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SECTION 7

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APPENDIX A

APPLICABLE LAWS, REGULATIONS, POLICIES, AND PLANNING CRITERIA

Appendix A

Applicable Laws, Regulations, Policies, and Planning Criteria

When considering the affected environment, physical, biological, economic, and social environmental factors must be considered. In addition to the National Environmental Policy Act (NEPA) there are other environmental laws as well as Executive Orders (EOs) and Army Regulations (AR) to be considered when preparing Environmental Assessments (EAs) and Environmental Impact Statements (EISs). These laws are summarized below. NEPA (42 United States Code [U.S.C.] Section 4321–4347) is a Federal statute requiring the identification and analysis of potential environmental effects associated with proposed Federal actions before those actions are taken. The intent of NEPA is to help decisionmakers make well-informed decisions based on an understanding of the potential environmental consequences and take actions to protect, restore, or enhance the environment.

The U.S. Army’s implementing regulation for NEPA is 32 CFR Part 651, *Environmental Analysis of Army Actions*. Army Regulation (AR) 200-1, *Environmental Protection and Enhancement*, states that the U.S. Army will comply with applicable Federal, state, and local environmental laws and regulations, including NEPA. AR 200-1 addresses environmental responsibilities of all Army organizations and agencies and covers environmental protection and enhancement and provides the framework for the Army Environmental Management System. This regulation implements Federal, state, and local environmental laws and DOD policies for preserving, protecting, conserving, and restoring the quality of the environment. This regulation is used in conjunction with 32 Code of Federal Regulations (CFR) Part 651 (32 CFR 651), which provides Army policy on NEPA requirements (42 USC 4321–4347), and supplemental program guidance, which the proponent of this regulation may issue as needed to assure that programs remain current.

NOTE: This is not a complete list of all applicable laws, regulations, policies, and planning criteria potentially applicable to documents, however, it does provide a general summary for use as a reference.

Land Use

The term “land use” refers to real property classifications that indicate either natural conditions or the types of human activities occurring on a defined parcel of land. In many cases, land use descriptions are codified in local zoning laws. However, there is no nationally recognized convention or uniform terminology for describing land use categories. The U.S. Army uses the 12 land use types for installation land use planning, and these land use types roughly parallel those employed by municipalities in the civilian sector.

Noise

Federal and local governments have established noise guidelines and regulations for the purpose of protecting citizens from potential hearing damage and from various other adverse physiological, psychological, and social effects associated with noise. The U.S. Department of Housing and Urban Development (HUD), in coordination with the Department of Defense (DOD) and the FAA, has established criteria for acceptable noise levels for aircraft operations relative to various types of land use. The U.S. Army, through AR 200-1, *Environmental Protection and Enhancement*, implements Federal laws concerning environmental noise from U.S. Army activities.

Air Quality

The Clean Air Act (CAA) of 1970, and Amendments of 1977 and 1990, recognizes that increases in air pollution result in danger to public health and welfare. To protect and enhance the quality of the Nation's air resources, the CAA authorizes the U.S. Environmental Protection Agency (USEPA) to set six National Ambient Air Quality Standards (NAAQS) which regulate carbon monoxide, lead, nitrogen dioxide, ozone, sulfur dioxide, and particulate matter pollution emissions. The CAA seeks to reduce or eliminate the creation of pollutants at their source, and designates this responsibility to state and local governments. States are directed to utilize financial and technical assistance as well as leadership from the Federal government to develop implementation plans to achieve NAAQS. Geographic areas are officially designated by USEPA as being in attainment or nonattainment for pollutants in relation to their compliance with NAAQS. Geographic regions established for air quality planning purposes are designated as Air Quality Control Regions (AQCRs). Pollutant concentration levels are measured at designated monitoring stations within the AQCR. An area with insufficient monitoring data is designated as unclassifiable. Section 309 of the CAA authorizes USEPA to review and comment on impact statements prepared by other agencies.

An agency should consider what effect an action might have on NAAQS due to short-term increases in air pollution during construction as well as long-term increases resulting from changes in traffic patterns. For actions in attainment areas, a Federal agency may also be subject to USEPA's Prevention of Significant Deterioration (PSD) regulations. These regulations apply to new major stationary sources and modifications to such sources. Although few agency facilities will actually emit pollutants, increases in pollution can result from a change in traffic patterns or volume. Section 118 of the CAA waives Federal immunity from complying with the CAA and states all Federal agencies will comply with all Federal- and state-approved requirements.

Human Health and Safety

The Federal Occupational Safety and Health Administration (OSHA) (29 USC 651) was passed in 1970 to ensure worker and workplace safety. Employers are to provide a workplace free of safety and health hazards, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. This is done through establishing safety standards, inspections, training, and providing educational materials.

The AR 385-10, *The Army Safety Program*, implements OSHA requirements through prescribing policy, responsibilities, and procedures to protect and preserve Army personnel and property against accidental loss. It provides for safe and healthful workplaces, procedures, and equipment critical to Army operations and activities.

Geological Resources

Recognizing that millions of acres per year of prime farmland are lost to development, Congress passed the Farmland Protection Policy Act to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland (7 CFR Part 658). Prime farmland is described as soils that have a combination of soil and landscape properties that make them highly suitable for cropland, such as high inherent fertility, good water-holding capacity, and deep or thick effective rooting zones; and that are not subject to periodic flooding. Under the Farmland Protection Policy Act, agencies are encouraged to conserve prime or unique farmlands when alternatives are practicable. Some activities that are not subject to the Farmland Protection Policy Act include Federal permitting and licensing, projects on land already in urban development or used for water storage, construction for national defense purposes, or construction of new minor secondary structures such as a garage or storage shed.

Water Resources

The Clean Water Act (CWA) of 1977 is an amendment to the Federal Water Pollution Control Act of 1972, is administered by USEPA, and sets the basic structure for regulating discharges of pollutants into U.S. waters. The CWA requires USEPA to establish water quality standards for specified contaminants in surface waters and forbids the discharge of pollutants from a point source into navigable waters without a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits are issued by USEPA or the appropriate state if it has assumed responsibility. Section 404 of the CWA establishes a Federal program to regulate the discharge of dredge and fill material into waters of the United States. Section 404 permits are issued by the U.S. Army Corps of Engineers (USACE). Waters of the United States include interstate and intrastate lakes, rivers, streams, and wetlands that are used for commerce, recreation, industry, sources of fish, and other purposes. The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Each agency should consider the impact on water quality from actions such as the discharge of dredge or fill material into U.S. waters from construction, or the discharge of pollutants as a result of facility occupation.

Section 303(d) of the CWA requires states and USEPA to identify waters not meeting state water quality standards and to develop Total Maximum Daily Loads (TMDLs). A TMDL is the maximum amount of a pollutant that a waterbody can receive and still be in compliance with state water quality standards. After determining TMDLs for impaired waters, states are required to identify all point and nonpoint sources of pollution in a watershed that are contributing to the impairment and to develop an implementation plan that will allocate reductions to each source to meet the state standards. The TMDL program is currently the Nation's most comprehensive attempt to restore and improve water quality. The TMDL program does not explicitly require the protection of riparian areas. However, implementation of the TMDL plans typically calls for restoration of riparian areas as one of the required management measures for achieving reductions in nonpoint source pollutant loadings.

The USEPA issued a Final Rule for the CWA concerning technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development point source category. All NPDES storm water permits issued by the USEPA or states must incorporate requirements established in the Final Rule. As of February 1, 2010, all new construction sites are required to meet the non-numeric effluent limitations and design, install, and maintain effective erosion and sedimentation controls. In addition, construction site owners and operators that disturb 1 or more acres of land are required to use best management practices (BMPs) to ensure that soil disturbed during construction activities does not pollute nearby water bodies. Effective August 1, 2011, construction activities disturbing 20 or more acres must comply with the numeric effluent limitation for turbidity in addition to the non-numeric effluent limitations. The maximum daily turbidity limitation is 280 nephelometric turbidity units (ntu). On February 2, 2014, construction site owners and operators that disturb 10 or more acres of land are required to monitor discharges to ensure compliance with effluent limitations as specified by the permitting authority. Construction site owners are encouraged to phase ground-disturbing activities to limit the applicability of the monitoring requirements and the turbidity limitation. The USEPA's limitations are based on its assessment of what specific technologies can reliably achieve. Permittees can select management practices or technologies that are best suited for site-specific conditions.

The Coastal Zone Management Act (CZMA) of 1972 declares a national policy to preserve, protect, and develop, and, where possible, restore or enhance the resources of the Nation's coastal zone. The coastal zone refers to the coastal waters and the adjacent shorelines, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches, and includes the Great Lakes. The CZMA encourages states to exercise their full authority over the coastal zone through the development of land and water use programs in cooperation with Federal and local governments. States may apply for grants to help develop

and implement management programs to achieve wise use of the land and water resources of the coastal zone. Development projects affecting land or water use or natural resources of a coastal zone must ensure the project is, to the maximum extent practicable, consistent with the state's coastal zone management program.

The Safe Drinking Water Act (SDWA) of 1974 establishes a Federal program to monitor and increase the safety of all commercially and publicly supplied drinking water. Congress amended the SDWA in 1986, mandating dramatic changes in nationwide safeguards for drinking water and establishing new Federal enforcement responsibility on the part of USEPA. The 1986 amendments to the SDWA require USEPA to establish Maximum Contaminant Levels (MCLs), Maximum Contaminant Level Goals (MCLGs), and Best Available Technology (BAT) treatment techniques for organic, inorganic, radioactive, and microbial contaminants; and turbidity. MCLGs are maximum concentrations below which no negative human health effects are known to exist. The 1996 amendments set current Federal MCLs, MCLGs, and BATs for organic, inorganic, microbiological, and radiological contaminants in public drinking water supplies.

The Wild and Scenic Rivers Act of 1968 provides for a wild and scenic river system by recognizing the remarkable values of specific rivers of the Nation. These selected rivers and their immediate environment are preserved in a free-flowing condition, without dams or other construction. The policy not only protects the water quality of the selected rivers but also provides for the enjoyment of present and future generations. Any river in a free-flowing condition is eligible for inclusion, and can be authorized as such by an Act of Congress, an act of state legislature, or by the Secretary of the Interior upon the recommendation of the governor of the state(s) through which the river flows.

EO 11988, *Floodplain Management* (May 24, 1977), directs agencies to consider alternatives to avoid adverse effects and incompatible development in floodplains. An agency may locate a facility in a floodplain if the head of the agency finds there is no practicable alternative. If it is found there is no practicable alternative, the agency must minimize potential harm to the floodplain, and circulate a notice explaining why the action is to be located in the floodplain prior to taking action. Finally, new construction in a floodplain must apply accepted floodproofing and flood protection to include elevating structures above the base flood level rather than filling in land.

EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance* (October 5, 2009), directed the USEPA to issue guidance on Section 438 of the Energy Independence and Security Act (EISA). The EISA establishes into law new storm water design requirements for Federal construction projects that disturb a footprint of greater than 5,000 square feet of land. Under these requirements, predevelopment site hydrology must be maintained or restored to the maximum extent technically feasible with respect to temperature, rate, volume, and duration of flow. Predevelopment hydrology would be calculated and site design would incorporate storm water retention and reuse technologies to the maximum extent technically feasible. Post-construction analyses will be conducted to evaluate the effectiveness of the as-built storm water reduction features. These regulations are applicable to DOD Unified Facilities Criteria. Additional guidance is provided in the USEPA's *Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act*.

Biological Resources

The Endangered Species Act (ESA) of 1973 establishes a Federal program to conserve, protect, and restore threatened and endangered plants and animals and their habitats. The ESA specifically charges Federal agencies with the responsibility of using their authority to conserve threatened and endangered species. All Federal agencies must insure any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction of

critical habitat for these species, unless the agency has been granted an exemption. The Secretary of the Interior, using the best available scientific data, determines which species are officially threatened or endangered, and the U.S. Fish and Wildlife Service (USFWS) maintain the list. A list of Federal endangered species can be obtained from the Endangered Species Division, USFWS (703-358-2171). States might also have their own lists of threatened and endangered species which can be obtained by calling the appropriate state's Fish and Wildlife office. Some species also have laws specifically for their protection (e.g., Bald Eagle Protection Act).

The Migratory Bird Treaty Act (MBTA) of 1918, amended in 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989, implements treaties and conventions between the United States, Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Unless otherwise permitted by regulations, the MBTA makes it unlawful to pursue, hunt, take, capture, or kill; attempt to take, capture or kill; possess, offer to sell, barter, purchase, or deliver; or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg, or product, manufactured or not. The MBTA also makes it unlawful to ship, transport or carry from one state, territory, or district to another, or through a foreign country, any bird, part, nest, or egg that was captured, killed, taken, shipped, transported, or carried contrary to the laws from where it was obtained; and import from Canada any bird, part, nest, or egg obtained contrary to the laws of the province from which it was obtained. The U.S. Department of the Interior has authority to arrest, with or without a warrant, a person violating the MBTA.

EO 11514, *Protection and Enhancement of Environmental Quality* (March 5, 1970) states that the President, with assistance from the Council on Environmental Quality (CEQ), will lead a national effort to provide leadership in protecting and enhancing the environment for the purpose of sustaining and enriching human life. Federal agencies are directed to meet national environmental goals through their policies, programs, and plans. Agencies should also continually monitor and evaluate their activities to protect and enhance the quality of the environment. Consistent with NEPA, agencies are directed to share information about existing or potential environmental problems with all interested parties, including the public, in order to obtain their views.

EO 11990, *Protection of Wetlands* (May 24, 1977) directs agencies to consider alternatives to avoid adverse effects and incompatible development in wetlands. Federal agencies are to avoid new construction in wetlands, unless the agency finds there is no practicable alternative to construction in the wetland and the proposed construction incorporates all possible measures to limit harm to the wetland. Agencies should use economic and environmental data, agency mission statements, and any other pertinent information when deciding whether or not to build in wetlands. EO 11990 directs each agency to provide for early public review of plans for construction in wetlands.

EO 13112, *Invasive Species* states that Federal Agencies subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them. Furthermore the EO directs Agencies not to authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

EO 13186, *Conservation of Migratory Birds* (January 10, 2001) creates a more comprehensive strategy for the conservation of migratory birds by the Federal government. The EO provides a specific framework for the Federal government's compliance with its treaty obligations to Canada, Mexico, Russia, and Japan. The EO provides broad guidelines on conservation responsibilities and requires the development of more detailed guidance in a Memorandum of Understanding (MOU). The EO will be coordinated and implemented by the USFWS. The MOU will outline how Federal agencies will promote conservation of migratory birds. The EO requires the support of various conservation planning efforts already in progress; incorporation of bird conservation considerations into agency planning, including NEPA analyses; and reporting annually on the level of take of migratory birds.

Cultural Resources

The American Indian Religious Freedom Act of 1978 and Amendments of 1994 recognize that freedom of religion for all people is an inherent right, and traditional American Indian religions are an indispensable and irreplaceable part of Indian life. It also recognized the lack of Federal policy on this issue and made it the policy of the United States to protect and preserve the inherent right of religious freedom for Native Americans. The 1994 Amendments provide clear legal protection for the religious use of peyote cactus as a religious sacrament. Federal agencies are responsible for evaluating their actions and policies to determine if changes should be made to protect and preserve the religious and cultural rights and practices of Native Americans. These evaluations must be made in consultation with native traditional religious leaders.

