



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

February 16, 2016

Ms. Courtenay Hoernemann
U.S. General Services Administration
20 N Eighth Street
Philadelphia, PA 19107

Re: Final Supplemental Environmental Impact Statement for the Federal Bureau of Investigation Central Records Complex in Frederick County, VA (CEQ #20160004)

Dear Ms. Hoernemann:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency has reviewed the Final Supplemental Environmental Impact Statement (FSEIS) for the Federal Bureau of Investigation (FBI) Central Records Complex (CRC) in Frederick County, VA.

The FSEIS provides the selection of a preferred alternative as determined by the U.S. General Services Administration (GSA) and the FBI; a preferred alternative was not presented in the Draft SEIS. It has been determined by GSA and the FBI that the Arcadia site would provide the most implementable, cost effective and environmentally sound location for the development and operation of the proposed FBI CRC.

As a result of the selection of a Preferred Alternative and although GSA addressed most of EPA's concerns, there are questions that still remain. The responses provided by GSA to EPA and other agencies have raised additional questions; these questions pertain to site location knowing now that the existing Marcel Drive facility will remain in operation, confirmation/accuracy of resource impact, Level IV security measures/impacts to environmental resources, greenhouse gas emissions/climate change, Environmental Justice, cumulative resource impact resulting from the proposed action and other planned or foreseeable actions. It does not appear through the information presented in the SEIS that the restriction on site locations warrants use of undeveloped sites. More information is requested on impacted resources to assess selected Preferred Alternative. EPA has provided additional questions and comments in the Technical Comments document (enclosed) for GSA to consider and address as well as incorporate in documentation for the Record of Decision (ROD).

Thank you for the opportunity to review this project. EPA would appreciate the chance to talk with you about our concerns. If you have questions regarding these comments, the staff contact for this project is Karen DelGrosso; she can be reached at 215-814-2765 or Delgrosso.karen@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Rudnick', with a long horizontal flourish extending to the right.

Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs

Enclosure (1)

Technical Comments

FSEIS for the FBI Central Records Complex

Purpose and Need/Site Selection Alternatives

As noted in the response to Ms. Kris Tierney, Assistant County Administrator, County of Frederick (Comment #54), "Text has been revised to indicate the new facility would not replace the Marcel Drive facility." Thus, page ES-i states, "The CRC would be operated by approximately 446 employees who would primarily come from the existing facility on Marcel Drive in Winchester, Virginia. The Marcel Drive facility would continue to operate as the proposed facility is intended to complement, not replace, the existing facility." This was not made clear in the DSEIS. Since the CRC would be operated by approximately 446 employees who would primarily come from the Marcel Drive facility, it was assumed that this facility would no longer be operable after the CRC was constructed to fulfill one of the purposes of the proposed action which is to consolidate records from various locations. Please identify the FBI records centers that will be consolidated to the proposed new FBI CRC and include their locations. How many employees are at the Marcel Drive facility and how many will be transferred to the proposed FBI CRC facility?

The purpose and need for the proposed CRC is to improve records management, improve security of records, as well as to consolidate records from various locations within the U.S., including Washington, DC. If the Marcel Drive facility will continue operations, will there be a secondary action to implement security measures at this location since this is one of the reasons for the CRC?

Even though the FSEIS states that "the CRC would be operated by approximately 446 employees who would primarily come from the existing facility..." and in actuality only a percentage of employees (from the Marcel Drive facility) will be transferred to the proposed FBI CRC facility, is it even necessary to have the proposed facility within the boundary of Frederick County, Virginia and/or the City of Winchester? If the Marcel Drive facility will remain then why move the 446 employees to the new site? Why not hire new employees for the proposed FBI CRC facility so that there would have been more site options? Will new employees need to be hired for the Marcel Drive site? If so, how many employees will need to be hired for the Marcel Drive facility? Until these questions are answered, EPA questions the need for the FBI CRC site location to have been restricted to Frederick County or Winchester and questions whether the site selection process could have been expanded to look for more developed areas as opposed to using undeveloped areas like Arcadia and Whitehall. Please address/discuss.

