



U.S. FOOD AND DRUG ADMINISTRATION MUIRKIRK ROAD CAMPUS MASTER PLAN

Final Environmental Impact Statement
Appendix A – Consultation and Coordination

March 2023

Prepared by:



In cooperation with:





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

December 09, 2020

Consultation Code: 05E2CB00-2021-SLI-0320

Event Code: 05E2CB00-2021-E-00780

Project Name: FDA MRC

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2021-SLI-0320

Event Code: 05E2CB00-2021-E-00780

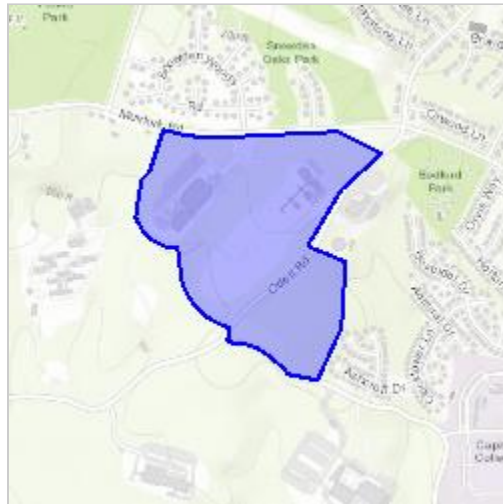
Project Name: FDA MRC

Project Type: FORESTRY

Project Description: 100.24 acre site that being evaluated for wetlands, forest, and RTE species

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/39.05201903288267N76.8605638147074W>



Counties: Prince George's, MD

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER POND

- [PUBHx](#)

RIVERINE

- [R4SBC](#)
-



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Charles Glass, Deputy Secretary

January 27, 2021

Ms. Maddie Berg
Stantec Consulting Services, Inc.
810 Gleneagles Court
Suite 300
Baltimore, MD 21286

RE: Environmental Review for FDA Muirkirk Campus, Laurel - Master Plan Update, Prince George's County, Maryland.

Dear Ms. Berg:

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. We would like to point out, however, that our remote analysis suggests that the forested area on this property contains Forest Interior Dwelling Bird habitat. Populations of many bird species which depend on this type of forested habitat are declining in Maryland and throughout the eastern United States. Interested landowners can contact us for further voluntary guidelines to help conserve this important habitat.

Please be sure to let us know if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation. Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2020.2029.pg



Stantec Consulting Service Inc
6110 Frost Place Laurel MD 20707

May 3, 2021
File: 2028113248

Attention: Ms. Heather Nelson

Maryland Federal Consistency Coordinator
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230
hnelson@maryland.gov

Dear Ms. Nelson,

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

On behalf of the U.S. General Services Administration (GSA) and in accordance with the Coastal Zone Management Act (CZMA) of 1972, as amended, GSA and the U.S. Food and Drug Administration (FDA) requests concurrence that the proposed Master Plan for the FDA Muirkirk Road Campus (MRC) is consistent, to the maximum extent practicable, with the enforceable policies of the Maryland Coastal Zone Management Program.

The attached document provides the State of Maryland with the Federal Government's Consistency Determination in accordance with CZMA section 307(c)(1) [or (2)] and 15 CFR Part 930, subpart C, for the proposed implementation of the MRC Master Plan in Laurel, Maryland. The information in this Consistency Determination is provided pursuant to 15 CFR §930.39. The attached document provides a description and location of the proposed federal activity, as well as the basis for this determination in relation to the applicable policies of the Maryland Coastal Zone Management Program.

Pursuant to 15 CFR Section 930.41, the Maryland Coastal Zone Management Program has 60 days from the receipt of this letter in which to concur or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41 (b). Maryland's concurrence will be presumed if its response is not received by the 60th day from the receipt of this determination. Please direct all correspondence to me at liz.estes@stantec.com or (301) 233-2001. Please feel free to reach out to me should you have any questions.

Thank you for your attention to this matter.

Regards,
Stantec Consulting Services Inc.

Liz Estes
Project Director, Environmental Services

Attachment:

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

**COASTAL ZONE MANAGEMENT ACT
FEDERAL CONSISTENCY DETERMINATION FOR THE
PROPOSED U.S. FOOD AND DRUG ADMINISTRATION
MUIRKIRK ROAD CAMPUS MASTER PLAN**

DATE: April 28, 2021

CONSISTENCY REVIEW: This Federal Consistency Determination (FCD) is being submitted for coordination and concurrence from the Maryland Department of the Environment (MDE).