The Archaeological Resource Protection Act (ARPA) of 1979 protects archaeological resources on public and Indian lands. It provides felony-level penalties for the unauthorized excavation, removal, damage, alteration, or defacement of any archaeological resource, defined as material remains of past human life or activities which are at least 100 years old. Before archaeological resources are excavated or removed from public lands, the Federal land manager must issue a permit detailing the time, scope, location, and specific purpose of the proposed work. ARPA also fosters the exchange of information about archaeological resources between governmental agencies, the professional archaeological community, and private individuals. ARPA is implemented by regulations found in 43 CFR Part 7.

The National Historic Preservation Act (NHPA) of 1966 sets forth national policy to identify and preserve properties of state, local, and national significance. The NHPA establishes the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Office (SHPOs), and the National Register of Historic Places (NRHP). ACHP advises the President, Congress, and Federal agencies on historic preservation issues. Section 106 of the NHPA directs Federal agencies to take into account effects of their undertakings (actions and authorizations) on properties included in or eligible for the NRHP. Section 110 sets inventory, nomination, protection, and preservation responsibilities for federally owned cultural properties. Section 106 of the NHPA is implemented by regulations of the ACHP, 36 CFR Part 800. Agencies should coordinate studies and documents prepared under Section 106 with NEPA where appropriate. However, NEPA and NHPA are separate statutes and compliance with one does not constitute compliance with the other. For example, actions which qualify for a categorical exclusion under NEPA might still require Section 106 review under NHPA. It is the responsibility of the agency official to identify properties in the area of potential effects, and whether they are included or eligible for inclusion in the NRHP. Section 110 of the NHPA requires Federal agencies to identify, evaluate, and nominate historic property under agency control to the NRHP.

The Native American Graves Protection and Repatriation Act of 1990 establishes rights of Indian tribes to claim ownership of certain "cultural items," defined as Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, held or controlled by Federal agencies. Cultural items discovered on Federal or tribal lands are first the property of lineal descendants if they can

be determined, and second, the tribe owning the land where the items were discovered, or the tribe with the closest cultural affiliation with the items. Discoveries of cultural items on Federal or tribal land must be reported to the appropriate Indian tribe and the Federal agency with jurisdiction over the land. If the discovery is made as a result of a land use, activity in the area must stop and the items must be protected pending the outcome of consultation with the affiliated tribe.

EO 11593, *Protection and Enhancement of the Cultural Environment* (May 13, 1971) directs the Federal Government to provide leadership in the preservation, restoration, and maintenance of the historic and cultural environment. Federal agencies are required to locate and evaluate all Federal sites under their jurisdiction or control which might qualify for listing on the NRHP. Agencies must allow the ACHP to comment on the alteration, demolition, sale, or transfer of property which is likely to meet the criteria for listing as determined by the Secretary of the Interior in consultation with the SHPO. Agencies must also initiate procedures to maintain federally owned sites listed on the NRHP.

EO 13007, *Indian Sacred Sites* (May 24, 1996) provides that agencies managing Federal lands, to the extent practicable, permitted by law, and not inconsistent with agency functions, shall accommodate Indian religious practitioners' access to and ceremonial use of Indian sacred sites, shall avoid adversely affecting the physical integrity of such sites, and shall maintain the confidentiality of such sites. Federal agencies are responsible for informing tribes of proposed actions that could restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites.

EO 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued to provide for regular and meaningful consultation and collaboration with Native American tribal officials in the development of Federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Native American tribes. EO 13175 recognizes the following fundamental principles: Native American tribes exercise inherent sovereignty over their lands and members, the United States government has a unique trust relationship with Native American tribes and deals with them on a government-to-government basis, and Native American tribes have the right to self-government and self-determination.

EO 13287, *Preserve America* (March 3, 2003), orders the Federal Government to take a leadership role in protection, enhancement, and contemporary use of historic properties owned by the Federal Government, and promote intergovernmental cooperation and partnerships for preservation and use of historic properties. The EO established new accountability for agencies with respect to inventories and stewardship.

Socioeconomics and Environmental Justice

EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994) directs Federal agencies to make achieving environmental justice part of their mission. Agencies must identify and address adverse human health and/or environmental effects their activities have on minority and low-income populations, and develop agency-wide environmental justice strategies. The strategy must list "programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations, ensure greater public participation, improve research and data collection relating to the health of and environment of minority populations and low-income populations, and identify differential patterns of consumption of natural resources among minority populations and low-income populations." A copy of the strategy and progress reports must be provided to the Federal Working Group on Environmental Justice. Responsibility for compliance with this EO lies with each Federal agency.

Infrastructure

EO 13514, *Federal Leadership In Environmental, Energy, And Economic Performance*, directs Federal agencies to improve water use efficiency and management; implement high performance sustainable Federal building design, construction, operation and management; and advance regional and local integrated planning by identifying and analyzing impacts from energy usage and alternative energy sources. EO 13514 also directs Federal agencies to prepare and implement a Strategic Sustainability Performance Plan to manage its greenhouse gas emissions, water use, pollution prevention, regional development and transportation planning, sustainable building design and promote sustainability in its acquisition of goods and services.

Hazardous Materials and Waste

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 authorize USEPA to respond to spills and other releases of hazardous substances to the environment, and authorize the National Oil and Hazardous Substances Pollution Contingency Plan. CERCLA also provides a Federal Superfund to respond to emergencies immediately. Although the Superfund provides funds for cleanup of sites where potentially responsible parties cannot be identified, USEPA is authorized to recover funds through damages collected from responsible parties. This funding process places the economic burden for cleanup on polluters.

The Pollution Prevention Act (PPA) of 1990 encourages manufacturers to avoid the generation of pollution by modifying equipment and processes, redesigning products, substituting raw materials, and making improvements in management techniques, training, and inventory control. Consistent with pollution prevention principles, EO 13423, *Strengthening Federal Environmental, Energy, and Transportation Management* (January 24, 2007 [revoking EO 13148]) sets a goal for all Federal agencies that promotes environmental practices, including acquisition of bio-based, environmentally preferable, energy-efficient, water-efficient, and recycled-content products, and use of paper of at least 30 percent post-consumer fiber content. In addition, EO 13423 sets a goal that requires Federal agencies to ensure that they reduce the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of, increase diversion of solid waste as appropriate, and maintain cost effective waste prevention and recycling programs in their facilities. Additionally, in *Federal Register* Volume 58 Number 18 (January 29, 1993), CEQ provides guidance to Federal agencies on how to “incorporate pollution prevention principles, techniques, and mechanisms into their planning and decision making processes and to evaluate and report those efforts, as appropriate, in documents pursuant to NEPA.”

The Resource Conservation and Recovery Act (RCRA) of 1976 is an amendment to the Solid Waste Disposal Act. RCRA authorizes USEPA to provide for “cradle-to-grave” management of hazardous waste and sets a framework for the management of nonhazardous municipal solid waste. Under RCRA, hazardous waste is controlled from generation to disposal through tracking and permitting systems, and restrictions and controls on the placement of waste on or into the land. Under RCRA, a waste is defined as hazardous if it is ignitable, corrosive, reactive, toxic, or listed by USEPA as being hazardous. With The Hazardous and Solid Waste Amendments (HSWA) of 1984, Congress targeted stricter standards for waste disposal and encouraged pollution prevention by prohibiting the land disposal of particular wastes. The HSWA amendments strengthen control of both hazardous and nonhazardous waste and emphasize the prevention of pollution of groundwater.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 mandates strong clean-up standards, and authorize USEPA to use a variety of incentives to encourage settlements. Title III of SARA authorizes the Emergency Planning and Community Right to Know Act (EPCRA), which requires facility operators with “hazardous substances” or “extremely hazardous substances” to prepare

comprehensive emergency plans and to report accidental releases. EO 12856 requires Federal agencies to comply with the provisions of EPCRA. If a Federal agency acquires a contaminated site it can be held liable for the cleanup as the property owner/operator. A Federal agency can also incur liability if it leases a property, as the courts have found lessees liable as “owners.” However, if the agency exercises due diligence by conducting a Phase I Environmental Site Assessment, it may claim the “innocent purchaser” defense under CERCLA. According to Title 42 U.S. Code (U.S.C.) 9601(35), to use this defense, the current owner/operator must show that it undertook “all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice” before buying the property.

The Toxic Substance Control Act (TSCA) of 1976 consists of four titles. Title I established requirements and authorities to identify and control toxic chemical hazards to human health and the environment. TSCA authorized USEPA to gather information on chemical risks, require companies to test chemicals for toxic effects, and regulate chemicals with unreasonable risk. TSCA also singled out polychlorinated biphenyls (PCBs) for regulation, and as a result PCBs are being phased out. TSCA and its regulations govern the manufacture, processing, distribution, use, marking, storage, disposal, cleanup, and release reporting requirements for numerous chemicals like PCBs. PCBs are persistent when released into the environment and accumulate in the tissues of living organisms. They have been shown to cause adverse health effects on laboratory animals and can cause adverse health effects in humans. TSCA Title II provides statutory framework for “Asbestos Hazard Emergency Response,” which applies only to schools. TSCA Title III, “Indoor Radon Abatement,” states indoor air in U.S. buildings should be as free of radon as the outside ambient air. Federal agencies are required to conduct studies on the extent of radon contamination in buildings they own. TSCA Title IV, “Lead Exposure Reduction,” directs Federal agencies to “conduct a comprehensive program to promote safe, effective, and affordable monitoring, detection, and abatement of lead-based paint and other lead exposure hazards.” Further, any Federal agency having jurisdiction over a property or facility must comply with all Federal, state, interstate, and local requirements concerning lead-based paint.

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APPENDIX B

PUBLIC SCOPING

Federal Register Notice of Intent

31710

Federal Register / Vol. 74, No. 126 / Thursday, July 2, 2009 / Notices

November 2009. Executive Order 12372 (Intergovernmental Review of Federal Programs). Proposals under this program are not subject to Executive Order 12372.

Executive Order 13132 (Federalism). This notice does not contain policies with Federalism implications as defined in Executive Order 13132.

Executive Order 12866 (Regulatory Planning and Review). This notice is not a significant regulatory action under Sections 3(f)(3) and 3(f)(4) of Executive Order 12866, as it does not materially alter the budgetary impact of a grant program and does not raise novel policy issues. This notice is not an "economically significant" regulatory action under Section 3(f)(1) of the Executive Order, as it does not have an effect on the economy of \$100 million or more in any one year, and it does not have a material adverse effect on the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Administrative Procedure Act and Regulatory Flexibility Act. Prior notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: June 29, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9-15816 Filed 7-1-09; 8:45 am]

BILLING CODE 3510-13-P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 16 July 2009, at 10 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001-2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: <http://www.cfa.gov>. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed

to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated 26 June 2009 in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. E9-15634 Filed 7-1-09; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Intent To Prepare an Environmental Impact Statement for Campus Development Project Within the Fort Meade Complex, MD

AGENCY: Department of Defense.

ACTION: Notice of intent; notice of public meeting; request for comments.

SUMMARY: The Department of Defense (DOD) announces its intent to prepare an Environmental Impact Statement (EIS) as part of the environmental planning process for a Campus Development Project at Fort George G. Meade, Maryland (hereafter referred to as Fort Meade). The DOD proposes the development of a portion of Fort Meade (referred to as "Site M") as an operational complex and to construct and operate consolidated facilities to meet the National Security Agency's (NSA) continually evolving requirements and for Intelligence Community use. The purpose of the Proposed Action is to provide facilities that are fully-supportive of the Intelligence Community's mission. The need for the action is to consolidate multiple agencies' efforts to ensure capabilities for current and future mission accomplishments as directed by Congress and the President.

Publication of this notice begins a scoping process that identifies and determines the scope of environmental issues to be addressed in the EIS. This notice requests public participation in the scoping process and provides information on how to participate.

DATES: There will be an open house at 4 p.m. followed by a scoping meeting from 5 p.m. to 7 p.m. on Tuesday, July 21, 2009, at Fort Meade Middle School, 1103 26th Street, Fort Meade, Maryland 20755. Comments or questions regarding this EIS should be submitted by 45 days from the date of publication in the **Federal Register** to ensure sufficient time to consider public input in the preparation of the Draft EIS.

ADDRESSES: The open house and scoping meeting will be held at the Fort Meade Middle School, 1103 26th Street, Fort Meade, Maryland 20755. Oral and written comments will be accepted at the scoping meeting. You can also submit written comments to "Campus Development EIS" c/o E2M, 2751 Prosperity Avenue, Suite 200, Fairfax, VA 22031 or submitted by e-mail to CampusEIS@e2m.net.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Williams at (301) 688-2970, or e-mail jdwill2@nsa.gov.

SUPPLEMENTARY INFORMATION:

Background: The NSA is a tenant DOD agency on Fort Meade. NSA is a high-technology organization that is on the frontier of communications and data processing. In order to meet mission growth requirements as well as provide consolidated facilities that are fully-supportive of the Intelligence Community's mission, development of a modern operational complex is needed at the NSA campus on Fort Meade.

Proposed Action and Alternatives: The Campus Development Project was initiated to provide a modern operational complex to meet the growth requirements of NSA and consolidated facilities for Intelligence Community use. Development is proposed for a portion of Fort Meade (referred to as "Site M") adjacent to the NSA campus. Site M is divided into northern (Site M1, 137 acres) and southern (Site M2, 99 acres) portions. DOD proposes that development of Site M occur in three option phases over a horizon of approximately 20 years.

- **Phase I.** Development would occur in the near term on the western half of Site M1, supporting 1.8 million square feet of facilities for NSA to consolidate mission elements, enabling services, and support services across the campus based on function; servicing the need for more collaborative environment and optimal adjacencies, including associated infrastructure (e.g., electrical substation and generator plants providing 60 megawatts of electricity) and administrative functions for up to 6,500 personnel.

- **Phase II.** Development would occur in the mid-term on the eastern half of Site M1, supporting 1.2 million square feet of administrative facilities.

- **Phase III.** Development would occur on Site M2 in the long term, supporting an additional 2.8 million square feet of administrative facilities, bringing built space to 5.8 million square feet for up to 11,000 personnel.

Alternatives identified include each of the development phases identified above, as well as three options for

redundant emergency backup power generation and various pollution control systems. These alternatives will be further developed during preparation of the Draft EIS as a result of public and agency input and environmental analyses of the activities. The No Action Alternative (not undertaking the Campus Development Project) will also be analyzed in detail.

This notice of intent is required by 40 Code of Federal Regulations (CFR) 1508.22 and briefly describes the proposed action and possible alternatives and our proposed scoping process. The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR parts 1500–1508, and DOD Instruction 4715.9 (Environmental Planning and Analysis).

Significant Issues: Environmental issues to be analyzed in the EIS will include potential impacts on air quality, natural resources, water use, solid waste, transportation, and cumulative impacts from increased burdens to the installation and neighboring community based on projected growth.

Scoping Process: Public scoping is an early and open process for identifying and determining the scope of issues to be addressed in the EIS. Scoping begins with this notice, continues through the public comment period (see **DATES**), and ends when the DOD has completed the following actions:

- Invites the participation of Federal, State, and local agencies, any affected Indian tribe and other interested persons
- Determines the actions, alternatives, and impacts described in 40 CFR 1508.25
- Identifies and eliminates from detailed study those issues that are not significant or that have been covered elsewhere
- Indicates any related environmental assessments or environmental impact statements that are not part of the EIS
- Other relevant environmental review and consultation requirements
- Indicates the relationship between timing of the environmental review and other aspects of the proposed program
- At its discretion, exercises the options provided in 40 CFR 1501.7(b).

