1.0 Water Resources

1.1 Introduction

This Technical Memorandum describes the water resources in the Proposed Action's Region of Influence (ROI) and potential impacts on these resources from the Proposed Action (i.e., Preferred Alternative) and No Action Alternative. Measures to reduce potential adverse impacts on water resources from the Proposed Action are identified.

Water resources include surface waters and water quality, wetlands, floodplains, stormwater, groundwater, and areas designated to protect these resources such as Chesapeake Bay Critical Areas and Maryland's coastal zone resources.

Two water resources have no potential to be impacted by the Proposed Action; these resources are not subject to further analysis:

- **Floodplains**: The Project Site is not located within a Federal Emergency Management Agency (FEMA)-designated 100-year floodplain. Neither construction nor operation of the proposed Currency Production Facility (CPF) would impact the quality or function of floodplains (FEMA, 2016).
- **Chesapeake Bay Critical Area:** The Project Site is not located in and would not disturb or affect any Chesapeake Bay Critical Areas (DNR, 2020).

Treasury received comments related to potential impacts on water quality from stakeholders during the public scoping period. These comments reflected public concern over wastewater treatment and disposal, addressed in the ***Utilities Technical Memorandum***; potential impacts on the water quality of Beaverdam Creek; implementation of stormwater management and erosion/sedimentation controls; and permitting for potential impacts on jurisdictional Waters of the United States (WOUS), including wetlands.

Please refer to Treasury's Public Scoping Report for further details on the comments received during the scoping period. Concerns expressed during public scoping regarding water resources are considered and addressed in this analysis.

1.2 Affected Environment

1.2.1 Region of Influence

The ROI for water resources consists of surface water features, including wetlands, and groundwater located within and receiving drainage down-gradient from the Project Site. These primarily include on-site water resources; Indian Creek and Beaverdam Creek, both perennial streams that ultimately receive runoff from the Project Site, and their tributaries; and areas down-gradient from the Project Site to the southwest where groundwater flows (see **Figure 1**) (USACE, 2020a).

1.2.2 Applicable Guidance

Table 1 identifies federal and state guidance and regulations relevant to water resources. Treasury would comply with all federal and state water resources laws and regulations in association with the Proposed Action.

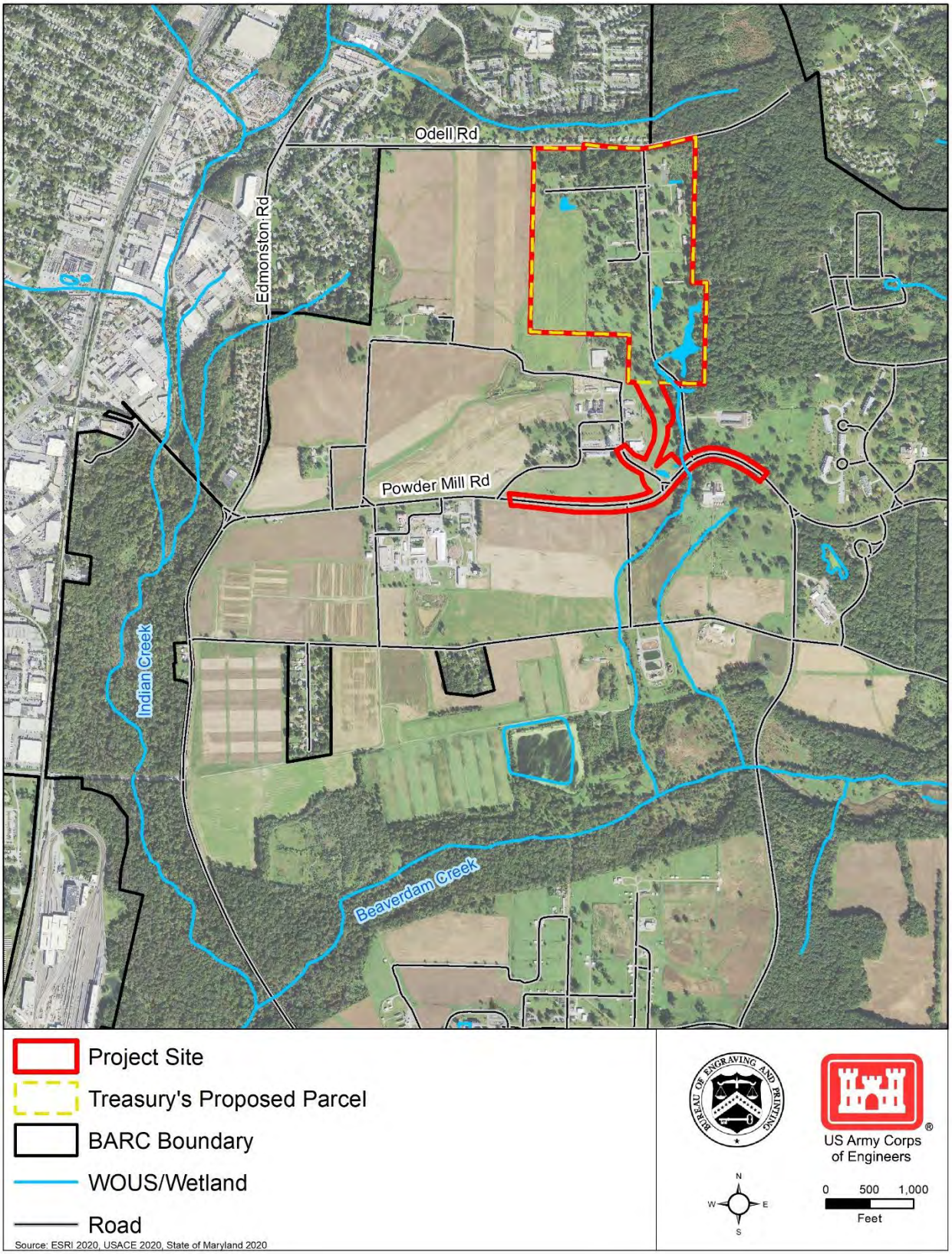

Figure 1: Water Resources ROI

Table 1: Applicable Guidance and Regulations for Water Resources

Guidance/Regulation	Description/Applicability to Proposed Action
Clean Water Act (CWA) of 1972 (33 United States Code [USC] 1251 *et seq.*)	Establishes requirements for regulating discharges of pollutants into surface water bodies (also referred to as WOUS) and developing surface water quality standards. Key provisions include: • Section 404 – authorizes the United States Army Corps of Engineers (USACE) to regulate impacts to jurisdictional wetlands and streams. • Section 401 – requires that applicants for a federal permit or license for any activity that may result in a discharge to WOUS obtain state Water Quality Certification to ensure compliance with state water quality standards. • Section 303(d) – establishes water quality standards and requires states to maintain a list of "impaired waters" and develop total maximum daily loads (TMDLs) for such waters. • Sections 402 and 319 – establishes the National Pollutant Discharge Elimination System (NPDES) program, which regulates the discharge of point and nonpoint sources of water pollution.
Energy Independence and Security Act (EISA) of 2007 (42 USC 17094 *et seq.*)	Requires the incorporation of low-impact development (LID) features for projects which disturb 5,000 square feet or more of land. The United States Environmental Protection Agency (USEPA) provides additional guidance on implementing Section 438 stormwater runoff requirements (USEPA, 2009).
Coastal Zone Management Act (CZMA) of 1972 (16 USC 1451 *et seq.*)	Authorizes states to implement federally approved coastal programs to protect coastal areas. Requires federal project proponents to submit a Federal Consistency Determination (FCD) addressing the project's consistency with the state's enforceable coastal zone policies and potential effects on coastal zone resources.
40 Code of Federal Regulations (CFR) 131.12	Requires states to establish a statewide water antidegradation policy to protect water bodies and maintain the condition of high-quality waters.
Maryland Antidegradation Policy Implementation Procedures (Code of Maryland Regulations [COMAR] 26.08.02.04-1)	Establishes the process for identifying high-quality waters (also referred to as "Tier II" waters). Establishes the process for completing a Tier II antidegradation review, including when a review is necessary and possible determinations from a review.
Maryland Erosion and Sediment Control Regulations, COMAR 26.17.01	Requires construction activities disturbing 1 or more acres of land to obtain coverage under the *General Permit for Stormwater Associated with Construction Activity*, including preparation of a site-specific Erosion and Sediment Control Plan (ESCP) and a Notice of Intent (NOI) pursuant to the federal NPDES. The ESCP sets forth best management practices (BMPs) to limit erosion and sedimentation during construction and is subject to the Maryland Department of the Environment (MDE) review and approval (MDE, 2021).

Guidance/Regulation	Description/Applicability to Proposed Action
Stormwater Management Regulations, COMAR 26.17.02	Requires stormwater management programs to maintain predevelopment runoff characteristics and reduce adverse impacts to stream channels to the maximum extent practicable by using environmental site design and structural BMPs.
Maryland Stormwater Management and Erosion & Sediment Control Guidelines for State and Federal Projects	Guides the development, review, and approval processes for ESCPs and stormwater management plans for state and federal projects. Various technical memoranda developed by MDE in concert with these guidelines provide specific instructions for completing the plan review process.
Maryland Nontidal Wetlands Protection Act of 1991 (Article 4, Sections 5-901 to 911)	Restricts activities that could impact nontidal wetlands. Stipulates "no net loss" of wetlands by requiring mitigation or compensation for wetland losses. Regulates a 25-foot buffer around nontidal wetlands.
Executive Order (EO) 11990, *Protection of Wetlands* (1977)	Directs federal agencies to minimize or avoid the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.
EO 13508, *Chesapeake Bay Protection and Restoration* (2009)	Directs federal agencies to make efforts to protect and restore the Chesapeake Bay, and to establish strategies to address water pollution coming from federal lands and facilities. Pursuant to this EO, the USEPA published its *Guidance for Federal Land Management in the Chesapeake Bay Watershed*, which applies to federal agencies with land, installations, or other management responsibilities affecting 10 or more acres within the watershed (e.g. the Beltsville Agricultural Research Center [BARC]), and provides methods to address nonpoint source pollution that are specific to different land categories. The chapter for urban and suburban land contains a list of suggested stormwater BMPs to reduce runoff such as infiltration, bioretention cells, green and blue roofs, and soil restoration (USEPA, 2016).
The Comprehensive Plan for the National Capital, Federal Elements (NCPC, 2016a)	Establishes goals and policies that guide federal development and provide a decision-making framework for future federal initiatives in the National Capital Region (NCR), which encompasses Prince George's County. Further, the Environmental Element establishes policies related to water resources, wetlands, and stormwater, and flooding (NCPC, 2016b).

1.2.3 Existing Conditions

Surface Waters and Water Quality

Surface waters[1] within the ROI generally drain from the northeast to the southwest (USACE, 2019). There are two surface waters within the Project Site, both of which are unnamed intermittent streams (see **Figure 2**):

- The first unnamed intermittent stream is located in the southern portion of Treasury's proposed parcel (USACE, 2020c). This stream receives drainage from the southern approximately 40 percent of the proposed parcel and flows south between the existing Poultry Road and the proposed

[1] USACE regulates the alteration of and discharges to surface waters under Section 404 of the CWA. Under Section 401 of the CWA, discharges to WOUS must comply with the State's WQS.

entrance road. This intermittent stream is also located within the Project Site where it passes through a culvert under Powder Mill Road. South of Powder Mill Road, it flows south to Beaverdam Creek (USACE, 2020d).

- The second unnamed intermittent stream is located within the Project Site south of Treasury's proposed parcel. It flows southeast from Wetland 8 under Powder Mill Road to the above-referenced unnamed intermittent stream (USACE, 2020d).

Beaverdam Creek and Indian Creek were historically listed as impaired by the state of Maryland under CWA Section 303(d)[2]; however, the MDE established TMDLs[3] to address pollutants in these streams, and subsequently removed these streams from the Section 303(d) list of impaired streams in Maryland in 2008 (MDE, 2018).

Beaverdam Creek is currently designated by the state of Maryland as a Tier II water, indicating that its quality is substantially better than the minimum requirements established under Maryland's Water Quality Standards (WQS). Tier II waters in Maryland, and their tributaries, are subject to antidegradation requirements as described in COMAR 26.08.02.04-1. State antidegradation reviews for Tier II watersheds (see **Figure 2**) ensure that potential impacts to these streams are avoided, minimized, or mitigated; these reviews occur concurrently with state waterways permitting. Beaverdam Creek has remaining assimilative capacity, which means it is able to receive additional wastewater or pollutants, in accordance with applicable TMDLs and permitting requirements, relative to current conditions while still maintaining its status as a Tier II water (MDE, 2017). Beaverdam Creek currently receives sanitary sewer discharge from the BARC East Wastewater Treatment Plant (WWTP), located approximately 0.3 mile south of the Project Site (see the ***Utilities Technical Memorandum***).

Indian Creek (and therefore Beaverdam Creek) discharges to the Anacostia River, which ultimately discharges to the Potomac River and Chesapeake Bay. The Anacostia Watershed in Prince George's County is 85 square miles and includes 18 percent of the County's total land area. Of this area, 62 percent (approximately 53 square miles) is classified as developed, 22 percent is classified as developing, and 16 percent (14 square miles) is classified as rural; the Project Site is within the rural classification (MNCPPC, 2010).

Due to the intense development of the Anacostia Watershed, the watershed has poor ecological conditions and degraded water quality. A 2019 "report card" issued by the Anacostia Watershed Society gave the Anacostia Watershed a grade of 51 percent for overall health, its second highest grade on record (Anacostia Watershed Society, 2020). The MDE has established numerous TMDLs to address impairments of this watershed (MDE, 2020a).

The Anacostia Watershed is a portion of the Chesapeake Bay Watershed, which covers approximately 64,000 square miles and includes six states and Washington, DC. Water quality in the Chesapeake Bay has also historically been impacted by development. The USEPA established a Chesapeake Bay-wide TMDL in 2010 in response to the poor water quality; this TMDL also serves as a key commitment of federal strategy to protect and restore the Chesapeake Bay under EO 13508 (USEPA, 2019a). Additionally, Prince George's County created a Watershed Implementation Plan (WIP) in 2011 in response to this TMDL, including projects specific to the Anacostia Watershed. The 2018 Anacostia River Restoration Plan for Prince George's County includes target loads to both meet the Chesapeake Bay TMDL and improve water quality of the Anacostia River (USACE, 2018).

[2] Maryland maintains a list of impaired waters (i.e., waters that do not meet the WQS) in accordance with Section 303(d) of the CWA and establishes TMDLs as needed to address pollutants in impaired waters (MDE, 2019).

[3] A TMDL is the maximum amount of a pollutant that a waterbody can receive while still meeting applicable WQS.