PROJECT DESCRIPTION: The U.S. General Services Administration (GSA), on behalf of the U.S. Food and Drug Administration (FDA) is preparing a Master Plan for the Muirkirk Road Campus (MRC) for the continued consolidation of FDA's facilities in Prince George's County, Maryland. As the property owner, FDA is a cooperating agency for the preparation of the Environmental Impact Statement (EIS).

The proposed action is to develop a Master Plan to provide FDA with a structured framework for developing the MRC over the next 20 years in a manner that maximizes the site's development potential and accommodates all relevant physical, cultural, environmental, historic, transportation, and regulatory considerations in a cost-effective way. There are currently 300 employees at the MRC. The Master Plan is being prepared to guide the development to accommodate a total of 1,800 employees. The projected growth for FDA is an additional 700 employees to the MRC over the next 5 to 6 years, and an additional 800 employees during future development phases over the next 20 years.

A Master Plan is needed to accommodate projected growth and to continue to support FDA's consolidation in order to conduct complex and comprehensive research and reviews. The MRC Master Plan will steer the planning, design, and construction of new buildings; improvements to roadways, utilities, and other infrastructure; and the protection of natural areas. Approximately 438,000 gross square feet (gsf), including 375,000 gsf of additional office space and up to 63,000 gsf of special use/shared space is needed to support FDA's mission at the MRC.

The MRC is in Laurel, Maryland between Washington, DC and Baltimore, MD. The main entrance to the MRC is located at 8301 Muirkirk Road. The campus lies approximately 2 miles east of the terminus of Maryland Route 200, 1.5 miles northwest of the Powder Mill Road/Baltimore-Washington Parkway interchange, and 6 miles from FDA's headquarters campus at the Federal Research Center (FRC). The main campus of the MRC is located west of Baltimore Avenue (US 1) and east of the Baltimore-Washington Parkway in Prince George's County. The site is bounded to the north by Muirkirk Road and residential properties, to the east by Odell Road and the East Parcel, to the south by Odell Road and the Beltsville Information Management Center and the Special Collection Service, and to the west by Ellington Drive (Figure 1).

East of Odell Road, the FDA also owns an undeveloped, known as the East Parcel. The East Parcel has been divided into three smaller parcels. One parcel is occupied by the Maryland Army National Guard and another by the South Laurel Pumping Station. The third parcel is undeveloped forested land. The Maryland Army National Guard occupies approximately 23 acres. About 10 acres of the 23 acres have been built on. The South Laurel Pumping Station occupies approximately 4 acres. The remaining area of approximately 25 acres has not been built.

Three Action Alternatives (Alternatives A, B, and C), as well as a No-Action Alternative, are being evaluated for the proposed MRC Master Plan. Each of the MRC Master Plan Action Alternatives would provide a total of 918,000 gsf of building space. The existing MOD 1 and MOD 2 buildings totaling 480,000 gsf would be retained, and 438,000 gsf of new office building and special use space would be constructed. Special use space would include a truck screening facility, visitor/amenity center, maintenance and storage area, conference center, cafeteria, and fitness center. Each of the Master Plan Action Alternatives would add 1,500 new employees and support staff and approximately 207 visitors per day are anticipated. The Master Plan includes 900 parking spaces for

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

employees and support staff (one parking space for every two employees and support staff), and 80 parking spaces for visitors, for a total of 980 parking spaces. The Action Alternatives would add a new entry gate at Odell Road and assumes the back road entrance for emergency and special access would remain. Each Action Alternative emphasizes connectivity and walkability and envisions underground service corridors and skybridges between existing and new buildings. Each of the Action Alternatives would maintain tree cover and minimize environmental disturbances to include a 100-foot vegetation buffer along the perimeter and a 300-foot buffer along the western perimeter. Bioswales, green roofs, and green walls adjacent to parking garages would be provided (Figures 2 through 4).