Once the scoping process is complete, the DOD will prepare a Draft EIS, and will publish a **Federal Register** notice announcing its public availability. If you want that notice to be sent to you, please contact the DOD Project Office point of contact identified in **FOR FURTHER INFORMATION CONTACT**. You will

have an opportunity to review and comment on the Draft EIS. Additionally, the DOD anticipates holding a public meeting after publication of the Draft EIS in the vicinity of Fort Meade, Maryland to present the Draft EIS and receive public comments regarding the document. The DOD will consider all comments received and then prepare the Final EIS. As with the Draft EIS, the DOD will announce the availability of the Final EIS and once again give you an opportunity for review and comment.

Dated: June 29, 2009.

Morgan E. Frazier,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
[FR Doc. E9–15621 Filed 7–1–09; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2009–OS–0092]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to Add a New System of Records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This Action will be effective without further notice on August 3, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications, Defense Finance and Accounting Service, 8899 East 56th Street, Indianapolis, IN 46249–0150.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (720) 242–6631.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 29, 2009, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I

to OMB Circular No. A–130, ‘Federal Agency Responsibilities for Maintaining Records About Individuals,’ dated December 12, 2000, 65 FR 239.

Dated: June 29, 2009.

Morgan E. Frazier,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7205a

SYSTEM NAME:

Defense Business Management System (DBMS).

SYSTEM LOCATION:

Defense Information Systems Agency (DISA), Defense Enterprise Computing Center (DECC)—Ogden; 7879 Wardleigh Road; Bldg 891, Hill Air Force Base, UT 84056–5997.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD civilian employees who are paid with Operations & Maintenance (O&M) or Working Capital Funds by the Defense Finance and Accounting Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual’s name, address, telephone number, Social Security Number (SSN), appropriation, accounting, reimbursable billing, cost accounting, job order accounting data, and financial reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 31 U.S.C. Chapter 35, Accounting & Collection; and E.O. 9397 (SSN).

PURPOSE(S):

The system will provide a means of reporting all costs entering the general ledger; account for appropriated funds; provide a means of reconciling financial records; and for the preparation of most financial reports. Records will be used for extraction or compilation of data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense (DoD) or other government agencies such as the Department of the Treasury.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEMS INCLUDING CATEGORY’S OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The Department of Treasury for all reporting purposes.

Notice of Intent Newspaper Tear Sheets

The notice below was published in the Special Notices section of the *Baltimore Sun* on July 12, 2009.

**Notice of Intent and Request for Comments:
Environmental Impact Statement (EIS)
for the Campus Development Project at Fort Meade**

The Department of Defense (DOD) announces its intent to prepare an EIS as part of the environmental planning process for campus development at Fort George G. Meade, Maryland. The DOD proposes the development of a portion of Fort Meade (referred to as "Site M") as an operational complex and to construct and operate facilities to meet the National Security Agency's (NSA) continually evolving requirements and for Intelligence Community use. The purpose of the Proposed Action is to provide facilities that are fully-supportive of the Intelligence Community's mission. The need for the action is to co-locate key partnering organization's efforts to ensure capabilities for current and future mission accomplishments as directed by Congress and the President. The DOD proposes to develop a portion of Fort Meade (a 236-acre parcel referred to as "Site M") as an operational complex and to construct and operate co-located facilities for Intelligence Community use. The Proposed Action includes development of Site M in three optional phases over a 20-year period, with construction of 1.8 million square feet of facilities occurring as part of Phase I. Phase I development allows NSA to co-locate mission elements, enabling services, and support services across the campus based on function; servicing the need for a more collaborative environment and optimal adjacencies, including associated infrastructure (e.g., electrical substation and generator plants providing 60 megawatts of electricity) and administrative functions. The EIS will consider three alternative development options, in which total build-out could reach 5.8 million square feet, and the No Action Alternative.

The DOD is in the scoping stage for preparation of a Draft EIS and invites the public to comment on the alternatives considered and the scope of the environmental analysis. On July 21, 2009, the DOD will hold an open house from 4:00 to 5:00 p.m. and a scoping meeting from 5:00 to 7:00 p.m. at the Meade Middle School, 1103 26th Street, Fort Meade, MD 20755. Oral and written comments will be received at the scoping meeting and considered in preparation of the Draft EIS. You can also submit written comments addressed to "Campus Development EIS," c/o eM, 2751 Prosperity Avenue, Suite 200, Fairfax, VA 22031. Written comments are requested by August 17, 2009, to ensure sufficient time to consider public input in preparation of the Draft EIS. You may also send a fax to (240) 554-2511 or email CampusEIS@2m.net.

Your comments on this Proposed Action are requested. Written and oral comments may be published in the EIS. Any personal information provided will be used only to identify your desire to make a statement during the public comment portions of the EIS process or to fulfill requests for copies of the EIS or associated documents. Private addresses will be compiled to develop a mailing list for those requesting copies of the Draft or Final EIS. However, only the names of private citizens will appear in the EIS; personal addresses and phone numbers will not be published.

The notice below was published on page A14 in the *Washington Post* on July 12, 2009.

**Notice of Intent and Request for Comments:
Environmental Impact Statement (EIS)
for the Campus Development Project at Fort Meade**

The Department of Defense (DOD) announces its intent to prepare an EIS as part of the environmental planning process for campus development at Fort George G. Meade, Maryland. The DOD proposes the development of a portion of Fort Meade (referred to as "Site M") as an operational complex and to construct and operate facilities to meet the National Security Agency's (NSA) continually evolving requirements and for Intelligence Community use. The purpose of the Proposed Action is to provide facilities that are fully-supportive of the Intelligence Community's mission. The need for the action is to co-locate key partnering organization's efforts to ensure capabilities for current and future mission accomplishments as directed by Congress and the President. The DOD proposes to develop a portion of Fort Meade (a 236-acre parcel referred to as "Site M") as an operational complex and to construct and operate co-located facilities for Intelligence Community use. The Proposed Action includes development of Site M in three optional phases over a 20-year period, with construction of 1.8 million square feet of facilities occurring as part of Phase I. Phase I development allows NSA to co-locate mission elements, enabling services, and support services across the campus based on function; servicing the need for a more collaborative environment and optimal adjacencies, including associated infrastructure (e.g., electrical substation and generator plants providing 60 megawatts of electricity) and administrative functions. The EIS will consider three alternative development options, in which total build-out could reach 5.8 million square feet, and the No Action Alternative.

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Interested Party List

Federal Agency Contacts

Office of Environmental Policy & Compliance
U.S. Department of the Interior
Main Interior Building (MS 2342)
1849 C Street, NW
Washington, DC 20240

Mr. Michael T. Chezik
Regional Environmental Officer
U.S. Department of the Interior
Office of Environmental Policy & Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, PA 19106

Mr. Brian Higgins, PhD, PE.
Washington Headquarters Services
Department of Defense
1314 Mayflower Drive
McLean, VA 22101-3402

Mr. William Arguto
USEPA, Region 3
1650 Arch Street (Mail Code EA30)
Philadelphia, PA 19103-2029

Ms. Dionne Briggs
U.S. Fish and Wildlife Service
12100 Beech Forest Road
Laurel, MD 20708

Ms. Lisa Goncalves
U.S. Fish and Wildlife Service
230 Bald Eagle Drive
Laurel, MD 20708

Mr. Brad Knudsen
U.S. Fish and Wildlife Service
Patuxent Research Refuge
10901 Scarlet Tanager Loop
Laurel, MD 20708-4027

Ms. Mary Ratnaswamy
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

Mr. Jacob Hoogland
National Park Service
Environmental Quality Branch
1201 Eye Street, NW
Org 2310
Washington, DC 20005

Mr. Peter May
National Park Service
Lands and Resources Division
1100 Ohio Drive, SW
Washington, DC 20242

Mr. Stephen Syphax
National Park Service
National Capital Parks East
1900 Anacostia Drive, SE
Washington, DC 20020

Mr. Jeff Trulick
USACE, Baltimore District
Regulatory Branch
PO Box 1715
Baltimore, MD 21203

Mr. Michael Butler
Fort Meade DPW-ED
239 Chisholm Avenue
Fort Meade, MD 20755

Mr. Marcus Brundage
Fort Meade DPW-ED
239 Chisholm Avenue
Fort Meade, MD 20755

Mr. Chad Jones
Director, Public Affairs Office (PAO)
Fort Meade
Building 4550, Room 120
Fort Meade, MD 20755-5025

COL Daniel Thomas
Fort Meade
Building 4551
Fort Meade, MD 20755

The Honorable Roscoe Bartlett
U.S. House of Representatives
Maryland's Sixth District
2412 Rayburn House Office Building
Washington, DC 20515-2006

The Honorable Benjamin Cardin
U.S. Senate
Tower 1, Suite 1710
100 South Charles Street
Baltimore, MD 21210

The Honorable Elijah Cummings
U.S. House of Representatives
Maryland's Seventh District
2235 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Kratovil, Jr.
U.S. House of Representatives
Maryland's First District
112 W. Pennsylvania Avenue, Suite 102
Bel Air, MD 21014

The Honorable Steny Hoyer
U.S. House of Representatives
Maryland's Fifth District
6500 Cherrywood Lane, Suite 310
Greenbelt, MD 20770

The Honorable Barbara Mikulski
U.S. Senate
60 West Street, Suite 202
Annapolis, MD 21401-2448

The Honorable C.A. Dutch Ruppersberger
U.S. House of Representatives
Maryland's Second District
375 W. Padonia Road, Suite 200
Timonium, MD 21093

The Honorable John Sarbanes
U.S. House of Representatives
Maryland's Third District
600 Baltimore Avenue, Suite 303
Towson, MD 21204

The Honorable Chris Van Hollen
U.S. House of Representatives
Maryland's Eighth District
51 Monroe Street, Suite 507
Rockville, MD 20850

The Honorable Albert R. Wynn
U.S. House of Representatives
Maryland's Fourth District
2470 Rayburn Building
Washington, DC 20515

State and Local Agency Contacts

Ms. Lori Byrne
Maryland Department of Natural Resources
Tawes State Office Building E-1
580 Taylor Avenue
Annapolis, MD 21401

Mr. Steven W. Koehn
Maryland Department of Natural Resources
Maryland Forest Service
Tawes State Office Building E-1
580 Taylor Avenue
Annapolis, MD 21401

Ms. Karen G. Irons, P.E.
Maryland Department of the Environment
Air Quality Permits Program
1800 Washington Boulevard
Baltimore, MD 21230-1720

Ms. Shari Wilson, Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Ms. Linda Janey
Maryland Department of Planning
Capital Planning and Review Division
301 West Preston Street, Suite 1104
Baltimore, MD 21201-2305

Mr. Bob Rosenbush
Maryland Department of Planning
301 West Preston Street
Room 1104
Baltimore, MD 21201-2305

Mr. Roger L. Richardson
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401

Mr. J. Rodney Little
Maryland Historic Trust
Division of Historical and Cultural Programs
100 Community Place
Crownsville, MD 21032-2023

John D. Porcari
Maryland Department of Transportation
7201 Corporate Center Drive
P.O. Box 548
Hanover, MD 21076

Mr. David Edgerley
Maryland Department of Business and Economic
Development
217 East Redwood Street
Baltimore, MD 21202

Mr. George G. Cardwell
Anne Arundel County
Office of Planning and Zoning
Heritage Office Complex
2664 Riva Road, MS 6403
Annapolis, MD 21401

Ginger Ellis
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road
Annapolis, MD 21401

Annapolis and Anne Arundel County
Chamber of Commerce
49 Old Solomons Island Road
Suite 204
Annapolis, MD 21401

The Honorable Jack Johnson
Prince George's County Executive
14741 Oden Bowie Dr, Suite 5032
Upper Marlboro, MD 20772-3050

The Honorable Pam Beidle
Maryland House of Delegates
Anne Arundel County, District 32
House Office Building, Room 161
6 Bladen Street
Annapolis, MD 21401

The Honorable G. James Benoit
Anne Arundel County
District 4
44 Calvert Street, 1st Floor
Annapolis, MD 21401

The Honorable James E DeGrange
Maryland State Senate
Anne Arundel County, District 32
James Senate Office Building, Room 101
11 Bladen Street
Annapolis, MD 21401

The Honorable Edward Reilly
Maryland State Senate
Anne Arundel County, District 33
James Senate Office Building, Room 321
11 Bladen Street
Annapolis, MD 21401

The Honorable James King
Maryland House of Delegates
Anne Arundel County, District 33A
House Office Building, Room 163
6 Bladen Street
Annapolis, MD 21401

The Honorable John R. Leopold
Anne Arundel County Executive
44 Calvert Street
Annapolis, MD 21401

The Honorable Mary Ann Love
Maryland House of Delegates
Anne Arundel County, District 32
House Office Building, Room 165
6 Bladen Street
Annapolis, MD 21401

The Honorable Tony McConkey
Maryland House of Delegates
Anne Arundel County, District 33A
House Office Building, Room 157
6 Bladen Street
Annapolis, MD 21401

The Honorable Martin O'Malley
Governor of Maryland
100 State Circle
Annapolis, MD 21401-1925

The Honorable Jim Rosapepe
Maryland Senate
Prince Georges & Anne Arundel County, District
21
James Senate Office Building, Room 314
11 Bladen Street
Annapolis, MD 20470

The Honorable Theodore Sophocleus
Maryland House of Delegates
Anne Arundel County, District 32
House Office Building, Room 162
6 Bladen Street
Annapolis, MD 21401

The Honorable Ken Ulman
3430 Courthouse Drive
Ellicott City, MD 21043

Chamber of Commerce
West Anne Arundel County
8379 Piney Orchard Parkway, Suite E
Odenton, MD 21113

Baltimore Metropolitan Council
2700 Lighthouse Point East, Suite 310
Baltimore, MD 21224-4774

Economic Alliance of Greater Baltimore
111 S. Calvert Street, Suite 2220
Baltimore, MD 21202-6180

Chamber of Commerce
Baltimore/Washington Corridor
312 Marshall Avenue, Suite 104
Laurel, MD 20707-4824

Prince Georges County Public Affairs
14741 Govenor Oden Bowie Drive
Upper Marlboro, MD 20772

Howard County Maryland Public Affairs
3430 Courthouse Drive
Ellicott City, MD 21043

Molly Connolly
AACPS Board of Education
2644 Riva Road
Annapolis, MD 21401

Ms. Zoe Draughon
Restoration Advisory Board
2108 Brink Court
Odenton, MD 21113

Ms. Debbie Faux
Department of Public Works
Residential Communities Initiative
4463 Leonard Wood Avenue
Fort Meade, MD 20755

Stakeholders Groups

Mr. Frederick Tutman
Patuxent Riverkeeper
18600 Queen Anne Road
Rear Barn
Upper Marlboro, MD 20774

BWI Business Partnership
1344 Ashton Road
Suite 101
Hanover, MD 21076

Picerne Military Housing
PO Box 530
Fort Meade, MD 20755

Ms. Julie Snyder
Fort Meade Alliance
2660 Riva Road, Suite 200
Annapolis, MD 21401

Tribal Contacts

Maryland Department of Human Resources
Maryland Commission on Indian Affairs
311 W. Saratoga Street, Room 272
Baltimore, MD 21201

Piscataway Conoy Confederacy and Subtribes
PO Box 1484
LaPlata, MD 20646

Cedarville Band of Piscataway Indians
American Indian Cultural Center
16816 Country Lane
Waldorf, MD 20601

Chief Kenneth Adams
Upper Mattaponi Tribe
13383 King William Road
King William, VA 23086

Chief Stephen Adkins
Chickahominy Tribe
8200 Lott Cary Road
Providence Forge, VA 23140

