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

January 17, 2013

Stephen L. Nolen
Chief, Environmental Analysis &
Compliance Branch
1645 S. 101st E. Ave
Tulsa, OK 74128

Dear Mr. Nolen,

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. Army Corps of Engineers (USACE). The USACE is proposing to update the Eufaula Lake Shoreline Management Plan (SMP) Revision and the Master Plan (MP) Supplement.

EPA rates the DEIS as **EC-1**" i.e., EPA has "Environmental Concerns". We have enclosed comments that provide recommendations for additional discussion in the FEIS. The EPA's Rating System Criteria can be found here: http://www.epa.gov/oecaerth/nepa/comments/ratings.html. Responses to comments should be placed in a dedicated section of the FEIS and should include the specific location where the revision, if any, was made. If no revision was made, a clear explanation should be included.

EPA appreciates the opportunity to review the DEIS. Our classification will be published on the EPA website, www.epa.gov, 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 and an internet link. If you have any questions or concerns, please contact John MacFarlane of my staff at macfarlane.john@epa.gov or 214-665-7491 for assistance.

Sincerely,

Rhonda Smith
Chief, Office of Planning
and Coordination

Enclosure

DETAILED COMMENTS ON THE
FEDERAL HIGHWAY ADMINISTRATION
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
EUFAULA LAKE SHORELINE MANAGEMENT PLAN REVISION AND MASTER PLAN SUPPLEMENT
EUFAULA LAKE, OKLAHOMA AND THE COUNTIES THAT SURROUND THE LAKE: PITTSBURG, MCINTOSH, HASKELL, LATIMER, MUSKOGEE, AND OKMULGEE

BACKGROUND: The Draft Environmental Impact Statement (DEIS) for the Eufaula Lake Shoreline Management Plan (SMP) Revision and Master Plan (MP) Supplement describes the land and resource categories potentially affected by federal management actions at the lake. The purpose of the proposed update to the SMP and the MP supplement is to provide for lake management that is predictable and equitable, responsive to recreation demand and the public interest, and that provides for stewardship of natural and cultural resources. The DEIS analyzes alternatives that revise the SMP, supplement the MP, and that review specific requests for zoning and for a lease of government land (Carlton Landing).

ALTERNATIVES PROPOSED

Alternative 1

Alternative 1 includes the Limited Development shoreline allocations as they existed under the 1981 SMP before the area of Limited Development was significantly expanded in subsequent revisions. This alternative represents the end of the range of alternatives that emphasizes natural resource conservation over private shoreline uses and recreational development opportunities.

Alternative 2

Alternative 2 would reduce the amount of Limited Development area compared to the No Action Alternative by converting Limited Development areas that are unsuitable for docks and which do not have existing developments adjacent to the government shoreline to Protected.

Alternative 3

Alternative 3 would increase the amount of Limited Development area compared to the No Action Alternative by converting Protected areas that are suitable for docks and which do not have an existing license agreement for use of the government shoreline to Limited Development.

Alternative 4

Alternative 4 would increase the amount of Limited Development area compared to the No Action Alternative by converting all Protected areas that do not have an existing license agreement for use of the government shoreline to Limited Development. This alternative represents the end of the range of alternatives that emphasizes private shoreline uses and recreational development opportunities over natural resource conservation. This alternative includes a request to lease government property for public boating facilities and other public

shoreline recreational facilities along the government-owned shoreline areas. Carlton Landing is a 1,650 acre privately-owned site adjacent to U.S. Army Corps of Engineers (USACE) owned land. The recreational facilities proposed on USACE-owned land along the shoreline would be open to the general public.