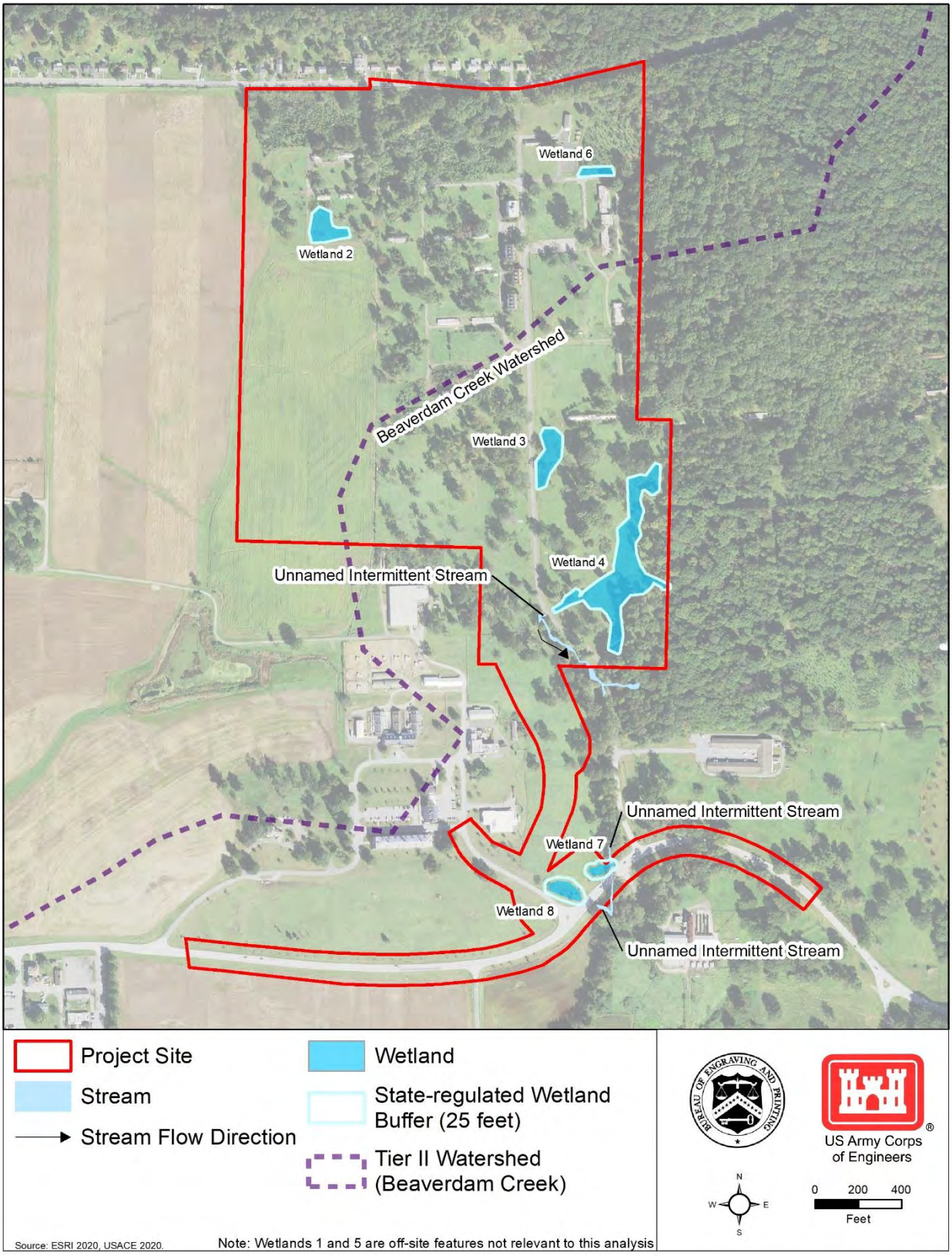

Figure 2: Surface Waters on the Project Site

Stormwater

Stormwater[4] is conveyed across the Project Site and within the ROI primarily to the west, southwest, and south, following topography (see the ***Topography and Soils Technical Memorandum***) and existing stormwater management infrastructure. The north-central portion of Treasury's proposed parcel drains to stormwater management infrastructure along Odell Road, while the western portion of the proposed parcel drains to stormwater management systems on BARC to the southwest; both of these drainage sub-basins, encompassing approximately 51 percent of the Project Site (62.9 acres), drain to Indian Creek. The southern approximately 49 percent of the Project Site (59.3 acres), including the area around Powder Mill Road, drains to the two intermittent streams in the southern portion of the Project Site, which flow to Beaverdam Creek.

The Project Site currently contains 17.3 acres of impervious surfaces (i.e., 14.2 percent of the site) from existing roads and buildings. The primarily pervious nature of the site facilitates stormwater infiltration into the ground; the site is also largely vegetated (see the ***Biological Resources Technical Memorandum***), so runoff does not contain high concentrations of pollutants or sediment.

Federal projects and operations are subject to stormwater management guidelines and requirements (see **Table 1**). These primarily include the NPDES permit program, Section 438 of the EISA, and, within the Chesapeake Bay Watershed, EO 13508. NPDES requirements regulate and control water pollution by limiting point and nonpoint sources that discharge to WOUS (USEPA, 2019b).

In Maryland, the MDE administers the NPDES program under Section 402 of the CWA. Construction activities disturbing 1 acre or more of land are required to obtain coverage under the *General Permit for Stormwater Associated with Construction Activity*. To be covered under this General Permit, the project proponent must prepare an NOI for coverage under the General Permit and an ESCP. The United States Department of Agriculture (USDA) operations at BARC are currently permitted under a NPDES Municipal Separate Storm Sewer System (MS4) Phase II General Permit that establishes minimum control measures to manage stormwater on BARC.

Section 438 of the EISA directs federal agencies to incorporate stormwater management designs in development projects to maintain or restore a site's pre-development hydrology.[5] Compliance is achieved by incorporating green infrastructure/low impact development (GI/LID) features into a federal project's design to the maximum extent technically feasible. GI/LID measures include filtration, infiltration, evaporation, plant transpiration, and rainwater reuse to retain and treat stormwater on-site, in contrast to conventional management practices that temporarily store and ultimately discharge stormwater to receiving water bodies, such as through detention basins. Examples of GI/LID features typically include rain gardens, porous pavement, green roofs, site revegetation, and bioswales (USEPA, 2009); no GI/LID features are present within the Project Site.

[4] Stormwater is generated from rainfall or storm events and flows into surface water bodies or recharges groundwater. The velocity and volume of stormwater generally increase in proportion to the amount of impervious surfaces and compacted soils present within the drainage area. Stormwater runoff can accumulate pollutants and debris as it flows across the land surface and may also result in increased erosion and sedimentation of receiving surface water bodies.

[5] To comply with Section 438 of the EISA, federal agencies are required to conduct an analysis of pre-development hydrology to establish a baseline condition and set design objectives for stormwater management that maintain pre-development conditions with regard to temperature, rate, volume, and duration of flow associated with federal proposed actions.

Wetlands

Wetlands[6] are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions. The USACE regulates wetlands as a type of WOUS under Sections 404 and 401 of the CWA (see **Table 1**). The MDE further regulates nontidal wetlands in accordance with the Maryland Nontidal Wetlands Protection Act, which addresses isolated (i.e., non-jurisdictional) wetlands and includes wetland buffer and mitigation requirements. Any construction activities in Maryland that occur within the regulated 25-foot nontidal wetland buffer require a permit or permit exemption from the MDE (MDE, 2020b).

Wetlands at BARC are associated with storm drainage channels, ponds, maintained open space, and backwater areas. Overall, BARC contains approximately 815 acres of wetlands (USDA, 1996). As shown on **Figure 2**, USACE delineated six palustrine wetlands[7], totaling 2.94 acres, on the Project Site (USACE, 2020c; USACE, 2020d); these wetlands comprise approximately 0.36 percent of the total wetlands on BARC. No other wetland type was identified on the Project Site. **Table 2** summarizes on-site wetlands**.**

As identified in **Table 2**, Treasury preliminarily determined that three of the six wetlands on the Project Site are isolated and not subject to USACE regulation under CWA Section 404. These wetlands are still subject to MDE regulation at the state level. Generally, if total impacts on isolated, nontidal wetlands are less than 1 acre (e.g., only 0.81 acre of these wetlands occur on the Project Site), mitigation is not required (MDE, 2020c). Treasury preliminarily determined Wetland 4, the largest on-site wetland, and Wetlands 7 and 8 to be jurisdictional wetlands subject to regulation under CWA Section 404 (BEP, 2020; USACE, 2020d).

Groundwater and Water Quality

Groundwater is water stored beneath the ground surface in soil and geological formations. Groundwater comprises both confined and unconfined aquifers, and wells that are commonly used for human consumption, irrigation, or industrial uses. There is no sole-source aquifer within a 10-mile radius of the Project Site (USEPA, 2020).

The ROI contains geology of the Potomac Group, including the Patuxent, Arundel, and Patapsco Formations. The Patuxent and Patapsco Formations contain important aquifers for Prince George's County; the Arundel Formation facilitates vertical groundwater movement from for these aquifers in some locations (USACE, 2020b). Regional groundwater aquifers flow to the southeast, although shallow groundwater on-site flows down-gradient to the southwest (USACE, 2020a; USACE, 2020b).

An unconfined portion of the Patuxent aquifer, within the Patuxent Formation, recharges in the western portions of BARC (USACE, 2020b). The USDA pumps water from this aquifer under unconfined water table conditions and uses the water for various purposes throughout BARC (USDA, 2011). No USDA pumps or wells are located on the Project Site. The Patuxent Formation is primarily composed of sand and gravel; however, subsurface deep clay deposits at the Project Site underlie the sand and gravel deposits, partially inhibiting access to groundwater.

[6] Wetlands generally include swamps, marshes, bogs, and similar areas (33 CFR 328.3). Wetlands perform diverse hydrologic functions such as water quality improvement, groundwater recharge, pollution mitigation, nutrient cycling, and stormwater and floodwater storage. Wetlands also provide wildlife habitat and have socioeconomic benefits, including providing hunting and recreation areas.

[7] Palustrine wetlands are non-tidal wetlands characterized by trees, shrubs, and emergent vegetation (Cowardin, et al. 1979).

Table 2: Wetlands on the Project Site

Wetland[1]	Classification	Wetland Acreage	25-foot Buffer Acreage	Location in the Project Site	Jurisdictional Determination[2]
Wetland 2	Palustrine emergent	0.33	0.10	Northwest corner	Isolated
Wetland 3	Palustrine emergent	0.40	0.12	East central	Isolated
Wetland 4	Palustrine emergent	1.95	0.49	Southeast corner abutting on-site stream, flows southwest off-site	Preliminary Jurisdictional
Wetland 6	Palustrine emergent / scrub shrub	0.08	0.07	North central portion, adjacent to forest conservation easement	Isolated
Wetland 7	Palustrine emergent	0.04	0.18	South of Treasury's proposed parcel, along Powder Mill Road between Animal Husbandry Road and Poultry Road	Preliminary Jurisdictional
Wetland 8	Palustrine emergent	0.14	0.24	South of Treasury's proposed parcel, near intersection of Animal Husbandry Road and Powder Mill Road	Preliminary Jurisdictional
Total	**N/A**	**2.94**	**1.20**	**N/A**	**N/A**

Source(s): (USACE, 2020c; USACE, 2020d).
1. Wetlands 1 and 5 are off-site features not relevant to this analysis.
2. An official jurisdictional determination (JD) on the Project Site has not yet been verified by USACE or the MDE. This column reflects the USACE's preliminary determinations provided in the wetland delineation report. An approved JD is required to confirm these results.

Several testing wells installed on the Project Site in October 2019 during a Phase II Environmental Site Assessment (ESA) either did not encounter groundwater or were slow to recharge following sampling. The average depth to groundwater in testing wells that did encounter groundwater at the Project Site was 10.3 feet (USACE, 2020b). Groundwater levels in unconfined aquifers typically vary by season and are closest to the ground surface following the fall and winter months when precipitation is more frequent (Maryland Water Management Administration, 2013).

During the Phase II ESA, USACE identified the following contaminants in groundwater at the Project Site that could impact groundwater quality. The levels of these contaminants, however, are either below maximum contaminant levels (MCL)[8] or otherwise consistent with natural background levels for the ROI (USACE, 2020b):

- Concentrations of arsenic, chromium, and lead exceeding applicable USEPA MCLs, but consistent with local background levels.

[8] MCLs are standards set by the USEPA for drinking water quality under the Safe Drinking Water Act.

- Cyanide and volatile organic compounds (VOCs) at concentrations below applicable MCLs.

Maryland's Coastal Zone

The CZMA (see **Table 1**) assists states, in cooperation with federal and local agencies, to develop land and water use programs in coastal zones. Maryland has developed and implemented a federally approved Coastal Zone Management Program (CZMP) administered by the Maryland Department of Natural Resources (MDNR) and consisting of a network of state agencies and local governments that regulate Maryland's coastal zone lands and resources.

Maryland's coastal zone includes all of Prince George's County, including the Project Site. As a federally owned property, BARC is statutorily excluded from the state's coastal zone. In accordance with the CZMA, however, federal actions that have the potential to affect coastal zone resources must be consistent, to the maximum extent practicable, with the state's enforceable coastal zone policies. Because the Proposed Action would have the potential to affect Maryland's coastal zone resources, Treasury is required to determine the Proposed Action's consistency with the enforceable policies of the Maryland CZMP.

1.3 Environmental Effects

This section analyzes potential effects on water resources within the ROI that could occur under the Proposed Action (i.e., Preferred Alternative) and the No Action Alternative. Measures to reduce potential adverse impacts on water resources are also identified.

1.3.1 Approach to the Analysis

For this analysis, Treasury defined a significant adverse impact as one that would:

- Permanently alter, dam, divert, or redirect more than 200 linear feet of a jurisdictional stream segment; or substantially alter hydrological connections to WOUS. The 200 linear feet of potential disturbance is based on WOUS mitigation thresholds for CWA Section 404/401 permitting (e.g., the Maryland State Programmatic General Permit [MDSPGP-5]) (USACE, 2016).
- Adversely change the volume, rate, or quality of stormwater discharged from the Project Site, and/or increase erosion and sedimentation on- and off-site, such that Treasury would degrade the quality of nearby surface waters, exceed applicable pollutant TMDLs, and/or violate requirements of Section 438 of the EISA.
- Fill or substantially alter more than 1 percent (i.e., 8.15 acres) of the total wetland acreage at BARC.
- Release concentrations of contaminants exceeding applicable MCLs to aquifers underlying the Project Site, or inhibit groundwater recharge such that a net deficit in aquifer volume or a lowering of the local water table occurs.
- Not be consistent to the maximum extent practicable with one or more enforceable policies of the Maryland CZMP.

1.3.2 No Action Alternative

Under the No Action Alternative, Treasury would not construct or operate the Proposed Action. Water resources within the ROI would not change due to Treasury's proposed activities. Ongoing stormwater infiltration, groundwater recharge, and WOUS acreages and functions would continue. Therefore, the No Action Alternative would have ***no impact*** on water resources.

1.3.3 Preferred Alternative

Surface Waters and Water Quality (excluding Wetlands)

Construction

Construction of the Proposed Action would divert approximately 117 linear feet of the delineated intermittent stream in the southern portion of Treasury's proposed parcel to avoid the proposed entrance road and the proposed vehicle entry control facility (see **Figure 3**); Treasury would likely relocate this portion of the stream to the east of the proposed development. Diversion of the intermittent stream on the proposed parcel would result in a small permanent impact to this resource, but would not permanently impede this stream segment or its connection to other WOUS (e.g., Wetland 4). The new stream channel would consist of a natural stream system designed to match the existing stream flow and hydrologic function, including its connection to other WOUS. This intermittent stream would not be impacted during the Powder Mill Road modifications as no changes are proposed to the existing water crossing in that location.

