Appendix C

Draft Finding of No Practicable Alternative (FONPA)

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DEPARTMENT OF DEFENSE

UNITED STATES ARMY

FINDING OF NO PRACTICABLE ALTERNATIVE FOR THE OFFICE OF ENERGY INITIATIVES SOLAR PROJECT AT FORT GEORGE G. MEADE, MARYLAND

1.0 Introduction

The U.S. Army Office of Energy Initiatives (OEI), under the Assistant Secretary of the Army for Installations, Energy and Environment, serves as the Army's central program management office for the development, implementation, and oversight of privately financed, large-scale, energy projects focused on enhancing energy resilience on Army installations. Since its inception in 2014, OEI has facilitated 11 operational projects across the United States, for a total of 325 MegaWatts (MW) of on-site operation capacity.

To support mission requirements, The Department of the Army (Army) proposes to lease approximately 180 acres of land on Fort George G. Meade (FMMD) to a third-party developer to construct and operate a new approximately 10 MW solar PV panel field. The purpose of the Proposed Action is to provide carbon free energy to FMMD through a solar generation project undertaken by a third-party developer who would lease lands on FMMD not suitable for other uses.

The need for the Proposed Action is to support U.S. Army policies on increasing the resiliency of utility infrastructure and moving towards increased carbon free energy production. This project aligns with Executive Order (EO) 14057, *Catalyzing Clean Energy Industries and Jobs through Federal Sustainability*, by utilizing Federal land, generating carbon free energy, and establishing a public-private partnership that catalyzes the growth of clean energy industries and jobs.

Floodplains and wetlands have been identified in the Proposed Action area. Executive Order (EO) 11988, *Floodplain Management*, requires federal agencies to determine whether a proposed action will occur within a floodplain and to avoid floodplains to the maximum extent possible when there is a practicable alternative. The 100-year floodplain is defined as an area adjacent to a water body that has a 1 percent or greater chance of inundation in any given year.

EO 11990, *Protection of Wetlands*, requires that each federal agency, to the extent permitted by law, "shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds: (1) that there is no practicable alternative to such construction and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use." The term "wetlands" means "those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction."

This draft finding will be made available for public review and comment for 30 days, concurrent with the publication of the Notice of Availability (NOA) for the draft

Environmental Assessment (EA) for the project, in *The Capital Gazette* on [date] which is hereby incorporated by reference.

This draft finding incorporates the analysis in the draft Environmental Assessment titled U.S. Army Office of Energy Initiatives (OEI) Solar Project-Fort Meade Environmental Assessment (EA), October 2023.

2.0 Proposed Action

The Proposed Action includes the construction and operation of a new approximately 10 megawatt (MW) solar PV panel field on landfill cells in the southeastern corner of FMMD. The Proposed Action also includes the lease of the land for the construction of the array, construction of a battery energy storage system (ESS) or other ancillary power control system, and interconnection pathways to existing substations. A third-party developer would build, own, and operate the solar PV asset on the Fort Meade closed landfill. The exact size and technology would be determined during the lease solicitation process.

Decisions on the precise location of a utility pathway that would connect the solar array field to the appropriate electrical distribution infrastructure would not be made until a developer has been awarded the lease; however, because of the presence of the 500-year and 100-year floodplains of Midway Branch in the Proposed Action vicinity, there is the potential for a utility pathway to intersect this floodplain.

Installation of a utility line could temporarily impact up to approximately 5,740 square feet (0.13 acres) of floodplain. The interconnection utility would be expected to be installed either through underground directional boring, or from open trenching with backfill to the original elevation. Either option, or a third option of using overhead lines in this area only, would not change the elevation of the floodplain.

In addition, the Proposed Action area coincides with the area the Army proposes to lease to a third-party developer and is a larger area than simply the landfill cells themselves. The reason for this is to allow room for general site access and potential appurtenant facilities that support the solar generation process, such as battery storage, emergency generators and, in the future, a microgrid. The area noted as Plot B on Figure 1 was not used in past landfill activities and contains wetlands, streams, stormwater management features and forest. Again, site design will be completed once a developer has been selected. Project elements not sited directly on the capped landfill area will avoid and/or minimize impacts to wetlands within the Proposed Action area. At this time, the only area with a likely potential impact would be to reestablish the perimeter road that travels north to south along the western border of the Proposed Action area, particularly the area of severe erosion where the corrugated metal pipes that connect the large stormwater pond to a downstream tributary off-site have become exposed and the road impassable. This gravel road, if reestablished, would provide the most direct route from paved surface roadways to landfill cells that will support the panel arrays. Impacts to nontidal wetlands in the Proposed Action area could require authorizations from USACE Regulatory, pursuant to Section 404 of the Clean Water Act, and from the Maryland Department of the Environment (MDE).

3.0 Impacts and Mitigation Measures

3.1 <u>100-Year Floodplain</u>

EO 11988 states that if the only practicable alternative requires siting in a floodplain, the agency shall, prior to taking action, design or modify its action to minimize potential harm to or within the floodplain.

Implementation of the Proposed Action would result in the Army impacting up to approximately 5,740 square feet (0.13 acres) of floodplain.

Under the Proposed Action, the Army would implement best management practices (BMPs) and low-impact-development (LID) measures to reduce the potential for adverse impacts on the 500-year and 100- year floodplains. BMPs and LID measures would be incorporated into the Proposed Action to avoid or minimize impacts on floodplains and would be outlined in the applicable general construction permit that would be obtained by the developer.

Taken together, these and other yet to be determined BMPs and mitigation measures would avoid or minimize the loss of and impacts on floodplains at Fort Meade. These measures represent all practicable measures to minimize harm to floodplains.

3.2 <u>Wetlands</u>

EO 11990 states that if the only practicable alternative requires siting in a wetland, the agency shall, prior to taking action, design or modify its action to minimize potential harm to or within the wetland.

Implementation of the Proposed Action could result in impacts to nontidal, palustrine forested wetlands. Prior to implementing projects under the Proposed Action that would impact wetlands, the third-party developer would obtain applicable permits/approvals from the USACE Regulatory and the MDE in accordance with the Clean Water Act. Adherence to avoidance, minimization, and compensatory mitigation measures specified in the permits would be required. BMPs and LID measures would be incorporated into permitting for the Proposed Action to avoid or minimize impacts on wetlands. These measures represent all practicable measures to minimize harm to wetlands.

4.0 Finding of No Practicable Alternative

During development of the Proposed Action, the FMMD Environmental Office worked proactively to ensure the purpose and need of the Proposed Action was met while also avoiding as many potential impacts to floodplains and wetlands as practicable. Once a third-party developer is identified, OEI and FMMD will work with this party to further ensure all practicable steps to avoid and/or minimize impacts to floodplains and wetlands are taken. The Proposed Action would minimize potential impacts to the greatest degree practicable while also achieving the required results.

Accordingly, I find there is no practicable alternative to siting the Proposed Action entirely outside of the floodplains and/or wetlands; however, the Army will ensure that all practicable measures to minimize impacts are incorporated into the Proposed Action.

{Date]

Ms. Carla Coulson Deputy Assistant Secretary of the Army Installations, Housing, and Partnerships

Attachments:

Figure 1. Solar Array Project Area Figure 2. Floodplains in the Vicinity of the Proposed Action

References:

EO 11988, *Floodplain Management* EO 11990, *Protection of Wetlands*



Figure 1. Solar Array Project Area



Figure 2. Floodplains in the Vicinity of the Proposed Action

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