PREFERRED ALTERNATIVE

EPA has reviewed the four action alternatives and their environmental consequences. Alternative 1 is the most environmentally preferable as it increases the amount of Protected shoreline by 53 percent, restricts development, and increases natural buffer zones to protect water quality, wetlands, wildlife, and aquatic resources. Alternatives 2 and 3 are progressively less protective as they increase private shoreline uses and recreational development opportunities. Alternative 4 is the least protective by increasing the amount of Limited Development lands by 77 percent and allowing the lease of 301 acres of USACE lands to private developers. According to the DEIS, Alternative 4 would cause significant adverse impacts to terrestrial habitats, aquatic habitats, the federally endangered American burying beetle, water quality, the local transportation network, and public lands. The USACE-owned shoreline would experience permanent modifications by leasing the property to private developers. Alternative 4 would cause increased pollutant loads to enter already impaired areas of Eufaula Lake. Portions of the lake would be dredged (increasing turbidity) for boat lanes and approximately 50 acres of dead standing timber would be removed. According to the DEIS, this would greatly disrupt the underwater environment and important fish habitat.

Recommendation:

- The alternatives are based on their level of protectiveness, with Alternative 1 being the most protective and Alternative 4 being the least protective. EPA does not support the implementation of Alternative 4 based on the impacts summarized above and described in detail in Chapter 4. The DEIS has identified significant adverse impacts under Alternative 4 that would be caused by increasing unprotected lands and leasing 5.8 miles of shoreline and 301 acres of USACE land to private developers.

AIR QUALITY

EPA previously provided comments on the Preliminary DEIS dated October 2012. Those comments included recommendations for fugitive dust mitigation measures from construction related activities associated with possible roadway expansion activities. Additionally, EPA requested the following: "Please provide a more detailed discussion of emission increases, mitigation techniques and transportation infrastructure improvements (mentioned on Page 5-6 and on Page 6-6 of the DEIS) related to possible development construction (especially Carlton Landing), increased motor vehicle traffic, and any expansion activities for motorized and non-motorized uses."

The DEIS states that air quality and climate change and greenhouse gas emissions are resource categories for which there would be no or minimal effects associated with any of the project alternatives. However, Section 4.14.8, Potential Mitigation Measures (Transportation),

identifies that there would be potential for adverse transportation impacts related to the Carlton Landing development and that additional traffic studies should be conducted to determine the type and extent of needed roadway improvements. We believe the DEIS should consider the linkage between transportation and construction and air quality impacts.

Recommendation:

Given the area near Eufaula Lake has experienced increases in monitored levels of criteria pollutants in recent years, the following best management practices should be considered to reduce, as practicable, emissions from any development activity for the project area. In addition to all applicable local, state, or federal requirements, the following mitigation measures (as practicable) should be implemented in order to reduce impacts associated with emissions of PM, and other pollutants from any construction-related activities, possible roadway expansion, and increased vehicular traffic.

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; and
- 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.

CULTURAL AND HISTORIC RESOURCES

Cultural resources were addressed generally by an acknowledgement that many such sites exist within the project boundary. However, few specific places or resources have been identified and formal consultation does not appear to have occurred with contacted Tribes. It is unclear from the document the extent to which Tribes were consulted regarding National Historic Preservation Act (NHPA) sites or whether Tribal members were included on the archeological team that assisted in the preparation of the DEIS. In particular, Muscogee and Choctaw Tribal members may have religious/cultural practices using plants and animals in the area and USACE should take a more proactive approach to consult with them on potential of location and/or disturbance of (tribal) cultural resources.

The document states that a number of tribal cultural resources are under the lake itself. It is unclear whether there are any protection/safeguards for these sites. When/if a lease or

development proposal is approved to develop a shoreline, the Tribal Historic Preservation Officers should be invited to participate or assist if any artifacts are discovered.

The document indicates that Tribes were identified and contacted for the limited purpose of discussing NHPA, but does not provide complete information to determine if Tribal officials for each Tribe have been contacted for government-to-government consultation on the full scope of potential effects under E.O. 13175.

Recommendation:

- The USACE should identify all potentially affected tribes, resources, and tribal communities; identify potentially applicable treaties, laws, policies, legal responsibilities, and duties; contact and, as appropriate, initiate consultation with Tribes concerning the potential effects of its action.