

**APPENDIX C -  
COASTAL ZONE MANAGEMENT ACT CONFORMITY  
DETERMINATION**

**Determination of Consistency with  
Maryland's Coastal Zone Management Program (CZMP)**

**Department of Defense (DoD)  
Cyber Crime Center  
U.S. Army Garrison,  
Fort George G. Meade, Maryland**

**20 February 2024**

**Proposed Defense Cyber Crimes Center  
at U.S. Army Garrison  
Fort George G. Meade, Maryland**

**Coastal Zone Management Act (CZMA) Consistency Determination**

**Determination of Consistency with Maryland's Coastal Zone Management Program  
(CZMP)**

In accordance with the Federal Coastal Zone Management Act (CZMA) of 1972, as amended, Section 307(c)(3)(A) and 15 Code of Federal Regulations (CFR) Part 930, subpart D, and the CZMA Memorandum of Understanding (MOU) between the State of Maryland and the U.S. Department of Defense, this document serves as a Federal Consistency Determination for the proposed Air Force Defense Cyber Crimes Center (DC3) (Proposed Action) on Fort George G. Meade (FMMD).

Maryland's Coastal Zone Management Plan (CZMP) was established by Executive Order (EO) and approved in 1978 as required by the Federal CZMA of 1972, as amended. Maryland's Coastal Zone consists of land, water, and sub-aqueous land between the territorial limits of Maryland (including the towns, cities, and counties that contain coastal shoreline) in the Chesapeake Bay, Atlantic coastal bays, and the Atlantic Ocean.

The CZMA requires that federal actions likely to affect land, water, or natural resources in the Coastal Zone be conducted in a manner consistent to the maximum extent practicable with the enforceable policies of a state's federally approved CZMP. The Coastal Zone Act Reauthorization Amendments of 1990 also clarified that coastal effects include cumulative, secondary, or indirect effects of the activity in the immediate or reasonably foreseeable future.

The Army is required to determine the consistency for its proposed activities associated with activities at FMMD affecting Maryland's coastal resources or coastal uses with the CZMP, which is administered by the Maryland Department of Natural Resources (MDNR) Chesapeake and Coastal Service (CCS). The Army determined that implementation of the Proposed Action would ultimately have a negligible adverse effect and a significant positive effect on the land, water, or natural resources of Maryland's Coastal Zone. This document represents an analysis of Maryland's CZMP Enforceable Coastal Policies (MDNR, 2011), and reflects the commitment of the Army to comply with the Maryland CZMP.

This document represents an analysis of project activities in context with established CCS Enforceable Programs. Furthermore, submission of this consistency determination reflects the commitment of FMMD to comply with those Enforceable Programs. FMMD has determined that the Proposed Action would have a negligible impact on any land and water uses or natural resources of Maryland's coastal zone.

## **1. Proposed Action Description**

### **a. Project Location**

FMMD is approximately 5,107.7 acres in size and is located in northwest Anne Arundel County, Maryland, roughly halfway between Baltimore and Washington, D.C. FMMD is located near the communities of Odenton, Laurel, Columbia, and Jessup, Maryland. The proposed project is located within lands controlled by FMMD. Anne Arundel County is located within Maryland's designated coastal zone.

### **b. Project Description**

The Proposed Action includes the construction and operation of a new, approximately 238,800-SF facility within a secured fenced area. Because the DC3 encompasses two major missions, an operations program and an academy program, the building design concept consists of two wings: the operations wing (two four-story buildings and a four-story connector building) and an academy wing (one four-story building and a one-story connector building). The site design also includes a parking structure, sidewalks, landscaping, stormwater management facilities, and utility service connections. The buildings would serve full-time personnel and students of the academy. Early conceptual designs also include construction of a 7.3-acre access road and 11.7 acres of parking lots and walkways.

