

2009 REPRESENTATIVE COORDINATION LETTER AND RESPONSES

APPENDIX A. 2009 REPRESENTATIVE COORDINATION LETTER AND RESPONSES

DATE	FROM	TO
June 26, 2009	Wallops Flight Facility	U.S. Fish and Wildlife Service
July 17, 2009	Navy Surface Combat Systems Center	Wallops Flight Facility
July 27, 2011	NOAA National Marine Fisheries Service	Wallops Flight Facility

National Aeronautics and Space Administration

Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, VA 23337-5099



June 26, 2009

Reply to Attn of: 250.W

Mr. Lou Hinds
U.S. Fish and Wildlife Service
Chincoteague National Wildlife Refuge
P.O. Box 62
Chincoteague, VA 23336

**Subject: Request for Study Plan Review of the NASA Goddard Space Flight Center's
Wallops Flight Facility, Wallops Island, Virginia Proposed Unmanned Aerial
System Airstrip**

To satisfy its obligations under the National Environmental Policy Act and Section 7 of the Endangered Species Act of 1973, the Wallops Flight Facility (WFF) has retained Timmons Group to assist with the planning for a 5,200-foot x 75-foot airstrip on the north end of Wallops Island in Accomack County, Virginia (see Enclosure 1 Site Vicinity Map). The preparation on an Environmental Assessment (EA) is forthcoming; however, WFF is moving forward with the early scoping process. The Unmanned Aerial Systems (UAS) Airstrip is being proposed to serve NASA and NASA clients and partners for uninhabited aerial vehicles. The WFF invites your agency to participate in the scoping process. We are currently seeking your input and recommendations concerning WFF's proposed project as it pertains to the protection of Threatened and Endangered Species.

The UAS Airstrip at WFF is proposed to have a ground disturbance impact of 125 feet x 5,200 feet to accommodate the grading and surfacing of the 75-foot runway for its entire proposed length. The runway would actually be built up 2 to 3 feet above existing ground surface. There is no excavation proposed as the water table is relatively high in this area. Two 100 foot x 100 foot hangars would be constructed to service the airstrip. The existing site access road (dirt road) will be improved to service the runway and hangars. No other ground disturbance is planned for the project (see Enclosure 2 Overall View of the Project Area). Vegetation clearing for sight would be perpendicular from the edge and along the entire length of the runway fill to approximately 250 feet at a maintained height of approximately 2 feet above ground or less. An additional 500 feet of vegetation would be cleared to the same height off of each end of the runway. Additionally, vegetation beyond the 250-foot limit would be maintained to a height of approximately 5 to 10 feet.

There is the potential for the presence of several threatened and endangered species within the vicinity of the proposed project (see Table below). A loggerhead sea turtle nest was documented on the beach 1.5 miles east of the project site and piping plover nesting habitat has been delineated on Wallops Island overwash areas (see Enclosure 3 Overall View of Piping Plover Habitat). Wilson's plovers tend to nest with piping plovers. Gull-billed terns can be found on the beaches or mud flats on Wallops Island. A pair of resident peregrine falcons nests on a tower on the northwest side of Wallops Island approximate 0.7 miles from the proposed airstrip. Migrating peregrine falcons transit the Wallops Island beach during fall migration.

Threatened and Endangered Species Potentially in the Vicinity of the UAS Airstrip		
Scientific Name	Common Name	Status
<i>Dermochelys coriaces</i>	Leatherback Sea Turtle	Federally Endangered
<i>Eretmochelys imbricate</i>	Hawksbill Sea Turtle	Federally Endangered
<i>Lepidechelys kempii</i>	Kemp's Ridley Sea Turtle	Federally Endangered
<i>Chelonia mydas</i>	Atlantic Green Sea Turtle	Federally Threatened
<i>Caretta caretta</i>	Loggerhead Sea Turtle	Federally Threatened
<i>Charadrius melodus</i>	Piping Plover	Federally Threatened
<i>Charadrius wilsonia</i>	Wilson's Plover	State Endangered
<i>Haliaeetus leucocephalus</i>	Bald Eagle	State Threatened
<i>Falco peregrinus</i>	Peregrine Falcon	State Threatened
<i>Bartramia longicauda</i>	Upland Sandpiper	State Threatened
<i>Sterna nilotica</i>	Gull-billed Tern	State Threatened

To protect piping plover habitat, since 1986 WFF has closed northern and southern Wallops Island beaches to vehicle and human traffic during the plover's nesting season (March 15th through September 1st). Biologists from the U. S. Fish and Wildlife Service's (USFWS) Chincoteague National Wildlife Refuge and the U. S. Department of Agriculture's Wildlife Services monitor piping plover nesting activities and provide advice to WFF on protection and management of the species.

Currently the proposed UAS Airstrip on the northern portion of Wallops Island is greater than 3,000 linear feet from any known piping plover nest. In a memorandum dated March 14, 2003, NASA documents consultation with the USFWS concerning the UAS runway that was to be sited at the southern end of Wallops Island. The consultation was to determine the potential for construction and operation of the UAS runway to disturb piping plovers. USFWS recommended imposing a no-fly zone 1,000 feet horizontally and vertically from any active piping plover nesting site. The current proposed UAS Airstrip would be sited much farther than 1,000 feet from any known nest and UAS operations would be conducted so as to observe the same no-fly restrictions instituted on the southern end of Wallops Island.

If you have any additional questions or require more information about the project, please, contact Mr. Josh Bundick at (757) 824-2319 (Joshua.A.Bundick@nasa.gov) or myself at (757-823-1127 (Joel.T.Mitchell@nasa.gov). Thank you for your attention to this request and we look forward to receiving your comments.


Joel T. Mitchell
Environmental Engineer

3 Enclosures

cc: (w/o encl.)
200/Ms. C. Massey
228/Mr. P. Bull
228/Mr. G. Lilly
250/Mr. J. Bundick
250/Ms. C. Turner
840/Mr. J. Pittman



DEPARTMENT OF THE NAVY
SURFACE COMBAT SYSTEMS CENTER
30 BATTLE GROUP WAY
WALLOPS ISLAND, VIRGINIA 23337-5000

5090
Ser X31/ 200
17 Jul 09

NASA GSFC Wallops Flight Facility
Attn: Josh Bundick, Code 250.W
Wallops Island, Virginia 23337

Dear Mr. Bundick:

Thank you for the opportunity to review your proposal for the UAS Airstrip on the northern end of Wallops Island.

We do recommend that you seek a Section 7 consultation with the Fish & Wildlife Service Endangered Species Office. The beach on the northern end of Wallops Island has been closed to entry for a number of years during the piping plover breeding season. As noted in your current Special Announcement (May 18, 2009), "The closures are part of our continuing cooperation with the U.S. Fish and Wildlife Service (USFWS) to protect the piping plover, a federally endangered species along the Atlantic Coast." Since the area has been closed to protect an endangered species, and since the birds tend to perceive low-flying aircraft as predators, it is likely that establishing a runway in this area would have an impact on the birds. The purpose of a Section 7 consultation is to determine the extent of that impact and any mitigation that could minimize the harm.

You may also need to consider the birds breeding on the nearby Fishing Point. A variety of species have nesting colonies there. A number of them are sensitive to low-flying aircraft due to the similarity to predators. The Section 7 consultation should also address this concern.