PROPERTY CLASSIFICATION: The project area is within the existing MRC. The campus within the study area includes existing facilities, such as the MOD 1 and MOD 2 buildings and the Beltsville Research Facility, as well as forested areas. The MRC is in an area designated as Institutional land use, which is defined by social, institutional, or public facilities. The land is owned and operated by FDA.

IMPACTS TO RESOURCES/USES OF THE COASTAL ZONE: See Summaries below.

DETERMINATION: Based upon evaluation of impacts and in accordance with Section 307 of the Coastal Zone Management Act (CZMA) and the CZMA Federal Consistency Regulation – 15 C.F.R. Part 930, GSA has determined that the proposed project would be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of Maryland's Coastal Zone Management Program.

ENFORCEABLE POLICIES

A. Core Policies

The core policies of the Maryland Coastal Zone Management Plan stress the protection of the health, general welfare, and property of the people of the State. The core policies are below with discussions of the MRC Master Plan applicability and consistency. GSA has determined that the Action Alternatives would be consistent, to the maximum extent practicable, with the core policies.

1. Quality of Life

Policy 1 – Air Quality

During the construction period, fugitive dust and particulate emissions will be mitigated via water and other dust suppressants, as necessary. Under the Action Alternatives, any long-term impacts within the region from the mobile sources would be offset by the advancement in automobile technology and Federal emission regulations and controls. Employees would be encouraged to use public transportation. Carpool, vanpool, bicycle-to-work; the use of alternative “clean” fuels and non-polluting sources of energy would be used whenever possible; minimizing power generation requirements; and using green building materials, construction methods, and building designs would be used to the maximum extent practicable. In addition, in response to Air Quality Action Days, measures to temporarily reduce the generation of emissions that contribute to O₃ formation would be taken. Additionally, the natural gas heater usage will likely be limited during the summer months and when the weather is warmer. Therefore, the Action Alternatives are consistent, to the maximum extent practicable, with this policy.

Policy 2 – Noise

The Action Alternatives would result in barely perceptible or imperceptible increases in noise. Construction would be limited to the MRC and therefore, potential noise associated with the project would be limited to noise-sensitive areas adjacent to the campus. The best management practices to address noise impacts during construction related activities and facilities operations include: mufflers for construction equipment powered by an internal combustion engine, air compressors that meet current U.S.

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

Environmental Protection Agency (EPA) standards, a preference for newer models of construction equipment, minimizing nighttime construction activities, establishing portable noise barriers, and installation of industrial silencers on stand-by generators. Therefore, the MRC Master Plan is consistent, to the maximum extent practicable, with this policy.

Policy 3 – Protection of State Wild Lands

The project would not occur on State wild lands; therefore, this policy is not applicable.

Policy 4 – Protection of State Lands & Cultural Resources

The project would not affect the ability to preserve the safety, order, and natural beauty of State parks and forests, State reserves, scenic preserves, parkways, or historical monuments; therefore, this policy is not applicable.

Policy 5 – Natural Character & Scenic Value of Rivers and Waterways

The project would result in impacts to a perennial stream to construct a pedestrian walkway or elevated boardwalk. The project would have minimal effect to the natural character and scenic value of the stream; therefore, the Action Alternatives are consistent, to the maximum extent practicable, with this policy (Figures 5 through 7).

Policy 6 – Natural Flow of Scenic & Wild Rivers

The project would not occur on a scenic and wild river; therefore, this policy is not applicable.

Policy 7 – Atlantic Coast Development

The project would not occur on the Atlantic coast; therefore, this policy is not applicable.

Policy 8 – Integrity & Natural Character of Assateague Island

The project would not occur on Assateague Island; therefore, this policy is not applicable.

Policy 9 – Public Outreach

Authorization under Section 404/401 of the Clean Water Act (CWA) would be required for temporary impacts to wetlands, wetland buffers, and waterways and would require authorization under Maryland's Wetland and Waterway Regulations. FDA would support MDE to conduct a public hearing, if necessary, during the permit review process; therefore, the MRC Master Plan is consistent with this policy.

Policy 10 – Erosion & Sediment Control

During construction, best management practices (BMPs) such as silt fences, erosion matting, sediment traps, sediment basins, and revegetation of exposed sediment would be implemented to minimize soil erosion and stormwater pollution. Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction. Therefore, the Action Alternatives are consistent with this policy.