### **c. Public Participation**

Public participation opportunities and decision making for the Proposed Action are guided by 32 CFR Part 651. Upon completion, the draft EA will be made available to the public for 30 days, along with a draft FNSI. At the end of the 30-day public review period, the Army will consider any comments submitted by individuals, agencies, or organizations on the Proposed Action, the draft EA, or draft FNSI, if applicable. As appropriate, the Army may then execute the FNSI and proceed with implementation of the Proposed Action. If it is determined prior to issuance of a final FNSI that implementation of the Proposed Action would result in significant impacts, the Army will publish in the Federal Register a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), commit to mitigation actions sufficient to reduce impacts below significance levels, or not take the action.

### **d. Other Consultations**

Through the NEPA process, FMMD initiated consultation with U.S. Fish and Wildlife Service (USFWS), Maryland Department of Natural Resources, and Maryland Historic Trust State Historic Preservation Office. Copies of these correspondences are provided in the draft EA. Additionally, FMMD will submit the draft EA to the Maryland State Clearinghouse for review.

## 2. Site Location

The Proposed Action is located on FMMD.

## 3. Basis for Determination

The Proposed Action would be fully consistent with Maryland's Enforceable Coastal Policies, implemented by the Maryland Department of Environment (MDE). No adverse or beneficial effects on Maryland's coastal resources would be expected from implementing the Proposed Action. The Proposed Action would be conducted in accordance with applicable laws, regulations, and policies governing erosion and sediment control and stormwater management, which would ensure that the actions would be undertaken in a manner consistent with the applicable Maryland Coastal Program enforceable policies. A synopsis of how the Proposed Action would be consistent with the enforceable coastal policies is provided below.

Maryland's Enforceable Coastal Policies are divided into three general sections: general policies, coastal resources, and coastal uses. The general policies are further divided into core, water quality, and flood hazards policies. Compliance of the Proposed Action with each of the applicable enforceable policies is discussed below. Policies not applicable to the Proposed Action are noted.

### Core Policies

Relevant core policies are described below. The core policies which are not relevant or applicable to the Proposed Action are: 3 (Protection of State Wild Lands), 4 (Protection of State Lands and Cultural Resources), 6 (Natural Flow of Scenic and Wild Rivers), 7 (Atlantic Coast Development), 8 (Assateague Island), 9 (Public Hearing for Non-Tidal Waters), and 11 (Safeguards for Outer Continental Shelf Development).

#### *1. Air Resources*

*Policy: It is State policy to maintain that degree of purity of air resources which will protect the health, general welfare, and property of the people of the State.*

FMMD is located within an area designated by the USEPA as "attainment" for the criteria pollutants except for 8-hour ozone (O<sub>3</sub>) and sulfur dioxide (SO<sub>2</sub>).

FMMD would comply with all applicable air pollution control regulations when implementing the Proposed Action. No significant contributing elements to air pollution would be added under the Proposed Action. Based on the estimates found in **Appendix B**, the annual emissions emitted during construction and operation would not exceed the USEPA National Ambient Air Quality Standards (NAAQS) *de minimis* thresholds and a General Conformity determination is not required. In addition, project construction equipment would emit minor amounts of hazardous air pollutants. The main sources boiler minor HAPs emissions could be moderated through implementation of best management practices (BMPs) such as restricting excessive idling, adherence to equipment maintenance programs, use of particulate filters, and use of ultra-low sulfur diesel fuel.

Further, all construction activities would be required to comply with federal, state, and current FMMD versions of regulations designed to support compliance with the Clean Air Act (CAA), Occupational Safety and Hazard Act (OSHA), and Toxic Substance and Control Act (TSCA). Construction will use BMPs in order to reduce emissions and if necessary, will utilize emission control technologies and other required mitigation technologies. The Proposed Action is expected to comply with all air emission requirements. The Proposed Action is also expected to comply with all state and federal asbestos regulations.