Construction of the Proposed Action would also fill and not replace approximately 109 linear feet of the second on-site intermittent stream (see **Figure 3**); this stream currently drains a roadside wetland (i.e., Wetland 8) underneath Powder Mill Road. As discussed below, Wetland 8 would also be filled during construction of the Proposed Action, and the design for this portion of the limits of disturbance (LOD) would include a new drainage pattern that complies with applicable regulations and design requirements.

In total, approximately 226 linear feet of stream within the Project Site would be impacted, resulting in a ***significant adverse impact***. Treasury would minimize these potential impacts through compliance with Sections 404/401 of the CWA; permitting would require adherence to applicable water quality maintenance, avoidance, compensation, and mitigation measures (BEP, 2020) (see **Section 1.4**).

Construction-related ground disturbance could increase on- and off-site soil erosion and sedimentation that could impact surface waters in the ROI. Compliance with NPDES permit requirements (e.g., use of silt fences and sediment traps), Maryland Tier II Antidegradation Review policies, and Maryland sediment and stormwater regulations, however, would minimize or eliminate these potential impacts, resulting in ***no or negligible adverse impacts***.

Operation

Operation of the proposed CPF would produce approximately 120,000 gallons per day (gpd) of wastewater that would be discharged to the USDA's sanitary sewer system. Most of this discharge (approximately 114,000 gpd would consist of sanitary wastewater and cooling tower blowdown, while approximately 6,000 gpd would be industrial wastewater. The USDA would provide Treasury with its current MDE-permitted effluent quality standards, and Treasury would be responsible for ensuring its wastewater discharges meet these standards. The proposed CPF would produce four industrial wastewater streams that would contribute to the estimated 6,000 gpd of industrial discharge, which would be pretreated on-site prior to discharge to the USDA's sanitary sewer system:

- **Wiping solution wastewater:** Generated when cleaning the printing presses, wiping solution wastewater is Treasury's largest industrial wastewater discharge. It would be pumped directly from the presses to the on-site wiping solution pretreatment plant area, which would contain a recycling plant and a pretreatment plant. The recycling plant would recover approximately 80 percent of the solution for reuse by removing ink solids and adjusting the chemical concentrations. The remainder would undergo pretreatment to remove ink solids, oil, and grease, and to adjust pH levels prior to discharge to the USDA's sanitary sewer. The final pretreated wiping solution wastewater would have no detectable concentrations of metals and no or very low concentrations of oil and grease; it would meet the BARC East WWTP's requirements.

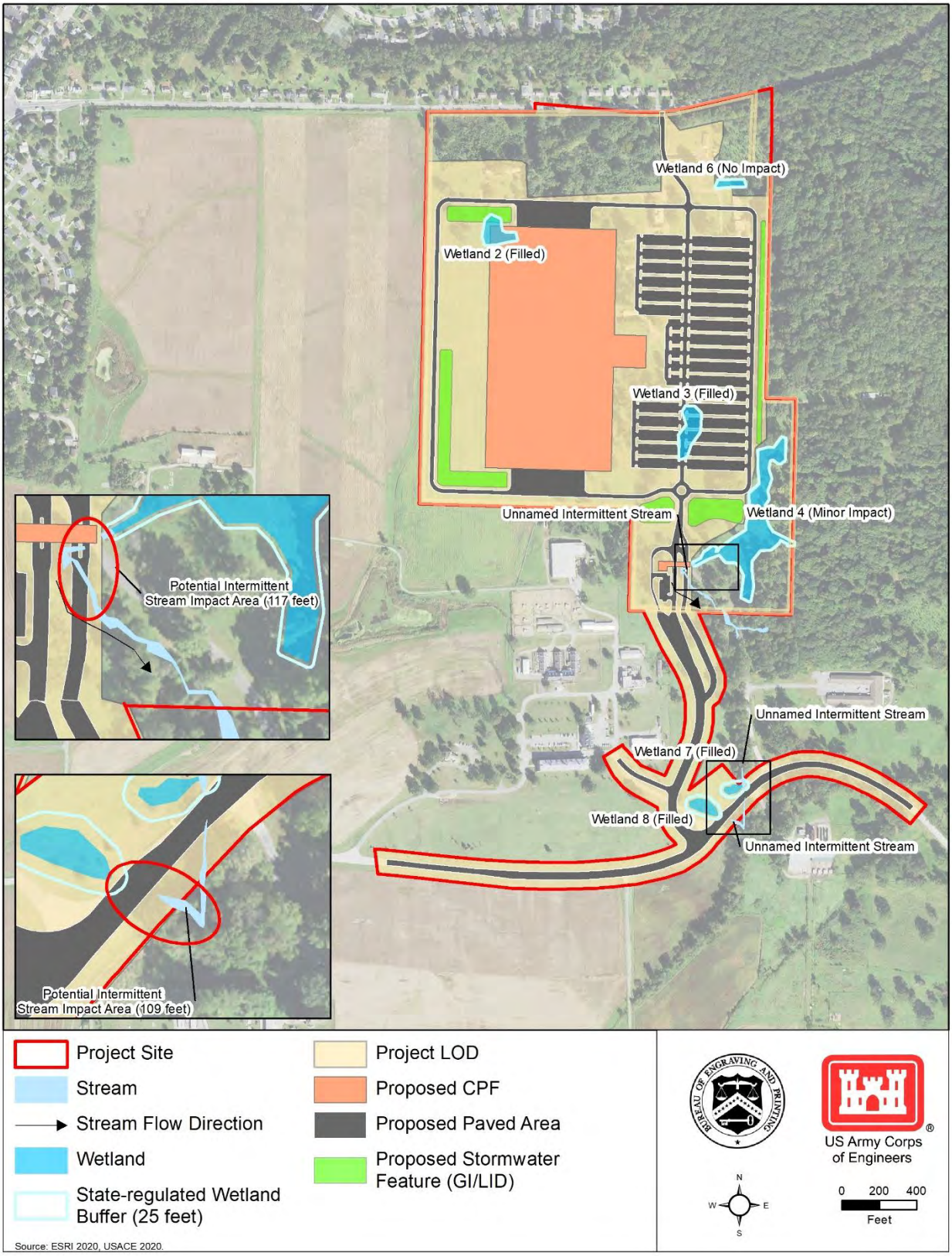

Figure 3: Potentially Impacted Water Bodies and Proposed Stormwater Infrastructure

- **Third waste stream:** Wastewater generated from the third waste stream generally consists of leaked wiping solution or hydraulic oil that is collected from pits below the printing presses. It would be pumped to an oil-water separator where the petroleum component would be separated for disposal; the remaining wiping solution component would be pumped to the wiping solution pretreatment plant.
- **Metal-containing waste streams:** The proposed CPF would likely replace nickel printing press plates with new plates made of copper and zinc, which are more environmentally friendly. These plates are rinsed with water, which can pick up traces of the metals. Based on Treasury's testing of this wastewater, it would implement appropriate control technology to treat the wastewater for metals (and other contaminants, if applicable) before discharging it to the USDA's sanitary sewer.
- **Miscellaneous Printing Plate Processing Unit stream:** This low-volume stream is produced by a specific piece of equipment. It has a high pH but no metals or other contaminants. If this equipment is used at the proposed CPF, the wastewater would be pumped to the wiping solution pretreatment plant to adjust its pH prior to discharge to the USDA's sanitary sewer.

For each wastewater stream, separated pollutants (e.g., ink solids, oil, grease, and metals) would be containerized and transported off-site to regulated waste facilities permitted to dispose of such materials.

At the DC Facility, Treasury conducts routine monitoring of its industrial wastewater discharges in accordance with an existing pretreatment permit from DC Water. Treasury has processes in place to monitor for contaminants potentially present in discharged effluent, and samples the effluent regularly according to applicable pollutant parameters. Treasury reports sampling results to DC Water biannually, and also annually conducts internal and third-party audits of the wastewater compliance program. Similar monitoring programs would be implemented at the proposed CPF.

Once Treasury's sanitary and industrial wastewater is discharged from the proposed CPF to the USDA's sanitary sewer system, it would be further treated to applicable effluent standards at the BARC East WWTP and discharged to a tributary of Beaverdam Creek in accordance with BARC's existing WWTP discharge permit (MDE, 2016). In consultation with the USDA, Treasury has provided its historical wastewater quality records, and the USDA has indicated it has no concerns with the BARC East WWTP's ability to treat Treasury's wastewater to the levels required by its current permit (BEP, 2020).

As described in the ***Utilities Technical Memorandum***, the BARC East WWTP has sufficient existing permitted capacity (i.e., up to 620,000 gpd) to treat both existing and planned future wastewater at BARC, as well as the anticipated volume of wastewater from the Proposed Action (BEP, 2020). The BARC East WWTP currently operates at only approximately 24 to 32 percent capacity on average, but would increase to approximately 44 to 52 percent capacity with implementation of the Proposed Action. Therefore, the daily discharge of Treasury's wastewater volume from the Proposed Action would increase downstream surface water flow and total effluent loads relative to existing conditions.

However, downstream water flow and quality would not be substantially affected as they would meet MDE-required WWTP discharge thresholds, remain well below the BARC East WWTP's permitted capacity, and be within Beaverdam Creek's remaining assimilative capacity. The WWTP would continue to comply with existing MDE permit requirements and established TMDLs for the Anacostia River and Chesapeake Bay, and would not require any modifications or upgrades to accommodate the Proposed Action's wastewater. Therefore, operation of the Proposed Action could result in ***less-than-significant adverse impacts*** on the volume and quality of surface waters in the ROI, including Beaverdam Creek.

Operation of the proposed CPF would not involve water withdrawals, in-water work, or alteration of surface waterbodies. Thus, in the long term, operation of the Proposed Action would have ***no impacts*** to on-site surface waters.

Stormwater

Construction

Construction of the Proposed Action would disturb approximately 100.3 acres of land. Ground disturbance would include tree removal, grading and other earth-moving activities, and building demolition, all of which could increase on- and off-site soil erosion and sedimentation within the ROI from stormwater discharges. As noted above, however, compliance with NPDES permit requirements, Maryland Tier II Antidegradation Review policies, and Maryland sediment and stormwater regulations would minimize or eliminate these potential impacts, resulting in ***no or negligible adverse impacts*** (see **Section 1.4**).

Operation

Once constructed, the Proposed Action would increase impervious surface cover on the Project Site by up to 29.4 acres for a total of up to 46.7 acres, or up to 38.2 percent of the Project Site. This potential increase in impervious surfaces is a conservatively high estimate, and does not account for the inclusion of GI/LID elements, such as green roofs, permeable pavement, and reinforced turf, that would reduce impervious surfaces on the site; these design details have not yet been finalized. These GI/LID measures would reduce the amount of impervious surface cover proposed. The actual amount of post-construction impervious surfaces on the Project Site may be substantially less than that estimated above.

Increases in impervious surfaces can result in proportional increases in stormwater runoff volumes discharging from the Project Site to receiving waterbodies, with corresponding increases in concentrations of pollutants and sediments. Treasury would, however, properly design, construct, and maintain GI/LID stormwater infrastructure on the Project Site (see **Figure 3** for a conceptual representation) that would comply with state of Maryland requirements and Section 438 of the EISA, ensuring that pre-development hydrology is maintained on-site to the maximum extent technically feasible and no significant adverse impacts related to stormwater occur. Proposed GI/LID features would manage and capture stormwater, reduce runoff volumes, and ensure that peak storm flow rates replicate pre-development flow rates. In addition, certain GI/LID features, such as green roofs, micro-bioretention features, and bioswales, would help treat stormwater runoff by filtering out pollutants (e.g., sediment and petroleum leaked onto roads/parking lots). Stormwater control BMPs identified under EO 13508 would also be integrated into the design to control and reduce water pollution coming from federal facilities to protect the Chesapeake Bay and its tributaries. As such, ***no or negligible adverse impacts*** to stormwater would be expected (see **Section 1.4**).

Wetlands

Construction

Construction of the Proposed Action would fill Wetlands 2 and 3, both isolated and totaling 0.73 acre, and Wetlands 7 and 8, both potentially jurisdictional and totaling 0.18 acre, as well as their MDE-regulated nontidal wetland buffers (see **Figure 3**). Construction of the proposed security fence along the boundary of Treasury's proposed parcel could also impact 0.03 acre of potentially jurisdictional Wetland 4, the largest on-site wetland, and <0.01 acre of its buffer. In total, the Proposed Action would impact 0.94 acre of wetlands within the Project Site. Because these features only represent approximately 0.11 percent of the total wetland acreage at BARC, potential wetland impacts from construction of the Proposed Action would be considered ***less than significant***. Construction of the Proposed Action would also impact a total of 0.65 acre of MDE-regulated 25-foot nontidal wetland buffer around Wetlands 2, 3, 4, 7, and 8.

Based on its alternatives analysis, Treasury has found that there is no practicable alternative to impacting wetlands through construction of the CPF; Treasury has developed the concept site plan for the CPF in a manner that reduces potential adverse wetland impacts to the extent feasible. Treasury prepared a Final

Finding of No Practicable Alternative for the Proposed Action in compliance with EO 11990 (see **Appendix A**).

As the Proposed Action would impact less than 1 acre of isolated, nontidal wetlands, Treasury may apply for an exemption from mitigation requirements for those wetlands under Maryland's Nontidal Wetlands Protection Program. Treasury would also comply with any conditions specified by MDE's exemption approval (see **Section 1.4**). However, the Proposed Action would also impact 0.21 acre of potentially jurisdictional wetlands. As discussed previously, Treasury would comply with all required CWA Section 404/401 permitting requirements, including adherence to applicable water quality maintenance, avoidance, compensation, and mitigation measures.

Operation

Proposed development features (e.g., entrance road, parking lots, sidewalks) would be set back from Wetlands 4 and 6 and their associated buffers. No operational activities of the proposed CPF would encroach upon these resources. Therefore, operation of the Proposed Action would have ***no adverse impacts*** on wetlands.

Groundwater

Construction

As described in **Section 1.2.3**, groundwater at the Project Site is approximately 10 feet below ground surface (bgs). Construction of the proposed CPF's foundation would generally involve excavation up to a depth of approximately 5 feet bgs over approximately 20.8 acres of the Project Site (see **Figure 3**), with excavation reaching a depth of 25 feet bgs in some locations for new utility corridors or other underground features. Demolition of existing buildings with basements could require excavations up to approximately 10 feet bgs; removal of existing underground utilities at the Project Site would involve excavation to a depth of approximately 5 feet bgs.

These excavation activities could intersect groundwater underlying the Project Site and potentially mobilize contaminants in the soil or discharge other pollutants that may enter the surficial groundwater. If heavy metals or VOCs contained in the soil are released into groundwater, regulated concentrations could potentially be exceeded, particularly since existing levels of arsenic, chromium, and lead already exceed their MCLs (see **Section 1.2.3**) (USACE, 2020b). These impacts would be expected to be maintained at ***less-than-significant*** levels through implementation of the measures identified in **Section 1.4**.

Operation

Once construction is complete, ***no impacts*** to groundwater quality would occur from the proposed CPF. Hazardous materials would be used at the proposed CPF during production operations, but waste would be properly disposed of or stored (see ***Hazardous and Toxic Materials and Waste Technical Memorandum***). With standard processes and procedures in place to manage hazardous and toxic materials and waste generated by the proposed CPF, groundwater impacts would not be expected.