Policy 11 – Safeguards for Outer Continental Shelf Development

The project would not occur on the outer continental shelf; therefore, this policy is not applicable.

2. Waste & Debris Management

Policy 1 – Hazardous Waste Management

Implementation of the MRC Master Plan may generate hazardous materials as a result of the types of scientific studies that are performed at the MRC. All outgoing waste, including hazardous and biological wastes, would be collected in accordance with

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

FDA's waste diversion requirements and would be disposed of in accordance with state and Federal laws. Therefore, the MRC Master Plan is consistent with this policy.

Policy 2 – Hazardous Waste Management in Port of Baltimore

The project is not located at the Port of Baltimore; therefore, this policy is not applicable.

3. Water Resources Protection & Management

Policy 1 – Pollution Discharge Permit

FDA maintains a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from State and Federal Small Municipal Separate Storm Sewer Systems (MS4s), administered by MDE. Additionally, FDA would obtain a NPDES General Permit for Stormwater Associated with Construction Activity, also administered by MDE, prior to construction. No other discharges would occur to waters of the State; therefore, the MRC Master Plan is consistent with this policy.

Policy 2 – Protection of Designated Uses

The project would result in temporary stream impacts from the construction of a pedestrian boardwalk or walkway but would not affect the designated uses. Therefore, the MRC Master Plan is consistent with this policy.

Policy 3 – Prohibition of Harmful Toxic Impacts

Toxic substances would not intentionally be released into waters of the State; therefore, the MRC Master Plan is consistent with this policy.

Policy 4 – Pre-Development Discharge Permit

FDA would obtain a NPDES General Permit for Stormwater Associated with Construction Activity, administered by MDE, prior to construction. No other discharges would occur to waters of the State; therefore, the MRC Master Plan is consistent with this policy.

Policy 5 – Use of Best Available Technology or Treat to Meet Standards

Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction. These plans would use techniques and approaches to ensure compliance with applicable water quality standards. Therefore, the MRC Master Plan is consistent, to the maximum extent practicable, with this policy.

Policy 6 – Control of Thermal Discharges

Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction. These plans would use techniques and approaches to ensure thermal impacts are minimized. Therefore, the MRC Master Plan is consistent, to the maximum extent practicable, with this policy.

Policy 7 – Pesticide Storage

Pesticides would be stored in accordance with MDE requirements and any approvals for secondary containment would be obtained. Therefore, the MRC Master Plan is consistent with this policy.

Policy 8 – Stormwater Management

Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction. Therefore, the MRC Master Plan is consistent, to the maximum extent practicable, with this policy (Figures 8 through 10).

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

Policy 9 – Unpermitted Dumping of Used Oil

Unpermitted dumping of oil will not intentionally occur; therefore, this policy is not applicable.

Policy 10 – Toxicity Monitoring

Toxic substances will not intentionally be dumped into waters of the State; therefore, this policy is not applicable.

Policy 11 – Public Outreach

Public involvement and outreach will be conducted as part of the National Environmental Policy Act (NEPA) process and during implementation of the MRC Master Plan. Additionally, FDA would support MDE to conduct a public hearing, if necessary, during the Section 404/401 permit review process; therefore, the MRC Master Plan is consistent with this policy.

Policy 12 – No Adverse Impact from Water Appropriation

The project does not involve water appropriation; therefore, this policy is not applicable.

4. Flood Hazards & Community Resilience

Policy 1 – No Adverse Impact

The MRC Master Plan is not within the regulated floodplain; therefore, this policy is not applicable (Figure 11).

Policy 2 – Non-Tidal Waters and Non-Tidal Floodplains

The MRC Master Plan is not within the regulated floodplain; therefore, this policy is not applicable.

Policy 3 – Development-Related Runoff Restrictions for the Gwynne Falls and Jones Falls Watersheds

The MRC Master Plan is not within the Gwynne Falls or Jones Falls watersheds; therefore, this policy is not applicable.

B. Coastal Resources

1. The Chesapeake and Atlantic Coastal Bays Critical Area

The MRC is located outside the critical area; therefore, these policies are not applicable.

2. Tidal Wetlands

There are no tidal wetlands in the project area; therefore, these policies are not applicable.