## **2. Noise**

*Policy: The environment shall be free from noise which may jeopardize health, general welfare, or property, or which degrades the quality of life.*

FMMD is relatively quiet with no notable sources of noise beyond personal and commercial vehicular traffic. Noise elements in and around the Proposed Action area are consistent with that of any residential military post and its surrounding area that include business and administrative activities. Personal and commercial vehicles accessing the area would be part of the normal noise environment in the area. The use of heavy equipment typically occurs sporadically throughout the daytime hours on FMMD. Seasonal noise additions include the normal operation HVAC systems, lawn maintenance, snow removal, and increased pedestrian activities. None of these operations or activities produce excessive levels of noise.

Regional arterial roadways provide a relatively constant state of noise, particularly on weekdays. The Proposed Action will change land use from forest to administrative facilities; however, a barrier of trees and vegetation would remain between the site and surrounding communities.

The Proposed Action construction activities would have minor adverse impacts on noise in the immediate area of the site, primarily due to site preparation and construction activities. Once brought to the site, construction equipment would remain within the Proposed Action area until the phase for which the equipment was needed is complete. Noise from construction activities would vary depending on the type of equipment being used at that time.

Any of the Proposed Action phases may generate noise levels during the earth moving phase (site clearing activities involving pieces of equipment) and construction activities that could range from 72 to 98 decibels A (dBA) when measured 50 feet from the respective piece of equipment. Noise due to construction activities would vary depending on the construction method, the types of construction equipment employed, the amount of each type of construction equipment, and the duration of construction equipment use.

Noise receptors in the area would include commercial/administrative facilities, residential neighborhoods, a child development center (CDC), and an elementary school, but all are outside the maximum 90 dBA range. Construction activities would take place during daylight hours and during weekdays. Additionally, noise impacts would be further minimized by equipping construction equipment with appropriate sound-muffling devices (i.e., from the original equipment manufacturer or better), and limiting engine idling to less than five minutes.

Construction workers could be exposed to noise levels above 90 dBA, which is above the permissible occupational noise exposure limits for construction workers set by the OSHA, as detailed in 29 CFR 1926.52. These levels would be reduced to permissible levels through feasible administrative or engineering controls, and/or the use of BMPs such as the use of hearing protection equipment. Any adverse impacts from construction of the Proposed Action will be temporary and cease once construction activities are complete.

The Noise Control Act of 1972 (42 U.S.C. 4901 et seq.) directs Federal agencies to comply with applicable federal, state, interstate, and local noise control regulations, including the Proposed Action. Noise generated during the construction of the proposed renovations and construction would be typical of that produced by heavy equipment such as bulldozers, excavators, graders, and trucks. The expected noise level from typical construction and renovation experienced by noise-sensitive receptors surrounding the project site would fall below the regulated noise thresholds established in the Anne Arundel's County Noise Ordinance. A noise suppression plan would also be prepared prior to beginning construction to identify noise-suppression equipment and methods and ensure compliance with regulatory thresholds.

#### ***Policy 5. Natural Character and Scenic Value of Rivers and Waterways***

The Proposed Action would occur adjacent to a small stream and several small intermittent streams on FMMD property that run through a heavily wooded area that is inaccessible and visually obscured from the general public. Impacts to streams, both direct and indirect, would be avoided to the maximum extent practicable pursuant to EO 11990 and the CWA. Therefore, the Proposed Action would not affect the natural character or scenic value of rivers and waterways in the coastal zone.

#### ***Policy 10. Erosion and Sediment Control***

*Policy: Soil erosion shall be prevented to preserve natural resources and wildlife; control floods; prevent impairment of dams and reservoirs; maintain the navigability of rivers and harbors; protect the tax base, the public lands, and the health, safety and general welfare of the people of the State, and to enhance their living environment.*

During the construction of the Proposed Action, ground-disturbing activities would include vegetation and topsoil removal, the removal of mature trees, and grading. An underground water main pipe that traverses the site north to south would be removed. Soils would be compacted, and soil layer structure would be disturbed and modified. Exposed soils would be susceptible to wind and surface runoff, which may lead to erosion and additional loss of soil. Soil productivity would be eliminated in the footprint of the building, entrance roads, loading docks, sidewalks, and parking areas, and decline in the remaining disturbed areas.

