

National Aeronautics and
Space Administration

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



Reply to Attn of: 250.W

December 21, 2011

Ms. Ellie Irons
Office of Environmental Impact Review
Virginia Department of Environmental Quality
629 East Main Street, Sixth Floor
Richmond, Virginia 23219

Dear Ms. Irons:

In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and Section 307 (c) (1) of the Coastal Zone Management Act of 1972, the National Aeronautics and Space Administration (NASA) has prepared a Draft Environmental Assessment (EA) and Federal Consistency Determination (FCD) for the proposed Unmanned Aerial Systems (UAS) airstrip at its Goddard Space Flight Center's Wallops Flight Facility (WFF) on Wallops Island, Virginia. The location for the proposed airstrip is the north end of Wallops Island.

As the project sponsor, NASA is serving as the lead agency for both NEPA and Federal Consistency coordination with the Virginia Department of Environmental Quality. The U.S. Army Corps of Engineers (USACE) would undertake actions connected to the UAS airstrip and are participating in NASA's NEPA process and Consistency coordination.

In cooperation with USACE, NASA has found that the proposed construction of the UAS airstrip would be consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Resources Management Program. NASA respectfully requests that you review the enclosed Draft EA and FCD and provide comments within 60 days of receiving this letter. Four (4) hard copies and fourteen (14) compact discs are enclosed to facilitate the consolidated state agency review process.

If you have any questions or require any additional information please contact me at (757) 824-1127, or Ms. Shari Silbert at (757) 824-2327.

Sincerely,

A handwritten signature in black ink that reads "Joel Mitchell".

Joel T. Mitchell
Natural Resources Manager

2 Enclosures

**FEDERAL CONSISTENCY DETERMINATION FOR THE
NORTH WALLOPS ISLAND
UNMANNED AERIAL SYSTEMS AIRSTRIP**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
GODDARD SPACE FLIGHT CENTER
WALLOPS FLIGHT FACILITY
WALLOPS ISLAND, VIRGINIA 23337**

INTRODUCTION

This document provides the Commonwealth of Virginia with the National Aeronautics and Space Administration's (NASA) Consistency Determination under Coastal Zone Management Act Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, Subpart C, for construction of an Unmanned Aerial Systems (UAS) airstrip at NASA's Goddard Space Flight Center Wallops Flight Facility (WFF), Wallops Island, Virginia. The location for the proposed airstrip is the north end of Wallops Island. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39.

NASA has prepared an Environmental Assessment (EA) to evaluate the potential environmental impacts from the proposed UAS airstrip in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S. Code 4321-4347), the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), NASA's regulations for implementing NEPA (14 CFR Subpart 1216.3), and the *NASA Procedural Requirements (NPR) for Implementing NEPA* and *Executive Order (EO) 12114* (NPR 8580.1).

The U.S. Army Corps of Engineers (USACE), Norfolk District, has served as a Cooperating Agency in preparing the EA and this Consistency Determination, because they possess regulatory authority and specialized expertise pertaining to the Proposed Action. The ES is being developed to fulfill all three Federal agencies' obligations under NEPA. NASA, as the WFF property owner and project proponent, is the Lead Agency and responsible for ensuring overall compliance with applicable environmental statutes, including NEPA.

Based on the data and analysis, NASA finds that the activities associated with the construction of the proposed UAS airstrip are consistent to the maximum extent practicable with the enforceable polices of the Virginia Coastal Resources Management Program. The summary below supports NASA's determination.

**ENFORCEABLE POLICIES COMPRISING VIRGINIA’S COASTAL ZONE MANAGEMENT PROGRAM
AND PROPOSED ACTION ANALYSIS**

- 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 (MRC) (Virginia Code §28.2-200 through §28.2 - 713) and the Department of Game and Inland Fisheries (DGIF) (Virginia Code §29.1-100 through §29.1-570).

Consistent? Yes

Analysis –No fisheries habitat areas located within the footprint of the airstrip. Tidal wetlands are located outside of the footprint and all impacts to tidal wetlands have been avoided. The proposed airstrip construction would not have an impact on fisheries management.

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 MRC, DGIF, and Virginia Department of Agriculture and Consumer Services share enforcement responsibilities (Virginia Code §3.1-249.59 through §3.1-249.62).

Consistent? Yes

Analysis - No boating areas located within the footprint of the airstrip or adjacent to it. The proposed airstrip construction would not have an impact on the State TBT Regulatory Program.