Environmentally Preferred Alternative

GSA and the FBI determined that Arcadia was evaluated overall more favorably than Whitehall. As the FSEIS states, "Although fewer environmental impacts would occur at the Whitehall site through the implementation of the proposed action, Arcadia has been identified as the overall preferred site to meet the needs of the project requirements and the overall best value for the government." EPA respects the judgement of GSA and the FBI, but questions whether

the assessment provided accurately depicts the actual resource impacts of the Preferred Alternative.

The comments that follow below exemplify this point further; additional responses to the questions asked below will help to explain GSA and the FBI's selection of the Preferred Alternative.

GSA's Responses to EPA Comments on the DSEIS

Comment 8: EPA questioned what would be required to comply with Level IV Security in terms of impact on the environment. EPA appreciates and respects the FBI's stand to not publicize specific requirements and EPA does not want in any way to compromise the security of the FBI CRC. However, EPA is concerned with general environmental impacts that may result from incorporating security measures (i.e. fencing abutting vegetation of Appalachian Mountain area and its impact on wildlife, etc.). EPA would like the opportunity to evaluate environmental impacts that may result from implementing Level IV Security measures. Please address providing specific resource impacts due to implementing Level IV Security measures.

Table 6.0-1 states (Arcadia site) – “Given the large size of site, the 350 ft security setback can be obtained and forested areas and berm along Route 50 would aid in security at property boundaries.” It is assumed from this statement that 350 ft security setback is needed to obtain a Level IV Security. The Whitehall site states, “There are currently no known security risks or hazards identified at or in close proximity to the site.” Thus, it is assumed from this statement that the Whitehall site is also large enough to provide the same size setbacks despite it being a smaller site compared to Arcadia. Please confirm and discuss resource impacts that could result due to implementing Level IV Security measures.

Comment 12: Although minor, the referenced section in responses to Comment 12 should be Section 7, Cumulative Impacts (not Section 6 which is Action Alternatives Comparison and Selection of Preferred Alternative).

Comment 15: GSA response states, “Coordination with the NRCS has been noted in Sections 4.9 and 5.9 and correspondence has been added to Appendix H of the Final EIS.” There is no Appendix H within the FSEIS; however, there is the Farmland Conversion Impact Rating form in Appendix G. Did GSA intend to have an Appendix H with other correspondence from NRCS?

Comment 17: EPA questioned the impact to approximately 2.25 acres of wetlands expecting minimization and mitigation options to be discussed in the FSEIS. The response states that “Preliminary layouts of the CRC on the Arcadia site have reduced the impacts on wetlands.” The response did not specify the quantity of reduced wetlands impacted as a result of the preliminary layout. However, page 4-34 of the FSEIS (page 4-34) states, “There were 2.62 ac of wetlands delineated in the 59-acre project area (Figure 4.10-1). As shown in Figure 4.8-2, approximately 0.54 ac of wetlands would be impacted.” There is no Figure 4.8-2, it is assumed that the referenced figure is Figure 4.8-1, Forest and Wetland Impacts – Arcadia. EPA appreciates the efforts to reduce the wetland impact from 2.25 acres to 0.54 acres. It is not very

clear in Figure 4.8-1 if the 0.54 acres of wetlands impact would be within the optimal building area (10.46 acres) or other areas on the site. This is questioned because when looking at the same map there appears to be impacts to wetlands that would result from the proposed security fence, secondary entrance and the proposed Route 37 and off ramp area. In addition, it is not clear if the wetlands on the 8.77 acres of the secondary development area referenced on the figure may be impacted. Please explain and depict impacted wetlands on a map showing preliminary building layout in proximity to wetlands, even wetlands not directly impacted.

Vegetation

Page 4-25 states, "Development of facilities would take place on roughly 49.3 ac of the entire 59 ac project area. Based on the conceptual design layout, implementing Alternative 1 (Arcadia) would result in the removal of up to 14.17 ac of forested habitat within the area to be developed (Figure 4.8-1). Establishment of construction staging areas, to be determined during the design phase, may also result in temporary impacts to vegetation, which would be minimized and avoided to the extent practicable. Following construction, grass would be planted around buildings, with the addition of ornamental shrubs, trees, and mulching in select areas."