3. Non-tidal Wetlands

Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values Lost

Alternative C would result in less than 0.1 acres of permanent impact to wetlands from the construction of a proposed pedestrian walkway. No wetlands would be permanently impacted under Alternatives A and B. FDA would minimize impacts to wetlands to the extent practicable and would obtain authorization to construct the walkway under Section 404/401 of the CWA and Maryland's Wetland and Waterway Regulations from MDE and the U.S. Army Corps of Engineers (USACE). Additionally, stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction that would minimize indirect impacts to wetlands from potential sedimentation. Therefore, GSA has determined that the Action Alternatives are consistent, to the maximum extent practicable, with this policy (Figures 5 through 7).

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

4. Forests

Policy 1 – Projects Impacting More Than 40,000 Square Feet Must Generally Identify & Protect Habitat & Mitigate for Impacts

Under the proposed action, vegetation would be cleared during construction that would result in 4.8 acres of permanent impacts to trees under Alternatives A and C, and 5.2 acres of permanent impacts under Alternative B. A Forest Conservation Plan would be developed to comply with Prince George's County Woodland Protection and Planning Law (PG Co. Code Section 5B-119) and the Maryland State Forest Conservation Act (COMAR 8.19). Removed trees would be replaced at a 1 to 1 acre ratio. Therefore, the Action Alternatives are consistent, to the maximum extent practicable, with this policy (Figure 12 through 14).

Policy 2 – Maintain Resource Sustainability & Prevent or Limit Clear-Cutting to Protect Watersheds

A Forest Conservation Plan would be developed to comply with Prince George's County Woodland Protection and Planning Law (PG Co. Code Section 5B-119) and the Maryland State Forest Conservation Act (COMAR 8.19). Removed trees would be replaced at a 1 to 1 acre ratio. Therefore, the proposed action is consistent, to the maximum extent practicable, with this policy.

Policy 3 – Commercial Timber Cuts of Five Acres or More with Pines Comprising 25% of Live Trees Shall Ensure Pine Resource Sustainability

The proposed MRC Master Plan does not involve commercial timber cuts; therefore, this policy is not applicable.

Policy 4 – Minimize Forest Removal for Highway Construction Projects & Mitigate with Equivalent Reforestation if over 1 Acre Is Lost

The proposed MRC Master Plan does not involve highway construction; therefore, this policy is not applicable.

Policy 5 – Protection of Roadside Trees Unless Removal or Trimming Is Justified

The proposed MRC Master Plan does not involve removal or trimming of roadside trees; therefore, this policy is not applicable.

Policy 6 – Sediment & Erosion Control in Non-Tidal Wetlands

Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction that would minimize indirect impacts to wetlands from potential sedimentation. Therefore, GSA has determined that the Action Alternatives are consistent, to the maximum extent practicable, with this policy.

5. Historical and Archaeological Sites

No archaeological resources or historic structures listed or eligible for listing in the National Register of Historic Places are located within the study area. Therefore, these policies are not applicable.

6. Living Aquatic Resources

Policy 1 – Protection of Rare, Threatened or Endangered Fish or Wildlife

A review of the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website determined that the federally threatened northern long-eared bat (*Myotis septentrionalis*) potentially exists within the project area within forested areas in the MRC. The Action Alternatives would maintain the large, forested areas on the site that may provide habitat for the northern long-eared bat. However, forested areas within the MRC would be removed. Forest clearing would occur outside the roosting periods for the northern long-eared bat. The forested areas, along with the large pastures on the MRC, may also provide habitat for migratory birds which are protected under the Migratory Bird Act. A pre-construction survey would be performed as a best practice to determine the presence of nests of migratory birds that have the potential to occur in the study area. If nests are identified, FDA would avoid vegetative clearing during the nesting period for those species. Trees removed for construction would

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

be replaced to provide long-term mitigation for impacts to migratory bird habitat. As development would occur outside the roosting periods for the northern long-eared bat and nesting periods for migratory birds, the Action Alternatives are consistent, to the maximum extent practicable, with this policy.

Policy 2 – Sustainable Harvesting of Fisheries

The project does not involve harvesting of fisheries; therefore, this policy is not applicable.

Policy 3 – Protection of State Fishery Sanctuaries & Management Resources

The proposed MRC Master Plan does not involve State land or water resources acquired to protect, propagate, or manage fish. Therefore, this policy is not applicable.