Proper construction management and planning and the use of appropriate BMPs for controlling runoff, erosion, and sedimentation during construction activities, would minimize adverse impacts to soils. Erosion and sediment controls, including a stabilized construction entrance, silt fencing, earth dikes and/or diversion fencing, and sediment traps, would be installed during construction. Areas disturbed outside of the new construction footprints would be reseeded, replanted, and/or

re-sodded following construction activities, decreasing the overall erosion potential of the site and improving soil productivity.

Because the Proposed Action would disturb more than one acre of ground surface, either a General or Individual Permit for Stormwater Associated with Construction Activity would be applied to from MDE. As the Proposed Action is expected to exceed 5,000 SF, an Erosion and Sediment Control Plan (ESCP) and Stormwater Pollution Prevention Plan (SWPPP) would be required. The contractor or organization constructing the MARFORCYBER facility would prepare and submit these erosion and sediment plans on behalf of FMMD to the MDE, Water Management Administration for review and approval prior to the start of any construction activities. Additional soil erosion environmental protection measures may also be required in the associated state-issued construction permit (e.g., the National Pollutant Discharge Elimination System [NPDES] permit). Through adherence to applicable permits and implementation of stormwater management measures, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

*Policy: Controlled hazardous substances may not be stored, treated, dumped, discharged, abandoned, or otherwise disposed anywhere other than a permitted controlled hazardous substance facility or a facility that provides an equivalent level of environmental protection.*

All construction activities would be required to comply with applicable local, state, and federal regulations of hazardous waste.

Hazardous, toxic, or radioactive substances would not be used during the construction of the Proposed Action; therefore, the Proposed Action would not have any mechanism for impact from these resources. To minimize the potential for a release of petroleum-based fluids (i.e., diesel fuel, hydraulic fluid) from construction equipment to the environment, all construction equipment would be maintained in good working order by the contractor daily. Should an accidental release of a hazardous material occur, construction equipment would be equipped with an emergency spill kit and workers would be trained on how to properly deploy the equipment to respond to a release. Additionally, all construction equipment would be refueled in a designated impervious area and away from pervious grounds.

Any solid waste, including excess vegetation or sediment debris, would be properly composted, reused, or disposed of at a permitted facility. Additionally, all contractors involved in the construction of the Proposed Action would be responsible for adhering to FMMD's policies and procedures, as well as state and federal regulations for storage, handling, and disposal of non-hazardous wastes.

### **Water Resources Protection and Management**

Relevant water quality policies are described below. Water Quality Policies that are not relevant to the Proposed Action include: 6 (Control of Thermal Discharges), 7 (Pesticide Storage), 10 (Toxicity Monitoring), and 12 (No Adverse Impact from Water Appropriation).

*Policy 1 (Pollution Discharge Permit): No one may add, introduce, leak, spill, or emit any liquid, gaseous, solid, or other substance that will pollute any waters of the State without State authorization.*



FMMD's Department of Public Works (DPW) Environmental Division is responsible for managing hazardous materials and waste. FMMD operates under a spill prevention control and countermeasures plan (SPCCP)/installation spill contingency plan (ISCP) for all facilities in which hazardous materials are stored. The SPCCP/ISCP delineates measures and practices that require implementation to prevent and/or minimize spill/release from storage and handling of hazardous materials to protect ground and water surfaces. The ISCP provides emergency response instructions for spills and uncontrolled releases of hazardous materials. Instructions include notification, probable spill routes, control measures, exposure limits and evacuation guidelines. The ISCP contains safety data sheets that provide information about health hazards and first-aid procedures. These plans would be used to ensure that no accidental discharge to any water would occur from an accident or failure of construction equipment or machinery.