Although not clearly addressed, the proposed buildings may include a source of light near the beach. This may affect nesting marine turtles, as well as the viewscape from Assateague Island.

Although not addressed in this point paper, we are confident that you are aware that much of this area is tidal wetlands and will require mitigation. You may also need to address the essential fish habitat located nearby, and the destruction of the dunes. This is a very dynamic area; it will be difficult to maintain the integrity of the runway on the eastern side.

Sincerely,


JOHN J. KEEGAN
Commander, U.S. Navy
Commanding Officer



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Habitat Conservation Division
James J. Howard Marine
Sciences Laboratory
74 Magruder Road
Highlands, New Jersey 07732

July 27, 2009

Joshua A. Bundick
NEPA Program Manager
National Aeronautics and Space Administration
Goddard Space Flight Center, Wallops Island Facility
Wallops Island, VA 23337-5099
Attn: 250.W

Dear Mr. Bundick,

This is in response to a letter dated June 26, 2009 to John Nichols, NOAA Habitat Conservation Division regarding NASA's Wallops Island Facility's proposed Unmanned Aerial Systems (UAS) Airstrip, located on the north end of Wallops Island in Accomack County, Virginia. The proposed construction of a 75 ft. wide by 5,200 ft. long runway, two (2) 100 ft. by 100 ft. hangars, improvements to an existing dirt access road, and clearing of adjacent vegetation will occur across approximately 161 acres.

In seeking to satisfy your obligations under the National Environmental Policy Act (NEPA) and Section 7 of the Endangered Species Act (ESA) of 1973, your office requested and received comments regarding the proposed UAS's potential to adversely affect listed species from Mary Colligan, NOAA Fisheries Service, Protected Resources Division (PRD). At this time, NOAA Fisheries Service, Habitat Conservation Division (HCD) appreciates the opportunity to also provide input and recommendations during the scoping process in preparation of the forthcoming environmental assessment (EA) for this project.

As you know, NOAA Fisheries Service, Habitat Conservation Division (HCD) reviews projects with regards to the project's potential to adversely affect essential fish habitat (EFH), and provides comments and conservation recommendations to state and federal regulatory agencies pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-297; 11 October 1996) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C 661 et seq.). Section 305(b)(2) of the MSA requires all Federal agencies to consult with NOAA Fisheries Service on any action authorized, funded, or undertaken by that agency that may adversely affect EFH. This includes activities authorized or permitted by the U.S. Army Corps of Engineers, such as construction of the proposed UAS airstrip and supporting infrastructure at Wallops Island.

The EFH consultation process includes the preparation of a complete and appropriate EFH assessment to provide the necessary information on which NOAA Fisheries Service then



consults. Our EFH regulation at 50 CFR 600.905 mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure. In accordance with the EFH Final Rule published in the Federal Register on January 17, 2002, Federal agencies may incorporate an EFH assessment into documents prepared for another purpose, such as the forthcoming environmental assessment (EA) being prepared for the Wallops Island UAS project, provided the EFH assessment is clearly identified as a separate and distinct section of the document. The EFH assessment must include four major elements: 1) a description of the proposed actions; 2) an analysis of the effects of the actions on EFH, managed species and their prey species; 3) the Federal agency's views regarding the effects of the action on EFH, and; 4) a discussion of proposed mitigation, if applicable. Other information that should be included in the EFH assessment, if appropriate, includes: 1) the results of on-site inspections to evaluate the habitat and site-specific effects; 2) the views of recognized experts on the habitat or species that may be affected; 3) a review of pertinent literature and related information; and 4) an analysis of alternatives to the action that could avoid or minimize the adverse effects on EFH. Additional information on EFH consultation process and the development of EFH assessments can be found at NOAA's Northeast Region HCD website: <http://www.nero.noaa.gov/hcd/>

Though it is difficult to quantify potential impacts to wetlands and essential fish habitat based on the scale of the figures appended to your letter of June 26, 2009, it appears that the majority of the proposed UAS project area is located in sensitive terrestrial and aquatic habitats including palustrine forested wetlands (PFO), palustrine scrub-shrub wetlands (PSS), palustrine open water (POW), intertidal estuarine emergent wetlands (EEM) and estuarine subtidal open water (ESOW). Intertidal emergent wetlands such as smooth cordgrass (*Spartina alterniflora*) marshes and nonvegetated intertidal flats provide important breeding, nursery, forage and refuge habitat for the various life stages of numerous federally managed fish species and their prey.

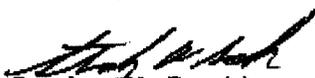
Based on information provided in your letter of June 26, 2009, the UAS airstrip was originally proposed to be located on the southern end of Wallops Island. However, ESA Section 7 consultation with U.S Fish and Wildlife Service (USFWS) regarding the Federally Threatened piping plover (*Charadrius melodus*) resulted in USFWS recommendations for a 1,000 ft. vertical and horizontal no-fly zone from any active piping plover nesting site. We assume that the currently proposed northern location of the UAS is in response to the presence of active piping plover nests on the southern end of the island and the operational constraints the USFWS no-fly zone recommendations would place on the UAS.

The NEPA process requires that a thorough alternatives analysis be conducted for Federal undertakings to evaluate the least environmentally damaging practicable alternative. Please include an alternatives analysis, including potential off-island locations for the UAS, in the EA along with a description of any measures employed during the planning phase of the project to avoid and minimize impacts to waters of the U.S. (WOUS), including tidal and non-tidal wetlands, as required under the Clean Water Act's (CWA) Section 404 (b)(1) guidelines. Typically, permitting agencies require compensation for unavoidable impacts to wetlands. Compensation for unavoidable loss of wetlands is supported by NOAA Fisheries Service HCD to compensate for the lost ecological services provided by these ecologically important habitats.

Thank you for the study plan review of the NASA Goddard Space Flight Center's Wallops Island

Flight Facility's proposed Unmanned Aerial System (UAS) airstrip and the opportunity to comment on issues and concerns under the purview of NOAA Fisheries Service's Habitat Conservation Division. Pursuant to the coordination requirements for Federal agencies under Section 305(b)(2) of the MSA, NOAA Fisheries Service requests that the NASA prepare an EFH assessment for the proposed UAS for inclusion in the forthcoming EA. Within 30 days following the submittal of an EFH assessment, NOAA Fisheries will review the assessment for completeness and will evaluate the proposed project's potential to adversely affect EFH, managed species and their prey species. At that time NOAA Fisheries Service may provide conservation recommendations to NASA designed to help avoid and minimize project impacts or to compensate for unavoidable impacts to EFH, managed species and their prey species. NOAA Fisheries Service reserves the right to raise additional concerns in the future as new information regarding the design, materials, and methods to be used in the construction of the UAS become available. Please contact Mr. David O'Brien of our Gloucester Point, VA field office at 804-684-7828 (David.L.O'Brien@noaa.gov) if you have any questions or concerns regarding the EFH consultation process.

