project.

Recommendation:

- The project must comply with the provisions of the Federal Guidelines promulgated at 40 CFR Part 230, under Section 404(b)(1) of the CWA.

Air Quality; page 65

Construction of the project will generate short-term emissions from construction equipment, and fugitive dust from ground disturbing activities. Best management practices will lessen the negative effects of construction. In addition to measures included in the EA, the EPA recommends that the following mitigation measures (as applicable) be included in the Plan to reduce impacts associated with emissions of particulate matter, and other pollutants from any planned construction-related activities.

Recommendation:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;

- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and

- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;

- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;

- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed.

Environmental Compliance; page 76

The Federal Emergency Management Agency (FEMA) regulations require projects in flood zones to not increase the risk of flooding or cause a decrease in floodplain capacity. Project alternatives were designed so the combination of all ecosystem restoration measures will not result in a decrease in the floodplain capacity or an increase in flood risk to the study area.

Recommendation:

- Consult with FEMA to ensure their concurrence with the opinion that project design alternatives will not adversely affect floodplains.

Environmental Compliance; page 78

The Fish and Wildlife Coordination Act (FWCA) requires Federal agencies that are impounding, diverting, channelizing, controlling, or modifying the waters of any stream or other body of water to consult with the United States Fish and Wildlife Service (USFWS) and appropriate State fish and game agency to ensure that wildlife conservation receives equal consideration in the development of such projects.

Recommendation:

- Continue to consult with the USFWS and the Texas Parks and Wildlife Department, (TPWD) and get their concurrence that the project will not affect fish and wildlife resources. Include the Coordination Act Report in the Final EA.

Chapter 5: Recommended Plan

Riparian Vegetation

The EA states that 222 acres of the SACIP will be planted. However, the sponsor states that the exact nature and density of riparian woody vegetation plantings will be determined during Pre-Construction Engineering and Design.

Recommendation:

- EPA has considerable experience and knowledge in wetland and riparian plantings to restore natural conditions. We would be available during PED to review a planting list with planting rates proposed by the USACE. We recommend that the sponsor consult the Natural Channel Design Review Checklist published in November 2011 by Stream Mechanics.

General Comments

- The Table of Contents lists "Appendix O" as an appendix containing comments and responses from the Draft EA review. Please clarify if appendix O is supposed to be in the Draft EA, or if it is a placeholder for an appendix in the Final EA.
- Page 78 states a USFWS planning aid letter fully supporting the Westside Creeks project is in appendix N. There is no signed planning aid letter contained in Appendix N. Include the signed planning aid letter from the USFWS in the Final EA.
- The EA repeatedly describes "hydrophytic" vegetation as "hydrophilic". This is incorrect terminology. Please change all uses of the word hydrophilic to hydrophytic.