During construction contractors would be required to use manage, store, transport, and dispose of hazardous wastes; and take all necessary precautions to prevent spills of hazardous materials in accordance with federal, state, and local laws and regulations. Therefore, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

*Policy 2 (Protection of Designated Uses): All waters of the State shall be protected for water contact recreation, fish, and other aquatic life and wildlife. Shellfish harvesting and recreational trout waters and waters worthy of protection because of their unspoiled character shall receive additional protection.*

The Proposed Action does not contain any waters used for water contact recreation or shellfish harvesting or recreational trout waters. The action area is inaccessible to the public and does not contain any recreational fisheries.

Impacts to wetlands and streams, both direct and indirect, would be avoided to the maximum extent practicable pursuant to EO 11990 and the CWA to protect aquatic life and wildlife. During construction activities, FMMD would require contractors to adhere to all applicable permits and management plans, including Section 401 and 404 permits under the CWA, and to adhere to BMPs, including use of source control measures to prevent pollutants from leaving the project site, reduction/elimination of the introduction of pollutants, protection of sensitive areas, and prevention of precipitation and pollutants from interacting. BMPs would be used to prevent soil erosion and protect surface waters to the greatest extent possible.

*Policy 3 (Prohibition of Harmful Toxic Impacts): The discharge of any pollutant which will accumulate to toxic amounts during the expected life of aquatic organisms or produce deleterious behavioral effects on aquatic organisms is prohibited.*

During construction activities, FMMD would require contractors to adhere to all applicable permits and management plans, including Section 401 and 404 permits under the CWA, and to adhere to BMPs, including use of source control measures to prevent pollutants from leaving the project site, reduction/elimination of the introduction of pollutants, protection of sensitive areas, and prevention of precipitation and pollutants from interacting. BMPs would be used to prevent soil erosion and protect surface waters to the greatest extent possible.

FMMD operates under a spill prevention control and countermeasures plan (SPCCP)/installation spill contingency plan (ISCP) for all facilities in which hazardous materials are stored. The SPCCP/ISCP delineates measures and practices that require implementation to prevent and/or minimize spill/release from storage and handling of hazardous materials to protect ground and water surfaces. The ISCP provides emergency response instructions for spills and uncontrolled releases of hazardous materials.

*Policy 4 (Pre-Development Discharge Permit): Before constructing, installing, modifying, extending, or altering an outlet or establishment that could cause or increase the discharge of pollutants into the waters of the State, the proponent must hold a discharge permit issued by the Department of the Environment or provide an equivalent level of water quality protection.*

The CWA provides the authority to establish water quality standards, control discharges into surface and subsurface waters (including groundwater), develop waste treatment management plans and practices, and issue permits for discharges. A National Pollutant Discharge Elimination System (NPDES) permit under Section 402 of the CWA is required for discharges into navigable waters. USEPA oversees the issuance of NPDES permits at federal facilities as well as water quality regulations (CWA Section 401) for both surface and groundwater.

If, during project design, it is determined that direct impacts are not avoidable, permitting pursuant to Section 404 and 401 of the CWA, as well as the applicable MDE permits, may be conducted, including a NPDES permit under Section 402 of the CWA.

*Policy 5 (Use of Best Available Technology or Treat to Meet Standards): The use of best available technology is required for all permitted discharges into State waters, but if this is insufficient to comply with the established water quality standards, additional treatment shall be required and based on waste load allocation.*

The proposed facility will be connected to existing sewer systems provided and maintained through American Water and discharges would pass through a water treatment system.

*Policy 8 (Stormwater Management): Any development or redevelopment of land for residential, commercial, industrial, or institutional purposes shall use small-scale non-structural stormwater management practices and site planning that mimics natural hydrologic conditions, to the maximum extent practicable. Development or redevelopment will be consistent with this policy when channel stability and 100 percent of the average annual predevelopment groundwater recharge are maintained, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.*

The Proposed Action would convert approximately 33 acres of pervious land to impervious land. Roof drainage would be conveyed through downspouts to underground pipes to stormwater facilities. A new storm drain system would connect stormwater management facilities to convey overflow storms and underdrains.