Sincerely,


Stanley W. Gorski
Field Offices Supervisor

Cc: John Nichols, HCD
Carol Petrow, EPA
Robert Hume, Corps

2010 REPRESENTATIVE COORDINATION LETTER AND RESPONSES

APPENDIX A. 2010 REPRESENTATIVE COORDINATION LETTER AND RESPONSES

DATE	FROM	TO
July 14, 2010	Example Coordination Letter from WFF	
July 26, 2010	U.S. Army Corps of Engineers	Wallops Flight Facility
July 22, 2010	Virginia Marine Resources Commission	Wallops Flight Facility
August 3, 2010	Virginia Department of Environmental Quality	Wallops Flight Facility
August 11, 2010	Navy Surface Combat System Center	Wallops Flight Facility
August 11, 2010	U.S. Environmental Protection Agency	Wallops Flight Facility
August 11, 2010	Virginia Department of Conservation and Recreation	Wallops Flight Facility
August 24, 2010	Virginia Department of Environmental Quality	Wallops Flight Facility
September 7, 2010	Virginia Department of Game and Inland Fisheries	Wallops Flight Facility

National Aeronautics and
Space Administration

**Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, VA 23337**



Reply to Attn of: 250.W

July 14, 2010

Mr. Robert Cole
Environmental Scientist
U.S. Army Corps of Engineers, Eastern Shore Field Office
22545 Center Parkway
Accomack, VA, 23301-1330

Dear Mr. Cole:

In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the National Aeronautics and Space Administration (NASA) Goddard Space Flight Center's Wallops Flight Facility (WFF) is preparing an Environmental Assessment (EA) to analyze potential impacts associated with the construction and operation of an Unmanned Aerial Systems (UAS) airstrip at the north end of Wallops Island in Accomack County, Virginia (Enclosure 1). The airstrip at north Wallops Island is needed to support WFF's ongoing and future UAS test research. The existing airstrip located at the south end of Wallops Island experiences severe cross winds and wash over during storm events. Additionally, mandatory safety constraints from increased rocket launch activities at the nearby Mid-Atlantic Regional Spaceport are anticipated to further reduce UAS research opportunities.

The proposed UAS airstrip would be constructed of asphalt and measure approximately 914 meters (3,000 feet long [2,500 feet plus an additional 500 feet clear zone] by 18 meters (60 feet) wide. The airstrip would be elevated approximately 1 meter (3 feet) above the existing ground surface. Two asphalt pads would also be constructed adjacent to the airstrip for staging aircraft and support vehicles during flight operations. A clear line of sight for UAS operators is necessary; therefore, vegetation alongside the length (up to 30 meters [100 feet] on each side) of the proposed airstrip would be cleared and maintained. Beyond the ends of the airstrip, the vegetation height would be maintained in order to provide the necessary line of sight for UAS operators. Crushed gravel would be used to improve the existing dirt access road to provide service to the airstrip. Infrastructure improvements to provide electrical and telecommunication service would be implemented; however, it is anticipated that most UAS operators would use small portable generators. The total affected area would be approximately 2 hectares (5 acres). The proposed airstrip would likely be constructed in several phases to reach the dimensions described above.

UAS operations would be conducted year round during NASA's normal Air Traffic Control tower hours (7 AM to 5 PM). Night operations would only take place under special

circumstances (e.g., hurricane monitoring). The UAS aircraft would operate within the existing NASA controlled Restricted Airspace Areas (R-6604A/B) and within the Virginia Capes Operating Area (VACAPES OPREA), the Navy's offshore training area. Aside from takeoff and landing, the minimum operating altitude would be 152 meters (500 feet). The largest UAS that would be authorized to operate from the proposed airstrip is the Viking 400. The Viking 400 has a 6 meter (20 foot) wingspan, is 4.5 meters (14.7 feet) in length, and would have a maximum weight of 240 kilograms (530 pounds). UAS would not operate over Chincoteague Island, Assateague Island National Park, or over any populated areas.

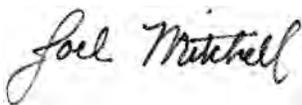
Letters describing the scope of the original proposal were sent June 2009. Since then, the scope of the proposal has changed. Enclosure 2 provides the approximate dimensions of the airstrip and its proximity to wetlands, a bald eagle nest, and a cultural resources investigation site.

As we are reinitiating the NEPA process, we request your participation as a Cooperating Agency in the preparation of the EA. As the USACE possesses both regulatory authority and specialized expertise pertaining to the proposed action, we feel that your agency would be a valuable member of our project team. As a Cooperating Agency, we request the USACE participate in various portions of the EA development as required. Specifically, we ask that you provide technical expertise, document review, and occasional meeting attendance throughout the NEPA process. A more detailed list of Cooperating Agency expectations will be provided if you accept our request.

Finally, as part of our ongoing efforts to keep the public abreast of proposed WFF activities, we plan to hold an information meeting at the WFF Visitor Center on the evening of Monday, August 2, 2010. Additional details regarding the meeting will be included in a forthcoming press release.

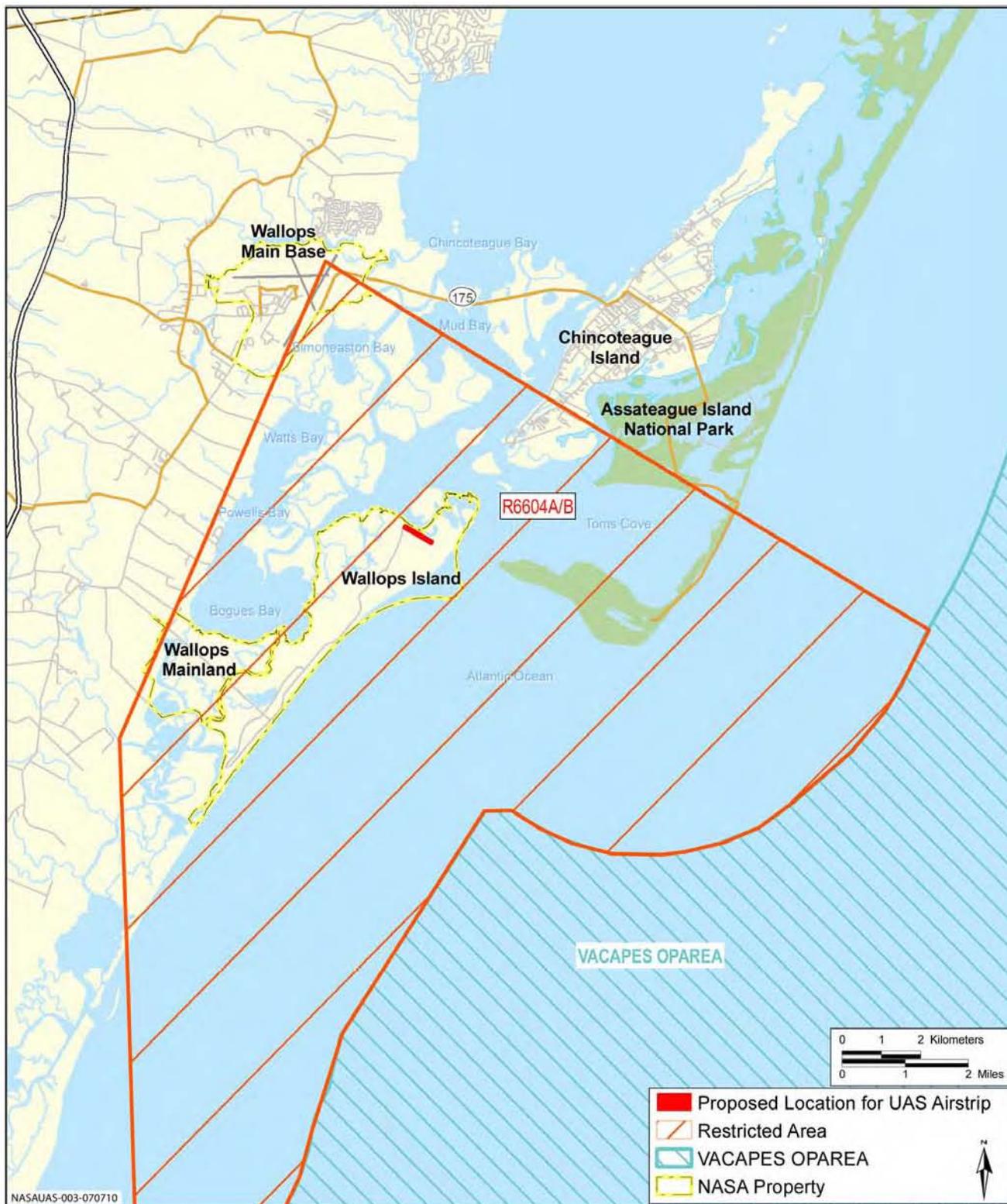
Thank you for your consideration of our request. We look forward to continuing our cooperative relationship with USACE as we work together to enable the WFF mission while also considering the unique environment within which we work. Please contact me at (757) 823-1127 or Mr. Josh Bundick at (757) 824-2319 if you have any questions or require any additional information.