Chief Gene Adkins
Eastern Chickahominy Tribe
3120 Mt Pleasant Road
Providence Forge, VA 23140

Chief Barry W. Bass
Nansemond Tribe
PO Box 2515
Suffolk, VA 23432

Chief Kenneth Branham
Monacan Indian Nation
PO Box 1136
Madison Heights, VA 24572

Chief Carl "Lone Eagle" Custalow
Mattaponi Tribe
1467 Mattaponi Reservation Center
West Point, VA 23181

Chief Dee Ketchum
Delaware Tribe of Indians
Delaware Tribal Headquarters
220 NW Virginia Avenue
Bartlesville, OK 74003

Chief William P. Miles
Pamunkey Tribe
Route 1, Box 2220
King William, VA 23086

Chief G. Anne Richardson
Rappahannock Tribe
5036 Indian Neck Road
Indian Neck, VA 23148

**Additional Names Added After Campus
Development Scoping Process**

Jean Friedberg
Fort Meade Regional Growth Management
Commission
6751 Columbia Gateway Drive, Suite 500
Columbia, MD 21046

Vaso Karanikolis
USACE CENAB_PL
PO Box 1715
Baltimore, MD 21203-1715

Kent Menser
Office of the County Executive
Howard County
6751 Gateway Drive, Suite 500
Columbia, MD 21046

Jeff Niesz
Pepco Energy Service
1300 North 17th Street, Suite 1600
Arlington, VA 22209

Bert Rice
Fort Meade PAIO
1217 Hillcrest Road
Odenton, MD 21113-2005

Mark Wherry
USACE
PO Box 548
Annapolis Junction, MD 20701-0508

Private Citizen

K. E. Fleischmann
Ellicott City, MD

Scott R. Wolford
Columbia, MD

Interested Party Letter



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

July 10, 2009

Mr. William Arguto
USEPA, Region 3
1650 Arch St. (Mail Code EA30)
Philadelphia, PA 19103-2029

RE: Proposed Campus Development Program

In accordance with the National Environmental Policy Act (NEPA), the National Security Agency (NSA) is announcing its intent to prepare an Environmental Impact Statement (EIS) for campus development at Fort George G. Meade, Maryland. This project was initiated in order to meet the NSA's continually evolving requirements. The DOD proposes to develop a portion of Fort Meade (referred to as "Site M") as an operational complex and to construct and operate co-located facilities for Intelligence Community use. A Notice of Intent (NOI) was published in the *Federal Register* on July 2, 2009 (attached). The NOI summarizes the Proposed Action and the Alternatives to be considered in the EIS.

The purpose of this correspondence is to solicit your comments regarding environmental aspects of the proposed project. To assist us in complying with NEPA and Executive Order 12372, *Intergovernmental Review of Federal Programs*, and in identifying environmental issues that might affect the design or implementation of the project, we request that you provide appropriate comments within your area of expertise, by August 17, 2009, to the following address:

Jeffrey Williams
Environmental and Safety Services
Department of Defense
9800 Savage Road, Suite 6404
Fort Meade, MD 20755-6404

You can also send comments via email to CampusEIS@e2m.net or send a facsimile to (240) 554-2511.

You are also invited to attend an open house from 4:00 to 5:00 p.m. and a scoping meeting from 5:00 to 7:00 p.m. on July 21, 2009. The open house and scoping meeting will be held at the Fort Meade Middle School, 1103 26th Street, Fort Meade, MD 20755. Oral and written comments regarding this proposal will be accepted at the scoping meeting.

Your input and comment are greatly appreciated. If you have any questions, please contact me at (301) 688-2970, or email CampusEIS@e2m.net. Thank you for your interest.

Sincerely,

Jeffrey D. Williams
Senior Environmental Engineer

Enclosure:
Notice of Intent, as published in the *Federal Register*

Scoping Comments Received



County Executive John R. Leopold
P.O. Box 2700 -Annapolis, MD 21404
410-222-1821

August 15, 2009

Jeffrey Williams
Environmental and Safety Services
Department of Defense
9800 Savage Road, Suite 6404
Fort George G. Meade, Maryland 20755-6404

Dear Mr. Williams:

Thank you for providing Anne Arundel County, Maryland with the opportunity to offer comments during the agency scoping phase of the proposed Environmental Impact Statement (EIS). We understand that an EIS will be prepared to evaluate the impact and create a more informed decision regarding the proposed expansion of the National Security Agency's (NSA) activity at Fort George G. Meade, Maryland. It is also our understanding, based on the scoping meeting and the description provided in the July 2, 2009 Federal Register/Vol. 74, No. 126, that NSA is proposing to locate and occupy up to 5.8 Million Square Feet (MSF) on Site M, commonly referred to as the golf course at Fort Meade. This action will be composed of three separate phases, involve up to 11,000 personnel, and occur over a period of 20 years.

The DEIS should address all issues identified in the National Environmental Policy Act (40 CFR parts 1500-1508 and DOD Instruction 4715.9). Additionally, and of upmost importance to Anne Arundel County, the Draft EIS for this proposed federal action must address issues regarding impacts to the existing and programmed transportation network (both highway and transit), employment shifts, fiscal and public revenue impacts, public utilities (both water and sewer), storm water management both in terms of quality and quantity, and public safety as well as identify methods by which these issues can be resolved.

Transportation Network Impacts: At present, there are no fully funded highway improvements, identified in any capital program, located in the vicinity of Fort Meade. Present traffic generated by current activities at Fort Meade impact local roadway capacity. Traffic generated by the Base Realignment and Closure (BRAC) and Enhanced Use Lease action at Fort Meade will further reduce available capacity. At present there has been little formal response by the Department of Defense to

mitigate or off set either the current or the anticipated impacts. Additional traffic generated by the proposed NSA action will only increase the demand leading to greater durations of network failures. Further significant impacts to the highway network can result in public safety impacts, increased congestion, deterioration of air quality and motorist safety. Anne Arundel County requests that the EIS address this issue and demonstrate how it will be mitigated.

Employment and Demographic Impacts: The Federal Register notice identified that the proposed Federal Action would locate 11,000 personnel at Site M in addition to the BRAC action personnel from the Defense Information Systems Agency (DISA), Defense Media Activity (DMA), and the Defense Adjudication Activities. We understand that the 11,000 employment estimate for NSA is composed of new hires, relocated personnel from activities located outside of Fort Meade and relocated personnel from the current NSA campus. Because employment estimates of this magnitude have implications for demographic forecasts that are used to develop federally mandated air quality forecasts, we must have a defensible understanding regarding the composition of the 11,000 employees that would be located at Site M as a result of this Federal Action. Anne Arundel County requests that the EIS provide sufficient detail allowing planning staffs to make appropriate adjustments in demographic forecasts so that reasonable travel demand and air quality modeling can be performed.

Fiscal and Revenue Impacts: We understand that a component of the 11,000 employees which have been noted in the Notice of Intent to be located on Site M are currently sited in activities located away from Fort Meade. We assume that these employees occupy space in leased buildings. Adding more unleased office space into the local office space inventory will have a detrimental impact on the office market, leading to a depression in rents and a reduction in revenues for both property owners and local governments. Additionally, employment increases generated by this action will lead to a greater gap between available affordable housing in the market for that product. Anne Arundel County requests that the EIS identify and address the impact associated with both employment shift and household creation which will result from this action across the region impacted by this Federal Action.

Public Utilities Impacts: At present, we understand that Fort Meade provides potable water and sanitary sewer service to tenants and commands located on the garrison. We also understand that both facilities are in need of capacity increases and modernization and that the Department of the Army has directed privatization of the system (currently a contract award is expected by September 30, 2009). These improvements are needed to support increased employment and population at Fort Meade, plus employment increases generated by the BRAC/EUL action as approved by the Record of Decision for that Federal Action. Improvements to the waste water treatment plan at Fort Meade will require changes in the allowed discharge limits as permitted by the Maryland Department of the Environment. An increase in the discharge amount for Fort Meade likely reduces the amount permitted for other publicly owned treatment plants using the Patuxent River. Anne Arundel County

requests that the EIS address this issue and identify methods which can be implemented to resolve it.

Storm Water Management and Water Quality: A brief inspection of aerial photography of the lands near the NSA campus and Site M shows that the Midway Branch is either near or within the anticipated project area. The assessment, restoration, and protection of this subwatershed, available riparian habitat, and stream reach should be a priority in any development plans proposed for the site. Anne Arundel County requests that the EIS address this issue and identify methods which can be implemented to improve water quality in this subwatershed.

Public Safety: The Anne Arundel County Fire Department has conducted a study of impacts to response times created by growth in population and employment. Of particular note in that study was the impact of new growth on response times from the Jessup/Maryland City area in which Fort Meade is located and from which response would be provided to emergencies occurring in the area around Fort Meade. The TriData study analysis for the Jessup/Maryland City Area highlights current weaknesses as “Long response times with 90th percentile greater than 11 minutes.” TriData also comments on declining volunteer participation. Under opportunities, TriData suggests that “BRAC may help justify additional EMS services.” Finally, under threats, TriData goes on to state “BRAC may add additional EMS demand” and “BRAC could cause Fort Meade to require additional mutual aid”. The County currently averages 15 EMS calls per month on Fort Meade property. Demand forecasts for Jessup/Maryland City calls for a 7% increase annually. The analysis for the Severn Area indicates a 90th percentile response time of over 11 minutes. Service demands in the Severn area continues to rapidly grow. BRAC and airport expansions will increase demand. Demand forecasts for the Severn area is estimated at 10% annually. These analyses do not include the additional 11,000 employees located on Site M. Nor can it completely estimate the increase in traffic generated by the proposed Federal Action which would further reduce response times due to congestion of the connecting roadways. Anne Arundel County recommends that the EIS address this issue and identify methods that can be implemented to improve response times that will be reduced due to the increase in demand generated by the employment as well as the new households created by that employment.

Anne Arundel County looks to NSA to implement the requirements noted in DoD Instruction No. 4715.9 Section 6.2.4 which identifies the need to develop and maintain an intergovernmental and public consultation procedure for this proposed Federal Action. This Federal Action will clearly be an activity that will have “...significant impacts on the human environment...” as it will impact both the natural and built environment. The County understands the importance of the Federal Action proposed for NSA at Fort Meade. We also see that this action, in addition to the BRAC/EUL and other increases in personnel and households at Fort Meade have a cumulative impact on the natural and built environment that has not been taken into account comprehensively. We look forward to working with NSA in making the consultation process successful.

Should you have any questions, regarding our comments, please contact me or George Cardwell, Planning Administrator via e-mail at pzcard44@aacounty.org or via phone at (410) 222-7440.

Sincerely,

A handwritten signature in black ink that reads "Robert C. Leib". The signature is written in a cursive style with a long, sweeping tail on the last letter.

Robert C. Leib
Special Assistant for BRAC/Education

cc: Larry R. Tom, Planning & Zoning Officer
Robert Ray, Chief, Anne Arundel County Fire Department
Ronald Bowen, Director, Department of Public Works
Carole Sanner, Assistant Planning & Zoning Officer, OPZ
George Cardwell, Planning Administrator, OPZ



Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Beverley K. Swaim-Staley
Acting Secretary

August 25, 2009

Mr. Jeffrey D. Williams
Environmental and Safety Services
Department of Defense
9800 Savage Road
Suite 6404
Fort Meade MD 20755-6404

Dear Mr. Williams:

Thank you for your recent correspondence regarding the National Security Agency's (NSA) intent to prepare an Environmental Impact Statement in connection with development of its campus at Fort George G. Meade (FGGM).

Please be advised that the Maryland Department of Transportation (MDOT), along with its modal administrations, will submit comments on the proposed undertaking in a subsequent letter. Conceptual information provided in the Notice of Intent indicates plans for considerable development on the site, and signals the need for thoughtful consideration of potential project impacts. As NSA is closely involved with the many and varied challenges associated with the current Base Realignment and Closure (BRAC) consolidation efforts at FGGM, MDOT anticipates that NSA intends to identify project alternatives and mitigation strategies reflective of its association with BRAC 2005. The projects and strategies will need to be appropriate for the size and scope of the proposed development.

Thank you again for your letter regarding NSA's intention to prepare an Environmental Impact Statement. If you have any questions or additional items to discuss in connection with this initiative, please do not hesitate to contact Mr. Sean Massey, MDOT's BRAC Coordinator, at 410-865-1283, toll free at 888-713-1414, or via e-mail at smassey@mdot.state.md.us.

Sincerely,

Beverley K. Swaim-Staley
Acting Secretary

cc: Mr. Sean Massey, BRAC Coordinator, Office of Planning and Capital Programming,
Maryland Department of Transportation
Mr. Andrew J. Scott, Special Assistant to the Secretary for Economic Development,
Maryland Department of Transportation

My telephone number is 410-865-1000
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076



Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

August 31, 2009

Jeffery Williams
Environmental and Safety Services
Department of Defense
9800 Savage Road, Suite 6404
Fort Meade, MD 20755-6404

Re: MHT Review of Proposed Campus Development Program – “Site M” – Fort George G. Meade
MD20090717-1052 -- Anne Arundel County

Dear Mr. Williams:

Thank you for providing the Maryland Historical Trust, The State Historic Preservation Office (MD SHPO), with the opportunity to review the above-referenced undertaking with respect to potential effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act. Below are our comments and recommendations regarding possible impacts to cultural resources.

Archeology: MHT files indicate that two archeological sites, 18AN973 and 18AN234, are located within the proposed Site M project area. Site 18AN234 has already been determined to be ineligible for listing in the National Register of Historic Places and requires no further investigation. Site 18AN973, on the other hand, contains the nineteenth-century Downs Cemetery as well as the remains of a late nineteenth-century farmstead (see pages 92-97 of the Technical Appendix to the Fort Meade Cultural Resource Management Plan -- *Phase I Archeological Survey of Approximately 2,210 Acres at Fort George G. Meade, Anne Arundel County, Maryland* [Hornum et al. 1995]). As noted in the 1995 report, the 1860 Martenet and 1878 Hopkins maps depict structures at this location belonging to “Wm. Downs” and “J. Downs,” respectively. On page 287 of the 1995 report, it is recommended that the cemetery be preserved in place and that Phase II evaluative investigations take place at site 18AN973 prior to any construction/development.

Due to the presence of site 18AN973, we are requesting that we be provided with current site development plans and documentation regarding the proposed treatment of the Downs Cemetery (avoidance, relocation, etc...). Once we have received this information, we will be able to continue our review of the proposed undertaking and determine what archeological investigations, if any, will be necessary. If the site plans indicate that site 18AN973 may be impacted by the proposed development, then a Phase II investigation will be recommended. All Phase II studies must be carried out by a qualified professional archeologist and performed in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and all Phase II efforts must be sufficient to: a) identify the site’s vertical and horizontal boundaries; b) interpret the site’s cultural affiliations, functions, and significance; c) evaluate the site’s integrity; d) conclusively determine the site’s eligibility for the National Register of

100 Community Place Crownsville, Maryland 21032-2023
Telephone: 410.514.7600 Fax: 410.987.4071 Toll Free: 1.800.756.0119 TTY Users: Maryland Relay
Internet: www.marylandhistoricaltrust.net



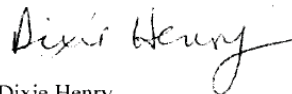
Historic Places; and e) define the need for further archeological work, if necessary. In addition, if the development of Site M requires the removal and relocation of the Downs Cemetery, then further coordination with MHT will be necessary to determine an appropriate course of action.