Stormwater management for this project would be designed to comply with MDE Maryland Stormwater Design Manual Volumes I & II, revised in 2009 with environmental site design (ESD)

requirements, the Maryland Stormwater Management Guidelines for State and Federal Projects (2015), MDE's applicable Technical Memorandums, and Energy Independence and Security Act Section 438. To satisfy ESD water quality requirements for stormwater management, micro-scale practices would be distributed throughout the site including bioretention, swales, and permeable pavements. Non-structural practices, such as impervious disconnection, would also be implemented. The project would maintain the post-project peak discharge rate equal to or less than the pre-project discharge. The discharge rates would follow Provisions of Code of Maryland Regulations (COMAR) 26.17.02.01 *Maryland Department of the Environment, Water Management, Purpose and Scope* that states projects should maintain predevelopment runoff characteristics as much as possible; therefore, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

The concept design for the DC3 site is for run-off to be conveyed through conduit distribution that would eventually flow to micro-bioretention facilities and bio-swales. The conceptual design also includes a retention pond to capture excess run-off. Use of appropriate erosion and sediment control plan (ESCP), SWPPP, and BMPs would minimize and control stormwater run-off, erosion, and sedimentation during construction activities. Appropriate erosion and sediment controls, such as synthetic hay bales and silt fencing, would be installed and maintained during construction. Areas disturbed outside of the footprints of the new construction would be reseeded, replanted, and/or re-sodded following construction activities, which would decrease the overall erosion potential of the site and improve soil productivity.

To ensure that stormwater quality meets permit requirements, the operational stormwater management systems, including the bioretention swales and the stormwater retention pond, would be routinely maintained by FMMD to ensure these features function according to their design criteria. The Proposed Action would be designed to operate with stormwater management systems that comply with the MDE Stormwater Design Manual Volumes I & II with environmental site design requirements, the MDE Stormwater Management Guidelines for State and Federal Projects, MDE's applicable Technical Memorandums, and code of Maryland Regulations (COMAR) stormwater management regulations.

*Policy 9 (Unpermitted Dumping of Used Oil): Unless otherwise permitted, used oil may not be dumped into sewers, drainage systems, or any waters of the State or onto any public or private land.*

FMMD operates under a spill prevention control and countermeasures plan (SPCCP)/installation spill contingency plan (ISCP) for all facilities in which hazardous materials are stored. The SPCCP/ISCP delineates measures and practices that require implementation to prevent and/or minimize spill/release from storage and handling of hazardous materials to protect ground and water surfaces. The ISCP provides emergency response instructions for spills and uncontrolled releases of hazardous materials. Instructions include notification, probable spill routes, control measures, exposure limits and evacuation guidelines. Contractors would be required to follow FMMD control measures and unpermitted dumping of used oil is not allowed.

*Policy 11 (Public Outreach): Public meetings and citizen education shall be encouraged as a necessary function of water quality regulation.*

FMMD would publish a NOA when the draft EA is ready for public comment. This would initiate a 30-day public comment period in which FMMD would solicit public comments and stakeholders. Substantiative comments received during the public comment period would be addressed in the final EA. Therefore, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

### **Flood Hazards and Community Resilience**

The Flood Hazards Policies are not relevant to the Proposed Action as it is not located in a floodplain, nor would it create additional flooding. The nearest mapped FEMA floodplain is approximately 200 feet down gradient of the project site. The base elevation of the proposed facility would be at 1 foot or more above the elevation of the nearest mapped floodplain.

### **Coastal Resources**

#### **Chesapeake and Atlantic Coastal Bays Critical Area**

The Chesapeake and Atlantic Coastal Bays Critical Area Policies are not relevant to the Proposed Action. The Proposed Action would not occur in a Chesapeake or Atlantic Coastal Bays Critical Area.

#### **Tidal Wetlands**

The Tidal Wetlands Policies are not relevant to the Proposed Action. The Proposed Action would not occur in a tidal wetland.