Sincerely,



Joel T. Mitchell
Natural Resources Manager

2 Enclosures



Enclosure 1: Location of Proposed UAS Airstrip on NASA's Wallops Island



Enclosure 2: Proximity of Proposed UAS Airstrip to Various Resources



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF:

July 26, 2010

Eastern Virginia Regulatory Section
Unmanned Aerial Systems (UAS) Airstrip

Goddard Space Flight Center
Joel T. Mitchell
Natural Resources Manager
Wallops Flight Facility
Wallops Island, VA 23337-5099

Dear Mr. Mitchell,

The Norfolk District Corps of Engineers will be a cooperating agency in the preparation of documents for the Unmanned Aerial Systems (UAS) Airstrip, in accordance with the National Environmental Policy Act. Mr. Robert Cole will be the contact for the Norfolk District. Please forward to him any requests for participation, notices of meetings, requests for information, and written material to review. He may be contacted at 757-787-7567; by e-mail at "robert.h.cole@usace.army.mil"; by mail at Norfolk District Corps of Engineers, Eastern Shore Field Office, 22545 Center Parkway, Accomac, VA 23301-1330."

Sincerely,

Robert H. Cole
for

Audrey L. Cotnoir
Acting Chief, Eastern Virginia Regulatory Section



COMMONWEALTH of VIRGINIA

*Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607*

Douglas W. Domenech
Secretary of Natural Resources

Steven G. Bowman
Commissioner

July 22, 2010

Mr. Joel T. Mitchell
Wallops Flight Facility, Natural Resources Manager
c/o National Aeronautics and Space Administration
Goddard Space Flight Center
Wallops Flight Facility (250.W)
Wallops Island, Virginia 23337

“Unmanned Airstrip”

Dear Mr. Mitchell:

You have inquired regarding the construction of a 2,500-foot long by 60-foot wide asphalt airstrip on the north end of Wallops Island in Accomack County. The airstrip will be used for unmanned aircraft takeoffs and landings.

The Marine Resources Commission requires a permit for any activities that encroach upon or over, or take use of materials from the beds of the bays, ocean, rivers and streams, or creeks which are the property of the Commonwealth.

Based upon my review of the two enclosures (site maps) it would appear that your proposed landing strip will not fall within the Commission's jurisdiction, therefore, no authorization would be required from the Marine Resources Commission. If however any portion of your proposed project encroaches channelward of mean low water a permit would be required.

For your information it would appear a wetlands permit will be required from Accomack County.

If I may be of further assistance, please do not hesitate to contact me at (757) 414-0710.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Badger, III", written over a horizontal line.

George H. Badger, III
Environmental Engineer

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

August 3, 2010

Mr. Joshua A. Bundick
NEPA Program Manager
NASA Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, Virginia 23337-5099

Received
8/4/10 JAB

RE: Proposed Unmanned Aerial Systems Airstrip, Request for Scoping Comments for the Preparation of an Environmental Assessment

Dear Mr. Bundick:

This is in response to your July 14, 2010 letter (received July 16, 2010) announcing the preparation of an Environmental Assessment (EA) for the proposed Unmanned Aerial Systems (UAS) airstrip at the Wallops Flight Facility (WFF) on Wallops Island, and soliciting comments on the scope of the document. A request for scoping comments was originally solicited by the National Aeronautics and Space Administration (NASA) in June 2009. However, the scope of the project has changed.

PROJECT DESCRIPTION

According to the letter, the proposed airstrip at north Wallops Island is needed to support WFF's ongoing and future UAS test research. The existing airstrip located at the south end of Wallops Island experiences severe cross winds and wash over during storm events. Additionally, mandatory safety constraints from increased rocket launch activities at the nearby Mid-Atlantic Regional Spaceport are anticipated to further reduce UAS research opportunities. The proposed UAS airstrip would be constructed of asphalt and measure approximately 3,000 feet long by 60 feet wide. Two asphalt pads would be constructed adjacent to the airstrip for staging aircraft and support vehicles during flight operations. Vegetation alongside the length of the airstrip would be cleared and maintained. Crushed gravel would be used to improve the existing dirt access road. Infrastructure improvements to provide electrical and telecommunication service would be implemented.

ENVIRONMENTAL REVIEW

The roles of the Virginia Department of Environmental Quality (DEQ) in relation to the project under consideration are as follows. First, DEQ's Office of Environmental Impact Review (OEIR) will coordinate Virginia's review of the EA prepared pursuant to the National Environmental Policy Act (NEPA) and comment to NASA on behalf of the Commonwealth. A similar review process will pertain to the Federal Consistency Determination (FCD) that must be provided pursuant to the Coastal Zone Management Act (CZMA). If the FCD is included as part of the EA, there can be a single review.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities affecting Virginia's coastal resources or coastal uses must be consistent with the Virginia Coastal Resources Management Program (VCP) (see section 307(c)(1) of the Act and the *Federal Consistency Regulations*, 15 CFR Part 930, sub-part C). NASA must provide a consistency determination which involves an analysis of the activities in light of the enforceable policies of the VCP (first enclosure), and a commitment to comply with the enforceable policies. In addition, we invite your attention to the advisory policies of the VCP (second enclosure). The FCD may be provided as part of the NEPA documentation or independently, depending on your agency's preference; we recommend, in the interests of efficiency for all concerned, that it be provided together with the NEPA document and that 60 days be allowed for review in keeping with the *Federal Consistency Regulations* (see section 930.41(a)). Section 930.39 of the *Federal Consistency Regulations* and Virginia's *Federal Consistency Information Package* at <http://www.deq.virginia.gov/eir/federal.html> give content requirements for the consistency determination.