- 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, wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by the Department of Environmental Quality (DEQ) Water Division. The program is administered by the MRC (Virginia Code §28.2-1200 through §28.2-1213).

Consistent? Yes

Analysis - There are no regulated subaqueous lands located within the footprint of the airstrip construction. The proposed range renovation would not have an impact on subaqueous lands.

- c. Wetlands Management - The purpose of the wetlands management program is to preserve tidal wetlands, prevent their despoliation, and accommodate economic development in a manner

consistent with wetlands preservation. (i) The tidal wetlands program is administered by the MRC (Virginia Code §28.2-1301 through §28.2-1320).

Consistent? Yes

Analysis –No tidal wetlands are located in the footprint of the airstrip construction. Impacts to tidal wetlands have been avoided. The proposed airstrip construction would not have an impact on tidal wetlands.

(ii) The Virginia Water Protection Permit program administered by the DEQ includes protection of wetlands --both tidal and non-tidal. This program is authorized by Virginia Code § 62.1-44.15.5 and the Water Quality Certification requirements of §401 of the Clean Water Act of 1972.

Consistent? Yes

Analysis –Non-tidal wetlands are present in the footprint of the airstrip. These non-tidal wetlands have been delineated and the limits confirmed by the Army Corps of Engineers (the Corps) in 2009. The wetland limits have been located by survey and illustrated on the attached exhibits. These wetlands are comprised of emergent and scrub shrub habitats. Impacts to forested areas have also been avoided. A Joint Permit application has been prepared to secure authorization for the necessary wetland impacts. A detailed alternatives analysis has been completed as part of this project. Additionally, many avoidance and minimization measures have been incorporated to further reduce wetland impacts. Mitigation will be provided to compensate for all wetland losses. Funds will be donated to the Virginia Aquatic Resources Trust Fund, managed by The Nature Conservancy. NASA has already initiated discussions with TNC to identify suitable mitigation for the proposed impacts. Wetland impacts are summarized in the table below.

Habitat Type	Acreage
Emergent Wetlands	0.9 hectares (2.32 acres)
Scrub Shrub Wetlands	0.06 hectares (0.15 ac.)
<i>Total</i>	1.0 hectares (2.47 ac.)

- 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 MRC (Virginia Code §28.2-1400 through §28.2-1420).

Consistent? Yes

Analysis - No dunes are located within the footprint of the airstrip construction. The proposed range renovation would not have an impact on dunes.

- e. Non-point Source Pollution Control - 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 (DCR) (Virginia Code §10.1-560 *et.seq.*).

Consistent? Yes

Analysis – The proposed airstrip construction incorporates temporary and permanent best management practices to reduce soil erosion. Low Impact Development (LID) principles were utilized in the development of the stormwater management plan for the project. In addition, WFF's most recent Stormwater Pollution Prevention Plan (SWPPP), developed in 2009 will be revised to include this airstrip. The SWPPP describes current stormwater management systems and associated outfalls, potential pollutant sources, and best management practices (BMPs) implemented to reduce runoff. In addition, the SWPPP details stormwater sampling activities, procedures for completing annual comprehensive site compliance evaluations, and the employee training program.

- f. Point Source Pollution Control - The point source program is administered by the State Water Control Board pursuant to Virginia Code §62.1-44.15. Point source pollution control is accomplished through the implementation of the National Pollutant Discharge Elimination System permit program established pursuant to §402 of the federal Clean Water Act and administered in Virginia as the Virginia Pollutant Discharge Elimination System permit program. The Water Quality Certification requirements of §401 of the Clean Water Act of 1972 is administered under the Virginia Water Protection Permit program.

Consistent? Yes

Analysis – The proposed airstrip construction would not create any new point sources for pollution. Therefore, the action would have no impact on point source pollution control.

- 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).

Consistent? Yes

Analysis - This action does not require the construction of facilities that require a septic tank. The proposed range renovation would not have an impact on shoreline sanitation.

- 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).

Consistent? Yes

Analysis – Minimal impacts to air quality would occur during airstrip construction activities. The action would not lead to non-attainment to any of the National Ambient Air Quality Standards. The proposed range renovation would have minimal impacts to air pollution control.

- 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 (CBPA); Virginia Code §§ 10.1-2100 through 10.1-2114 and Chesapeake Bay Preservation Area Designation and Management Regulations; Virginia Administrative code 9 VAC10-20-10 *et seq.*

Consistent? Yes

Analysis –The site is not located within the Chesapeake Bay Drainage Area. The proposed airstrip construction would not have an impact on Chesapeake Bay Preservation Areas resources.