#### **Nontidal Wetlands**

Construction of the Proposed Action would have long-term, direct, adverse impacts on resources of the Maryland Coastal Zone due to construction activities that could directly impact one intermittent stream and indirectly impact one other intermittent stream, both of which ultimately discharge to the Severn River and Chesapeake Bay. Although the streams run through the Proposed Action area, the layout is conceptual, and there is the opportunity to adjust project elements to avoid direct impacts once design begins. Construction activities also could indirectly impact nontidal wetlands due to their proximity to the site, connectivity to intermittent streams, and the potential for sediment and pollutant run-off during construction activities. Operational activities may have minor, adverse impacts; however, the increase in surface area would be accounted for during predevelopment hydrology studies per Maryland stormwater regulations.

Impacts to wetlands and streams both direct and indirect, would be avoided to the maximum extent practicable pursuant to EO 11990 and the CWA. If, during project design, it is determined that direct impacts are not avoidable, permitting pursuant to Section 404 and 401 of the CWA, as well as the applicable MDE permits, may be required and would be obtained by the proponent.

## **Forests**

*Policy: The Forest Conservation Act and its implementing regulations, as approved by NOAA, are enforceable policies. Generally, before developing an area greater than 40,000 square feet, forested and environmentally sensitive areas must be identified and preserved whenever possible. If these areas cannot be preserved, reforestation or other mitigation is required to replace the values associated with them. This policy does not apply in the Critical Area.*

During construction, FMMD would disturb as little natural habitat as possible. The Proposed Action would be designed to comply with the current Maryland FCA and Tree Management Policy. All projects 40,000 SF or larger require the equivalent of 20% of a project area be forested. The Proposed Action LOD is approximately 33 acres, generating a total of 6.6 acres to be planted/forested. This would be met with a combination of on-site planting in and around the built environment and off-site forest conservation. Off-site forest conservation area plantings must be planted at one tree per 400 SF with at least 50% of those trees having the potential of attaining a two inch or greater diameter at breast height (DBH) within seven years. The design team would work with the FMMD DPW to identify potential off-site forest conservation areas. With the implementation of these impact-reduction measures, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

## **Historic and Archaeological Sites**

The Historic and Archaeological Sites Policies are not relevant to the Proposed Action. The Proposed Action would not involve a submerged archaeological historic property, a cave feature or archeological site under State control, or a burial site or cemetery. No historic properties have been identified within the project site. To ensure adverse impacts to historical and archaeological sites are avoided, FMMD initiated Section 106 consultation with the Maryland State Historic Preservation Officer (SHPO) and selected Native American Tribes to ascertain potential impacts of the Proposed Action to historical and archaeological sites prior to implementing the Proposed Action.

## **Living Aquatic Resources**

*Policy 1 (Protection of Rare, Threatened or Endangered Fish or Wildlife): Unless authorized by an Incidental Take Permit, no one may take a State listed endangered or threatened species of fish or wildlife. The Living Aquatic Resources Policies are not relevant to the Proposed Action. The Proposed Actions would not affect any wetlands or non-tidal waters.*

The MD DNR Wildlife and Heritage Service determined that there are no official State or Federal records for listed plant or animal species (with the exception of Northern long-eared bat and Indiana bat) within the project area and, therefore, no specific concerns regarding potential impacts or recommendations for protection measures unless the project area changes.

An unpermitted "take" of an RTE species is not anticipated to occur under construction or operation of the Proposed Action. If a protected species should be found in a proposed construction area, FMMD would consult with the USFWS and/or MDE and appropriate steps would be taken to ensure the species was not harmed.

## **Coastal Uses**

### **Mineral Extraction**

The Mineral Extraction Policies are not relevant to the Proposed Action. The Proposed Action does not require mineral extraction.

### **Electrical Generation and Transmission**

The Electrical Generation and Transmission Policies are not relevant to the Proposed Action. The Proposed Action does not include the development of power plants, transmission lines, or cooling water intake structures.

### **Tidal Shore Erosion Control**

The Tidal Shore Erosion Control Policies are not relevant to the Proposed Action. The Proposed Action would not occur in tidal shores.