PROJECT SCOPING

While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the NEPA document for the proposed project. Therefore, we are sharing your letter with selected state and local Virginia agencies, which are likely to include the following (note: starred (*) agencies administer one or more of the Enforceable Policies of the Virginia Coastal Resources Management Program; see "Federal Consistency..." below):

- Department of Environmental Quality:
 - Office of Environmental Impact Review
 - Tidewater Regional Office*
 - Air Division*
 - Waste Division
- Department of Game and Inland Fisheries*
- Department of Conservation and Recreation:
 - Division of Soil and Water Conservation*
 - Division of Planning and Recreation Resources

Mr. Joshua A. Bundick
Proposed Unmanned Aerial Systems Airstrip

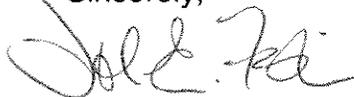
- Marine Resources Commission*
- Department of Agriculture and Consumer Services
- Department of Health
- Department of Mines, Minerals, and Energy
- Department of Historic Resources
- Department of Aviation
- Accomack-Northampton Planning District Commission
- Accomack County.

In order to ensure an effective coordinated review of the EA and FCD, we will require 18 copies of the document when it is published. The submission may include 4 hard copies and 14 CDs or 4 hard copies and an electronic copy available for download at a NASA web or ftp site. The document should include a U.S. Geological Survey topographic map as part of its information. We recommend, as well, that project details unfamiliar to people outside NASA be adequately described.

If you have questions about the environmental review process or the federal consistency review process, please feel free to call me at (804) 698-4325 or John Fisher of this Office at (804) 698-4339.

I hope this information is helpful to you.

Sincerely,



For Ellie L. Irons, Manager
Office of Environmental Impact Review

Attachments

Ec: Michelle Hollis, DEQ-TRO
Kotur S. Narasimhan, DEQ-Air
Paul Kohler, DEQ-Waste
Amy Ewing, DGIF
Robbie Rhur, DCR
Tony Watkinson, MRC
Barry Matthews, VDH
David Spears, DMME
Roger Kirchen, DHR
Keith Tignor, VDACS
Rusty Harrington, DoAv
Paul Berge, Accomack-Northampton PDC
Steven Miner, Accomack County



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

Attachment 1

Enforceable Regulatory Programs comprising Virginia's Coastal Resources Management Program (VCP)

- a. **Fisheries Management** - The program stresses the conservation and enhancement of finfish and shellfish resources and the promotion of commercial and recreational fisheries to maximize food production and recreational opportunities. This program is administered by the Marine Resources Commission (VMRC); Virginia Code 28.2-200 to 28.2-713 and the Department of Game and Inland Fisheries (DGIF); Virginia Code 29.1-100 to 29.1-570.

The State Tributyltin (TBT) Regulatory Program has been added to the Fisheries Management program. The General Assembly amended the Virginia Pesticide Use and Application Act as it related to the possession, sale, or use of marine antifoulant paints containing TBT. The use of TBT in boat paint constitutes a serious threat to important marine animal species. The TBT program monitors boating activities and boat painting activities to ensure compliance with TBT regulations promulgated pursuant to the amendment. The VMRC, DGIF, and Virginia Department of Agriculture Consumer Services (VDACS) share enforcement responsibilities; Virginia Code 3.1-249.59 to 3.1-249.62.

- b. **Subaqueous Lands Management** - The management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, tidal wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by the Department of Environmental Quality (DEQ). The program is administered by the Marine Resources Commission; Virginia Code 28.2-1200 to 28.2-1213.
- c. **Wetlands Management** - The purpose of the wetlands management program is to preserve wetlands, prevent their despoliation, and accommodate economic development in a manner consistent with wetlands preservation.
- (1) The tidal wetlands program is administered by the Marine Resources Commission; Virginia Code 28.2-1301 through 28.2-1320.
 - (2) The Virginia Water Protection Permit program administered by DEQ includes protection of wetlands --both tidal and non-tidal; Virginia Code §62.1-44.15:5 and Water Quality Certification pursuant to Section 401 of the Clean Water Act.

Attachment 1 continued

Page 2

- d. Dunes Management - Dune protection is carried out pursuant to The Coastal Primary Sand Dune Protection Act and is intended to prevent destruction or alteration of primary dunes. This program is administered by the Marine Resources Commission; Virginia Code 28.2-1400 through 28.2-1420.
- e. Non-point Source Pollution Control – (1) Virginia's Erosion and Sediment Control Law requires soil-disturbing projects to be designed to reduce soil erosion and to decrease inputs of chemical nutrients and sediments to the Chesapeake Bay, its tributaries, and other rivers and waters of the Commonwealth. This program is administered by the Department of Conservation and Recreation; Virginia Code 10.1-560 et seq.

(2) Coastal Lands Management is a state-local cooperative program administered by the DCR's Division of Chesapeake Bay Local Assistance and 84 localities in Tidewater (see i) Virginia; Virginia Code §10.1-2100 –10.1-2114 and 9 VAC10-20 et seq.
- f. Point Source Pollution Control - The point source program is administered by the State Water Control Board (DEQ) pursuant to Virginia Code 62.1-44.15. Point source pollution control is accomplished through the implementation of:
 - (1) the National Pollutant Discharge Elimination System (NPDES) permit program established pursuant to Section 402 of the federal Clean Water Act and administered in Virginia as the Virginia Pollutant Discharge Elimination System (VPDES) permit program.
 - (2) The Virginia Water Protection Permit (VWPP) program administered by DEQ; Virginia Code §62.1-44.15:5 and Water Quality Certification pursuant to Section 401 of the Clean Water Act.
- g. Shoreline Sanitation - The purpose of this program is to regulate the installation of septic tanks, set standards concerning soil types suitable for septic tanks, and specify minimum distances that tanks must be placed away from streams, rivers, and other waters of the Commonwealth. This program is administered by the Department of Health (Virginia Code 32.1-164 through 32.1-165).
- h. Air Pollution Control - The program implements the federal Clean Air Act to provide a legally enforceable State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards. This program is administered by the State Air Pollution Control Board (Virginia Code 10-1.1300 through §10.1-1320).
- (i) Coastal Lands Management is a state-local cooperative program administered by the DCR's Division of Chesapeake Bay Local Assistance and 84 localities in Tidewater, Virginia established pursuant to the Chesapeake Bay Preservation Act; Virginia Code §10.1-2100 –10.1-2114 and Chesapeake Bay Preservation Area Designation and Management Regulations; Virginia Administrative Code 9 VAC10-20 et seq.

Attachment 2

Advisory Policies for Geographic Areas of Particular Concern

- a. Coastal Natural Resource Areas - These areas are vital to estuarine and marine ecosystems and/or are of great importance to areas immediately inland of the shoreline. Such areas receive special attention from the Commonwealth because of their conservation, recreational, ecological, and aesthetic values. These areas are worthy of special consideration in any planning or resources management process and include the following resources:
 - a) Wetlands
 - b) Aquatic Spawning, Nursery, and Feeding Grounds
 - c) Coastal Primary Sand Dunes
 - d) Barrier Islands
 - e) Significant Wildlife Habitat Areas
 - f) Public Recreation Areas
 - g) Sand and Gravel Resources
 - h) Underwater Historic Sites.