Historic Built Environment: The area of potential effect (APE) is located within the Maryland Inventory of Historic Properties (MIHP) boundary for Fort Meade (MIHP AA-0034). Also located within the APE are two possibly eligible historic resources Building 6926/Post Sergeant Major's House, MIHP AA-0008, and Building 6865/Golf Course Clubhouse, MIHP AA-0009. Depending on their significance and integrity, such properties may be eligible for listing in the National Register of Historic Places. The golf course is a landscape resource that has not previously been identified but could be eligible for the National Register and should also be evaluated for its eligibility. Please provide a Determination of Eligibility (DOE) form evaluating all the existing structures and landscape.

All DOE forms must be completed by a qualified architectural historian, preservationist, or historian and be accompanied by supporting materials as described in *General Guidelines for Compliance-Generated Determinations of Eligibility and Standards and Guidelines for Architectural and Historical Investigations in Maryland*. DOE forms must contain sufficient descriptions of buildings, structures, areas of land use, and the overall landscape of a property to evaluate its significance under National Register Criterion C and its historic integrity. This should include information about feature age, form, stylistic elements, methods of construction, materials, and condition. Forms must also contain sufficient historical context to evaluate a property under National Register Criteria A and B. This should include information derived from historic maps and land records; examination of the existing buildings, structures, and landscape as historical sources; and relevant information from existing reports and other secondary sources. Once we receive the required DOE Form, we will make a formal determination about the eligibility of the project area and provide detailed recommendations about how to proceed with the Section 106 process.

A list of preservation consultants as well as additional information regarding state historic preservation law and the *Standards and Guidelines* can be found on our website at <http://mht.maryland.gov>. If you have any questions or require further information, please do not hesitate to contact either Dixie Henry (for inquiries regarding archeological resources) at 410-514-7638 \ dhenry@mdp.state.md.us or Amanda Apple (for inquiries regarding the historic built environment) at 410-514-7630 \ aapple@mdp.state.md.us.

Sincerely,



Dixie Henry
Preservation Officer
Maryland Historical Trust

DLH/ARA/200902733
cc: Bob Rosenbush (MDP)



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore, Maryland 21230
410-537-3000 • 1-800-633-6101 • <http://www.mde.state.md.us>

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

October 7, 2009

Mr. Jeffrey Williams
National Security Agency
9800 Savage Road, Suite 6404
Fort Meade, MD 20755

RE: MDE Application Identifier: ES20090721-0029
State Application Identifier: MD20090717-1052
Project: Scoping Prior to EIS: proposed staged development of Site M

Dear Mr. Williams:

Thank you for the opportunity to review the above referenced project. The document was circulated throughout the Maryland Department of the Environment (MDE) for review.

The project is generally consistent with our plans, programs and objectives contingent upon certain actions being taken as noted below:

1. If a project receives federal funding, approvals and/or permits, and will be located in a nonattainment area or maintenance area for ozone, carbon monoxide, or fine particulate matter (pm 2.5), the applicant should determine whether emissions from the project will exceed the thresholds identified in the federal rule on general conformity. If the project emissions will be greater than these thresholds, contact the Planning Division of the Air Quality Planning Program, Air and Radiation Management Administration, at (410) 537-3240 for further information regarding threshold limits.

Additionally, the project is consistent with our plans, programs and objectives, and the comments below are submitted for your consideration:

2. Any above ground or underground petroleum storage tanks that may be utilized must be installed and maintained in accordance with applicable State and federal laws and regulations. Contact the Oil Control Program at (410) 537-3442 for additional information.

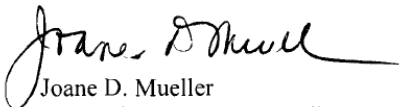
Mr. Jeffrey Williams
October 7, 2009
Page Two

3. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3318 for additional information.
4. The Hazardous Waste Program should be contacted at (410) 537-3343 prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.

Finally, comments regarding water quality standards are enclosed.

Again, thank you for giving MDE the opportunity to review this project. If you have any questions or need additional information, please feel free to call me at (410) 537-4120.

Sincerely,



Joane D. Mueller
MDE Clearinghouse Coordinator
Office of Communications

Enclosure
cc: Bob Rosenbush, State Clearinghouse

Project

Maryland Department of the Environment - Science Services Administration

**REVIEW FINDING: R1 Generally Consistent with Qualifying Comments
(ES2009 0721-0029)**

The following additional comments are intended to alert interested parties to issues regarding water quality standards. The comments address:

A. Water Quality Impairments: Section 303(d) of the federal Clean Water Act requires the State to identify impaired waters and establish Total Maximum Daily Loads (TMDLs) for the substances causing the impairments. A TMDL is the maximum amount of a substance that can be assimilated by a waterbody such that it still meets water quality standards.

Planners should be aware of existing water quality impairments identified on Maryland's 303(d) list. Fort George G. Meade is situated in the 02131105 (Little Patuxent River), and 02131002 (Severn River) watersheds, which are currently impaired by several substances and subject to regulations regarding the Clean Water Act.

Planners may find a list of nearby impaired waters by entering the 8-digit basin code into an on-line database linked to the following URL:
http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/Maryland%20303%20dlist/2008_303d_search/index.asp

This list is updated every even calendar year. Planners should review this list periodically to help ensure that local decisions consider water quality protection and restoration needs. **Briefly, the current impairments that are relevant to the Project include the following:**

Little Patuxent River (02131105)

Nutrients: Non-tidal. A TMDL is pending development.
Sediments: Non-tidal. A TMDL is pending development.
Biological: Non-tidal. A TMDL is pending development.

Severn River (02131002)

Bacteria: Tidal. A TMDL has been written and approved by EPA for several shellfish harvesting areas.
Nutrients: Tidal. A TMDL is pending development.
Toxics: Tidal. A TMDL for PCB in fish tissue is pending development.
Biological: Non-tidal. A TMDL is pending development.

B. TMDLs: Development and implementation of the Comprehensive Plan should take into account consistency with TMDLs developed for the impaired waterbodies referenced above. Government decisions made prior to the development of a TMDL should strive to ensure no net increase of impairing substances. TMDLs are made available on an updated basis at the following web site:
www.mde.state.md.us/Programs/WaterPrograms/TMDL/Summittals/index.asp

Special protections for high-quality waters in the local vicinity, which are identified pursuant to Maryland's anti-degradation policy;

C. Anti-degradation of Water Quality: Maryland requires special protections for waters of very high quality (Tier II waters). The policies and procedures that govern these special waters are commonly called "anti-degradation policies."

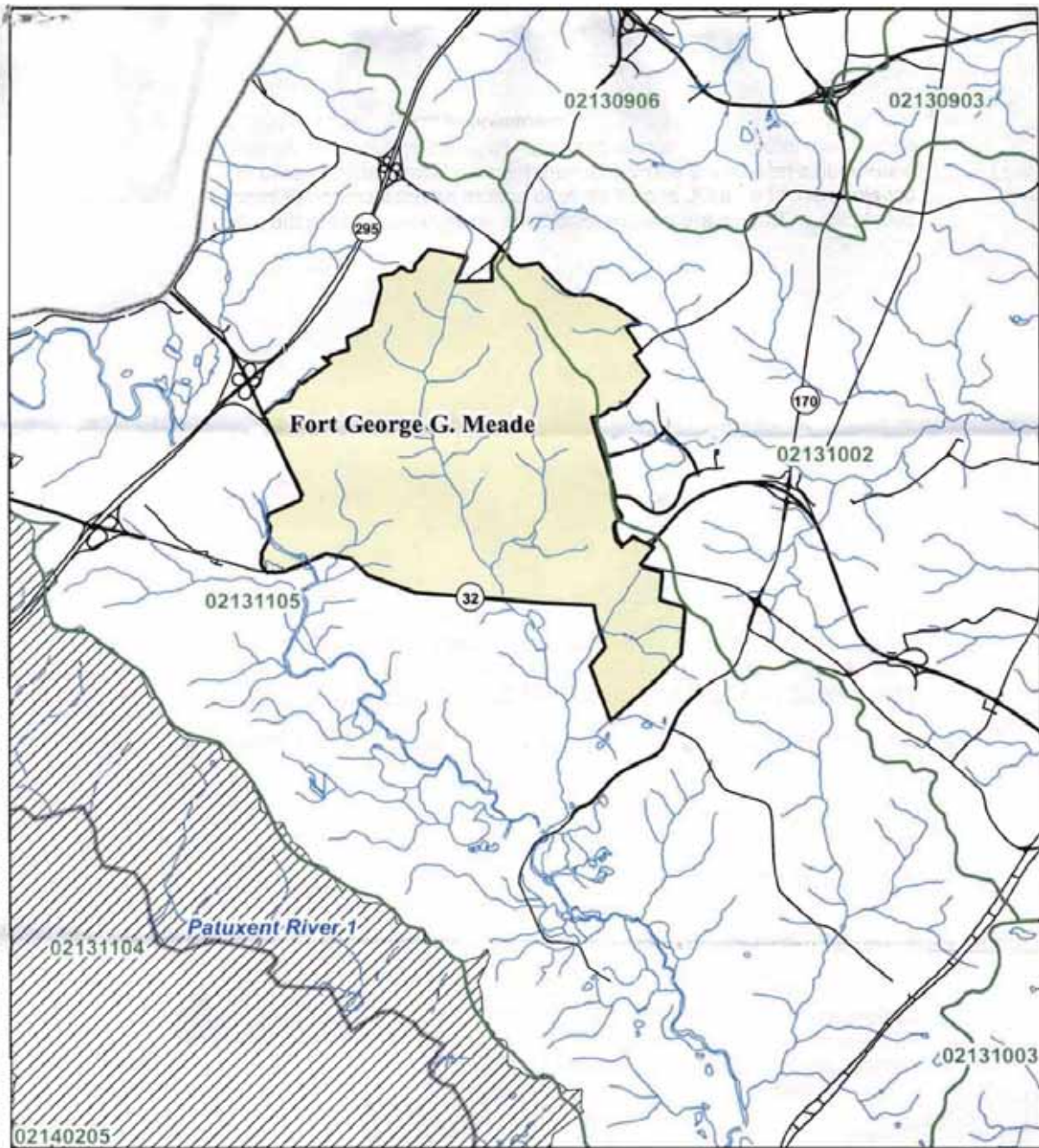
Tier II waters are present in the area surrounding the project area. (See attached map)

Planners should be aware of legal obligations related to Tier II waters described in the Code of Maryland Regulations (COMAR) 26.08.02.04 with respect to current and future land use plans. Information on Tier II waters can be obtained online at:
<http://www.dsd.state.md.us/comar/26/26.08.02.04%2D1.htm>

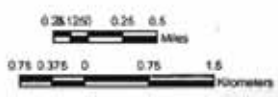
Planners should also note that since the Code of Maryland Regulations is subject to periodic updates. A list of Tier II waters pending Departmental listing in COMAR can be found, with a discussion and maps for each county, at the following website:
<http://www.mde.state.md.us/ResearchCenter/Data/waterQualityStandards/Antidegradation/index.asp>

ADDITIONAL COMMENTS

The project should consider all Maryland Stormwater Management Controls. Site Designs should consider all Environmental Site Design to the Maximum Extent Practicable and "Green Building" Alternatives. Designs that reduce impervious surface and BMPs that increase runoff infiltration are highly encouraged.



- Legend**
- MD High Quality Waters
 - Streams
 - 8-digit Watershed
 - Fort Meade
 - MD High Quality Waters
 - County Line
 - Major Roads



Data Sources:
 Streams - State Highway Administration
 Major Roads - State Highway Administration
 Watersheds: 8-digit - MD Dept. of the Environment
 12-digit - Dept. of Natural Resources
 Municipal Boundaries - State Highway Administration



Map Date: 7/24/2009 Drawn By: MDE SSA

Please Complete Your Review & Recommendation Before August 13, 2009

Return Completed Form To: Linda C. Jency, J.D., Assistant Secretary for Clearinghouse and Communications, Maryland Department of Planning, 301 West Preston Street, Room 1104, Baltimore, MD 21201-2303 Phone: 410-767-4490 Fax: 410-767-4490

State Application Identifier: MD20080717-1052		Clearinghouse Contact: Bob Rosenbush, 410-767-4490 brosenbush@mdp.state.md.us
Location: ANAR		
Applicant: National Security Agency		
Description: Scoping prior to Environment Impact Statement: proposed staged development of Site M: provide services, and administrative space, consolidate functions		
Based on a Review of the information Provided, We Have Checked (☑) the Appropriate Determination Below		
CONSISTENT RESPONSES (P, U, or B, BY STATE AGENCIES ONLY)		
<input checked="" type="checkbox"/>	C1	It is Consistent with our plans, programs, and objectives
	C2	It is Consistent with the policies contained in Executive Order 01.01.1992.27 (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), Executive Order 01.01.1992.04 (Smart Growth and Neighborhood Conservation Policy), and our plans, programs, and objectives.
	C3	(MHT ONLY) It has been determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.
	C4	(DNR ONLY) It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.
	C7	(MDP ONLY) It is consistent with the requirements of State Finance and Procurement Article 5-7B-02; 03; 04 and 06 Smart Growth and Neighborhood Conservation (Priority Funding Areas)
CONSISTENT RESPONSES (P, U, or B, BY COUNTY & LOCAL AGENCIES ONLY)		
	C5	It is Consistent with our plans, programs, and objectives.
	C6	It is Consistent with the Economic Growth, Resource Protection, and Planning Vision (Planning Act of 1992), State Finance and Procurement Article 5-7B - Smart Growth and Neighborhood Conservation (Priority Funding Areas), and our plans, programs, and objectives.
OTHER RESPONSES (P, U, or B, BY ALL)		
	R1	GENERALLY CONSISTENT WITH QUALIFYING COMMENTS: It is generally Consistent with our plans, programs and objectives, but the attached qualifying comment is submitted for consideration.
	R2	CONTINGENT UPON CERTAIN ACTIONS: It is generally Consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment(s).
	R3	NOT CONSISTENT: It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act vision/policies; or it may duplicate existing program activities, as indicated in the attached comment(s). If a meeting with the applicant is requested, please check here: <input type="checkbox"/>
	R4	ADDITIONAL INFORMATION REQUESTED: Additional Information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here: <input type="checkbox"/>
	R5	FURTHER INTEREST: Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the applicant.
	R6	SUPPORTS: Supports "Smart Growth" and Federal Executive Order 12072 (Federal Space Management), which directs federal agencies to locate facilities in urban areas.