### **Oil and Natural Gas Facilities**

The Oil and Natural Gas Facilities Policies are not relevant to the Proposed Action. The Proposed Action does not include any oil or natural gas facilities.

### **Dredging and Disposal of Dredged Material**

The Dredging and Disposal of Dredged Material Policies are not relevant to the Proposed Action. The Proposed Action does not require any dredging.

### **Navigation**

The Navigation Policies are not relevant to the Proposed Action. The Proposed Action would not occur in proximity to navigable waters.

### **Transportation**

The Transportation Policies are not relevant to the Proposed Action. The Proposed Action is a non-transportation project.

### **Agriculture**

The Agriculture Policies are not relevant to the Proposed Action. The Proposed Action would not occur on agricultural lands.

### **Development**

*Any development shall be designed to minimize erosion and keep sediment onsite.*

The Proposed Action would include controls to minimize erosion and keep sediment on site, described above in Core Policies-Soil Erosion.

*Any proposed development may only be located where the water supply system, sewerage system, or solid waste acceptance facility is adequate to serve the proposed construction, taking into account all existing and approved developments in the service area and any water supply system, sewerage system, or solid waste acceptance facility described in the application and will not overload any present facility for conveying, pumping, storing, or treating water, sewage, or solid waste.*

The site is generally served by all major utilities running along the perimeter roads. FMMD is served by a wastewater utility responsible for operating and maintaining the sanitary sewer system that collects effluent through a network of gravity sewers, force mains, and pump stations to then be processed at a treatment plant. Electrical power is supplied to FMMD by Baltimore Gas and Electric (BGE). Emergency generators are maintained across the installation in the event of a power outage. Natural gas for FMMD is also provided and maintained by BGE.

Negligible, minor, direct, adverse impacts would result from the additional demands created by the increased utility usage from the proposed facility. However, the building would utilize efficient building construction technology and operational systems. Mechanical system selections would be designed to maximize building efficiency and minimize energy consumption while meeting all guidelines. The mechanical conceptual design would be developed in keeping with the principals of sustainable design where life cycle cost effective is prioritized. In addition, silver Leadership in Energy and Environmental Design (LEED) would be attained with the building design. Electrical power requirements would be provided by BGE and would not increase over current usage.

All required utility systems are available and are adequate to service the proposed additions. All new facilities would be water and energy efficient and would not overload any present facility for conveying, pumping, storing, or treating water, sewage, or solid waste.

*Local citizens shall be active partners in planning and implementation of development.*

Public participation opportunities with respect to the EA and decision making on the Proposed Action are guided by 32 CFR Part 651. The EA and FONSI will be made available to the public for review and comment for 30 days.

### **Sewage Treatment**

The Sewage Treatment Policies are not relevant to the Proposed Action. The Proposed Action does not require special water treatment.

## SUMMARY OF FINDINGS

Based upon the following information, data, and analysis, FMMD finds that the proposed renovation and construction of two additions is consistent to the maximum extent practicable with the enforceable policies of the CZM. The table below summarizes how the Proposed Action would affect each of the enforceable policies outlined within the CZMA Consistency Determination.

<b>Enforceable Policy</b>	<b>Consistent to Maximum Extent Practicable?</b>
Core Policies	Yes
Water Quality	Yes
Flood Hazards	N/A
Critical Areas	N/A
Tidal Wetlands	N/A
Nontidal Wetlands	Yes
Forests	Yes
Historic and Archaeological Site Policies	N/A
Living Aquatic Resources	N/A
Mineral Extraction	N/A
Electrical Generation and Transmission	N/A
Tidal Shore Erosion Control	N/A
Oil and Natural Gas Facilities	N/A
Dredging and Disposal of Dredged Material	N/A
Navigation	N/A
Transportation	N/A
Agriculture	N/A
Development	Yes
Sewage Treatment	N/A

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 with 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 FMMD on the 60th day from receipt of this determination.