- b. Coastal Natural Hazard Areas - This policy covers areas vulnerable to continuing and severe erosion and areas susceptible to potential damage from wind, tidal, and storm related events including flooding. New buildings and other structures should be designed and sited to minimize the potential for property damage due to storms or shoreline erosion. The areas of concern are as follows:
 - i) Highly Erodible Areas
 - ii) Coastal High Hazard Areas, including flood plains.

- c. Waterfront Development Areas - These areas are vital to the Commonwealth because of the limited number of areas suitable for waterfront activities. The areas of concern are as follows:
 - i) Commercial Ports
 - ii) Commercial Fishing Piers
 - iii) Community Waterfronts

Although the management of such areas is the responsibility of local government and some regional authorities, designation of these areas as Waterfront Development Areas of Particular Concern (APC) under the VCRMP is encouraged. Designation will allow the use of federal CZMA funds to be used to assist planning for such areas and the implementation of such plans. The VCRMP recognizes two broad classes of priority uses for waterfront development APC:

- i) water access dependent activities;
- ii) activities significantly enhanced by the waterfront location and complementary to other existing and/or planned activities in a given waterfront area.

Advisory Policies for Shorefront Access Planning and Protection

- a. Virginia Public Beaches - Approximately 25 miles of public beaches are located in the cities, counties, and towns of Virginia exclusive of public beaches on state and federal land. These public shoreline areas will be maintained to allow public access to recreational resources.
- b. Virginia Outdoors Plan - Planning for coastal access is provided by the Department of Conservation and Recreation in cooperation with other state and local government agencies. The Virginia Outdoors Plan (VOP), which is published by the Department, identifies recreational facilities in the Commonwealth that provide recreational access. The VOP also serves to identify future needs of the Commonwealth in relation to the provision of recreational opportunities and shoreline access. Prior to initiating any project, consideration should be given to the proximity of the project site to recreational resources identified in the VOP.
- c. Parks, Natural Areas, and Wildlife Management Areas - Parks, Wildlife Management Areas, and Natural Areas are provided for the recreational pleasure of the citizens of the Commonwealth and the nation by local, state, and federal agencies. The recreational values of these areas should be protected and maintained.
- d. Waterfront Recreational Land Acquisition - It is the policy of the Commonwealth to protect areas, properties, lands, or any estate or interest therein, of scenic beauty, recreational utility, historical interest, or unusual features which may be acquired, preserved, and maintained for the citizens of the Commonwealth.
- e. Waterfront Recreational Facilities - This policy applies to the provision of boat ramps, public landings, and bridges which provide water access to the citizens of the Commonwealth. These facilities shall be designed, constructed, and maintained to provide points of water access when and where practicable.
- f. Waterfront Historic Properties - The Commonwealth has a long history of settlement and development, and much of that history has involved both shorelines and near-shore areas. The protection and preservation of historic shorefront properties is primarily the responsibility of the Department of Historic Resources. Buildings, structures, and sites of historical, architectural, and/or archaeological interest are significant resources for the citizens of the Commonwealth. It is the policy of the Commonwealth and the VCRMP to enhance the protection of buildings, structures, and sites of historical, architectural, and archaeological significance from damage or destruction when practicable.



DEPARTMENT OF THE NAVY
SURFACE COMBAT SYSTEMS CENTER
30 BATTLE GROUP WAY
WALLOPS ISLAND, VIRGINIA 23337-5000

5090
Ser X31/392

11 AUG 2010

NASA Goddard Space Flight Center
Wallops Flight Facility
Attn: 250.W, Joel T. Mitchell
Wallops Island, Virginia 23337

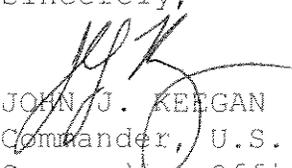
Dear Mr. Mitchell:

In response to your letter of July 14, 2010, Surface Combat Systems Center (SCSC) feels that the smaller runway as illustrated will represent less impact and hence is more desirable than earlier plans. There may still be restrictions due to the presence of piping plovers and bald eagles.

However, we do have concerns over RF avoidance, specifically current restrictions placed on SCSC during UAS/UAV operations for the SPS-49 at V-10 and V-24. Adding additional capability for UAVs at Wallops Island and not knowing the frequencies for which they operate could potentially limit use of other radars during these operations. Foreseen scheduling conflicts will result due to airspace requirements for UAV operations.

My point of contact is Marilyn Ailes at 757-824-2082 or Marilyn.Ailes@navy.mil.

Sincerely,


JOHN J. KEEGAN
Commander, U.S. Navy
Commanding Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



August 11, 2010

Joel Mitchell
Natural Resources Manager
National Aeronautics and Space Administration
Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, VA 23337

Re: Scoping Environmental Assessment (EA) Unmanned Aerial Systems (UAS) Airstrip,
Wallops Island, Accomack County, Virginia, July 14, 2010

Dear Mr. Mitchell:

In accordance with the National Environmental Policy Act (NEPA) of 1969, the U.S. Environmental Protection Agency (EPA) is responding to your request for comments on the above referenced project for the Wallops Flight Facility (WFF). Due to the limited amount of information EPA currently has at this time, we are unable to provide a comprehensive set of comments. We have included the following comments for your consideration in the development of the Environmental Assessment (EA).

The EA should clearly state the purpose and requirements of unmanned flight launching at WFF and the range of alternatives (including location and sizing) of a facility. Information should be provided on the number of flights or launches proposed for the airstrip, size of aircraft that will be utilizing the airstrip, in addition to the total flight/launch capabilities. It would also be helpful to put this information in the context of current flight and launch activities that are occurring at Wallops Flight Facility. The scoping letter described that clearing adjacent to the airstrip and beyond the ends of the airstrip would be necessary. A description of clearing and height restrictions should be included. The relationship the proposed project has to hazard arcs or zones and safety constraints should also be discussed. The EA should include discussion of possible impacts associated with access to the proposed site, any upgrades to existing roads or associated structures that may be needed, as well as impacts resulting from staging pads.

During the EA process, it is important to conduct a thorough alternatives analysis. Alternate airstrip lengths should be considered in the EA. Future plans or possible need to expand the airstrip at a later date should be clearly stated and evaluated. Airstrip locations further on inland on the Mainland, Main Base or other parcels should be evaluated. WFF is located on a barrier island, which is a sensitive and unstable ecosystem that is very vulnerable to



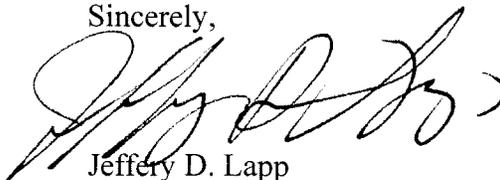
sea-level rise and intense storms. It may be prudent to consider this dynamic nature when looking at this and future development projects.

As noted in the scoping letter received by EPA, there are many wetland systems on Wallops Island that may be in proximity to the proposed airstrip. Avoidance and minimization of impacts to aquatic resources should be fully considered, as required under the CWA Section 404 (b) (1) Guidelines. Bald eagle nests are located near the proposed UAS airstrip. While bald eagles are no longer federally listed as threatened or endangered species, they are protected by the Bald and Golden Eagle Protection Act. EPA suggests coordination with U.S. Fish and Wildlife Service for addressing the bald eagle nests as well as other potential issues regarding threatened and endangered species.