There appears to be a considerable decrease in vegetation impact from the DSEIS to the FSEIS (although the FSEIS does not highlight or mention GSA's intention to decrease this impact). More specifically, page 4-23 of the DSEIS states, "Development of facilities would take place on roughly 49.3 acres of the entire 59-acre project area. Based on the conceptual design layout, implementing Alternative 1 (Arcadia) would result in the removal of up to 32.2 acres of forested habitat within the area to be developed. Establishment of construction staging areas, to be determined during the design phase, may also result in temporary impacts to vegetation, which would be minimized and avoided to the extent practicable."

EPA commends GSA and the FBI for reducing the forested habitat impact from 32.2 to 14.17 acres. However, EPA has a number of questions in regards to vegetation/forested resources. They are as follows:

- 1) Development of facilities is projected to take place on roughly 49.3 acres of the 59 acre site (noted in both the DSEIS/FSEIS) and the Arcadia site consists of 7.7 acres of coniferous forest, 24.5 acres of mixed coniferous/deciduous forest and 21.2 acres of grassland which equates to 53.4 acres of vegetation on the 59 acre site. It is questionable that only 14.17 acres of forested habitat would be removed for development. Even if all of the 21.2 acres of grassland would be removed for development along with the 14.17 acres of forest resources, this equates to 35.34 acres which is less than the 49.3 acres proposed for development. Please breakdown impact to vegetation/forested resources.
- 2) Both DSEIS and FSEIS state that the establishment of construction staging areas may also result in temporary impacts to vegetation. Any impacts to vegetation/forested resources whether direct/indirect or permanent/temporary should be discussed, quantified and included in discussion/assessment of impact to resources.

- 3) Even considering the significant (decreased) impact to vegetation/forested resources and biological resources that would be affected, it would seem that mitigation (more than “minimize and avoided to the extent practicable”) would be in order. Recourse for impact and mitigation is deferred to the Virginia Department of Forestry.

In addition, page 7-5 states, “The I-81 Exit 310 Interchange Modification and proposed Route 37 Bypass project would also contribute to the loss of vegetation, including forested areas; therefore, the proposed action would contribute to cumulative impacts to vegetation.” Please quantify the secondary and cumulative impacts that would result to vegetation/forested resources. When considering the cumulative impact to vegetation/forested areas, mitigation efforts to re-vegetate areas may not be enough to compensate for the loss. Please approximate the quantity of vegetation/forested areas that may be impacted from the I-81 Exit 310 Interchange Modification and proposed Route 37 Bypass project as well as appropriate mitigation.

Page 4-27, Figure 4.8-1. Forest and Wetland Impacts – Arcadia, references “Estimated Acreage of Tree Removal: Scale 1:300.” EPA questions whether this is an accurate representation of tree loss/removal. Please explain/address.

Page 4-42 of the FSEIS states, “In addition to GHGs that would be generated by the operation of equipment during construction, there would also be a slight overall reduction in carbon sequestration capability due to the loss of approximately 40 acres of vegetation at the Arcadia site.” This statement contradicts the proposed 14.17 acres of forested resource impact. Please explain and confirm accurate loss of vegetation. Also, please discuss how the loss of vegetation will affect the environment in terms of GHG emissions and climate change.

Appendix D, page D-13, from Copperhead Environmental Consulting, states that there is 7.7 acres of coniferous forest, 34.5 acres mixed coniferous/deciduous forest and 21.2 acres of grassland. The quantity of mixed coniferous/deciduous forest on the Arcadia site is not consistent in the FSEIS and the Copperhead Environmental Consulting report (24.5 acres vs. 34.5 acres). Thus, the total size of the Arcadia site differs as well (Copperhead Environmental Consulting report has a total of 63.4 acres vs. 59.1 acres as noted throughout the FSEIS). Please explain discrepancy and confirm the accurate size of mixed coniferous/deciduous resources on the site as well as the total size of the Arcadia site.

Comments 19: EPA appreciates that the old drainage pond on the Arcadia site would not be impacted by the proposed action. However, there was no response to the question of where the old drainage pond is located on the Arcadia site. The location of this drainage pond should be identified on maps for awareness and avoidance during planning, construction, etc.