The Proposed Action would use water supplied by the Washington Suburban Sanitary Commission (WSSC) and the USDA (see ***Utilities Technical Memorandum***) within their existing supply capacities. While the proposed CPF may increase demand on USDA groundwater withdrawals in the ROI, these increases would be within the USDA's capacity and supplemental (e.g., for external fire protection) to WSSC's primary water supply for the Proposed Action. Therefore, ***negligible impacts*** on groundwater would occur during operation.

Coastal Zone

Treasury determined that the Proposed Action would be consistent, to the maximum extent practicable, with the enforceable policies of Maryland's CZMP (see **Appendix B**). Treasury has submitted its FCD to the MDNR for review and concurrence. As such, ***no adverse impacts*** to Maryland's coastal zone would occur.

1.4 Impact-Reduction Measures

As part of the Proposed Action, Treasury would implement the following impact-reduction measures to minimize potential adverse impacts to water resources:

Pre-Construction

- Incorporate into the Proposed Action a suitable diversion of the unnamed intermittent stream on-site such that it does not overlap the project LOD. This diversion would need to maintain the existing stream flow and hydrologic function of the stream to the extent practicable using a natural stream system.
- Obtain and adhere to appropriate permits (or letters of exemption) from the MDE and USACE to comply with Sections 404/401 of the CWA and comply with all best management practices (BMPs) established through this consultation process.
- Obtain a *Maryland General Permit for Stormwater Associated with Construction Activity* to manage stormwater associated with construction of the Proposed Action. As more than 1 acre of land would be disturbed, Treasury would prepare and adhere to a state-approved ESCP and submit an NOI to meet the requirements of the federal NPDES program. Treasury would also manage stormwater discharges and maintain water quality through compliance with existing TMDLs. Adherence to these requirements would ensure that runoff from the Project Site during construction would have no potential to further degrade water quality in receiving surface water bodies located downstream in the ROI.
- Comply with Maryland Tier II Antidegradation Review policies.
- Consider all Maryland Stormwater Management Controls, Environmental Site Design, and "Green Building" Alternatives, as described by MDE, during design of the proposed CPF.
- Comply with Maryland's Erosion and Sediment Control Regulations, Stormwater Management Regulations, the Maryland Stormwater Management and Erosion & Sediment Control Guidelines for State and Federal Projects, and associated technical memoranda.
- Incorporate into the Proposed Action, as required by Section 438 of the EISA (see **Table 1**), GI/LID measures to maintain the pre-development hydrology of the Project Site to the maximum extent technically feasible during operation, minimizing any change in the rate, volume, and temperature of stormwater discharging to off-site areas.
- Incorporate into the Proposed Action, as required by EO 13508, stormwater control BMPs to manage and reduce pollution flowing from the Project Site into the Chesapeake Bay and its tributaries.
- Submit a FCD to MDNR for review and concurrence (see **Appendix B**).

Construction

- Demarcate the construction LOD in the field to prevent encroachment on unpermitted surface water resources.

- Establish construction staging areas at least 100 feet away from surface water resources.
- When excavating below the groundwater table, incorporate measures that minimize potential impacts to local shallow groundwater, including dewatering these areas, preventing discharge of any water potentially contaminated during the construction/demolition process, and restoring sites to natural subsurface conditions prior to construction of the proposed CPF.

Operation

- Obtain and adhere to the requirements of a *Maryland General Permit for Discharges of Stormwater Associated with Industrial Activity* to regulate the quantity and quality of stormwater runoff generated by operation of the proposed CPF. Alternatively, in coordination with the USDA, Treasury may amend the NPDES MS4 Phase II General Permit that currently covers BARC operations to include the proposed CPF.
- Comply with wastewater quality standards established in agreement with the USDA.

1.5 Mitigation Measures

Treasury should implement the following project-specific mitigation measure to further reduce the potential for adverse impacts to water resources:

- As an alternative to diverting approximately 117 linear feet of the unnamed intermittent stream on-site, modify the LOD associated with proposed entrance road upgrades and the proposed vehicle entry control facility to avoid this stream, with the exception of the crossing of the south security fence.
- Design the Preferred Alternative to fully avoid Wetland 7 and/or Wetland 8 during construction (and operation) activities (e.g., by adjusting proposed entrance road and Powder Mill Road improvements).
- If not already required through the federal and/or state wetland permitting processes, mitigate wetland fills at a 1:1 ratio through on-site or off-site replacement, purchase of wetland mitigation bank credits, or payment of in-lieu fee.

If Treasury chooses to implement these recommended mitigation measures, potential fill/diversion of surface waters would be reduced from 226 linear feet to 109 linear feet (i.e., a reduction of 117 linear feet), thus mitigating this potential significant adverse impact to a ***less-than-significant*** level. Similarly, potential fill of wetlands would be reduced from 0.94 acre to 0.76 acre (i.e., a reduction of 0.18 acre), further reducing this potential ***less-than-significant adverse*** impact.

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Appendix A: Finding of No Practicable Alternative to Construction in Wetlands

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DEPARTMENT OF THE TREASURY

FINAL FINDING OF NO PRACTICABLE ALTERNATIVE FOR CONSTRUCTION AND OPERATION OF A CURRENCY PRODUCTION FACILITY WITHIN THE NATIONAL CAPITAL REGION

1.0 Introduction

Comprised of nearly 6,600 acres of land, the Henry A. Wallace Beltsville Agricultural Research Center (BARC) is situated 10 miles northeast of Washington, DC and 20 miles southwest of Baltimore, Maryland. Just outside the Capital Beltway (i.e. Interstate I-495) BARC is bordered by the suburban community of Beltsville, the cities of Greenbelt and College Park, and by several other federal properties.

The United States Department of the Treasury (Treasury) proposes to construct and operate a new Currency Production Facility (CPF) within the National Capital Region (NCR) (Proposed Action) to replace the Bureau of Engraving and Printing's existing production facility located in downtown Washington, DC.

Under Executive Order (EO) 11988, *Floodplain Management*, federal agencies must find that there is no practicable alternative to development within the 100-year floodplain. Under EO 11990, *Protection of Wetlands,* federal agencies must avoid undertaking new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction. Further, Treasury must take all practicable measures to minimize harm to or within floodplains and wetlands. Treasury has determined that elements of the Proposed Action must be located within wetlands on the BARC parcel. No floodplains exist within the study area and will not be addressed in this document.

This preliminary finding incorporates the analysis and conclusions of the June 2021 *Construction and Operation of a Currency Production Facility within the National Capital Region, Final Environmental Impact Statement* (Final EIS). It is being made available to the public with the Final EIS, in accordance with both EOs.

2.0 Notice of Wetland Involvement

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

Portions of the Proposed Action would be constructed in the wetlands on the BARC parcel (see Figure 1). Development can impact these natural resources via the loss or degradation of their natural functional benefits such as water storage, infiltration, and filtration. These impacts extend to the intrinsic value of these resources or the benefits associated with their use, such as wildlife habitat, recreation, and aesthetic enjoyment. Wetland functions and values are also susceptible to changes in the volume, rate, and quality of stormwater discharge, particularly as influenced by the amount of impervious surface within a watershed.

3.0 Description of the Proposed Action and Discussion of Alternatives

The Proposed Action includes construction and operation of an approximately 1 million square-foot CPF within the NCR. The Proposed Action would provide a modernized, efficient facility located within the NCR to replace the over 100-year-old facility located in downtown Washington, DC.

Alternatives Selection Criteria

Treasury, through a 20-year planning process, undertook a robust, logical, and sequential site screening process described in detail in the Final EIS. Once it was determined that construction of a new facility was the best course of action, 81 potential sites were identified in the NCR that had the potential to support Treasury's initial minimum criteria for the Proposed Action, of which 31 sites met the initial criteria of adequate parcel size (i.e., 60 acres or more) and

appropriate location (i.e., within a 30-mile radius of central Washington, DC and within 10 miles of a major interstate). Of these 31 sites, only 6 were already under federal control, a follow-on requirement as described in the Final EIS, Section 2.3. The six sites were further narrowed down to a single site based on the following: location, accessibility of the site to major roadways and an international airport, availability for transfer to Treasury in a timely manner, adequate parcel size, and developability (site must not be unduly constrained to development due to terrain or other construction or use limitations).

Alternatives Subject to Further Analysis

Based on the selection criteria analysis described above, Treasury determined that only its proposed approximately 104-acre parcel in the Central Farm of BARC would meet its purpose of and need for the Proposed Action; this is Treasury's Preferred Alternative. This Preferred Alternative, as well as the No Action Alternative, were carried forward for detailed analysis.

No Action Alternative

Under the No Action Alternative, Treasury would not construct and operate a new CPF at BARC. Existing conditions at BARC would continue for the foreseeable future, and Treasury would continue operations in its existing, obsolete, owned and leased facilities. The No Action Alternative did not meet Treasury's screening criteria, but was carried forward for analysis in the EIS in accordance with National Environmental Policy Act (NEPA) requirements to provide a baseline against which impacts of the Proposed Action could be measured. Because it does not meet the purpose of and need for the Proposed Action, this alternative is not "practicable" within the meaning of EO 11990.

Preferred Alternative

The Preferred Alternative would implement the Proposed Action by constructing and operating a new CPF on the 104-acre parcel on BARC. In addition to the approximately 1 million square foot CPF, Treasury would also construct a new entrance road connecting its proposed parcel to Powder Mill Road, together with several minor modifications to Powder Mill Road in the vicinity of the intersection with the new entrance road to reduce potential impacts on traffic flow. Specifically, Treasury would install a traffic control device (e.g., a traffic light) at the intersection of Powder Mill Road and the entrance road, widen Powder Mill Road to accommodate additional lanes, and remove the existing rumble strips on the reconstructed portion of Powder Mill Road. These proposed modifications/upgrades would result in construction activities within an additional 18 acres, bringing the combined Project Site to a total of approximately 122 acres.

This alternative meets the purpose of and need for the Proposed Action. It is the only practicable alternative within the meaning of EO 11990.

Impacts and Mitigation Measures

Field investigations conducted in support of the NEPA analysis for this Proposed Action documented approximately 2.94 acres of wetlands within the 104-acre parcel and the additional 18-acre study area that will provide for traffic improvements off Powder Mill Road used to access the site. The Proposed Action would permanently affect approximately 0.94 acres of wetlands. This total wetland impact could be reduced by 0.18 acre to a total of 0.76 acre of direct impact if Treasury selects the Preferred Alternative and adopts mitigation measures recommended in the Final EIS (see below). No temporary wetland impacts would be anticipated.

Construction of the Proposed Action would place fill in Wetlands 2 and 3 (see Figure 1), both isolated and not regulated by the US Army Corps of Engineers (USACE) Regulatory Branch, totaling 0.73 acre. Wetland 2 falls largely within the footprint of the proposed building itself and Wetland 3 falls within the parking area.

Site constraints render avoiding impacts to these two wetlands highly impractical: an existing mandatory reforestation area associated with previous Intercounty Connector construction is located south of Odell Road within the northern portion of the study area. Wetland 4, the largest of the wetlands, is situated in the southeast corner of the Project Site. Three site configurations were evaluated by the design team, all of which incorporated on-site preservation of these two large natural features. Elements of the main design, to include the orientation of the main axis of the building, the location of a possible expansion area, and the parking lot, were considered in different layouts across the three scenarios in an effort to reduce direct impacts to wetlands and other natural features to the maximum extent practicable, while still meeting the minimum design parameters for the CPF (including a perimeter fence, patrol road, an earthen

berm along the building's production floor, and stormwater management features).

Wetlands 7 and 8, connected downstream to Beaverdam Creek by an unnamed, intermittent channel, total 0.18 acre in size and are regulated by USACE and the Maryland Department of the Environment (MDE). These wetlands are located within the project limits of disturbance (LOD) associated with improvements to the existing configuration of Powder Mill Road. Construction of the proposed security fence along the boundary of Treasury's proposed parcel could impact 0.03 acre of Wetland 4, also connected to surface waters downstream and regulated by USACE and MDE. The perimeter fence is necessary to ensure this essential building is secured and would only impact a peripheral outcrop of the wetland at its easternmost extent. Treasury has made deliberate efforts not to locate any appurtenant structures within this wetland, the largest of the on-site wetlands.

In total, the Proposed Action would impact 0.94 acre of wetlands within the Project Site (i.e., 0.11 percent of wetlands on BARC) and 0.65 acre of MDE-regulated nontidal wetland buffer. As the Proposed Action would impact less than 1 acre of isolated, nontidal wetlands, an exemption from mitigation requirements for those wetlands under Maryland's Nontidal Wetlands Protection Program may be applied for and any required mitigation will be implemented as directed.

No operational activities of the proposed CPF would encroach upon Wetlands 4 and 6 and their associated buffers. Therefore, operation of the Proposed Action would have no adverse impacts on these wetlands.

EO 11990 requires that the proposed action include "all practicable measures to minimize harm to wetland[s]." Prior to implementing projects impacting wetlands, the construction contractor would obtain coverage under applicable permits issued by USACE in accordance with the Clean Water Act (CWA). Adherence to avoidance, mitigation, and compensation measures specified in the permits would be required. These include all practicable measures available to ensure that wetland impacts are mitigated to the extent possible.

Additionally, Environmental Protection Measures (EPMs), Regulatory Compliance Measures (RCMs), and Best Management Practices (BMPs) would be incorporated into the Proposed Action to avoid or minimize impacts on these wetland resources and are collectively described, as follows:

- Incorporate a suitable diversion of the unnamed intermittent stream on-site such that it does not overlap the project LOD. This diversion would need to maintain the existing stream flow and hydrologic function of the stream to the extent practicable using a natural stream system.
- Obtain and adhere to appropriate permits (or letters of exemption) from the MDE and USACE to comply with Sections 404/401 of the CWA and comply with all BMPs established throughout this consultation process.
- Obtain a *Maryland General Permit for Stormwater Associated with Construction Activity* to manage stormwater associated with construction of the Proposed Action. Treasury would prepare and adhere to a state-approved Erosion and Sediment Control Plan and submit a Notice of Intent to meet the requirements of the federal National Pollutant Discharge Elimination System program. Treasury would also manage stormwater discharges and maintain water quality through compliance with existing total maximum daily loads.
- Comply with Maryland Tier II Antidegradation Review policies.
- Consider all Maryland Stormwater Management Controls, Environmental Site Design, and "Green Building" Alternatives, as described by MDE, during design of the proposed CPF.
- Comply with Maryland's Erosion and Sediment Control Regulations, Stormwater Management Regulations, the Maryland Stormwater Management and Erosion & Sediment Control Guidelines for State and Federal Projects, and associated technical memoranda.
- Incorporate, as required by Section 438 of the Energy Independence and Security Act, green infrastructure or low impact development measures to maintain the pre-development hydrology of the Project Site to the maximum extent technically feasible during operation, minimizing any change in the rate, volume, and temperature of stormwater discharging to off-site areas.
- Incorporate, as required by EO 13508, stormwater control BMPs to manage and reduce pollution flowing from the Project Site into the Chesapeake Bay and its tributaries.
- Submit a Federal Consistency Determination to the Maryland Department of Natural Resources (MDNR) for review and concurrence.

- Demarcate the construction LOD in the field to prevent encroachment on unpermitted surface water resources.
- Establish construction staging areas at least 100 feet away from surface water resources.
- When excavating below the groundwater table, incorporate measures that minimize potential impacts to local shallow groundwater, including dewatering these areas, preventing discharge of any water potentially contaminated during the construction/demolition process, and restoring sites to natural subsurface conditions prior to construction of the proposed CPF.