An indirect and cumulative impact analysis for the proposed action should be included in the EA. Cumulative impacts can result from individually minor, but collectively significant, action taking place over a period of time. The Council on Environmental Quality in 40 CFR 1508.7 defines cumulative impacts as “impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable action.” A summary of other NASA projects and locations, any neighboring projects unrelated to NASA, sufficient project background and potential impacts to resources affected by the UAS, and the status of proposed projects should be included in the cumulative impacts analysis. If possible a tabulation of all proposed projects on Wallops Island should be provided to the resource agencies. It would be helpful if clarification was provided on which projects have funding, authorization or Congressional backing. EPA is concerned that some or many of these projects may be connected actions and warrant additional, more comprehensive study. The cumulative adverse environmental impact of these actions needs to be thoroughly evaluated. EPA recommends use of the document “Consideration of Cumulative Impacts in EPA Review of NEPA Documents” (EPA 1999) for a through explanation of the requirements of a cumulative impacts analysis.

EPA recommends and requests that a meeting be organized to review the information gathered for the study of alternatives for this project, with participation of US Army Corps and US Fish and Wildlife Service. EPA would appreciate if NASA would also provide an update on other planned or ongoing projects at WFF, as well as potential mitigation. Thank you for including EPA in your coordination efforts regarding this project and allowing EPA to provide comments to be incorporated into the EA. If you have questions regarding these comments, please feel free to contact Ms. Barbara Rudnick, NEPA Team Leader at 215-814-3322 or the staff contact for this project, Ms. Alaina DeGeorgio at 215-814-2741.

Sincerely,



Jeffery D. Lapp
Associate Director
Office of Environmental Programs



cc. Keith Lockwood, USACE
Cindy Schulz, USFWS



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Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Division of Natural Heritage
217 Governor Street
Richmond, Virginia 23219-2010
(804) 786-7951

August 11, 2010

Joel Mitchell
NASA, Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, VA 23337

Re: NASA, Goddard Space Flight Center Wallops Flight Facility

Dear Mr. Mitchell:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, this site is located within the North Wallops Island Conservation Site. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element's conservation. Conservation sites are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. North Wallops Island Conservation Site has been given a biodiversity significance ranking of B2, which represents a site of very high significance. The rare plants and communities of concern associated with the site are:

Maritime Dune Woodland		G1G2/SNR/NL/NL
Seaside plantain	Plantago maritime var.juncoides	G5T5/S1/NL/NL
Big-head rush	Juncus megacephalus	G4G5/S2/NL/NL
Southern beach spurge	Chamaesyce bombensis	G4G5/S2/NL/NL

The Maritime Dune Woodland is a tall, deciduous, maritime shrubland or scrub forest of the mid-Atlantic coast, although physiognomy can vary dramatically, ranging from open woodland to stunted forest to dense nearly impenetrable thicket. Individual trees tend to be wind-pruned and multi-stemmed. It generally occurs on the lee side of sand dunes along the coast and is subject to salt spray and winds. The substrate varies from pure sand directly adjacent to the ocean to loamy sands in more sheltered areas of the coast. At the southern end of the range in Virginia, this community occurs as a woodland variably

dominated by *Prunus serotina*, *Sassafras albidum*, *Diospyros virginiana*, and *Malus angustifolia* var. *angustifolia*. Vine tangles are patchy and interspersed with areas of open sand dominated by *Schizachyrium littorale* and also containing *Opuntia humifusa*, *Conyza canadensis*, *Nuttallanthus canadensis*, *Cirsium horridulum* var. *horridulum*, and other xerophytic herbs at lower cover. This maritime shrubland community is restricted to a narrow range on coastal dunes of barrier islands on the mid-Atlantic coast. It does not occur north of southern New Jersey or south of Virginia. Occurrences are naturally small (a few acres), confined to the oceanward portion of barrier islands. Potential or historic habitat has been reduced by extensive human development such as residential or commercial building, recreation, or road expansion.

Seaside plantain (*Plantago maritima* var. *juncooides*, G5T5/S1/NL/NL) is a low perennial herb of salt marshes, beaches and coastal rocks (Gleason and Cronquist 1991). Spikes of mostly densely arranged small white flowers arise on leafless stems from a basal rosette of fleshy, linear-lanceolate leaves. The species is circumboreal, with variety *juncooides* at least being found in Greenland, Canada, and extending into the east coast of the US in New England, New York, New Jersey and Virginia; plants of northwestern North America are variously included or separated from var. *juncooides* (Kartesz 1999, Weakley in prep.). In Virginia, seaside plantain has only been documented in salt marshes and flats on the Eastern Shore in Accomack County. Threats include habitat destruction from development and sea-level rise.

Big-headed rush a rare perennial in Virginia, is found along the coastal plain usually in open moist or wet areas and often in shallow water, sands, peats and marls; marshy shores, interdune hollows, swales, brackish and fresh marshes, marl prairies and bogs. It is also known to colonize abundantly in ditches. Big-headed rush occurs from south of Virginia to Florida and as far west as southeast Texas. It is known currently in Virginia from nine occurrences, and historically from two occurrences.

Southern beach spurge, a state rare plant species, occurs in mats and is found on the secondary dunes of the Atlantic Ocean and Chesapeake Bay. Virginia is the northern limit of its range with ten documented sites state-wide. The rarity of this plant is due to habitat destruction associated with commercial development along the coast (Ludwig, 1996). Southern beach spurge is currently known from 10 occurrences in Virginia, and historically known from an additional five occurrences.

The Maritime Dune Woodland is a very rare community type known only from two sites in Virginia. The proposed project would directly impact this natural heritage resource. In addition, documented occurrences of Southern beach spurge, Big-head rush, and Seaside plantain, state-rare plants would also be impacted by this project. DCR strongly recommends avoiding impacts to this globally rare community and these state rare plants by relocating the proposed landing strip. Please see the attached map for natural heritage resource locations within and adjacent to the project location.

Furthermore, Peregrine falcon (*Falco peregrinus*, G4/S1BS2N/NL/LT), Northern Harrier (*Circus cyaneus*, G5/S1S2B,S3N/NL/SC), Piping plover (*Charadrius melodus*, G3/S2B,S1N/LT/LT), Wilson's plover (*Charadrius wilsonia*, G5/S1B/NL/LE), and Little blue heron (*Egretta caerulea*, G5/S2B,S3N/NL/NL) have been documented within the project area and the project vicinity. DCR zoologist, Dr. Steve Roble recommends a study to evaluate the potential impacts on these birds as well as colonial waterbirds (herons, egrets, terns) and migratory songbirds by the proposed project. With the study results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.

Due to the legal status of the Piping plover, DCR also recommends coordination with USFWS and VDGIF to ensure compliance with protected species legislation. Due to the legal status of the Peregrine falcon and Wilson's plover, DCR also recommends coordination with the VDGIF to ensure compliance with protected species legislation.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

Our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

Should you have any questions or concerns, feel free to contact me at 804-692-0984. Thank you for the opportunity to comment on this project.

Sincerely,



Alli Baird, LA, ASLA
Coastal Zone Locality Liaison

CC: Amy Ewing, VDGIF

Literature Cited:

Gleason, H.A. and A. Cronquist. 1991. Manual of Vascular Plants of Northeastern United States and Adjacent Canada. Second Edition. The New York Botanical Garden. Bronx, NY. 910 pp.