Comment 21 and 22: EPA’s comment remains the same for Environmental Justice (EJ); the assessment is incomplete. More information needs to be provided to support the conclusion that the project will not have a disproportionate impact upon low income populations. Specific comments:

- The Hispanic populations of Track 509 Block I and Winchester exceed the state average considerably.
- The per capita income, mean family income, families living below poverty and the individuals living below poverty in Track 509 Block I all exceed the state statistics and the statistic for the County and Winchester as well. This is a matter that should have been addressed in greater detail in the FSEIS. EJ relates to minority populations and /or low income populations. There seems to be considerable low income populations in Track 509 Block I; however, the FSEIS does not present a detailed EJ assessment to show this. For example, the percentage of individuals living below poverty is three times higher than the state. This is a point of concern that needs to be addressed. It seems that Track 509 Block I has a considerably higher population of low income residents than the rest of the area. Again, this is a matter that deserves attention.
- There are no benchmarking values for Tables 5.5-1 and 5.5-2 and this is important information that should have been included in the assessment.

Comment 25: EPA requested that within the Environmental Consequences section of the EIS that an estimate of the GHG emissions associated with the proposed action should be provided. Emissions impacts associated with construction activities was provided; however, operational emissions was not available due to no new information regarding planned emergency generators or the source of heat and hot water for the facility. Although this information is not yet available, assessing the options and deriving estimates can help provide valuable information to aid in planning and decision-making. In going through the process, effective options can be determined. Thus, a tentative assessment of GHG emissions for operational activities could have been provided. Please address.

EPA provided information on the new EO 13693, *Planning for Federal Sustainability for the Next Decade*, signed by President Obama on March 19, 2015 which revokes EO 13514 and EO 13423. However, Table 8.1-1, Applicable Federal State Plans, Policies and Regulations, has not been updated to include EO 13693 in the table. In addition, Page 8.4 of Section 8.3 Irreversible and Irretrievable Commitments of Resources, discusses compliance with EO 13514 and EO 13423 requirements (which was revoked by EO 13963) in order to minimize irreversible or irretrievable effects to multiple non-renewable and renewable resources. Please address EO 13693 in terms of the proposed action.

Whitehall Site

Table 6.0-1 states (under Site Characteristics and Program) for Whitehall, “The project site is located within Karst (limestone) geology region that is subject to sinkholes.” The EIS did not provide a map of soils distribution to determine if the entire site is composed of limestone/carbonate bedrock. Page 5-17 states, “Preliminary geotechnical study of this site indicates that portions of the Whitehall site are located in a Karst zone, which indicates limestone/carbonate bedrock.” Figure 4.8-1 (Forest and Impacts – Whitehall) shows two areas with known sinkhole activity (one outside of the site boundary and one slightly within the site

boundary, but not within the optimal buildable area. There is an area labeled “elevated risk area” which can be assumed that this area is at risk for sinkholes. Without confirmation and more specificity, it is not clear that this is an environmental issue of concern (at least within the buildable area of the Whitehall site). Thus, it is not clear if the Whitehall site would require “Higher costs for site and building development given presence of Karst geology (limestone-sinkholes) and need for specialized foundation systems.” Please discuss and provide necessary maps.

Table 6.0-1 (Comparison of Alternatives) states that approximately 23 acres of scrub-shrub habitat would be affected by proposed development. However, page 5-13 states, “Based on the conceptual design layout (Figure 5.8-1), implementing Alternative 2 would result in the removal of up to 15.1 ac of shrub and cedar habitat within the area to be developed.” Please address discrepancy.

Section 5.9 states, “The Whitehall site yielded a rating of 158 (USDA 2006). A copy of the form can be found in Appendix A. A score of over 160 requires Federal agencies to avoid, minimize, and/or mitigate for conversion of prime farmland soils.” The form is not in Appendix A. Form AD-1006 is provided in Appendix G (page G-3). The form is dated 5/9/06 and it ranks Site A (Carbaugh) and Site B (Semples also known as Whitehall). Form AD-1006 on Page G-4 is dated 10/27/15 and it ranks Site A (Arcadia) with a total score of 84. The assessment was conducted in 2006 for Whitehall; should there have been a more recent assessment?