



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

AUG 17 2012

Colonel Steven Roemhildt
District Engineer
U.S. Army Corps of Engineers
Birmingham Field Office
Attn: Courtney Shea
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

Subject: EPA Comments on the initial 3.4-mile phase of Birmingham Northern Beltline
Reissued Public Notice SAM-2011-01079-CMS; Jefferson County, Alabama

Dear Colonel Roemhildt:

The U.S. Environmental Protection Agency, Region 4 has reviewed the June 22, 2012, reissuance of Public Notice (PN) number SAM-2011-01079-CMS, originally issued October 12, 2011, but withdrawn November 14, 2011. The proposal is for construction of an initial 3.4 mile phase of the eastern portion of the Birmingham Northern Beltline (Beltline), a 52-mile limited access highway project graded for eight lanes, with six lanes paved, as proposed by the Alabama Department of Transportation (ALDOT). The project would be located in Jefferson County, Alabama and is intended to be part of the Appalachian Development Highway System. The purpose described in the PN is to "enhance cross-region accessibility and stimulate economic development." The proposed 3.4 mile phase remains unchanged from that described in the October 2011 PN. Our concerns described below take into consideration the discussions with your staff and ALDOT and the Federal Highway Administration (FHWA) representatives on August 14, 2011.

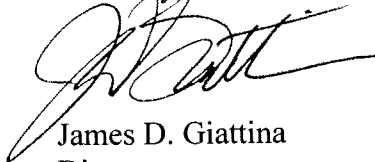
The 3.4 mile proposed project is but one phase of the broader eastern section of the Beltline. Therefore, EPA is requesting that the applicant submit information that: (1) demonstrates that the 3.4 mile proposed project has independent utility, and (2) the potential aquatic resource impacts for this project are commensurate with the demonstrated purpose and need in accordance with the Section 404(b)(1) Guidelines (Guidelines) and 2008 Mitigation Rule. In addition, the EPA also recommends that the Corps request the applicant to provide an updated conceptual-level environmental analysis of the aquatic resource impacts associated with the entire eastern half of the Beltline corridor. We believe this analysis is needed to address the cumulative aspects of the 3.4 mile proposed project within the broader context of the eastern Beltline corridor. Additionally, information should be provided by ALDOT as discussed at the May 3 and Aug 14, 2012 meetings with the EPA, the FHWA and your staff. At those meetings ALDOT committed to providing information in several areas, including maps, quantification of direct impacts to wetlands and streams in current terms (i.e., not converting stream impacts to acreage) for the eastern section, a more complete indirect and cumulative environmental effects analysis, compensatory mitigation, alternatives analysis, and specific commitments for stormwater and green design alternatives. We look forward to receiving that information.

We recommend the environmental analysis include a conceptual level discussion of the potential aquatic resource impacts on the eastern segment as well as more detailed information regarding the types of measures (i.e., additional bridging, reducing the road footprint, incorporating best management practices to minimize hydraulic impacts on streams, developing a more detailed mitigation plan) that will be implemented to further avoid, minimize and mitigate impacts to aquatic resources as discussed at the August 14 meeting for the 3.4 mile proposed project. The analysis should also demonstrate how the measures identified for the 3.4 mile proposed project would be applied to the rest of the eastern section of the Beltline. We request that the Corps or ALDOT then circulate this analysis to key stakeholders prior to any future 404 permit applications. This will give the key stakeholders an opportunity to conduct an informed review of the 3.4 mile project within the broader context of the eastern Beltline.

The EPA appreciates the coordination and communication with FHWA, ALDOT, and the Corps. We will continue to work with your staff and all parties on the incorporation of design elements and best management practices to avoid, minimize and mitigate impacts of the proposed project. However, based on the above observations, we have determined that, at this time, the current proposal does not comply with the Section 404(b)(1) Guidelines or the 2008 Mitigation Rule and, therefore, this project may have substantial and unacceptable adverse impacts on Aquatic Resource of National Importance. We recommend denial of the project as currently proposed and we will revisit this recommendation upon receipt and review of the above-referenced information.

This letter follows the field level procedures outlined in the August 1992 Memorandum of Agreement between the EPA and the Department of the Army, Part IV, paragraph 3(a) regarding Section 404(q) of the CWA. If you have any questions regarding these comments, please contact Ms. Rosemary Hall at (404) 562-9846 or Hall.Rosemary@epa.gov, or Mr. Bill Cox of the Wetlands, Coastal, and Oceans Branch at (404) 562-9330 or Cox.WilliamL@epa.gov.

Sincerely,



James D. Giattina
Director
Water Protection Division

cc: Ms. Cindy House Pearson, COE
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