Kartesz, J.T. 1999. A Synonymized Checklist and Atlas with Biological Attributes for the Vascular Flora of the United States, Canada, and Greenland. First Edition. In: Kartesz, J.T. and C.A. Meacham. Synthesis of the North American Flora, Version 1.0. North Carolina Botanical Garden, Chapel Hill, NC.

Ludwig, J. Christopher. 1996. Personal communication. Virginia Department of Conservation and Recreation, Division of Natural Heritage.

NatureServe. 2009. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: August 9, 2010).

Weakley, A.S. in prep. Flora of the Southern and Mid-Atlantic States. Working Draft of 8 March 2010. University of North Carolina Herbarium, North Carolina Botanical Garden, University of North Carolina at Chapel Hill, Chapel Hill, NC. 994 pp.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

August 24, 2010

Mr. Joel T. Mitchell
Natural Resources Manager
Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, VA 23337

RE: Proposed Unmanned Aerial Systems Airstrip

Dear Mr. Mitchell,

The Department of Environmental Quality has received your July 14, 2010, letter requesting scoping comments on the above named project. The DEQ Waste Division staff has reviewed your letter and has the following comments concerning the waste issues associated with this project: When an environmental impact report is written or compiled, it should include an environmental investigation on and near the property to identify any solid or hazardous waste sites or issues. This should include a search of waste-related databases.

The report author should analyze the data in the web-based Waste Division databases to determine if the project would affect or be affected by any sites identified in the databases. These are the Solid Waste Database, CERCLA Facilities, Voluntary Remediation Program, and Hazardous Waste Facilities databases.

The Solid Waste Database

A list of active solid waste facilities in Virginia.

CERCLA Facilities Database

A list of active and archived CERCLA (EPA Superfund Program) sites.

Hazardous Waste Facilities Database

A list of hazardous waste generators, hazardous waste transporters, and hazardous waste storage and disposal facilities. Data for the CERCLA Facilities and Hazardous Waste Facilities databases are periodically downloaded by the Waste Division from U.S. EPA's website.

Mr. Joel T. Mitchell
Natural Resources Manager
Goddard Space Flight Center
Page 2

Accessing the DEQ Databases:

The report author should access this information on the DEQ website at <http://www.deq.state.va.us/waste/waste.html> . Scroll down to the databases which are listed under Real Estate Search Information heading.

The *solid waste information* can be accessed by clicking on the Solid Waste Database tab and opening the file. Type the county or city name and the word County or City, and click the Preview tab. All active solid waste facilities in that locality will be listed.

The *Superfund information* will be listed by clicking on the Search EPA's CERCLIS database tab and opening the file. Click on the locality box, click on sort, then click on Datasheet View. Scroll to the locality of interest.

The *hazardous waste* information can be accessed by clicking on the Hazardous Waste Facility tab. Go to the Geography Search section and fill in the name of the city or county and VA in the state block, and hit enter. The hazardous waste facilities in the locality will be listed.

The *Voluntary Remediation Program* GPS database can be accessed by clicking on "Voluntary Remediation," then "What's in my backyard" in the center shaded area, and then under "Mapping Applications," click on "What's in my backyard" again.

This database search will include most waste-related site information for each locality. In many cases, especially when the project is located in an urban area, the database output for that locality will be extensive.

This database search will include most waste-related site information for each locality. In many cases, especially when the project is located in an urban area, the database output for that locality will be extensive.

In your letter, neither solid waste issues and sites nor hazardous waste issues and sites were addressed. Nor did the letter detail a search of waste-related data bases. The Waste Division staff conducted a cursory review of its data files including a GIS database search, but did not identify any waste sites that would impact or be impacted by the proposed construction.

Any soil that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 et seq.; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-80); and Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 et seq., the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous materials, 49 CFR Parts 107.

Mr. Joel T. Mitchell
Natural Resources Manager
Goddard Space Flight Center
Page 3

Also, if an older structure will be demolished as part of this project, the structure should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP). If they are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-80-640 for ACM and 9VAC 20-60-261 for LBP must be followed.

Finally, DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All hazardous wastes should be minimized.

If you have any questions or need further information, please contact Paul Kohler at (804) 698-4208.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. W. Kohler".

Paul W. Kohler
Environmental Specialist II

CC: file

Hoffman, Charee

From: Bundick, Joshua A. (WFF-2500) [joshua.a.bundick@nasa.gov]
Sent: Tuesday, September 07, 2010 11:22 AM
To: Hoffman, Charee; Bartlett, Matthew E.
Cc: Silbert, Shari A. (WFF-200.C)[EG&G, Inc. (WICC)]; Mitchell, Joel T. (WFF-2500)
Subject: ESSLog# 31176_Wallops Flight Facility_Unmanned Aerial Systems Airstrip

From: Ewing, Amy (DGIF) [mailto:Amy.Ewing@dgif.virginia.gov]
Sent: Tuesday, September 07, 2010 11:20 AM
To: Bundick, Joshua A. (WFF-2500)
Cc: Boettcher, Ruth (DGIF); Fisher, John (DEQ)
Subject: ESSLog# 31176_Wallops Flight Facility_Unmanned Aerial Systems Airstrip

Joshua,

We received notice that NASA is proposing to construct and Unmanned Airstrip at the north end of the island and that you are looking for scoping comments. In response to various projects going on at Wallops over the past few years, we have provided quite a bit of information about the wildlife resources known from Wallops and what we would like to see the EA's for projects on Wallops consider. We recommend review of the comments we made regarding the SRIPP and the 2009 expansion plans at Wallops. If you need to me provide you with copies of those comments, just let me know. Below is a recap of some of the things we would like to see discussed in the EA for the new airfield.

- Relation of the airfield to the state Threatened bald eagle's nest known from the north end of the property, discussion of any impacts upon this nesting structure, physical encroachment into within 660ft of the nest, and/or any impacts construction and operation of the airfield are likely to have on the eagles using this nest, and how NASA proposes to avoid, minimize or mitigate such impacts.
- Relation of the airfield to the artificial structure used by state Threatened peregrine falcons that is located at the north end of the property, discussion of any impacts construction and operation of the airfield are likely to have on the falcons using this structure, and how NASA proposes to avoid, minimize or mitigate such impacts.
- Any impacts the construction and operation of the airfield may have on federal Endangered piping plovers known to nest on the beaches at the north end of the island and how NASA proposes to avoid, minimize or mitigate such impacts.
- Any impacts the construction and operation of the airfield may have on other shorebirds, listed and non-listed, known to nest on Virginia's barrier islands and how NASA proposes to avoid, minimize or mitigate such impacts.
- Any impacts the construction and operation of the airfield may have on marine species such as sea turtles and sea mammals known from nearby waters and how NASA proposes to avoid, minimize or mitigate such impacts.

In addition to the above, we expect the EA to include a clear description of all proposed activities for the site so that we may better understand the project and assess the impacts it may have to resources under our jurisdiction.

We recommend coordination with the USFWS and NMFS regarding any impacts upon species under their jurisdictions.

Thank you.

Amy

Amy M. Ewing
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
804-367-2211