Attach additional comments if necessary OR use the space below:

Name: Tammy Edwards **Signature:** *T Edwards*
Organization: DBET **Phone:** (410) 767-8833
Address: 401 E. Pratt St. **Date Completed:** 7/23/09
Bald. MD 21202 **Check here if comments are attached.**

MDPCH 1A

100/100

07/23/09 08:49 FAX

**FORT MEADE REGIONAL GROWTH MANAGEMENT COMMITTEE
COMMENTS FOR NSA EIS SCOPING PROCESS**

RECOMMENDATIONS

Projected growth at the National Security Agency – particularly within the broader context of other growth now occurring in and around Fort Meade – will have a profound affect on the region's transportation infrastructure. To properly address the issues raised by this growth, the Fort Meade Regional Growth Management Committee (RGMC) recommends defining and expanding the scope of the EIS to include the following objectives:

1. **Workforce Footprint.** Clarify the scale and distribution of the full Fort Meade, NSA employee and contractor workforce footprint – as of today, projected to 2010, and in 5-year increments of growth to 2030. How many will be physically located on the main campus? How many will occupy space elsewhere within the Meade Coordination Zone? Where in the region will workforce members live, and how will they access jobs in the Fort Meade area?
2. **Transportation System and Related Growth Impacts.** Building on an understanding of the size and distribution of the workforce, estimate the full regional impact of current and future Fort Meade and NSA development and operations on the region's transportation system – its capacity, security, physical and fiscal impacts on state and local governments and on quality of life factors. For example, quantify the amount of new regional roadway construction required to accommodate existing and new vehicular traffic generated by Fort Meade (and other development within the Meade Coordination Zone) and the resulting impacts of the new construction and workforce growth on: (a) commuting patterns and volume on the environment; (b) the fiscal capabilities of state and local government; (c) any other resources with limited capacity, such as the ability of Maryland's waterways to accept greater storm water runoff or treated effluent flow. Determine the investment required to prevent the service level of the regional transportation system from worsening, with special emphasis on the arterial roadway system within 5 miles of Fort Meade. Identify the federal programs that would fully or partially cover the required investment.
3. **Transportation Demand Management (TDM).** Assuming that the regional impact of NSA growth cannot be fully mitigated through new roadway construction, estimate the results that a Transportation Demand Management program would have to achieve to fully offset the impact of NSA growth and the fiscal and other resources required to achieve mitigation. Develop a rationale for balancing the need for new roadway investment against the potential for TDM.

EXECUTIVE SUMMARY

The broader region of which Fort Meade is a part has a workforce of about 2.5 million and is growing steadily. It is projected to add about 400,000 jobs between 2005 and 2020.

Fort Meade-related growth, including the expansion of NSA's main campus on Fort Meade, is generating unprecedented transportation challenges for the region. Altogether, the Fort Meade workforce – together with major concentrations of private sector jobs in the immediate Fort Meade area – can be expected to more than double from today's 50,000 level to roughly 120,000 by the 2025 – 2030 time frame. Assuming today's Fort Meade-related commuting patterns remain essentially as they are today – with an average one-way commute of about 20 miles – mitigating the regional impact of this growth would require construction of about 250 lane-miles of new arterial highway capacity at a cost of \$4.3 billion.

NSA's share of total Fort Meade growth is significant. Today, the NSA workforce of 25,000 represents about 50% of the total Fort Meade and surrounding area. Although the Notice of Intent outlines a net increase of 11,000 NSA jobs at the main campus, total NSA growth and the corresponding impact of that growth could be significantly larger. Our projections assume substantial, ongoing growth at NSA – growth that will add an average of 1,350 new personnel per year for the next 15 years, bringing the total NSA workforce to over 45,000.

We estimate that today's NSA workforce consumes 91 lane-miles of highway capacity during peak periods; at a workforce level of 45,000, the requirement expands to 164 lane-miles. The construction of 73 new lane-miles would require an investment of roughly \$1.3 billion in today's dollars. However, the fuel taxes generated by the additional peak traffic falls well short of paying for the required investment.

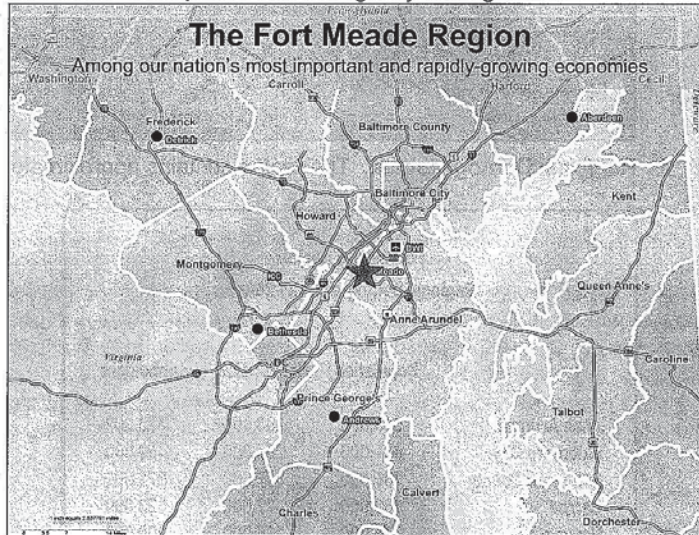
Today, the regional transportation system as a whole has little or no spare capacity to handle peak traffic loads adhering to traditional commuting patterns. Further, regional plans do not provide sufficient capacity to keep up with growth. Therefore, although projected growth in and around Fort Meade would in theory require a substantial investment in new roadway capacity, this investment would be well beyond the means of the State of Maryland and the localities affected. In addition to the detrimental impact on daily travel, the lack of spare capacity will exacerbate the ability of Fort Meade and the region to deal with natural and man-made emergencies. Accordingly, any plans intended to deal with growth at Fort Meade must address the shortfall in regional and local roadway capacity and the alternatives for addressing the shortfall.

KEY FACTORS AND CONSIDERATIONS

The following information and analysis provides context and backup for the Recommendations and Executive Summary sections. We begin with definitions

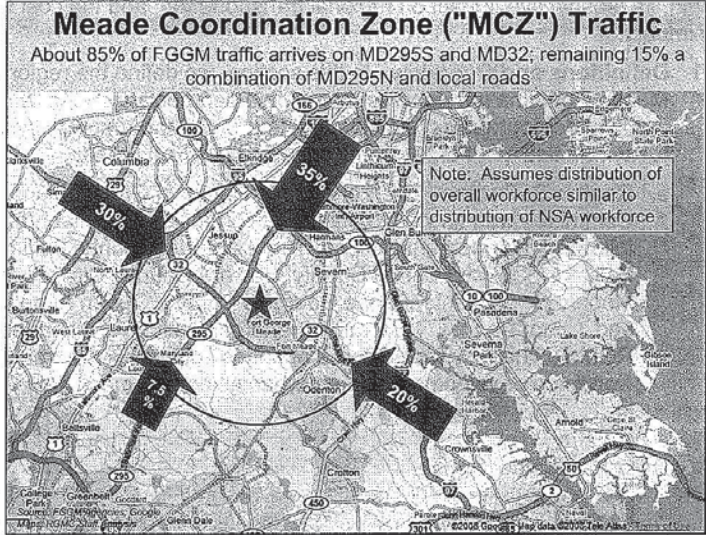
and an overview of the region and proceed to an understanding of Fort Meade growth, its prospective impact on regional transportation, and the cost to address that impact.

1. **Definitions and Overview.** In this section, we define the region and the Meade Coordination Zone, and provide a perspective on the region in terms of demographics, employment levels and the roadway system which today handles most of the traffic generated by Fort Meade.
 - a. **Region Definition.** The Fort Meade Regional Growth Management Committee was formed to pursue opportunities for collaboration for the following member jurisdictions: Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Howard County, City of Laurel, Montgomery County, Prince George's County, Queen Anne's County, and Talbot County. NSA and other organizations are partners in the RGMC. The region's top three priorities / concerns are transportation, workforce development and emergency management.



- b. **Meade Coordination Zone.** The Meade Coordination Zone ("MCZ") is the land mass composed of Fort Meade and the area surrounding Fort Meade included within a 5-mile radius. Within the MCZ, our particular concerns are plans for commercial development, the expansion of the

job base and the need for greater transportation resources.



c. **Regional Demographics.** The region contains approximately 4.2

Fort Meade Region Regional Demographics - 2008E			
	Population	Households	Jobholders
Anne Arundel	513,000	233,000	373,000
Baltimore City	631,000	287,000	459,000
Baltimore County	786,000	357,000	571,000
Carroll	169,000	77,000	123,000
Howard	275,000	125,000	200,000
Montgomery	950,000	432,000	691,000
Prince George's	821,000	373,000	597,000
Queen Anne's	47,000	21,000	34,000
Talbot	36,000	16,000	26,000
Total	4,228,000	1,921,000	3,074,000

million residents, 1.9 million households, and 3.1 million jobholders.

d. **Regional Job Perspective.** As of 2005, the region (excluding the portion on the Eastern Shore) comprised some 2.4 million jobs. The job base is expected to reach 2.8 million by 2020. The number of

jobholders in the region exceeds the regional job base because – in spite of the fact that the region is a big importer of workforce – the region is a net exporter of workers. As a consequence, the cross-jurisdictional and cross-regional traffic flow and its impact on roadway capacity is substantial.

Fort Meade Region Workforce Growth Projection			
	2005	2020	Increase
Anne Arundel County	318,000	399,000	81,000
Baltimore City	441,000	471,000	30,000
Baltimore County	490,000	524,000	34,000
Carroll County	76,000	88,000	12,000
Howard County	177,000	231,000	54,000
Montgomery County	497,000	612,000	115,000
Prince George's	362,000	464,000	102,000
	<u>2,361,000</u>	<u>2,789,000</u>	<u>428,000</u>

- e. **Regional Roadway System.** The region has 1,341 miles of major roadways. Major roadways include Interstate, National and primary State Highways. These regional roadways comprise 6,125 lane-miles, for an average of 4.6 lane-miles per road-mile. The region's major roadways handle about 27.2 billion vehicle-miles traveled (VMT) per year, with some 23.4 million VMT generated during peak periods.

Fort Meade Region Major Highways					
	Miles	Lane-Miles	Annual VMT (Million)	Daily Peak VMT (000)	Peak Hour VMT per Lane-Mile
Anne Arundel	176	747	3,806	3,271	2,189
Baltimore City	188	849	2,391	2,055	1,210
Baltimore County	250	1,130	5,638	4,845	2,144
Carroll	71	188	558	480	1,275
Howard	99	490	2,630	2,260	2,306
Montgomery	229	1,173	4,970	4,271	1,821
Prince George's	238	1,198	6,307	5,420	2,262
Queen Anne's	48	211	585	503	1,191
Talbot	42	139	357	307	1,104
Total	<u>1,341</u>	<u>6,125</u>	<u>27,242</u>	<u>23,412</u>	<u>1,911</u>

With the projected growth in the regional job base, VMT can be expected to grow by at least 1% per year. Just to keep pace with this growth would require construction of 60 lane-miles per year at an annual cost of more than \$1 billion.

Fort Meade growth will outstrip the regional average, so it will require a disproportionate share of new capacity. Carrying today's traffic volume

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on a roadway base of 6,125 lane-miles generates an average peak hour load estimated at 1,900 VMT per lane-mile. At this load level, average headways drop to less than 2 seconds and the system quickly destabilizes. Vehicle operators experience chronic congestion-induced delays, backups, and potentially dangerous conditions. As a consequence, the mission-readiness of the highway system is sub-par during daily peak periods and a major incident on any of Fort Meade's four inbound or outbound routes would likely result in a significant disruption. Similarly, a full-scale evacuation of Fort Meade would generate an instantaneous load of 5,000 vehicles per lane, well beyond the capacity of the MCZ arterial roadway system.

From a regional perspective, achieving a safer and more reliable peak load level of 1,440 VMT per lane-mile at today's traffic volumes – and assuming today's mix of highway usage – would require the construction of some 2,400 lane-miles of highway at an approximate cost of \$40 billion. This assumes an average cost of \$17.5 million per lane-mile. If the region does not build this capacity, it will either have to achieve equivalent results from a transportation demand management program or experience significant deterioration in the performance of its transportation system.

The \$40 billion just described would only improve the performance of the existing system at today's traffic volume. Adding capacity to accommodate projected regional employment growth through 2020 would require an additional 1,400 lane-miles and cost another \$25 billion, for a combined cost of \$65 billion. Thus, accommodating growth and upgrading our regional highway system to an acceptable standard by 2030 would require an annual investment of more than \$2.5 billion. These figures include Fort Meade's share of regional growth.

However, in its Transportation Outlook 2035, the Baltimore Metropolitan Council states that within the Baltimore region only a small fraction of the required \$65 billion will be available for all forms of transportation between 2013 and 2035. Given this constraint, the region can depend on new highway construction to meet only a small part of its transportation needs. Instead, we will have to rely mainly on the other "congestion mitigation measures", as outlined in the Transportation Outlook 2035:

- Reduce VMT during peak hours
- Shift trips from automobiles to other modes
- Shift trips from SOV to HOV
- Improve roadway operations
- Add capacity

2. **Fort Meade Scope of Development and Impact.** The proposed NSA expansion at Fort Meade is part of a larger pattern of growth under way in and around Fort Meade since 2005. The combined growth will have a major impact on the region's transportation systems and resources. Accordingly, federal, state and local governments will have to make major new investments to mitigate the impacts. Projected Fort Meade job growth includes three components:

- **Growth of Workforce on Fort Meade.** Fort Meade is already home to a substantial workforce, currently estimated at 35,000 to 40,000. By 2025 – 2030 at the latest, we project that growth due to BRAC 2005, the completion of the EUL, organic growth of existing agencies and the proposed NSA expansion will bring the total installation-based workforce to about 64,000.
- **Growth of NSA Offsite.** We estimate that NSA's offsite operations in the vicinity of Fort Meade currently employ another 5,000. The expansion of the NSA mission, coupled with capacity limits at Fort Meade, will cause this component to reach a level of 14,250 by 2030.
- **Growth of Contractors' Workforce.** The agencies at Fort Meade are active users of consulting and contractors services and products. Approximately 8,800 are currently located off-base in nearby business parks. Based on developers' plans for growth in the MCZ, we estimate that this component will reach a level of 37,800 by 2030.

Altogether, the three components of Fort Meade growth will result in the addition of more than 67,000 jobs on or near Fort Meade, reaching an estimated total of nearly 120,000 by 2030.

Clearly, the new NSA initiative is not a new, independent action. Rather, it represents the newest installment in an ongoing, aggressive growth program for Fort Meade. Coupled with growth on the installation are the plans of the development community and private sector contractors to expand – both onsite and offsite – to meet the needs of NSA and other Fort Meade agencies.

The new requirements posed by NSA growth on regional transportation and other infrastructure cannot be met unless the requirements posed by other sources of growth are also met. Therefore, the scope of the EIS associated with the NSA proposal should reflect the total impact of this growth and the plan to address the full growth, in addition to the specific impact of the NSA increment.

To recapitulate, the Fort Meade area workforce today stands at an estimated 48,800. This includes 25,000 NSA employees on or near Fort Meade, 15,000 employees of the Fort Meade Garrison Command and other tenant agencies, and 8,800 elsewhere within the MCZ. Over the next 20 years, the workforce can be expected to more than double, to a

level of nearly 120,000. The breakdown for these figures is shown in the table below.

The expansion program proposed for NSA's main campus calls for the construction of 5.8 million square feet of operations and administrative space, and a net workforce increase of 11,000.

Fort Meade and Surrounding Area Workforce Growth Projection - 25 Years			
	Workforce		
	Base Year (2005)	Growth	Projected (2030)
Fort Meade			
NSA	20,000	11,000	31,000
BRAC / EUL / Other	15,000	18,000	33,000
Total	35,000	29,000	64,000
Offsite			
NSA	5,000	9,250	14,250
Contractors / Other	8,800	29,000	37,800
Total	13,800	38,250	52,050
Total Area			
NSA	25,000	20,250	45,250
Contractors and Other Agencies	23,800	47,000	70,800
Total	48,800	67,250	116,050

As described in greater detail in the next section, RGMC's forecasts and estimates assume that NSA will experience steady growth over this time frame – averaging about 1,350 new jobs per year for 15 years – for a total growth of 20,250. This figure includes a net increase in workforce of 11,000 at the main campus, as stated in the NOI. By 2025, we estimate that NSA will have 31,000 onsite at the main campus and as many as 14,250 offsite but within the MCZ.

