



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

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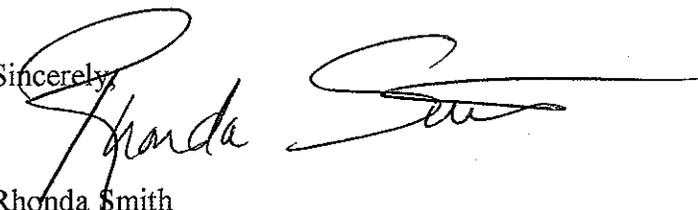
July 23, 2013

Texas General Land Office
Disaster Recovery
Attn: Kelly Warner
P.O. Box 12873
Austin, TX 78711

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 Park Central project in Jefferson County, Texas. The proposed action will provide 184 multifamily housing units on 25 acres of land within Port Arthur, Texas. This will allow existing public housing residents to experience a safer, healthy, and modern living environment with access to local community amenities. 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,


Rhonda Smith
Chief, Office of Planning
and Coordination

**DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL ASSESSEMENT
FOR THE
PARK CENTRAL PROJECT
JEFFERSON COUNTY, TEXAS**

BACKGROUND: The Texas General Land Office (GLO) will submit a request to Housing and Urban Development (HUD) for the release of Community Development Block Grant (CDBG) funds under the Disaster Recovery (Hurricane Ike) Program in the total amount of \$12,528,012, under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act. The funds will be used to construct the Park Central project, located at 2500 FM 365, Port Arthur, Jefferson County, Texas. The project is part of a Master Development Plan to relocate public housing stock managed by the Port Arthur Housing Authority (PAHA), and includes a 184 unit multifamily development.

The majority of public housing units managed by the PAHA are concentrated in two developments known as Carver Terrace and Lincoln Square; located in the city's historic Westside neighborhood and adjacent to the refineries. These developments have suffered damage from Hurricane Ike, years of deferred maintenance, and are functionally obsolete. The PAHA Master Development Plan is to demolish the 204 units of the Carver Terrace and Lincoln Square developments and reconstruct new public housing units at off-site locations away from the oil refineries and more appropriate for attractive safe housing.

The project will be located on a 30-acre tract of vacant wooded land addressed at 2500 Farm to Market 365. Five acres of frontage will be held for sale for future development of commercial property. The remaining 25 acres will be developed to provide a mixture of public housing, 4% Housing Tax Credit units, and market units.

The development of the Park Central project will provide attractive, safe, affordable low income and public housing in the Port Arthur community. Existing public housing residents will be provided with a safer, healthy, and modern living environment with access to local community amenities. The project owner and PAHA are committed to Affirmatively Furthering Fair Housing (AFFH) by providing fair housing education, training, and resources to its residents and the community at large. This project will take 12 months to complete.

FLOODPLAINS AND WETLANDS

Alternatives Analysis

If a Clean Water Act (CWA) 404 permit is required for discharge of dredged material into Waters of the United States (WUS), the EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230). Pursuant to 40 CFR 230, any permitted discharge into WUS must be the "least environmentally damaging practicable alternative" available to achieve the project purpose.

Recommendation:

- The Draft EA should include an evaluation of the project alternatives in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. If dredged or fill material would be discharged into WUS, the Draft EA should discuss alternatives to avoid those discharges.

EA Checklist: Wetland Mitigation Measures; page 8

The applicant has sent a Preliminary Jurisdictional Determination (PJD) request to the U.S. Army Corps of Engineers, and plans to assume that the entire property is jurisdictional for permitting purposes. To mitigate direct impacts to 27.6 acres of the property, at least 83 acres of off-site higher quality wetlands would be preserved.

Recommendation:

- A draft mitigation plan should be developed for the proposed impacts. A draft plan should strive for avoidance and minimization first and should outline appropriate compensation and enhancement measures for unavoidable impacts to waters of the U.S., including wetlands. Please note that any compensatory mitigation plan must fully comply with the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (Mitigation Rule) effective June 9, 2008.

Attachment V: Wetland Impacts; page 6

The EPA is concerned with conflicting information within the document regarding the extent of wetlands on the Park Central site. In the Floodplain and Wetlands 8-step Decision Making Process (Attachment V), the "Wetland Impacts" section states that "the potential impacts associated with the construction in the wetlands have a direct effect on the total 30 acres which has been determined in its entirety to meet the criteria for wetlands." This information conflicts with the "Wetlands and Jurisdictional Waters of the United States Determination Report" (Attachment I, page 15) which states that the site contains only 2.388 acres of delineated palustrine scrub-shrub farmed wetlands, which had indicators for all of the wetland criteria.

Recommendation:

- Clarify the correct amount of potential jurisdictional wetlands identified in the project area. Ensure this amount is correctly cited in all instances throughout the Draft EA and accompanying reports.

Attachment V: Floodplain and Waters of the U.S. Impacts: page 6

Attachment V also states that, according to the wetland delineation, there may not be a significant connection between these wetlands and WUS. However, in the section titled "Floodplain Impacts", on page 6, it states that the project area drains to Alligator Bayou and drainage is ultimately controlled by the Alligator Bayou Pump Station No. 16. Although page 13 of the "Determination Report" stated that the proposed site contains no creeks, tributaries, canals, or other permanent sources of water with a significant connection to jurisdictional WUS, the delineated wetlands are part of larger contiguous wetland areas which may have a significant nexus with WUS located outside of the immediate property boundary.

Recommendation:

- Remove instances in the Draft EA where conflicting information is presented concerning WUS and significant nexus. Make a determination whether or not the property area water resources have a significant connection to jurisdictional waters.