Policy 4 – Fish Passage

The proposed MRC Master Plan does not involve activities that would impede fish passage. The proposed pedestrian boardwalk or pathway would be constructed above the stream. Therefore, this policy is not applicable.

Policy 5 – Time-of-Year Restrictions for Construction in Non-Tidal Waters

The project would adhere to time-of-year restrictions, as required, for any in-stream construction in non-tidal waters. Therefore, the Action Alternatives are consistent with this policy.

Policy 6 – Protection of Forest Buffers Along Trout Streams

There are no trout streams within the project area; therefore, this policy is not applicable.

Policy 7 – Non-Tidal Habitat Protection & Mitigation

A Forest Conservation Plan would be developed to comply with Prince George's County Woodland Protection and Planning Law (PG Co. Code Section 5B-119) and the Maryland State Forest Conservation Act (COMAR 8.19). Removed trees would be replaced at a 1 to 1 acre ratio. Therefore, the proposed action is consistent, to the maximum extent practicable, with this policy.

Policy 8 – Protection & Management of Submerged Aquatic Vegetation (SAV)

This policy is not applicable because it would not impact submerged aquatic vegetation.

Policy 9 – Protection of Natural Oyster Bars

This policy is not applicable because it would not occur destroy, damage, or injure natural oyster bars in the Chesapeake Bay.

Policy 10 – Protection of Oyster Aquaculture Leases

This policy is not applicable because occur on any aquaculture or submerged land lease area.

Policy 11 – Genetically Modified Organisms (GMOs) Are Prohibited in State Waters

The project would not introduce GMSs into State waters; therefore, this policy is not applicable.

Policy 12 – Control of Nonnative Aquatic Organisms

The project would not introduce nonnative aquatic organisms; therefore, this policy is not applicable.

Policy 13 – Control of Snakehead Fish

The project would not introduce snakehead fish or viable eggs into the State. Therefore, this policy is not applicable.

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

Policy 14 – Nonnative Oysters Prohibited in State Waters

The project would not introduce nonnative oysters. Therefore, this policy is not applicable.

C. Coastal Use

1. Mineral Extraction

Implementation of the MRC Master Plan would not include the extraction of mineral resources; therefore, these policies do not apply.

2. Electrical Generation and Transmission

The project does not involve power plants, transmission lines, or cooling water intake structures. Therefore, these policies are not applicable.

3. Tidal Shore Erosion Control

The MRC is not located on a tidal shore; therefore, these policies are not applicable.

4. Oil and Natural Gas Facilities

The project does not involve oil and natural gas facilities. Therefore, these policies are not applicable.

5. Dredging and Disposal of Dredged Material

The MRC Master Plan does not involve dredging and disposal of dredged material. Therefore, these policies are not applicable.

6. Navigation

The MRC Master Plan does not involve dredging for the maintenance of navigable channels, construction of marinas, placement of mooring buoys, or operation of vessels on State waters. Therefore, these policies are not applicable.

7. Transportation

The proposed action is not a transportation project; therefore, these policies are not applicable.

8. Agriculture

The MRC Master Plan does not involve agriculture; therefore, these policies are not applicable.

9. Development

Policy 1 – Sediment & Erosion Control

Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction. Therefore, GSA has determined that the Action Alternatives are consistent, to the maximum extent practicable, with this policy.

Policy 2 – Erosion and Sediment Control Plan

Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction. Therefore, GSA has determined that the Action Alternatives are consistent, to the maximum extent practicable, with this policy.

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

Policy 3 – Stormwater Management

Stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction. Therefore, GSA has determined that the Action Alternatives are consistent, to the maximum extent practicable, with this policy.

Policy 4 – First Avoid then Minimize Wetland Impacts, Minimize Water Quality, Habitat & Forest Damage & Preserve Cultural Resources

Alternative C would result in less than 0.1 acres of permanent impact to wetlands from the construction of a proposed pedestrian walkway. No wetlands would be permanently impacted under Alternatives A and B. FDA would minimize impacts to wetlands to the extent practicable and would obtain authorization to construct the walkway under Section 404/401 of the CWA and Maryland's Wetland and Waterway Regulations from MDE and the U.S. Army Corps of Engineers (USACE). Additionally, stormwater management plans and erosion and sediment control plans would be prepared and submitted to MDE for review and approval prior to construction, and a Forest Conservation Plan would be developed to comply with Prince George's County Woodland Protection and Planning Law (PG Co. Code Section 5B-119) and the Maryland State Forest Conservation Act (COMAR 8.19). No archaeological resources or historic structures listed or eligible for listing in the National Register of Historic Places are located within the study area. Therefore, the MRC Master Plan is consistent, to the maximum extent practicable, with this policy.