The above steps would be implemented as "mitigation by design" and are a proactive means of minimizing environmental impacts.

Additionally, Treasury has identified the following additional recommended mitigation measures that may be implemented to further reduce potential adverse impacts to wetlands:

- Design the Preferred Alternative to fully avoid Wetland 7 and/or Wetland 8 during construction (and operation) activities (e.g., by adjusting proposed entrance road and Powder Mill Road improvements).
- If not already required through the federal and/or state wetland permitting processes, mitigate wetland fills at a 1:1 ratio through on-site or off-site replacement, purchase of wetland mitigation bank credits, or payment of in-lieu fee.

Taken together, these EPMs, RCMs, BMPs, and recommended mitigation measures would avoid or minimize the loss of and impacts on wetlands at the BEP Project Site. These measures represent all practicable measures to minimize harm to wetlands.

4.0 Finding

During development of the CPF site design, Treasury considered alternatives for the site layout and sought ways to minimize impacts to resources early in the design process using information obtained from the Site Constraints Report dated December 2019 and updated in June 2020.

Treasury has made, and will continue to make, efforts to site the needed facilities entirely outside of wetlands and other regulated waters while still addressing the facility's operational needs and safety requirements. Due to the location of waters in proximity to established roadways necessary to access the site, and the need for a perimeter fence to provide security, it was determined that complete avoidance of wetlands may not feasible, although it would be duly considered during the design process. Alternatives that would entirely avoid developing in wetlands were also eliminated from consideration, for the reasons discussed above. As such, Treasury has determined there are no practicable alternatives to avoiding development within wetlands on BARC.

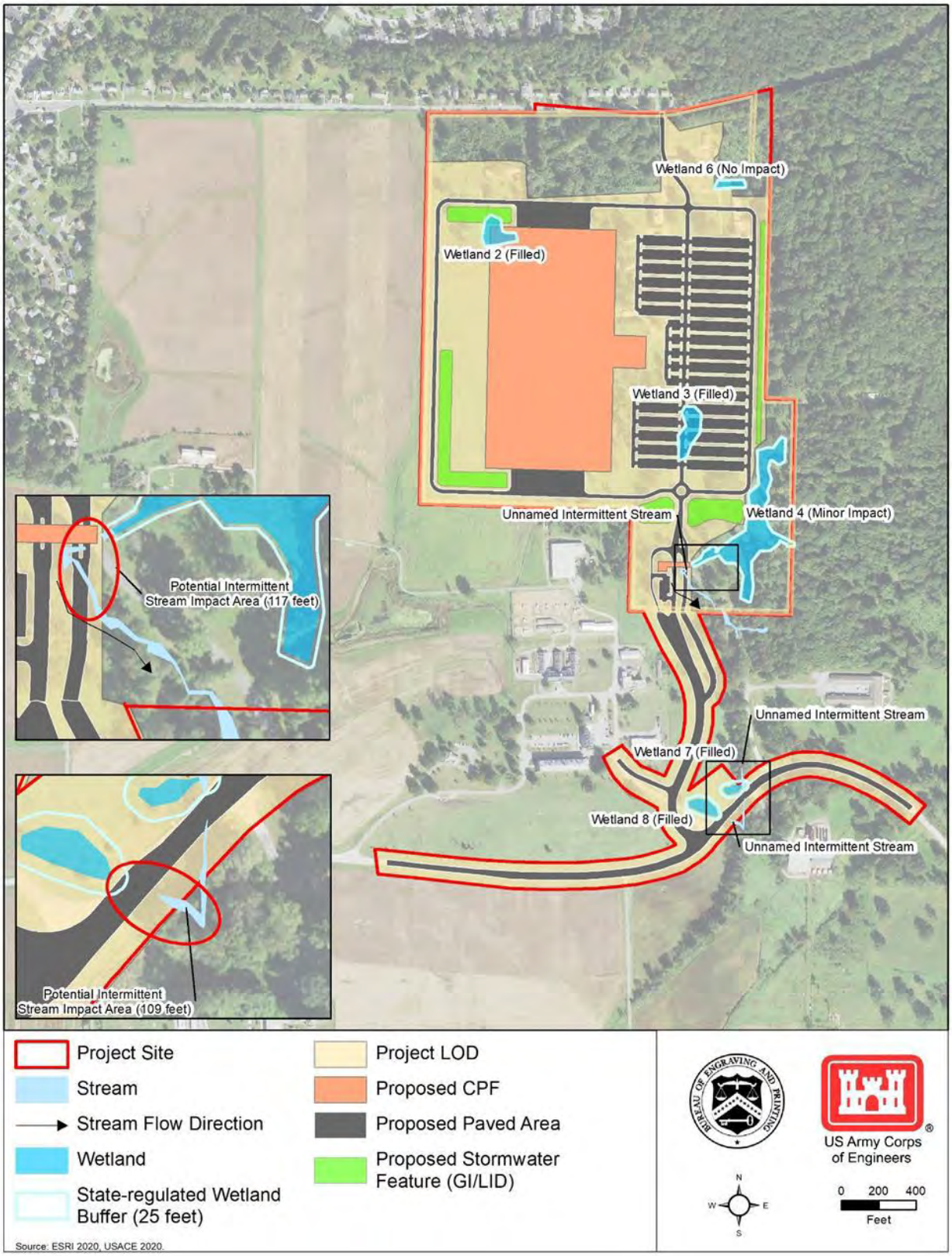
Following a thorough evaluation of alternate plans that would satisfy the purpose of and need for the Proposed Action, I find that there is no practicable alternative to siting elements of the Proposed Action within wetlands. Therefore, Treasury will ensure that all practicable measures to minimize harm to wetlands are incorporated into the Proposed Action.

Date

Trevor Norris
Acting, Assistant Secretary for Management
US Department of the Treasury

Attachments: Figure 1. Potentially Impacted Water Bodies and Proposed Stormwater Infrastructure (Figure 3.7-3 of Final EIS)

Figure 1. Potentially Impacted Water Bodies and Proposed Stormwater Infrastructure



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Appendix B: Federal Consistency Determination

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Coastal Consistency Request Form

This request document, under the authority of the Maryland Coastal Zone Management Program, initiates information sharing and state-federal-industry coordination to ensure projects or activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations (15 C.F.R Part 930) are consistent to the maximum extent practicable with Maryland's enforceable policies. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to facilitate the submission and timely review of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

* Required

1. Name of Project or Activity * Construction and Operation of a Proposed Currency Production Fac

2. Name of Person Submitting Request *

Harvey Johnson

3. Federal Agency Contractor Name (if applicable)

4. Federal Agency *

US Army Corps of Engineers

5. County *

Prince George's County

6. Address *

ATTN: Bureau of Engraving a

7. Email *

BEP-EIS@usace.army.mil

8. Phone Number(s) *

410-962-7961

9. Please select the appropriate Federal Consistency Category: *Choose one**

- (●) **Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)**
- ( ) **Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)**
- ( ) **Outer Continental Shelf Plans: Exploration, Development & Production Activities (15 C.F.R. Part 930, Subpart E)**
- ( ) **Federal Financial Assistance to State & Local Governments (15 C.F.R. Part 930, Subpart F)**

10. Summary Description – Please describe the nature, areal extent and location of project or activity. Describe foreseeable effects on coastal resources and uses.

The United States (US) Department of the Treasury (Treasury), Bureau of Engraving and Printing (B

Coastal Consistency Request Form

11. Please select policy area checklists relevant to your project or activity:

Check all that apply:

- [x] **Core Policies (required for all projects and activities)**
- [ ] **The Chesapeake & Atlantic Coastal Bays Critical Area**
- [ ] **Tidal Wetlands**
- [x] **Forests**
- [x] **Historical & Archaeological Site**
- [x] **Living Aquatic Resources**
- [ ] **Mineral Extraction**
- [ ] **Electrical Generation & Transmission**
- [ ] **Tidal Shore Erosion**
- [ ] **Oil & Natural Gas Facilities**
- [ ] **Dredging & Disposal of Dredge Materials**
- [ ] **Navigation**
- [ ] **Transportation**
- [ ] **Agriculture**
- [ ] **Development**
- [ ] **Sewage Treatment**

12. Supporting Documentation. Please list all maps, diagrams, reports, letters and other materials below:

Please find attached Treasury's detailed Federal Consistency Determination for this Proposed Action.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 12, 2021

Mr. Joseph Abe
Coastal Policy Coordinator
Maryland Department of Natural Resources
Chesapeake & Coastal Policy
Tawes State Office Building E2
580 Taylor Avenue
Annapolis, MD 21401

Subject: Federal Consistency Determination
Construction and Operation of a Proposed Currency Production Facility,
Beltsville Agricultural Research Center, Beltsville, Prince George's County, Maryland

Dear Mr. Abe,

The United States Army Corps of Engineers, Baltimore District (USACE) is submitting the enclosed Federal Consistency Determination on behalf of the United States (US) Department of the Treasury (Treasury), Bureau of Engraving and Printing (BEP), pursuant to Section 307(d) of the Coastal Zone Management Act (CZMA) of 1972 and 15 Code of Federal Regulations (CFR) Part 930, Subpart C for the proposed construction and operation of a Currency Production Facility (CPF) at the Henry A. Wallace Beltsville Agricultural Research Center (BARC) in Prince George's County, Maryland (Proposed Action).

Based on the analysis presented in the enclosed Federal Consistency Determination, Treasury has determined that the Proposed Action would be consistent to the maximum extent practicable with the applicable enforceable policies of Maryland's Coastal Zone Management Program (CZMP).

BARC is located in Beltsville, approximately 10 miles northeast of Washington, DC (see **Figure 1**). It is operated and used by the US Department of Agriculture (USDA) for agricultural research. It consists of nearly 6,600 acres of land, and is split into five farm sections. BARC is primarily open, agricultural land, but is surrounded by the suburban community of Beltsville and the cities of Greenbelt and College Park (see **Figure 2**).

The Proposed Action would include the construction and operation of a new CPF within the National Capital Region to replace Treasury's existing production facility located in downtown Washington, DC (DC Facility). Current manufacturing processes at the DC Facility are inefficient and pose safety risks to staff, and the DC Facility is not compliant with modern physical security standards. The Proposed Action would replace the operationally deficient DC Facility and provide Treasury with a modern, more efficient, scalable production facility of sufficient size that can be reconfigured as needed in response to economic or technological changes.

Prince George's County is located within the state of Maryland's designated coastal zone. Although BARC, as a federally owned facility, is statutorily excluded from the coastal zone, the Proposed Action would have the potential to affect Maryland's coastal uses or resources. Therefore, Treasury has prepared this Federal Consistency Determination to evaluate the Proposed Action's effects on coastal resources, and its consistency with the enforceable policies of Maryland's federally approved CZMP. Additional information regarding the Proposed Action can be found in Treasury's Draft Environmental Impact Statement (EIS) available at https://www.nab.usace.army.mil/Portals/63/docs/BEP/DEIS/BEP_PROJECT-Draft_EIS.pdf.

Pursuant to 15 CFR Section 930.41, the Maryland CZMP has **sixty (60) days** from the receipt of this letter in which to concur with or object to the Treasury's consistency determination, or to request an extension

under 15 CFR Section 930.41(b). Maryland's concurrence will be presumed if its response is not received by Treasury on the 60th day from receipt of this determination. We would appreciate any efforts to expedite this review process as much as feasible in order to meet our ambitious EIS publication schedule.

USACE, under an interagency agreement with Treasury, is providing environmental program support for the Proposed Action. The State of Maryland's response or requests for additional information should be sent to:

Mr. Harvey Johnson
(410) 962-7961
BEP-EIS@usace.army.mil

Sincerely,

JOHNSON.HARVEY.L.1229425958 Digitally signed by JOHNSON.HARVEY.L.1229425958
Date: 2021.03.12 14:53:30 -05'00'

_____ _____

Harvey Johnson
Programs and Project Management Division
USACE – Baltimore District

Date

Enclosure:

Federal Consistency Determination

US Department of the Treasury

Construction and Operation of a Currency Production Facility at the Beltsville Agricultural Research Center

Prince George's County, Maryland

FEDERAL CONSISTENCY DETERMINATION

In accordance with Section 307(d) of the Coastal Zone Management Act (CZMA) of 1972 and 15 Code of Federal Regulations (CFR) Part 930 Subpart C, this document provides the state of Maryland with a Federal Consistency Determination for the Proposed Action described below.

FEDERAL AGENCY ACTION

The United States (US) Department of the Treasury (Treasury), Bureau of Engraving and Printing (BEP) proposes to construct and operate a new Currency Production Facility (CPF) within the National Capital Region (NCR) at the Henry A. Wallace Beltsville Agricultural Research Center (BARC) to replace its existing production facility located in downtown Washington, DC (Proposed Action).

BARC is located in Beltsville, Prince George's County, Maryland, approximately 10 miles northeast of Washington, DC. It is operated and used by the US Department of Agriculture (USDA) for agricultural research. It consists of nearly 6,600 acres of land, and is split into five farm sections. BARC is primarily open, agricultural land, but is surrounded by the suburban community of Beltsville and the cities of Greenbelt and College Park (see **Figure 1**).

Prince George's County is located within Maryland's designated coastal zone. Although BARC, as a federally owned facility, is statutorily excluded from the coastal zone, the Proposed Action would have the potential to affect Maryland's coastal uses or resources. Therefore, Treasury is required to determine the Proposed Action's consistency with the enforceable policies of Maryland's federally approved Coastal Zone Management Program (CZMP).

To analyze impacts on the environment potentially resulting from the Proposed Action, Treasury prepared a Draft Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 US Code §§ 4321 *et seq.*), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and the US Department of the Treasury Directive (TD) 75-02, *National Environmental Policy Act Program*. Treasury is preparing a Final EIS based on public comments received on the Draft EIS.

PURPOSE AND NEED

The purpose of the Proposed Action is to construct and operate a new CPF within the NCR to replace Treasury's insufficient DC Facility. The Proposed Action would provide Treasury with a modern, more efficient, scalable production facility of sufficient size within the NCR, and would be located on a property that allows Treasury to comply with federal facility security standards; it would also substantially reduce Treasury's federal footprint within the NCR. Treasury's continued presence within the NCR would support and sustain its mission over the long term, resulting in more efficient, streamlined currency production.

The Proposed Action would replace the operationally deficient DC facilities with a cumulatively smaller, strategically located, state-of-the-art CPF within the NCR, that would contain a reconfigurable workspace with flexibility to optimize workflow efficiency and scale production in response to economic conditions of technological changes. Treasury determined that a new CPF of approximately 1 million square feet would be required to replace currency production at the DC Facility and modernize its operations.

