



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

1445 Ross Avenue, Suite 1200

Dallas, TX 75202-2733

June 14, 2011

Brian LaBarre
U.S. Army Corps of Engineers
Regional Planning and Env. Division
South, Vicksburg Planning Office
4155 Clay Street
Vicksburg, MS 39183-3435

SUBJECT: Ouachita River Basin Mile 124 Levee Setback, Caldwell Parish, Louisiana

Dear Mr. LaBarre:

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, has completed its review of the Draft Environmental Assessment (DEA) and Draft Finding of No Significant Impact (FONSI) for Ouachita River Basin Mile 124 Levee Setback, Caldwell Parish, Louisiana. Detailed comments are listed below which more clearly identify our concerns and the informational needs requested for incorporation into the Final EA.

General

In general, EPA recommends that the Vicksburg District provide additional information and analysis of the proposed action, affected environment, environmental consequences, and cumulative impacts which will allow the reader to make an informed decision regarding the proposed project. There are several sections of the DEA which indicate that work is ongoing to evaluate environmental consequences. Gaps in information should be filled before a finding of impacts or no impacts to environmental resources is determined. Determinations (characterized in the DEA as "recommendations") seemed to have been made regarding some affected resources without citing sufficient evidence and/or data. Furthermore, a study area or area of potential effect should be defined.

The DEA states in a number of sections that "It is our recommendation that [x resource] will not be impacted." Stating that an action will not impact resources could be better characterized as a "finding" or "conclusion" rather than a "recommendation." Recommendations are not adequate in a FONSI and should be replaced with Findings or Conclusions. This change should be made throughout the document.

The resource categories enumerated under Existing Conditions and Environmental Consequences do not match. The categories "Air Quality" through and including "Cultural Resources" are repeated in the Consequences section, but "Water Quality" is not. These categories (pages 12-13) were added to the Consequences section, but were not in the Existing Conditions: Section 404 Considerations; Prime/Unique Farmland; Flood plain Management and Wetland Protection; and Environmental Justice. Our specific comments are listed below.

Draft FONSI

The FONSI states that "the magnitude and duration of adverse effects have been judged to be very minimal," but does not state or summarize specific factors. According to 40 CFR § 1508.13, a FONSI should "briefly present the reasons why an action...will not have a significant effect on the human

environment". The Draft FONSI should disclose to the public the results of the USACE's review regarding compliance with the Clean Water Act Section (CWA) 404 (b)(1) Guidelines. Adverse effects, while stated to be "very minimal," do apparently exist. The FONSI should demonstrate clearly that the adverse effects are under a defined threshold of significance.

Proposed Action

The Proposed Action states the length and width of the proposed levee, but not the height. The setback distance from the existing levee to the new levee is not mentioned. This section also states that borrow material will be taken from the existing levee, but does not disclose the quantity of borrow material to be used. The Final EA should discuss the future of the existing levee and if it will remain in-situ or be entirely removed.

The Proposed Action states that a portion of Blankston Road will be demolished prior to construction. The Final EA should discuss any coordination undertaken with the parish government or owner of the road. This section should discuss if the road will be reconstructed or rerouted and whether a traffic plan will be implemented.

Purpose and Need

The DEA states that the existing levee is not suited to provide adequate flood protection. The Final EA should include a discussion of the condition of the existing levee and how it was determined to be inadequate or unsuitable.

Alternatives

NEPA requires that all reasonable alternatives be evaluated for their impact to the human and natural environment. EPA encourages the Vicksburg District to analyze additional alternatives that may include repairing the existing levee. The DEA states that "taking no action would be inconsistent with...flood risk management needs for rural Caldwell Parish," but does not elaborate on what those needs are. The DEA says only that "a levee setback is needed...for flood control," but does not offer any other alternatives that could meet the need. The DEA also does not state what the distance is from the river or from the current levee, does not explain what the extent of flooding is estimated to be and how a setback levee would be effective in flood control where the present levee is not.

40 CFR §1502.14 states that the Alternatives section "provides a clear basis for choice among options". EPA believes this basis is not clearly defined in the DEA. Please formulate the basis for comparison and include an alternatives screening analysis, including a comparison of alternatives and reasons why alternatives were eliminated or carried forward. The Final EA should include clear and concise rationale as to why a particular alternative was chosen.