3. **NSA Workforce and Proposed Development Program.** It has been publicly stated that NSA employs approximately 25,000 on Fort Meade and at nearby offsite locations within the MCZ – mainly in Anne Arundel County and Howard County. This workforce represents more than 60% of the federal agency employment base on Fort Meade. The RGMC has not been given an official breakdown showing the number of jobs onsite vs. offsite. Therefore, we have assumed the following:

- Existing Main Campus Workforce: 25,000
- Existing Off-Campus Workforce: 5,000
- Projected Growth Rate: 1,350 per year for 15 years
- Additional Main Campus Workforce: 11,000
- Additional Off-Campus Workforce: 9,250

These assumptions result in the following forecast for NSA:

National Security Agency Hypothetical Growth Plan -- 2005-2030					
	Existing	Phase I	Phase II	Phase III	Total
Space (Square Feet)					
Main	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Expansion		1,800,000	3,000,000	5,800,000	5,800,000
Offsite	1,500,000	1,575,000	2,850,000	4,275,000	4,275,000
Total	6,500,000	8,375,000	10,850,000	15,075,000	15,075,000
Workforce					
Main	20,000	18,500	17,200	16,100	16,100
Expansion		8,000	11,800	14,900	14,900
Offsite	5,000	5,250	9,500	14,250	14,250
Total	25,000	31,750	38,500	45,250	45,250
<i>Onsite Increase</i>		6,500	2,500	2,000	11,000
<i>Offsite Increase</i>		250	4,250	4,750	9,250
<i>Total Increase</i>		6,750	6,750	6,750	20,250
Square Feet / Workforce					
Main	250	270	290	310	310
Expansion		225	254	389	389
Offsite	300	300	300	300	300
Average	260	264	282	333	333

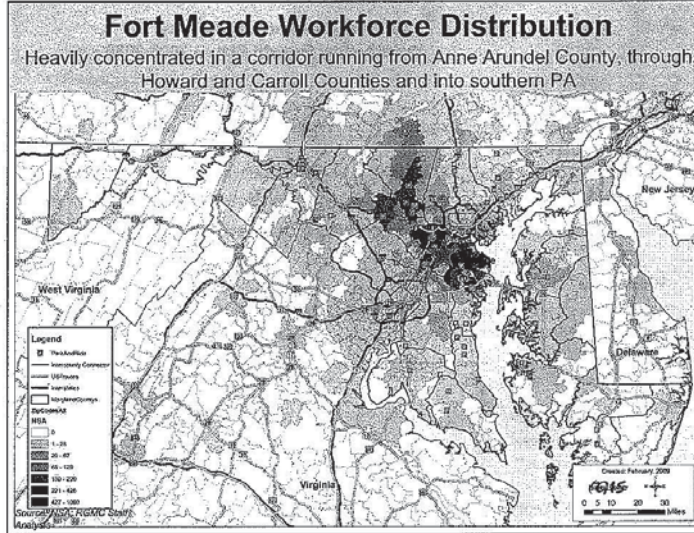
The program presented in the above table permits the onsite facilities to more than double and the onsite workforce to grow by 11,000. At the same time, it increases the average square feet per person to more than 330 and relies on offsite expansion to accommodate the remainder of the projected growth.

4. **Household Locations.** According to our analysis of available data, households of existing Fort Meade jobholders including NSA workforce members are distributed across the region approximately as follows:

Anne Arundel County	39%
Howard County	22%
Baltimore City/County	14%
Carroll County	7%
Prince George's County	5%
Other	13%
Total	100%

Of the 13% currently working at Fort Meade who do not live in one of the five main jurisdictions listed above, approximately 9% live outside the RGMC region (as defined above) – elsewhere in Maryland, Virginia, the

District of Columbia, West Virginia and Pennsylvania. We assume that contractors are distributed geographically along similar lines.



Although the 5,700 BRAC employees whose jobs are being transferred to Fort Meade in 2011 now live mostly in Northern Virginia, we assume that within a few years most will migrate to Maryland or will be replaced by Maryland residents. The resulting distribution of BRAC households will then match the existing pattern for Fort Meade employees. Initially, however, approximately 85% will commute to Fort Meade from Virginia via MD-295.

5. **Fort Meade Workforce Commuting Patterns.** Based on an RGMC analysis of the Fort Meade employee zip code distribution, the average commute to Fort Meade covers 19.8 miles and currently requires 30 minutes. Following is a breakdown of vehicle volume by distance band:

0 – 10 Miles	27%
10 – 20 Miles	41%
20 – 30 Miles	19%
30 – 40 Miles	6%
Over 40 Miles	7%
Total	100%

Future commuting patterns and distances are likely to be similar or greater, since aggregate housing production is not expected to keep up with demand in the relatively nearby communities.

Little mass transit exists in the region to meet the needs of the Fort Meade workforce. Accordingly, some 90% of Fort Meade jobholders drive to work as the sole vehicle occupant (SOV – Single Occupant Vehicle). Of the

remaining 10%, most arrive as passengers in private automobiles and a small percentage arrive via MARC.

Based in part on observations performed by Gannett Fleming during 2007 / 2008 in its study of Fort Meade's growth-related traffic needs – as well as an analysis of regional highway performance measures – we estimate that some 28% of traffic destined for Fort Meade arrives during peak hour. This appears to be consistent with the regional pattern. This low value suggests that as the workforce has grown relative to highway capacity, an increasing portion of peak period traffic has elected to avoid peak hour travel.

6. **Fort Meade Transportation Impact.** Based on the geographic distribution of the workforce and the commuting patterns outlined above, the RGMC has estimated the potential impact of Fort Meade growth on the regional roadway network. The figures shown below for new highway capacity are not predictions of what will be done. Rather, they represent the capacity and investment that would be required to serve new volumes of traffic if the full need were to be met using traditional means.

- a. **Main Roadways.** More than 90% of the traffic arriving at Fort Meade or in its vicinity arrives on two arterial highways: MD-32 and MD-295. At the point of arrival, each of the two arterials has two lanes in each direction.

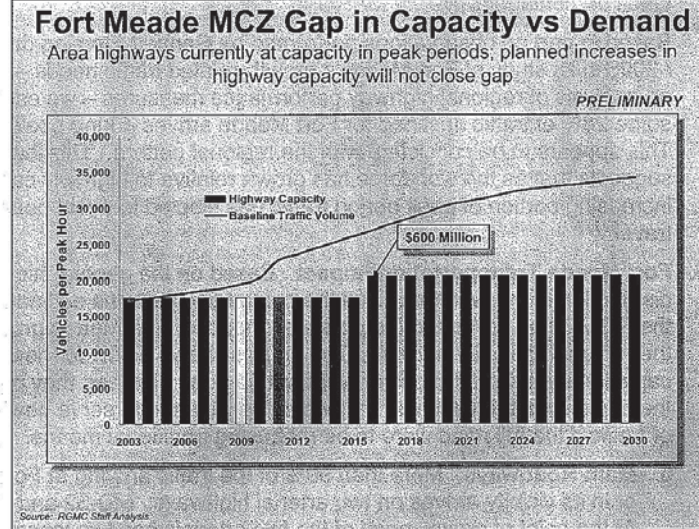
Presently, nearly all of the arriving NSA traffic departs the two arterials on ramps leading directly to the NSA campus. Traffic destined for other locations on Fort Meade can enter through any of four gates: one along MD-32 midway between MD-295 and MD-175; the remaining three at intersections on MD-175 between MD-295 and MD-32.

Some 35% of Fort Meade-destined traffic arrives via MD-295 southbound, 30% via MD-32 eastbound, 25% via MD-32 westbound, and 7.5% via MD-295 northbound. Primary regional feeder arterials are I-97, US-29, I-70, MD-100, I-95, and I-695.

Visitors to Fort Meade must enter through the MD-175 / Reece Road gate. The remaining 10% of arriving traffic relies on local secondary roadways.

- b. **Highway Capacity Required by Existing Fort Meade Area Workforce.** As is the case for the regional arterial system as a whole, the roadway system within the MCZ is now operating at or near capacity. Therefore, any addition of traffic will cause degradation in its performance and will generate a requirement for new capacity. As the

following graphic illustrates, growth in traffic volume due to Fort Meade



growth is expected to exceed existing and planned additions to highway capacity.

We estimate that the current 48,800 Fort Meade area workforce members commute an average of 20 miles per day in each direction, generating some 255,000 VMT per day at peak hour. This volume of traffic consumes an estimated 177 lane-miles of regional highway capacity and – at the point of arrival – requires virtually 100% of the 6 primary lanes of inbound arterial capacity. The 177 lane-miles is part of the region's 6,125 existing lane-miles of major highway capacity described earlier. The replacement value this capacity is about \$3.1 billion.

Included within the 48,800 workforce are some 25,000 are NSA personnel. At nearly 50% of total, NSA's share of existing regional highway capacity comes to 91 lane-miles with a replacement value of \$1.6 billion.

- c. **Highway Capacity Required by Growth.** Across the full region, to meet the needs posed by Fort Meade-area workforce growth would require 244 new lane-miles of highway capacity at a cost of roughly \$4.3 billion – if we were to meet the requirement using the traditional SOV-oriented philosophy. This represents a 4% increase in regional major highway capacity. The NSA share of this increase in capacity would be 73 new lane-miles at a cost of \$1.3 billion.

Because Fort Meade-related growth is significant, the scope of the prospective EIS should be broadened to include the combined fiscal

August 13, 2009

and physical impacts of growth at all NSA sites, for other agencies and tenants on Fort Meade, and elsewhere in the MCZ – not just the NSA main campus site at Fort Meade. Viewing the regional transportation need, it would clearly not be technically feasible to build new transportation capacity solely for NSA. Accordingly, it is essential that we understand the full impact of growth from all sources as context for NSA growth.

* * * * *

Expansion plans for NSA at Fort Meade represent a dramatic extension of the growth now occurring at Fort Meade and within the Meade Coordination Zone. This growth will have a profound impact on the region's transportation system. The EIS scope should be broadened to include all projected growth in the MCZ and the physical and fiscal impacts of this growth across the region, as well as the portion of the growth attributable to NSA.

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**NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20765-6000**

November 4, 2009

Ms. Dixie Henry, SHPO
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

**RE: MHT Review of Proposed Campus Development Program
Site "M", Fort George G. Meade
MD20090717-1052, Anne Arundel County**

Dear Ms. Henry,

This letter is in regards to the National Security Agency's (NSA) preparation of an Environmental Impact Statement (EIS) as part of the environmental planning process for a Campus Development Project at Fort George G. Meade, Maryland, and the Maryland Historic Trust's (MHT) letter of August 31, 2009. The proposed undertaking is for NSA to develop a portion of Fort Meade, (referred to "Site M") as an operational complex and to construct and operate consolidated facilities to meet NSA's continually evolving requirements and for Intelligence Community use. Site M is divided into a northern (Site M1, 137 acres) and southern (Site M2, 99 acres) portion. The NSA proposes that development of Site M would occur in three option phases over a horizon of approximately 20 years. The Proposed Action (PA) under this EIS involves development of the eastern half of Site M1, supporting 1.8 million square feet (ft²) of administrative space. Phases II and III are alternative optional developments that would encompass 1.2 million ft² (for a total of 3.0 million ft²) and 2.8 million ft² (for a total of 5.8 million ft²) of building construction, respectively.

To ensure that NSA considers the potential effects of this undertaking on properties listed in or eligible for listing in the National Register of Historic Places (NRHP), we are requesting to initiate formal consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA) (Title 36 Code of Federal Regulations [CFR] § 800.2(c)(4)).

Existing reports that document previous cultural resource investigations at Fort Meade as noted at the end of this letter were reviewed to take into account the effect of the undertaking on known and potential historic properties. Additional information regarding potential cultural resources within the Area of Potential Effects (APE) was provided in a letter submitted by MHT and dated August 31, 2009, during the scoping period for this EIS. Collectively, four archaeological and four architectural resources were identified (see Figures 1 and 2). The archaeological resources were two known archaeological sites (18AN234 and 18AN973) and two undocumented historic cemeteries (see Table 1). The architectural resources were two possibly eligible historic structures and two possibly eligible historic landscapes (see Table 2).

Site 18AN234 consists of a prehistoric site containing Late Archaic/Early Woodland cultural deposits. The site was evaluated during the summer of 2003 and was determined not eligible for the NRHP through subsequent consultation with MHT, as stated in the 2006 *Fort Meade Integrated Cultural Resources Management Plan (ICRMP)*. Site 18AN973 (Downs Cemetery and Farmstead) is potentially eligible for the NRHP, although in a separate evaluation, the

cemetery component of the site was recommended not eligible for the NRHP. Based on information from the 2006 ICRMP, it is unclear if MHT concurred with this recommendation of non-eligibility.

Table 1. Archaeological Resources within the APE

Site No.	Resource Type	Component(s)	Level of Investigation	NRHP Recommendation	NRHP Status
18AN234	Prehistoric	Late Archaic/Early Woodland	Phase II evaluation	Not eligible	Not Eligible
18AN973 Downs Cemetery/ Farmstead	Historic	Late 19th/20th century farmstead and cemetery	Phase I and partial evaluation of cemetery	Potentially Eligible	Unevaluated
[to be determined]	Undocumented Cemetery	Unknown historic	None	None	Unevaluated
[to be determined]	Undocumented Cemetery	Unknown historic	None	None	Unevaluated

Table 2. Architectural Resources within the APE

Site No.	Year	Historic Use	Current Use	NRHP Recommendation	NRHP Status
6926 (MIHP AA-08)	ca. 1910	Tenant Farm/Post Sergeant Major's House	Demolished	Evaluation/DOE form submittal	Unevaluated
6865 (MIHP AA-09)	1940	Golf Course Clubhouse	Demolished	Evaluation/DOE form submittal	Unevaluated
[to be determined]	1950	Applewood Golf Course	Applewood Golf Course	Evaluation/DOE form submittal	Unevaluated
[to be determined]	1956	Parks Golf Course	Parks Golf Course	Evaluation/DOE form submittal	Unevaluated

No previous work has been undertaken at the two undocumented historic cemeteries at Site M. At present, information pertaining to the two cemeteries is limited and previous attempts to identify their locations on the site have been unsuccessful. A portion of a 1977 topographic map was identified that shows the location of these potential cemetery resources. The map shows that the two cemeteries were situated on the present-day fairways on the 3rd hole of the Parks Course and the 5th hole of the Applewood Course. The 1977 topographic map (Figure 2) designates 3rd and 5th holes as 4B and 13A, respectively.

Currently, no buildings or structures at Fort Meade are listed on the NRHP, although the Fort Meade Historic District and a Water Treatment Plant (Bldg. 8688) have been determined eligible by MHT. Initially, no architectural resources were identified within the construction footprint or within the visual APE of the proposed Fort Meade Campus Development at Site M. However,

November 4, 2009

per the August 31, 2009, letter, four potentially historic properties were identified by MHT (see Table 2). These included the Post Sergeant Major's House (Bldg 6926/MIHP AA-08) and the Golf Course Clubhouse (Bldg 6865/MIHP AA-09). The Post Sergeant Major's House was built ca. 1910 and the Golf Course Clubhouse was built in 1940. Additionally, a large portion of the project area lies within Fort Meade's Applewood and Parks golf courses. The Applewood course was built in 1950, and the Parks course was built in 1956. Neither golf course has been previously identified as cultural resources; however, both may be eligible for the NRHP as historic landscape(s).