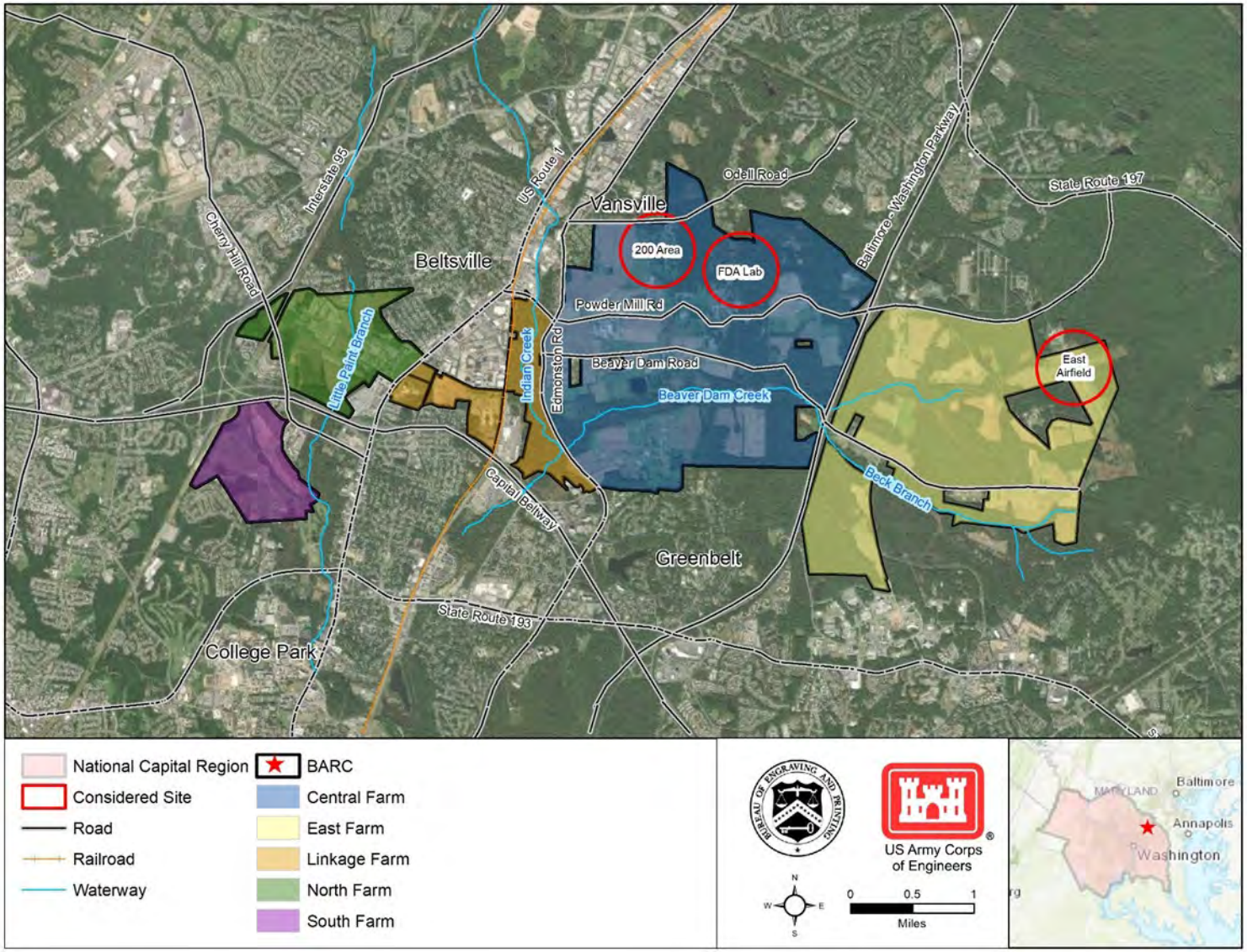

Figure 1: BARC and the Surrounding Region

The need for the Proposed Action is that Treasury's existing DC Facility is neither able to support modern currency production nor able to support Treasury's current and future mission. The age, configuration, and location of the DC Facility severely limit Treasury's ability to modernize the DC Facility through renovation. Manufacturing processes at the DC Facility are inefficient and pose safety risks to staff, and the DC Facility is not compliant with modern physical security standards.

SUMMARY OF PROPOSED ACTION AND ANTICIPATED EFFECTS

Under the Proposed Action, Treasury would construct and operate a new CPF on the Project Site at BARC, in Beltsville, Prince George's County, Maryland to replace the deficient DC Facility (see **Figure 2**). The proposed CPF would be up to 1 million square feet in size and range in height from approximately 40 to 50 feet above ground level. It would be equipped with state-of-the-art technology to automate and track currency manufacturing and operate with greater efficiency. Work production flows would be flexible and reconfigurable to avoid disruptions of work in progress or respond to changing priorities. The Proposed Action would include ample, strategically located storage, administrative, and manufacturing space to support currency production. The Proposed Action would be implemented over an approximately nine-year period, after completion of the NEPA analysis.

The proposed CPF would include associated equipment and mechanical systems for managing air, liquid, and solid waste streams that result from the multiple steps involved in the currency production process, including on-site air and wastewater treatment facilities. Utility systems would include electricity, water, sanitary sewer, and fiber optic systems and services. The CPF design would include a number of sustainable features to reduce the amount of energy required for operation and to achieve a rating of Leadership in Energy and Environmental Design (LEED) Silver. Finally, the CPF would incorporate various green infrastructure/low impact development (GI/LID) features to manage and retain stormwater and reduce the amount of impervious surface on-site.

Treasury would incorporate a public educational experience into the new facility. The proposed CPF would include an exhibition/museum area that educates the public about current and historical US currency production. The public would also be able to take a tour of portions of the proposed CPF to see the currency production process. Visitation would be limited and would require advance registration.

In addition to the proposed CPF, Treasury would construct a new entrance road connecting the proposed CPF to Powder Mill Road near the location of the existing Animal Husbandry Road. Treasury would also construct several minor modifications to Powder Mill Road in the vicinity of the intersection with the new entrance road. These construction activities would occur in an approximately 18-acre area, bringing the Project Site to a total of approximately 122 acres.

Construction of the Proposed Action would begin in 2021 or 2022; it would include site preparation activities, including demolition, clearing, grading, and leveling; installation of site utilities, erosion control measures, and security measures; final grading; paving of roads, including the proposed entrance road, modifications to Powder Mill Road, and parking areas; construction of the proposed facility; landscaping; and commissioning. Once constructed, Treasury would gradually transition personnel and operations from the DC Facility in phases from approximately 2025 to 2029. Currency manufacturing at the DC Facility would be phased out. The DC Facility would likely be renovated to function as Treasury's administrative headquarters and support various other Treasury functions; however, this is not considered part of the Proposed Action and would be analyzed under separate NEPA documentation, when appropriate.

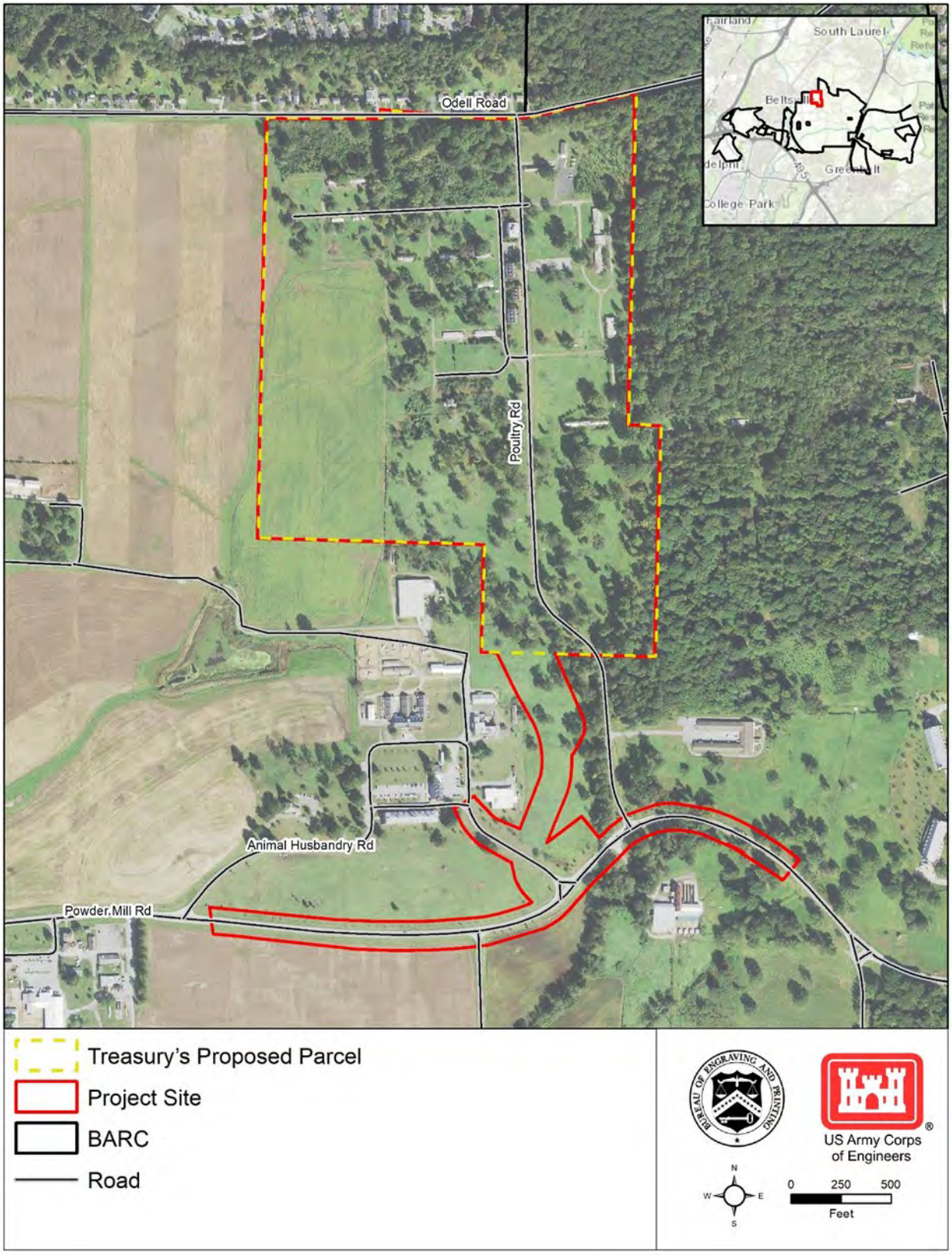

Figure 2: Project Site at BARC

Construction activities would result in temporary disturbances, such as air emissions, increased noise levels, and soil erosion; and permanent disturbances, such as wetland loss, increased impervious surfaces, vegetation removal and tree clearance, and demolition of historic buildings. Such disturbances would have adverse impacts to the corresponding natural environmental resources, as well as to the surrounding human environment. Construction contractors would adhere to applicable best management practices (BMPs), environmental protection measures (EPMs), and regulatory compliance measures (RCMs) included within the Proposed Action to avoid or minimize adverse impacts on affected environmental resources. Following the completion of construction activities, the Project Site would be permanently converted from agricultural land to an industrial facility.

Operation would have long-term effects from increased air emissions, and would result in increased surrounding noise levels, soil erosion, a potentially increased volume of stormwater runoff, the generation of hazardous waste, failing traffic conditions (i.e., levels of service and queue lengths), and changes to the visual environment. Operation of the proposed CPF would adhere to applicable established federal and state requirements and procedures, and with the implementation of appropriate minimization and mitigation measures, impacts from the Proposed Action would be maintained below significant levels.

ENFORCEABLE POLICIES

The state of Maryland has developed and implemented a federally approved CZMP, encompassing enforceable policies for the coastal area pertaining to:

General Policies

- Core policies
- Water quality
- Flood hazards

Coastal Resources

- The Chesapeake and Atlantic Coastal Bays Critical Area
- Tidal wetlands
- Non-tidal wetlands
- Forests
- Historical and archaeological sites
- Living aquatic resources

Coastal Uses

- Mineral extraction
- Electrical generation and transmission
- Tidal shore erosion control
- Oil and natural gas facilities
- Dredging and disposal of dredged material
- Navigation
- Transportation
- Agriculture
- Development
- Sewage treatment

The Proposed Action would have the potential to affect coastal uses or resources in Prince George's County, which is located in Maryland's designated coastal zone. **Table 1** summarizes the applicability of Maryland's enforceable policies and the Proposed Action's consistency with the applicable policies. A

summary analysis of the Proposed Action's consistency with the applicable enforceable policies is presented below based on Treasury's detailed analysis in its Draft EIS for this project.

A. General Policies

A.1 Core Policies

Policy A.1.1 – *It is State policy to maintain that degree of purity of air resources which will protect the health, general welfare, and property of the people of the State.*

Construction of the proposed CPF would generate criteria pollutant emissions and fugitive dust emissions from the use of heavy equipment, vehicles, handling and transport of demolished materials, and other typical construction activities. These emissions would be temporary, and would cease following the completion of construction activities, anticipated in 2025. Both criteria pollutant emissions and fugitive dust emissions would remain below the applicable *de minimis* thresholds throughout the duration of construction.

In the long term, operation of the proposed CPF would generate criteria pollutant emissions, toxic and hazardous air pollutant emissions (HAPs), and greenhouse gas (GHG) emissions. However, these emissions already occur on a regional scale from operation of the existing DC Facility. As operations are shifted to the proposed CPF, emissions would increase at the Project Site; however, at the same time, operations at the DC Facility would be phased out, and emissions from the DC Facility would gradually decrease. As a result, criteria pollutant and HAP emissions would remain below regulated thresholds, and any change in GHG emissions from the proposed CPF would not be perceptible on a regional level. While Treasury anticipates the proposed CPF to be a minor source of all criteria pollutants, it is possible that volatile organic compound and nitrogen oxide emissions could potentially be above major source thresholds; under this scenario, the proposed CPF would be permitted as a major source, requiring Treasury to obtain emissions offsets, lowest achievable emission rates, and a Title V operating permit for the proposed CPF in coordination with the MDE. Treasury would adhere to all requirements and emission limitations within the operating permit. Therefore, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

Policy A.1.2 – *The environment shall be free from noise which may jeopardize health, general welfare, or property, or which degrades the quality of life.*

Noise generated during the construction of the proposed CPF would be typical of that produced by heavy equipment such as bulldozers, excavators, graders, and trucks. Noise levels would be highest during the early construction phases and diminish as construction progresses. Noise from construction has the potential to extend beyond the Project Site and affect receptors up to 800 feet from the noise source. However, the estimated maximum sound levels experienced by noise-sensitive receptors surrounding the Project Site would fall below the regulated noise thresholds established in the Prince George's County Noise Ordinance. A noise suppression plan would also be prepared prior to beginning construction to identify noise-suppression equipment and methods and ensure compliance with regulatory thresholds.

