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

March 11, 2015

Adam Zerrener
Field Supervisor
U.S. Fish and Wildlife Service
10711 Burnet Road
Suite 200
Austin, TX 78758

Dear Mr. Zerrener:

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 Impact Statement (DEIS) prepared by the U.S. Fish and Wildlife entitled the Southern Edwards Plateau Habitat Conservation Plan for the City of San Antonio and Bexar County, Texas.

Bexar County and the City of San Antonio have applied for an incidental take permit under the Endangered Species Act of 1973, as amended. The requested permit would authorize incidental take of nine federally listed species in Bexar County and the City of San Antonio. The applicants have completed a draft Habitat Conservation Plan referred to as the Southern Edwards Plateau, as part of the application package.

EPA rates the DEIS as **"EC-2"**; i.e., EPA has "environmental concerns and requests additional information" in the Final Environmental Impact Statement (FEIS). The EPA's Rating System Criteria can be found here: http://www.epa.gov/oecaerth/nepa/comments/ratings.html. We have enclosed detailed comments with this letter which clearly identify our concerns and the informational needs requested for incorporation into the FEIS. Responses to these comments should be placed in a dedicated section of the FEIS and should include the specific location where the revision, if any, was made.

EPA appreciates the opportunity to review the DEIS. Our classification will be published on the EPA website, http://www.epa.gov/compliance/nepa/eisdata.html, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. Please send our office one copy of the FEIS. If you have any questions or concerns, please contact me at 214-665-7560 or Michael Jansky of my staff at jansky.michael@epa.gov or 214-665-7451 for assistance.

Sincerely,

Marie Stucky, Acting Chief
Office of Planning and Coordination
Office of Strategic Planning and Analyses

Enclosure

DETAILED COMMENTS
FOR THE
SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
CITY OF SAN ANTONIO AND BEXAR COUNTY, TEXAS

Air Quality:

4.1.1 Issues and Resources Considered but Dismissed from Detailed Analysis (Page 4-39):

The DEIS correctly states that the San Antonio area is currently in attainment of all National Ambient Air Quality Standards (NAAQS), but is vulnerable to being designated as non-attainment for ozone in the next few years. In addition to the long-range planning initiatives for managing congestion included in the document, the Alamo Area Council of Governments (the San Antonio area Metropolitan Planning Organization) has applied to and been accepted by EPA into the EPA Ozone Advance program. The advance program is a collaborative effort between EPA, states and local governments to enact expeditious emission reductions to help near non-attainment areas remain in attainment of the NAAQS. This further reflects the sensitivity of ozone levels in the area, and the need for federally-funded projects in the San Antonio area to consider emissions which contribute to the formation of ozone.

Recommendation:

Because of the air quality concerns of significant population centers within the DEIS study area, EPA recommends that in order to reduce potential short-term air quality impacts associated with construction activities, the agencies responsible for the project should also include a Construction Emissions Mitigation Plan and adopt this plan in the Record of Decision (ROD). In addition to all applicable local, state, or federal requirements, EPA recommends that the following mitigation measures be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of NOx, CO, PM, SO_2, and other pollutants from construction-related activities. These mitigation measures include:

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;
- If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).

Administrative controls:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;
- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and
- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and

Environmental Justice:

The project affected area under consideration has a minority population that is almost at 65%, with almost 20% living in poverty. There is potential for EJ related issues.

Recommendations:

- Include detailed demographics to understand the surrounding communities and support conclusion made in this DEIS.

- Include a full detailed analysis to showing specific locations of targeted sites for development, and what type of development is planned.

Tribal Review

The project has the potential to impact several tribes that have historical ties to the proposed project area. These tribes include: the Tonkawa, Comanche, Apache Tribe of Oklahoma, Kiowa, Kickapoo Traditional Tribe of Texas, Wichita and Affiliated, Mescalero Apache. They, and possibly others, should be contacted.

Recommendations:

- FWS should contact the Texas Historical Commission for a list of Tribes who have historical ties, and may have cultural sites in the area discussed.
- FWS should consult with tribes with historical ties and provide them an opportunity to review DEIS.
- The document needs more detail, along with maps, and plans, on what and where "development" may take place.
- The FEIS should provide more detailed analyses relating to Environmental Justice and Tribal issues.
- EPA requests that the FWS provide us any future environmental assessments prepared as result of future development for our review and comment.