



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1868

JAN 22 2009

Naval Facilities Engineering Command Atlantic (NAVFAC)
Attn: Laurelwood Housing Area EIS Project Manager
Code EV21
6506 Hampton Boulevard, LRA Building A
Norfolk, VA 23508

Dear Project Manager:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) (CEQ # 20080480) for the Laurelwood Housing Area Access at Naval Weapons Station (NWS) Earle dated November 2008. The U.S. Department of the Navy is proposing to provide access from the Laurelwood housing area to New Jersey Route 34. The purpose and need for the action is to satisfy the contractual obligation of a lease agreement for the Laurelwood housing area between the U.S. Navy (lessor) and the private developer (lessee).

The Navy intends to provide an easement to allow the developer to construct a road from Route 34 to the housing area. The easement would be securely separated from the functioning naval installation. Four action alternatives using new and existing rights-of-way, as well as the No Action Alternative, are evaluated. The action alternatives, ranging from 3,379 to 3,900 feet in length, would provide for two 13-foot wide travel lanes, two 7-foot shoulders, and a 30-foot cleared security area adjacent to the road. "Alternative 4" would require a 30-foot cleared security area on both sides of the road.

EPA recognizes the need for the Navy to honor its lease agreement by providing access to the Laurelwood housing area, and would like to compliment NAVFAC on the quality of the DEIS. We were particularly impressed with the descriptions of environmental and natural resources, as well as the discussion of NWS Earle's relationship to surrounding communities and ecosystems. Our specific comments follow.

Wetland impacts for the alternatives range from 1.31 to 2.03 acres. Wetland impacts would be associated with fill for the road and with the clearance of the security zone. Impacts in the security zone would be from vegetative clearance and, according to the document, would not result in grading or changes to wetland hydrology. The DEIS does not identify a preferred alternative and states that the extent of wetland impacts are a best estimate pending a Letter of Interpretation from the New Jersey Department of Environmental Protection (NJDEP).

EPA does not object to impacts associated with the alignments as presented in the document, provided that the work in regulated wetlands is authorized by a Freshwater Wetlands Protection Act permit by NJDEP and that unavoidable impacts associated with the project are appropriately mitigated. We further recommend that wetlands impacted by the road and the security zone be restored when the Laurelwood Housing area is demolished in 2040 as stated in the DEIS.

In regard to the alternatives, we would point out that impacts in the security area, as described in the document, may not be regulated under Section 404 of the Clean Water Act if there is no grading or fill discharged into these waters. Of the four alternatives examined, it appears that "Alternative 1" would best minimize impacts to wetlands. Although alternative 1 would impact a total of 2.03 acres of wetlands and Alternative 4 represents a lower total impact at 1.31 acres, Alternative 1 would require 0.19 acres of fill for the road as compared with 0.23 acres for Alternative 4. In general EPA considers wetlands impacted by vegetative clearing to be preferable to wetlands impacted by fill. However, we recognize that alternative selection must consider impacts on facility function and safe access to Route 34.

In terms of forest cover, the four alternatives would impact between 11.2 and 18.6 acres of natural vegetation including mixed oak, black gum, pine and mixed hardwood forest. The DEIS states, "This impact, within 9,900 acres of plant communities (U.S. Navy 2001), is considered minor." Additionally, the DEIS discusses the countervailing effects of the Integrated Natural Resource Management Plan. Even so, given the growing evidence that climate change is occurring at an increasingly rapid pace and that forested land has greenhouse gas mitigating benefits, we encourage the Navy to minimize forest impacts and replace forest that must be cleared to the extent practicable.

Finally, we ask that the Navy encourage the developer to consider use of recycled industrial materials such as coal ash in concrete (see <http://www.epa.gov/osw/conserve/rrr/imr/indust.htm> for information) in the design and construction of the project.

EPA has rated the DEIS as Lack Objections – Adequate Information ("LO-1") (see enclosed rating sheet). This rating applies to all four action alternatives. If you have any questions regarding this review or our comments, please contact me at 212-637-3754.

Sincerely yours,



John Filippelli, Chief
Strategic Planning Multi Media Programs Branch

Enclosure

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION
Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of **sufficient** magnitude that they are unsatisfactory **from** the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental **impact(s)** of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the **draft** EIS is adequate for the purposes of the NEPA and/or Section **309** review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."