Operation of the proposed CPF would generate noise from permanent stationary sources, such as emergency generators; heating, ventilating, and air conditioning (HVAC) equipment; and similar types of support equipment. Currency production equipment (e.g., presses) would be fully enclosed within the proposed CPF and would have minimal potential to generate exterior noise. Since operational equipment is proposed to be enclosed and in compliance with regulations, the proposed CPF operation would have a negligible adverse impact on noise-sensitive receptors within 800 feet of the proposed CPF. The Proposed Action would also result in operational noise from delivery trucks and employees' traveling to and from the Project Site. The estimated noise impacts would be negligible during daytime hours but less-than-significant during nighttime hours. Nighttime currency shipments using armored trucks would be loaded within the proposed CPF and routed to avoid passing within 50 feet of non-federal sensitive receptors, but truck noise

may still be audible, although not intrusive, to these receptors. Therefore, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

Policy A.1.11 – *Soil erosion shall be prevented to preserve natural resources and wildlife; control floods; prevent impairment of dams and reservoirs, maintain the navigability of rivers and harbors; protect the tax base, the public lands, and the health, safety and general welfare of the people of the State, and to enhance their living environment.*

The construction limits of disturbance (LOD) of the Proposed Action include approximately 100.3 acres, or 82.1 percent, of the Project Site (see **Figure 3**). Because the Proposed Action would disturb more than 1 acre of land, Treasury would obtain coverage under the *Maryland General Permit for Stormwater Associated with Construction Activity*, in accordance with the National Pollutant Discharge Elimination System (NPDES). Coverage under the General Permit would require preparation of and adherence to a state-approved erosion and sediment control plan to minimize impacts from erosion of soils exposed by construction activities. Once the proposed CPF is operational, undeveloped, disturbed areas within the LOD would be revegetated. Erosion and sedimentation on the site would be managed through the use of stormwater infrastructure and retention features, such as green roofs, permeable pavement, bioswales, and reinforced turf. Through adherence to applicable permits and implementation of stormwater management measures, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

Policy A.1.12 – *Controlled hazardous substances may not be stored, treated, dumped, discharged, abandoned, or otherwise disposed anywhere other than a permitted controlled hazardous substance facility or a facility that provides an equivalent level of environmental protection.*

Controlled hazardous substances used in the currency production process, and corresponding quantities of hazardous waste generated at the proposed CPF, would be used, handled, stored, and disposed of in accordance with applicable federal and state regulatory requirements as well as established Treasury practices and policies. All industrial operations potentially using hazardous materials would be conducted indoors to prevent releases to the environment, and drains in chemical use areas would be capped or otherwise protected against spills. No materials would be stored in underground storage tanks, and aboveground storage tanks (ASTs) would have full spill protections and receive routine inspection along with other chemical containers and waste storage areas in accordance with regulatory requirements and industry standards. Hazardous substances would be accessed, used, and handled only by Treasury personnel who have received appropriate training, and all such materials would be stored in secured cabinets or lockers when not in use. Hazardous waste generated at the proposed CPF would be temporarily stored in appropriate receptacles and transported off-site for treatment prior to disposal or incineration. For these reasons, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

A.2 Water Quality

Policy A.2.8 – *Any development or redevelopment of land for residential, commercial, industrial, or institutional purposes shall use small-scale non-structural stormwater management practices and site planning that mimics natural hydrologic conditions, to the maximum extent practicable. Development or redevelopment will be consistent with this policy when channel stability and 100 percent of the average annual predevelopment groundwater recharge are maintained, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.*

The Proposed Action would incorporate and adhere to applicable stormwater management requirements set forth in the *Maryland General Permit for Stormwater Associated with Construction Activity* to manage stormwater associated with construction of the Proposed Action, and the *Maryland General Permit for*

Discharges of Stormwater Associated with Industrial Activity for managing the quantity and quality of stormwater generated by the operation of the proposed CPF.

Once constructed, the Proposed Action would increase impervious surface cover on the Project Site by up to 29.4 acres for a total of up to 46.7 acres, or up to 38.2 percent of the Project Site. This potential increase in impervious surfaces is a conservative estimate, and does not account for the inclusion of GI/LID elements that would reduce proposed impervious surfaces. Increases in impervious surfaces can result in proportional increases in stormwater runoff volumes discharging from the Project Site to receiving waterbodies, with corresponding increases in concentrations of pollutants and sediments. Treasury would, however, properly design, construct, and maintain GI/LID stormwater infrastructure on the Project Site that would comply with state of Maryland requirements and Section 438 of the Energy Independence and Security Act of 2007 (EISA), ensuring that pre-development hydrology is maintained on-site to the maximum extent technically feasible and no significant adverse impacts related to stormwater occur. Proposed GI/LID features would manage and capture stormwater, reduce runoff volumes, and ensure that peak storm flow rates would be returned to the pre-development flow rates. Stormwater control BMPs identified under the 2009 Executive Order (EO) 13508, *Chesapeake Bay Protection and Restoration*, would also be integrated into the Project Site design to control and reduce water pollution coming from federal facilities to protect the Chesapeake Bay and its tributaries. Therefore, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

Policy A.2.11 – *Public meetings and citizen education shall be encouraged as a necessary function of water quality regulation.*

Treasury has been engaging with local government leaders concerning the Proposed Action since 2017. In accordance with NEPA, Treasury published a Notice of Intent (NOI) to prepare the EIS in the *Federal Register* on November 15, 2019. Publication of the NOI initiated a 30-day scoping period during which Treasury solicited comments from the public and federal, state, and local agencies and organizations, as well as Native American Tribes. A public scoping meeting was held December 3, 2019.

The Draft EIS was made available for public review and comment on November 6, 2020, and the public comment period was initiated the same day with publication of the Notice of Availability (NOA) for the Draft EIS in the *Federal Register*. Publication of the NOA initiated a 45-day public comment period during which Treasury solicited comments from the public and various stakeholders. A virtual public meeting was held on December 2, 2020 in accordance with restrictions of public gatherings due to the ongoing COVID-19 pandemic.

These public meetings provided the opportunity to solicit comments from the public, address concerns, and inform stakeholders about the Proposed Action, alternatives, and anticipated environmental effects. Substantive comments received during the scoping period were addressed in the Draft EIS, and substantive comments received on the Draft EIS are being addressed in the Final EIS. Public outreach during the NEPA process is ongoing, including routine updates to the publicly accessible project website, and periodic project update mailings to interested stakeholders. Therefore, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

B. Coastal Resources

B.3 Non-Tidal Wetlands

Policy B.3.1 – *Removal, excavation, grading, dredging, dumping, or discharging of, or filling a non-tidal wetland with materials of any kind, including the driving of piles and placing of obstructions; changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics; disturbing the water level or water table; or removing or destroying plant life that would alter the character of a non-tidal wetland is prohibited unless:*

- *The proposed project has no practicable alternative;*
- *Adverse impacts are first avoided and then minimized based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions;*
- *Comprehensive watershed management plans are considered; and*
- *The proposed project does not cause or contribute to an individual or cumulative effect that degrades:*
    - o *Aquatic ecosystem diversity, productivity, and stability,*
    - o *Plankton, fish, shellfish, and wildlife,*
    - o *Recreational and economic values, and*
    - o *Public welfare;*
    - o *Surface water quality; or*
    - o *Ground water quality.*

Mitigation measures are required to replace the ecological values associated with non-tidal wetlands that are impaired by activities described above.

Through sensitive project design, construction of the proposed CPF would avoid 2.00 acres of wetlands, as well as their associated 25-foot Maryland Department of the Environment (MDE)-regulated buffers. However, 0.73 acre of isolated wetlands, 0.21 acre of potentially jurisdictional wetlands, and 0.65 acre of MDE-regulated 25-foot nontidal wetland buffer would be impacted. Treasury would adhere to the applicable conditions set forth by the MDE's wetlands permit program and would implement any required mitigation as directed by the MDE. Additionally, Treasury would comply with all permitting requirements under the Clean Water Act (CWA) Sections 404/401, including adherence to applicable water quality maintenance, avoidance, compensation, and mitigation measures. Treasury may also incorporate mitigation measures during the design process to fully avoid three of the wetlands that would be impacted during construction, reducing potential wetland impacts by 0.21 acre. Based on a rigorous site screening and selection process, there is no practicable alternative for the Proposed Action. No impacts to wetlands would occur as a result of operational activities. Therefore, with the implementation of the appropriate compliance and mitigation measures, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

B.4 Forests

Policy B.4.1 – *The Forest Conservation Act and its implementing regulations, as approved by NOAA, are enforceable policies. Generally, before developing an area greater than 40,000 square feet, forested and environmentally sensitive areas must be identified and preserved whenever possible. If these areas cannot be preserved, reforestation or other mitigation is required to replace the values associated with them. This policy does not apply in the Critical Area.*

Proposed forest clearing (i.e., approximately 3.6 acres) would primarily occur along the eastern boundary of the Project Site; this clearing would be near the edge of the forest and would not result in fragmentation of existing forest. No vegetation removal would occur outside of the Project Site. Up to 125 specimen trees of the 149 total specimen trees on the Project Site (i.e., 84 percent) would be removed. The removal of specimen trees and forested areas during construction of the Proposed Action would be offset by Treasury's compliance with the Maryland Forest Conservation Act (FCA). The National Capital Planning Commission's (NCPC) Comprehensive Plan also contains tree canopy and tree replacement policies that Treasury would incorporate into the design of the Preferred Alternative to the maximum extent practicable. To mitigate tree removal under the Proposed Action, Treasury would develop a Forest Conservation Plan (FCP) and Planting Plan that identifies where Treasury would plant new (i.e., replacement) trees or retain existing trees under a long-term protection agreement. Replacement trees planted on-site in accordance with the FCP would partially replace long-term carbon sequestration functions on-site. Further, the FCP would specify additional tree protection measures, such as pruning and/or fertilizing, to retain and maintain tree health of

retained trees on the Project Site during and after construction. With the implementation of these impact-reduction measures, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

B.5 Historical and Archaeological Sites

Policy B.5.2 – *Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb cave features or archaeological sites under State control are generally prohibited.*

Two Phase I archaeological surveys conducted in October-November 2019 and July 2020 documented ten archaeological sites within the Project Site. Treasury initially recommended seven of these sites as not eligible for listing in the National Register of Historic Places (NRHP) and three as potentially eligible for the NRHP. The Maryland Historical Trust (MHT) concurred with all of Treasury's NRHP eligibility recommendations (except for one potentially eligible site identified in July 2020) in a letter dated February 10, 2020 and recommended avoidance or Phase II evaluation of the two potentially eligible archaeological sites. Treasury subsequently conducted Phase II evaluations for two of the three potentially eligible sites within the archaeological Area of Potential Effects (APE), which would be adversely affected by the Proposed Action. Based on the results of the Phase II evaluation, both of these sites are not eligible for listing in the NRHP; MHT concurred with these determinations in a letter dated November 13, 2020. Treasury would completely avoid the remaining potentially eligible archaeological site. No paleontology sites are known to exist at the Project Site. Therefore, with the implementation of the appropriate compliance and mitigation measures, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

B.6 Living Aquatic Resources

Policy B.6.7 – *Projects in or adjacent to non-tidal waters shall not adversely affect aquatic or terrestrial habitat unless there is no reasonable alternative and mitigation is provided.*

Within the Project Site, there are six non-tidal wetlands and two surface water features, both unnamed intermittent streams. Through sensitive project design, construction of the proposed CPF would avoid 2.00 acres of wetlands, as well as their vegetated buffers. However, 0.73 acre of isolated wetlands, 0.21 acre of potentially jurisdictional wetlands, and 0.65 acre of MDE-regulated 25-foot nontidal wetland buffer would be impacted. Treasury would adhere to the applicable conditions set forth by the MDE's wetlands permit program and would implement any required mitigation as directed by the MDE. Additionally, Treasury would comply with all permitting requirements under Sections 404/401 of the CWA.

Construction of the Proposed Action would also impact approximately 226 linear feet of stream within the Project Site, resulting in a potentially significant adverse impact. Approximately 117 linear feet of one intermittent stream would be diverted; Treasury would likely relocate this portion of the stream to the east of the proposed development. Diversion of this intermittent stream would result in a small permanent impact to this resource, but the proposed changes would not permanently impede the stream segment or its connection to other Waters of the US. The new stream channel would be designed to match the existing stream flow and hydrologic function. Approximately 109 linear feet of a second intermittent stream would be permanently filled. The impacts to both intermittent streams would be minimized through compliance with Sections 404/401 of the CWA; permitting would require adherence to applicable water quality maintenance, avoidance, compensation, and mitigation measures.

Based on a rigorous site screening and selection process, there is no practicable alternative for the Proposed Action, and impacts to non-tidal water from the construction of the Proposed Action are unavoidable. While the Proposed Action would adversely impact these non-tidal waters and the terrestrial habitats surrounding them, habitat loss has been minimized through sensitive project design. Further, no

rare, threatened, or endangered plant or aquatic animals at either the federal or state level are known to occur within these impacted areas. It is likely that most wildlife displaced from the Project Site by the Proposed Action would relocate to nearby areas of BARC offering similar habitat.

No impacts to non-tidal wetlands would occur as a result of operational activities. Operation of the proposed CPF may increase discharge volumes from BARC's existing wastewater treatment plant into nearby surface waters, potentially increasing downstream water flows and effluent loading. These increases, however, would remain within the permitted capacity of the wastewater treatment plant, which was established in accordance with the Anacostia River and Chesapeake Bay total maximum daily loads, and would therefore be anticipated to have minimal impact on the biological integrity and quality of downstream waterbodies. Through compliance with discharge permits, the Proposed Action would be consistent to the maximum extent practicable with this enforceable policy.

CONCLUSION

A summary of applicable and non-applicable enforceable policies to the Proposed Action is provided in **Table 1**. Treasury has determined that the Proposed Action, which would be implemented in accordance with applicable BMPs, EPMs, RCMs, and mitigation measures, would be consistent to the maximum extent practicable with the applicable enforceable policies of Maryland's CZMP.

Table 1: Maryland's Enforceable Policies

Code	Policy	Policy References[1]	Applicability or Consistency[2]
A	**General Policies**		
A.1	**Core Policies**		
A.1.1	It is State policy to maintain that degree of purity of air resources which will protect the health, general welfare, and property of the people of the State.	MDE (C9) Md. Code Ann., Envir. §§ 2-102 to -103	**Consistent**
A.1.2	The environment shall be free from noise which may jeopardize health, general welfare, or property, or which degrades the quality of life.	MDE (C9) COMAR 26.02.03.02	**Consistent**
A.1.3	The unique ecological, geological, scenic, and contemplative aspects of State wild lands shall not be affected in a manner that would jeopardize the future use and enjoyment of those lands as wild.	DNR (C7) Md. Code Ann., Nat. Res. §§ 5-1201, -1203	Not Applicable (N/A)
A.1.4	The safety, order, and natural beauty of State parks and forests, State reserves, scenic preserves, parkways, historical monuments and recreational areas shall be preserved.	DNR (B1) Md. Code. Ann., Nat. Res. § 5-209	N/A
A.1.5	Any water appropriation must be reasonable in relation to the anticipated level of use and may not have an unreasonable adverse impact on water resources or other users of the waters of the State.	MDE (C9) COMAR 26.17.06.02	N/A
A.1.6	The natural character and scenic value of a river or waterway must be given full consideration before the development of any water or related land resources including construction of improvements, diversions, roadways, crossings, or channelization.	MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-405 COMAR 26.17.04.11	N/A
A.1.7	A dam or other structure that impedes the natural flow of a scenic or wild river may not be constructed, operated, or maintained, and channelization may not be undertaken, until the applicant considers alternatives less harmful to the scenic and wild resource. Construction of an impoundment upon a scenic or wild river is contrary to the public interest, if that project floods an area of unusual beauty, blocks the access to the public of a view previously enjoyed, or alters the stream's wild qualities.	MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-406 COMAR 26.17.04.11	N/A
A.1.8	Permanent structures that do not have a clear environmental benefit are prohibited east of the dune line along the Atlantic Coast.	MDE/DNR (B1) Md. Code Ann., Nat. Res. § 8-1102	N/A
A.1.9	Activities which will adversely affect the integrity and natural character of Assateague Island will be inconsistent with the State's Coastal Management Program, and will be prohibited.	MDE/DNR (B1) Md. Code. Ann., Nat. Res. §§ 5-209, 8-1102	N/A