The Post Sergeant Major's House and the Golf Course Clubhouse were inventoried to the MIHP in December 1991. In the August 31, 2009 letter, MHT requested that the buildings and the golf courses be formally evaluated for NRHP eligibility and that appropriate Determination of Eligibility (DOE) forms be submitted to assist in reaching a consensus on eligibility determinations for these resources. However, the Post Sergeant Major's House and the Golf Course Clubhouse were demolished in the mid-1990s. A parking lot has been constructed in the location of the former Golf Course Clubhouse, while the general area of the former Post Sergeant Major's House remains wooded and undeveloped.

Based on the findings of our review, the proposed undertaking would potentially have a significant impact on five of the eight historic resources identified in Tables 1 and 2. These include one previously recorded archaeological site (18AN973/Downs Cemetery and Farmstead), the two undocumented cemeteries, and the two potential historic landscapes (Applewood and Parks golf courses). We propose to conduct additional studies to identify the presence or absence of archaeological deposits associated with the two undocumented cemeteries. If significant archaeological deposits associated with these potential resources are discovered, then these resources should be evaluated for NRHP eligibility. We also recommend that 18AN973/Downs Cemetery and Farmstead be treated as a design constraint and avoided should Site M be developed for an administrative facility. Finally, we propose to evaluate the Applewood and Parks golf courses to determine NRHP eligibility as historic landscapes.

The NSA invites the Maryland Historical Trust to concur or comment on these findings and recommendations. Please provide a response to this letter by December 18, 2009. Thank you in advance for your attention to this matter.



Jeffrey D. Williams

Senior Environmental Engineer

Occupational Health, Environmental and Safety Services

References cited:

USACE Baltimore District, 2006. *Integrated Cultural Resources Management Plan*. Updated December 2006, Fort George G. Meade.

USACE Mobile District, 2007. *Final Environmental Impact Statement for Implementation of Base Realignment and Closure 2005 and Enhanced Use Lease Actions at Fort George G. Meade, Maryland*. August 2007.

Enclosures

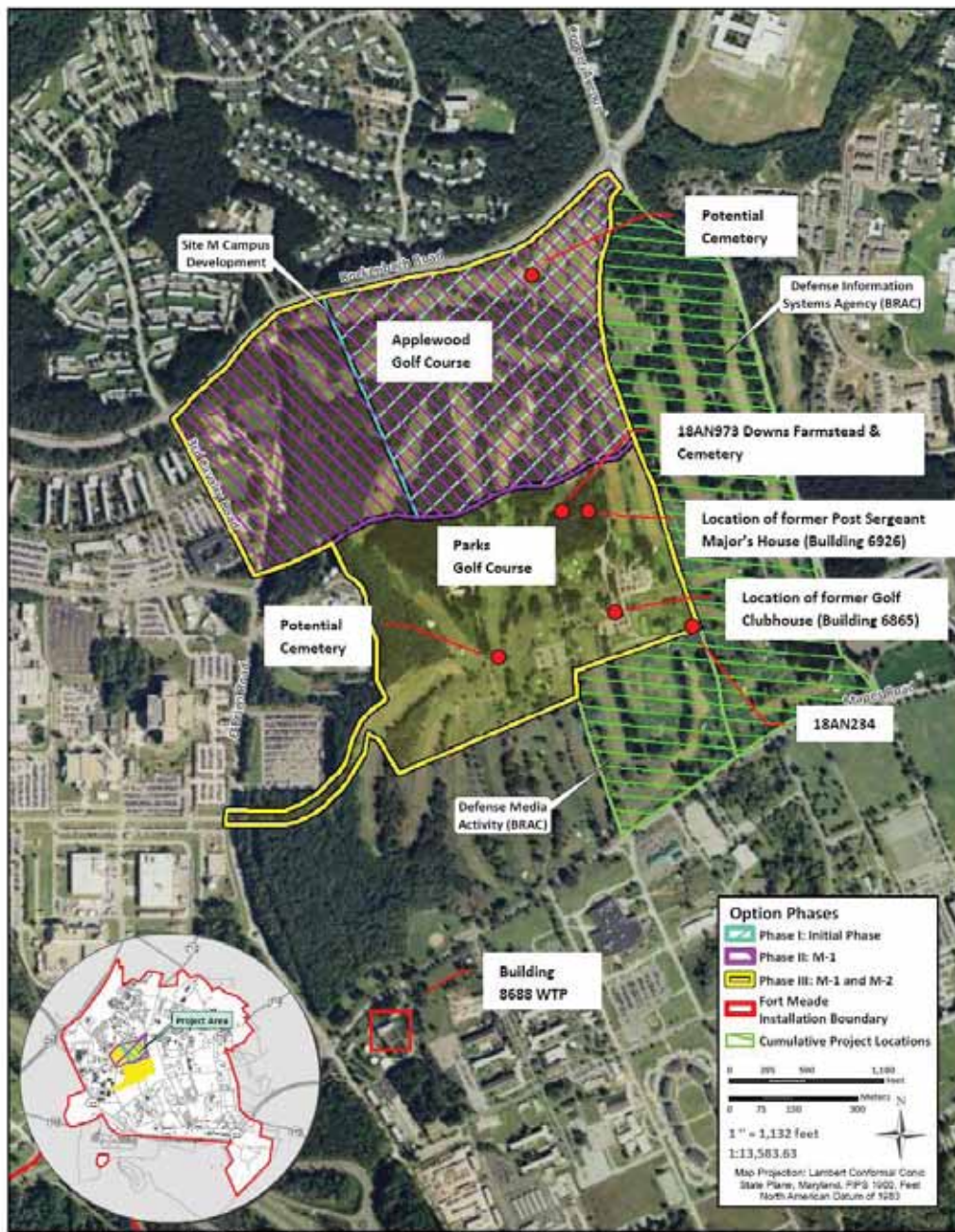


Figure 1. Project Location Map Showing Cultural Resources

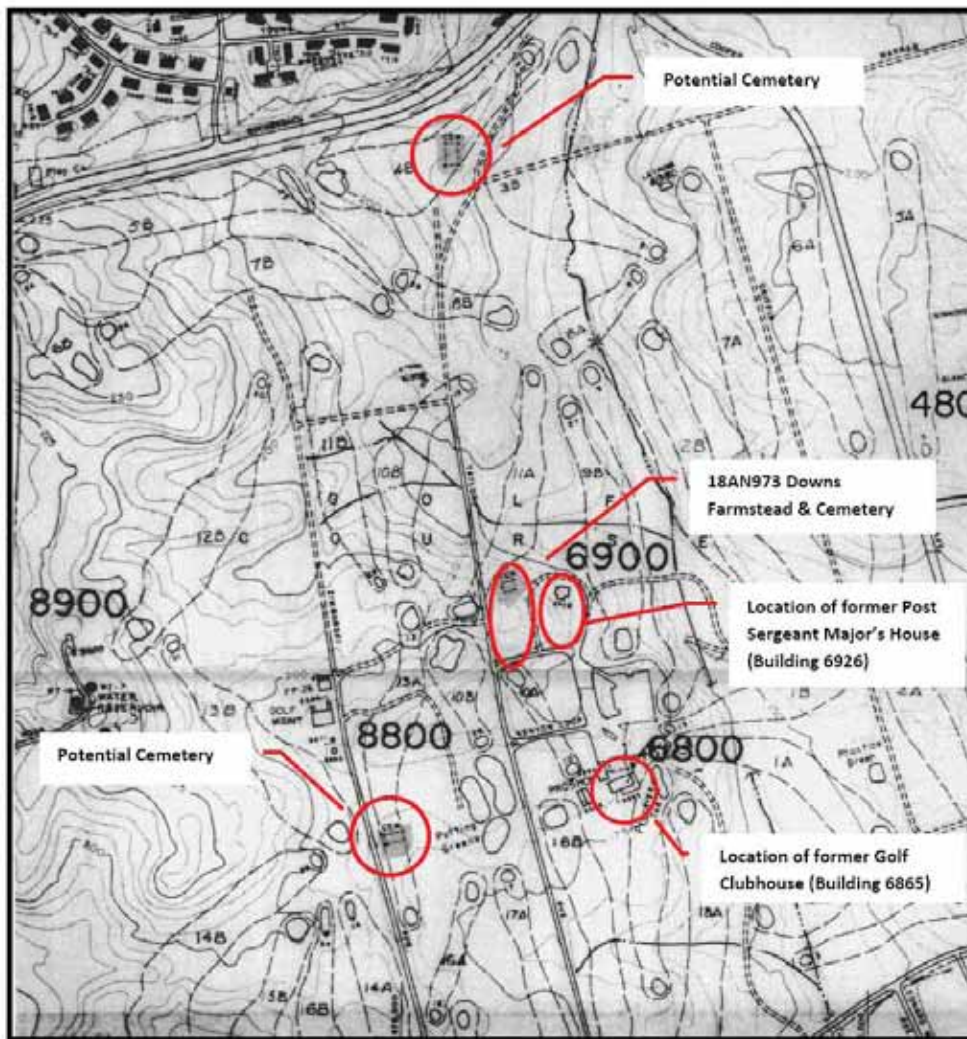


Figure 2. 1977 Topographic Map, Fort Meade
(No Reference and Not to Scale)



Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
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December 14, 2009

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9800 Savage Road, Suite 6404
Fort Meade. MD 20755-6404

Re: MHT Review of Proposed Campus Development Program – “Site M,” Fort George G. Meade,
Anne Arundel County, Maryland

Dear Mr. Williams:

Thank you for providing the Maryland Historical Trust, The State Historic Preservation Office (MD SHPO), with your November 4, 2009 letter responding to the MD SHPO letter from August 31, 2009. It is our understanding that NSA is moving forward with the development of “Site M1”, which will include 1.8 million square feet of administrative space, and that a draft Environmental Impact Statement is being compiled for the proposed undertaking. Based on the NSA findings described in your recent letter, the MD SHPO concurs that the proposed undertaking has the potential to significantly impact the historic resources located around Site M.

Archeology: As noted in our August 31, 2009 letter, MHT files indicate that two archeological sites, 18AN973 and 18AN234, are located within the proposed Site M project area. Site 18AN234 has already been determined to be ineligible for listing in the National Register of Historic Places and requires no further investigation. Site 18AN973, on the other hand, contains the nineteenth-century Downs Cemetery as well as the remains of a late nineteenth-century farmstead (see pages 92-97 of the Technical Appendix to the Fort Meade Cultural Resource Management Plan -- *Phase I Archeological Survey of Approximately 2,210 Acres at Fort George G. Meade, Anne Arundel County, Maryland* [Hornum et al. 1995]).

Due to the presence of site 18AN973, we are still requesting that we be provided with current site development plans and documentation regarding the proposed treatment of the Downs Cemetery (avoidance, relocation, etc...). It is our understanding that NSA is also proposing additional investigations in an effort to identify two other historic cemeteries that may be located within the project area. Once we have received this information, we will be able to continue our review of the proposed undertaking and determine what archeological investigations, if any, will be necessary. If the site plans indicate that site 18AN973 or other potentially significant resources may be impacted by the proposed development, then a Phase II investigation will be recommended. All Phase II studies must be carried out by a qualified professional archeologist and performed in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and all Phase II efforts must be sufficient to: a) identify the site's vertical

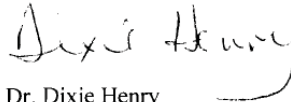
100 Community Place Crownsville, Maryland 21032-2023
Telephone: 410.514.7600 Fax: 410.987.4071 Toll Free: 1.800.756.0119 TTY Users: Maryland Relay
Internet: www.marylandhistoricaltrust.net

and horizontal boundaries; b) interpret the site's cultural affiliations, functions, and significance; c) evaluate the site's integrity; d) conclusively determine the site's eligibility for the National Register of Historic Places; and e) define the need for further archeological work, if necessary. In addition, if the development of Site M requires the removal and relocation of the Downs Cemetery or any other cemetery, then further coordination with MHT will be necessary to determine an appropriate course of action.

Historic Built Environment: It is the MD SHPO's understanding that Building 6926/Post Sergeant Major's House, MIHP AA-0008, and Building 6865/Golf Course Clubhouse, MIHP AA-0009 were previously demolished by the Army. Since these resources are no longer standing the MD SHPO will not need a Determination of Eligibility (DOE) for these structures. This being said, there is still a potential that the Applewood and Parks Golf Courses are an eligible resource and still need to be evaluated for the National Register.

The MD SHPO looks forward to working with the NSA to continue the consultation process and to conclude the Section 106 historic preservation review process. If you have any questions or require further information, please do not hesitate to contact either Dixie Henry (for inquiries regarding archeological resources) at 410-514-7638 \ dhenry@mdp.state.md.us or Amanda Apple (for inquiries regarding the historic built environment) at 410-514-7630 \ aapple@mdp.state.md.us.

Sincerely,



Dr. Dixie Henry
Preservation Officer
Maryland Historical Trust

DLH/ARA/200904304



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
Fort George G. Meade, Maryland 20755

August 13, 2010

Ms. Dixie Henry, SHPO
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

Re: MHT Review of Proposed Campus Development Program – Site “M”—Fort George G. Meade, MD20090717-1052—Anne Arundel County

Dear Ms. Henry,

This letter is in regards to the National Security Agency’s (NSA) preparation of an Environmental Impact Statement (EIS) as part of the environmental planning process for a Campus Development Project at Fort George G. Meade, Maryland, and the Maryland Historic Trust’s (MHT) letter of August 31, 2009 and your response letter of December 14, 2009. The proposed undertaking is for NSA to develop a portion of Fort Meade, (referred to “Site M”) as an operational complex and to construct and operate consolidated facilities to meet NSA’s continually evolving requirements and for Intelligence Community use. Site M is divided into a northern (Site M1, 137 acres) and southern (Site M2, 99 acres) portion. The NSA proposes that development of Site M would occur in three option phases over a horizon of approximately 20 years. The Proposed Action (PA) under this EIS involves development of the eastern half of Site M1, supporting 1.8 million square feet (ft²) of administrative space. Phases II and III are alternative optional developments that would encompass 1.2 million ft² (for a total of 3.0 million ft²) and 2.8 million ft² (for a total of 5.8 million ft²) of building construction, respectively.

With respect to the two remaining items for consideration based on your letter, a ground penetrating radar survey of the possible cemetery locations has been conducted. The report, included with this letter, shows inconclusive results concerning the presence of the cemeteries. At this time, due to the uncertainty of the findings, NSA proposes to avoid the possible cemetery locations during the Phase 1 Preferred Option approach to the site. The locations will be presented to the site design team as areas of non-disturbance. This limitation will be documented in the Final EIS. Should the Site M development proceed to Phase 2 or Phase 3, Alternative Options, we will we propose to immediately notify your office and develop an appropriate plan of action of addressing the continued archeological uncertainties of the site. It is our hope that you will find this two pronged approach acceptable.

With respect to the Applewood and Parks Golf Courses, a Historic Landscape Assessment study was conducted. The report, also included with this letter, finds that due to major alterations over time the courses have been severely compromised with respect to the integrity of the landscape. Additionally, they do not possess any archeological or historical structures on the property. As a

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result, the recommendation of the report is that the properties are not eligible for listing in the National Registry of Historic Places. We request your concurrence with this assessment. I apologize for the delay in forwarding the reports to you and your office. As I look upon the correspondence trail with our contractor, I can only surmise that the reports came in during the confusion during the blizzard this winter and the subsequent shut down of our offices. I apologize for the oversight and my having "lost the bubble" with respect to sending them out to you.

We invite the Maryland Historical Trust to concur or comment on these findings and recommendations at your earliest convenience. Thank you in advance for your attention to this matter.

Jeffrey Williams
Senior Environmental Engineer
Occupational Health, Environmental, and Safety Services

Encls. a/s