Policy 5 – Proposed Development Projects Must Be Sited Where Adequate Water Supply, Sewerage and Solid Waste Services & Infrastructure Are Available

Coordination with local utilities and solid waste services has determined that adequate services and infrastructure are available to meet existing and future development at the MRC. Therefore, the Action Alternatives are consistent with this policy.

Policy 6 – Proposed Construction Must Have Water and Wastewater Allocation or Provide Onsite Capacity

Coordination with local utilities has determined that adequate services and infrastructure are available to meet existing and future development at the MRC. Therefore, the Action Alternatives are consistent with this policy.

Policy 7 – Structures Served by On-Site Water and Sewage Waste Disposal Systems Must Demonstrate Capacity Prior to Construction or Alteration

Water and sewage waste disposal systems would not be located onsite. Therefore, this policy is not applicable.

Policy 8 – Grading or Building in the Severn River Watershed Requires Approved Development Plan

The MRC is not located within the Severn River Watershed. Therefore, this policy is not applicable.

Policy 9 – Siting Requirements for Industrial Facilities

The MRC Master Plan does not involve industrial facilities; therefore, this policy is not applicable.

Policy 10 – Citizen Engagement in Planning & Development

Public involvement and outreach will be conducted as part of the National Environmental Policy Act (NEPA) process and during implementation of the MRC Master Plan. Therefore, the MRC Master Plan is consistent with this policy.

Policy 11 – Protect Existing Community Character & Concentrate Growth

This policy does not apply because the MRC is not a community and serves an institutional purpose.

Policy 12 – Site Development Near Available or Planned Transit

The MRC is an existing developed site; therefore, this policy is not applicable.

Reference: Federal Consistency Determination (15 CFR Part 930, Subpart C) – Proposed U.S. Food and Drug Administration Muirkirk Road Campus Master Plan, Laurel, Maryland

Policy 13 – Design for Walkable, Mixed Use Communities

This policy does not apply because the MRC is not a community and serves an institutional purpose.

Policy 14 – Communities Must Identify Adequate Water Supply, Stormwater & Wastewater Services & Infrastructure to Meet Existing & Future Development

Coordination with local utilities has determined that adequate services and infrastructure are available to meet existing and future development at the MRC. Therefore, the MRC Master Plan is consistent with this policy.

10. Sewage Treatment

The project does not involve sewage treatment. Sanitary sewer service is provided by WSSC who provides offsite sewage treatment. Therefore, these policies are not applicable.

DETERMINATION: Based upon the information, data, and analysis presented above, the GSA finds that the proposed FDA MRC Master Plan is consistent, to the maximum extent practicable, with the enforceable policies of the Maryland Coastal Zone Management Program.

Pursuant to 15 CFR Section 930.41, the Maryland Coastal Resources Management Program has 60 days from receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under CFR section 930.41 (b). Maryland's concurrence will be presumed if its response is not received by General Services Administration on the 60th day from receipt of this determination.

Attachments:

Checklists

Figure 1: MRC Site Map

Figure 2: Alternative A: Compact Campus

Figure 3: Alternative B: Dual Campus

Figure 4: Alternative C: Northeast Campus

Figure 5: Water Resource Impacts Under Alternative A

Figure 6: Water Resource Impacts Under Alternative B

Figure 7: Water Resource Impacts Under Alternative C

Figure 8: Proposed Stormwater Management Under Alternative A

Figure 9: Proposed Stormwater Management Under Alternative B

Figure 10: Proposed Stormwater Management Under Alternative C

Figure 11: Floodplain Boundaries Near the MRC

Figure 12: Vegetation Impacts Under Alternative A

Figure 13: Vegetation Impacts Under Alternative B

Figure 14: Vegetation Impacts Under Alternative C