Code	Policy	Policy References[1]	Applicability or Consistency[2]
A.1.10	An opportunity for a public hearing shall be provided for projects in non-tidal waters that dredge, fill, bulkhead, or change the shoreline; construct or reconstruct a dam; or create a waterway, except in emergency situations.	MDE (A3) COMAR 26.17.04.13A	N/A
A.1.11	Soil erosion shall be prevented to preserve natural resources and wildlife; control floods; prevent impairment of dams and reservoirs; maintain the navigability of rivers and harbors; protect the tax base, the public lands, and the health, safety and general welfare of the people of the State, and to enhance their living environment.	MDA (C4) Md. Code Ann., Agric. § 8-102(d)	**Consistent**
A.1.12	Controlled hazardous substances may not be stored, treated, dumped, discharged, abandoned, or otherwise disposed anywhere other than a permitted controlled hazardous substance facility or a facility that provides an equivalent level of environmental protection.	MDE (D4) Md. Code Ann., Envir. § 7-265(a)	**Consistent**
A.1.13	A person may not introduce in the Port of Baltimore any hazardous materials, unless the cargo is properly classed, described, packaged, marked, labeled, placarded, and approved for highway, rail, or water transportation.	MDOT (D3) COMAR 11.05.02.04A	N/A
A.1.14	Operations on the Outer Continental Shelf must be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or property, or which may endanger life or health.	(B2) Md. Code Ann., Envir. §§ 17-101 to -403 COMAR 26.24.01.01 COMAR 26.24.02.01, .03 COMAR 26.24.05.01	N/A
A.2	**Water Quality**		
A.2.1	No one may add, introduce, leak, spill, or emit any liquid, gaseous, solid, or other substance that will pollute any waters of the State without State authorization.	MDE (A5) Md. Code Ann., Envir. §§ 4-402, 9-101, 9-322	N/A
A.2.2	All waters of the State shall be protected for water contact recreation, fish, and other aquatic life and wildlife. Shellfish harvesting and recreational trout waters and waters worthy of protection because of their unspoiled character shall receive additional protection.	MDE (A1) COMAR 26.08.02.02	N/A
A.2.3	The discharge of any pollutant which will accumulate to toxic amounts during the expected life of aquatic organisms or produce deleterious behavioral effects on aquatic organisms is prohibited.	MDE (A4) COMAR 26.08.03.01	N/A
A.2.4	Before constructing, installing, modifying, extending, or altering an outlet or establishment that could cause or increase the discharge of pollutants into the waters of the State, the proponent must hold a discharge permit issued by the Department of the Environment or provide an equivalent level of water quality protection.	MDE (D6) Md. Code Ann., Envir. § 9-323(a)	N/A

Code	Policy	Policy References[1]	Applicability or Consistency[2]
A.2.5	The use of best available technology is required for all permitted discharges into State waters, but if this is insufficient to comply with the established water quality standards, additional treatment shall be required and based on waste load allocation.	MDE (D4) COMAR 26.08.03.01C	N/A
A.2.6	Thermal discharges shall be controlled so that the temperature outside the mixing zone (50 feet radially from the point of discharge) meets the applicable water quality criteria or discharges comply with the thermal mixing zone criteria.	MDE (D4) COMAR 26.08.03.03C	N/A
A.2.7	Pesticides shall be stored in an area located at least 50 feet from any water well or stored in secondary containment approved by the Department of the Environment.	MDA (C4) COMAR 15.05.01.06	N/A
A.2.8	Any development or redevelopment of land for residential, commercial, industrial, or institutional purposes shall use small-scale non-structural stormwater management practices and site planning that mimics natural hydrologic conditions, to the maximum extent practicable. Development or redevelopment will be consistent with this policy when channel stability and 100 percent of the average annual predevelopment groundwater recharge are maintained, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.	MDE (C9) Md. Code Ann., Envir. § 4-203 COMAR 26.17.02.01, .06	**Consistent**
A.2.9	Unless otherwise permitted, used oil may not be dumped into sewers, drainage systems, or any waters of the State or onto any public or private land.	MDE (D4) Md. Code Ann., Envir. § 5-1001(f)	N/A
A.2.10	If material being dumped into Maryland waters or waters off Maryland's coastline has demonstrated actual toxicity or potential for being toxic, the discharger must perform biological or chemical monitoring to test for toxicity in the water.	MDE (A5) COMAR 26.08.03.07(D) COMAR 26.08.04.01	N/A
A.2.11	Public meetings and citizen education shall be encouraged as a necessary function of water quality regulation.	MDE (A2) COMAR 26.08.01.02E(3)	**Consistent**
A.3	**Flood Hazards – Enforceable Policies pertaining to Flood Hazards are not applicable to the Proposed Action and are not addressed in this table.**		
B	**Coastal Resources**		
B.1	**The Chesapeake and Atlantic Coastal Bays Critical Area – Enforceable Policies pertaining to the Chesapeake and Atlantic Coastal Bays Critical Area are not applicable to the Proposed Action and are not addressed in this table.**		
B.2	**Tidal Wetlands – Enforceable Policies pertaining to Tidal Wetlands are not applicable to the Proposed Action and are not addressed in this table.**		
B.3	**Non-Tidal Wetlands**		

Code	Policy	Policy References[1]	Applicability or Consistency[2]
B.3.1	Removal, excavation, grading, dredging, dumping, or discharging of, or filling a non-tidal wetland with materials of any kind, including the driving of piles and placing of obstructions; changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics; disturbing the water level or water table; or removing or destroying plant life that would alter the character of a non-tidal wetland is prohibited unless: ▪ The proposed project has no practicable alternative; ▪ Adverse impacts are first avoided and then minimized based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions; ▪ Comprehensive watershed management plans are considered; and ▪ The proposed project does not cause or contribute to an individual or cumulative effect that degrades: o Aquatic ecosystem diversity, productivity, and stability, o Plankton, fish, shellfish, and wildlife, o Recreational and economic values, and o Public welfare; o Surface water quality; or o Ground water quality. Mitigation measures are required to replace the ecological values associated with non-tidal wetlands that are impaired by activities described above.	MDE (C3) COMAR 26.23.01.01 COMAR 26.23.02.04, .06 COMAR 26.23.04.02	**Consistent**
B.4	**Forests**		
B.4.1	The Forest Conservation Act and its implementing regulations, as approved by NOAA, are enforceable policies. Generally, before developing an area greater than 40,000 square feet, forested and environmentally sensitive areas must be identified and preserved whenever possible. If these areas cannot be preserved, reforestation or other mitigation is required to replace the values associated with them. This policy does not apply in the Critical Area.	DNR (C5) Md. Code Ann., Nat. Res. §§ 5-1601 to -1613 COMAR 08.19.01-.06	**Consistent**
B.4.2	Forestry activities shall provide for adequate restocking, after cutting, of trees of desirable species and condition; provide for reserving, for growth and subsequent cutting, a sufficient growing stock of thrifty trees of desirable species to keep the land reasonably productive; and prevent clear-cutting, or limit the size of a tract to be clear-cut in areas where clear-cutting will seriously interfere with protection of a watershed.	DNR (C5) Md. Code Ann., Nat. Res. § 5-606	N/A

Code	Policy	Policy References[1]	Applicability or Consistency[2]
B.4.3	When any timber is cut for commercial purposes from five acres or more of land on which loblolly pine, shortleaf pine, or pond pine, singly or together occur and constitute 25 percent or more of the live trees on each acre, the person conducting the cutting or the landowner shall leave uncut and uninjured at least eight well distributed, cone-bearing, healthy, windfirm, loblolly, shortleaf, or pond pine trees on each acre cut for the purpose of reseeding.	DNR (C5) Md. Code Ann., Nat. Res. §§ 5-501, -504	N/A
B.4.4	Any highway construction project may only cut or clear the minimum amount of trees and other woody plants necessary to be consistent with sound design principles. If over an acre of forest is lost as a result of the project, an equivalent area of publicly owned property shall be reforested.	DNR/MDOT (C5) Md. Code Ann., Nat. Res. § 5-103	N/A
B.4.5	Roadside trees should not be cut down, trimmed, mutilated, or injured unless the activity will eliminate a hazard to property, public safety, or health; improve or prevent tree deterioration; or improve the general aesthetic appearance of the right-of-way.	DNR (C5) COMAR 08.07.02.05	N/A
B.4.6	A person conducting a forestry activity in non-tidal wetlands shall develop and implement a sediment and erosion control plan.	MDE (C3) COMAR 26.23.05.02	N/A
B.5	**Historical and Archaeological Sites**		
B.5.1	Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb submerged archaeological historic property are generally prohibited.	MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-341, -333	N/A
B.5.2	Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb cave features or archeological sites under State control are generally prohibited.	MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-342 to -343	**Consistent**
B.5.3	Neither human remains nor funerary objects may be removed from a burial site or cemetery, unless permission is granted by the local State's Attorney. Funerary objects may not be willfully destroyed, damaged, or defaced.	MDP (C8) Md. Code Ann., Crim. Law §§ 10-401 to -404	N/A
B.6	**Living Aquatic Resources**		
B.6.1	Unless authorized by an Incidental Take Permit, no one may take a State listed endangered or threatened species of fish or wildlife.	DNR (A4) Md. Code Ann., Nat. Res. §§ 4-2A-01 to -09 Md. Code Ann., Nat. Res. §§ 10-2A-01 to -09	N/A
B.6.2	Fisheries shall be sustainably harvested.	DNR (A4) Md. Code Ann., Nat. Res. § 4-215	N/A

Code	Policy	Policy References[1]	Applicability or Consistency[2]
B.6.3	Any land or water resource acquired by the State to protect, propagate, or manage fish shall not be damaged.	DNR (A4) Md. Code Ann., Nat. Res. § 4-410	N/A
B.6.4	No activity will be permitted that impedes or prevents the free passage of any finfish, migratory or resident, up or down stream.	DNR (A4) Md. Code Ann., Nat. Res. § 4-501 to -502	N/A
B.6.5	All in-stream construction in non-tidal waters is prohibited from October through April, inclusive, for natural trout waters and from March through May, inclusive, for recreational trout waters. In addition, the construction of proposed projects, which may adversely affect anadromous fish spawning areas, shall be prohibited in non-tidal waters from March 15 through June 15, inclusive.	MDE (C2) COMAR 26.17.04.11B(5)	N/A
B.6.6	Riparian forest buffers adjacent to waters that are suitable for the growth and propagation of self-sustaining trout populations shall be retained whenever possible.	MDE (C5) COMAR 26.08.02.03-3F	N/A
B.6.7	Projects in or adjacent to non-tidal waters shall not adversely affect aquatic or terrestrial habitat unless there is no reasonable alternative and mitigation is provided.	MDE (C2) COMAR 26.17.04.11B(5)	**Consistent**
B.6.8	The harvest, cutting, or other removal or eradication of submerged aquatic vegetation may only occur in a strip up to 60 feet wide surrounding a pier, dock, ramp, utility crossing, or boat slip to point of ingress in a marina, otherwise the activity must receive the approval of the Department of Natural Resources. No chemical may be used for this purpose, and the timing and method of the activity shall minimize the adverse impact on water quality and on the growth and proliferation of fish and aquatic grasses.	MDE (A4) Md. Code Ann., Nat. Res. § 4-213	N/A
B.6.9	Natural oyster bars in the Chesapeake Bay shall not be destroyed, damaged, or injured.	DNR (A4) Md. Code Ann., Nat. Res. § 4-1118.1	N/A
B.6.10	A person, other than the leaseholder, may not willfully and without authority catch oysters on any aquaculture or submerged land lease area, or willfully destroy or transfer oysters on this land in any manner.	DNR (A4) Md. Code Ann., Nat. Res. § 4-11A-15(a)	N/A
B.6.11	An organism into which genetic material from another organism has been experimentally transferred so that the host acquires the genetic traits of the transferred genes may not be introduced into State waters.	DNR (A4) COMAR 08.02.19.03	N/A
B.6.12	Vectors for the introduction of nonnative aquatic organisms must be appropriately controlled to prevent adverse impacts on aquatic ecosystems.	DNR (A4) Md. Code Ann., Nat. Res. § 4-205.1	N/A
B.6.13	Except as authorized by federal law, any live snakehead fish or viable eggs of snakehead fish of the Family Channidae may not be imported, transported, or introduced into the State.	DNR (A4) COMAR 08.02.19.06	N/A

Code	Policy	Policy References[1]	Applicability or Consistency[2]
B.6.14	Nonnative oysters may not be introduced into State waters.	DNR (A4) Md. Code Ann., Nat. Res. § 4-1008	N/A
C	**Coastal Uses**		
C.1	**Mineral Extraction – Enforceable Policies pertaining to Mineral Extraction are not applicable to the Proposed Action and are not addressed in this table.**		
C.2	**Electrical Generation and Transmission – Enforceable Policies pertaining to Electrical Generation and Transmission are not applicable to the Proposed Action and are not addressed in this table.**		
C.3	**Tidal Shore Erosion Control – Enforceable Policies pertaining to Tidal Shore Erosion Control are not applicable to the Proposed Action and are not addressed in this table.**		
C.4	**Oil and Natural Gas Facilities – Enforceable Policies pertaining to Oil and Natural Gas Facilities are not applicable to the Proposed Action and are not addressed in this table.**		
C.5	**Dredging and Disposal of Dredged Material– Enforceable Policies pertaining to Dredging and Disposal of Dredged Material are not applicable to the Proposed Action and are not addressed in this table.**		
C.6	**Navigation – Enforceable Policies pertaining to Navigation are not applicable to the Proposed Action and are not addressed in this table.**		
C.7	**Transportation – Enforceable Policies pertaining to Transportation are not applicable to the Proposed Action and are not addressed in this table.**		
C.9	**Development – Enforceable Policies pertaining to Development are not applicable to the Proposed Action and are not addressed in this table.**		
C.10	**Sewage Treatment – Enforceable Policies pertaining to Sewage Treatment are not applicable to the Proposed Action and are not addressed in this table.**		

Source: State of Maryland. 2011. *Maryland's Enforceable Coastal Policies*. Effective April 8, 2011.

Notes:

1. Initial reference expressions indicates the implementing agency followed a parenthetical citation to the section where the policy can be found in the Chart of Proposed Changes included in the original Maryland Coastal Management Program document, *Routine Program Change, Update and Clarification of Maryland Coastal Management Program Enforceable Policies, Request for Concurrence* (Maryland Department of Natural Resources, November 2010). Subsequent expressions indicate statutory or regulatory references.
2. "Consistent" indicates consistent, to the maximum extent practicable.

Code	Policy	Policy References[1]	Applicability or Consistency[2]
Implementing Agency: CAC – Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. DNR – Maryland Department of Natural Resources. MDA – Maryland Department of Agriculture. MDE – Maryland Department of the Environment. MDOT – Maryland Department of Transportation. MDP – Maryland Department of Planning. PSC – Public Service Commission.		**Regulatory and Statutory Reference:** § – Section. §§ – Sections. Agric. – Agriculture Article. COMAR – Code of Maryland Regulations. Crim. Law – Criminal Law Article. Envir. – Environment Article. Fin. & Proc. – Finance and Procurement Article. Md. Code Ann. – Maryland Code Annotated. Nat. Res. – Natural Resources Article. Pub. Util. Cos. – Public Utilities Article. Transp. – Transportation Article.	