Affected Environment

Paragraph 10 describes Caldwell Parish and lists the population of the parish and nearest town, but does not say to what extent the flood control functions enabled by the levee provide protection to a specific portion of that population or property.

Paragraph 11 says only that the Ouachita River is the "dominant hydrological feature," but does not explain conditions and frequency of flooding from the river into the levee area. The watershed description in Paragraph 12 also fails to describe the flooding frequency, duration, or extent.

Paragraph 16 describes certain resources which were "found to not be affected by any alternative under consideration." These "no impact" resources should be enumerated in the FONSI.

Air Quality

This section references "the study area," but a study area has not been defined. The study area should be clearly defined. EPA recommends the Final EA include a discussion of the potential air emissions released from transporting borrow material and construction activities. EPA also recommends that construction and waste disposal activities be conducted in accordance with applicable local, state and Federal statutes and regulations.

Terrestrial Resources

The DEA states that "terrestrial resources" are "minimal" because the land adjacent to the "worksites" has been cleared and used for agriculture. There is a contradiction between this narrative and the Terrestrial Resources section in Table 1, Relevant Resources, on page 7, which includes "human and livestock food products." The Final EA should adequately describe the "worksites". EPA recommends the Final EA more thoroughly characterize the vegetation within the project area and then quantify impacts to that vegetation within the project area.

Aquatic Resources

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

This section states that the project may cause minimal impacts through an increase in turbidity. The Final EA should demonstrate how the increased turbidity would not significantly affect aquatic species.

Wetland Resources

The review of the project area for CWA Section 404(b)(1) compliance is apparently ongoing, as the DEA says that the "Regulatory Branch is reviewing the proposed action." The review should be completed and the findings noted in the Final EA and the FONSI. Wetland resources in the affected environment need to be quantified in the Final EA. Jurisdictional wetlands that could be affected by the project need to be noted, as well as a plan to meet CWA 404(b)(1) guidelines.

Recreation and Esthetics

This section notes that "terrestrial areas afford...opportunities for big and small game hunting [and] bird watching." The statement seems to contradict the Terrestrial Resources section regarding "minimal" terrestrial resources.

Hazardous, Toxic, and Radiological Wastes (HTRW)

EPA recommends the Final EA describe the existing condition in relation to HTRW and that the results of the screening be described. This section states that local utilities will be relocated, but does not describe the environmental consequences from doing so. The Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA Part 1508.25 states that connected actions "should be discussed in the same impact statement." Relocating utilities is a connected action and should be evaluated for significant environmental impacts.

Threatened and Endangered Species

EPA recommends the Final EA include a list of threatened and endangered species, their preferred habitat, and a statement of impact or no impact.

Cultural Resources

EPA recommends the results of the cultural resources survey be described, as appropriate. The DEA states that the cultural resources report was submitted to the Mississippi Department of Archives and History. However, it should have been submitted to the State of Louisiana Office of Historic Preservation. Review of the project by the appropriate office should be completed so the existence of any of cultural resources can be noted in the Final EA and FONSI.

Prime and Unique Farmland

This section does not have a counterpart paragraph in the "Affected Environment" section of the DEA. Table 2 notes that "Analysis of Impacts of Prime and Unique Farmlands" is "not applicable," yet Paragraph 41 addresses this issue.

Socioeconomic/Environmental Justice

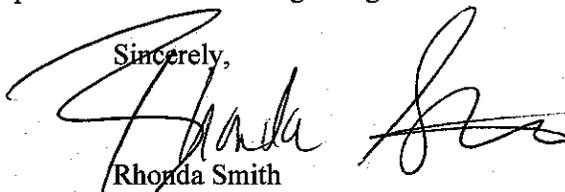
EPA recommends the Final EA include census data that characterizes the project areas' population. Executive Order 12898- Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, directs federal agencies to make achieving environmental justice part of its mission 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 "no environmental justice concerns will be encountered." EPA recommends a thorough analysis of environmental justice concerns.

Cumulative Impacts

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." EPA suggests the Final EA include 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 and their cumulative effects on the natural and human environment.

We appreciate the opportunity to provide comments for the draft EA and FONSI. 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 should you have any questions or concerns regarding this letter.

Sincerely,



Rhonda Smith
Chief, Office of Planning and
Coordination