

APPENDIX C

Official Correspondence with USFWS and MDNR Regarding Presence of Threatened or Endangered Species

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United States Department of the Interior
U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573 4575



Online Certification Letter

Today's date:

Project:

Dear Applicant for online certification:

Thank you for choosing to use the U.S. Fish and Wildlife Service Chesapeake Bay Field Office online list request certification resource. This letter confirms that you have reviewed the conditions in which this online service can be used. On our website (www.fws.gov/chesapeakebay) are the USGS topographic map areas where no federally proposed or listed endangered or threatened species are known to occur in Maryland, Washington D.C. and Delaware.

You have indicated that your project is located on the following USGS topographic map

Based on this information and in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), we certify that except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For additional information on threatened or endangered species in Maryland, you should contact the Maryland Wildlife and Heritage Division at (410) 260-8540. For information in Delaware you should contact the Delaware Natural Heritage and Endangered Species Program, at (302) 653-2880. For information in the District of Columbia, you should contact the National Park Service at (202) 535-1739.

The U.S. Fish and Wildlife Service also works with other Federal agencies and states to minimize loss of wetlands, reduce impacts to fish and migratory birds, including bald eagles, and restore habitat for wildlife. Information on these conservation issues and how development projects can avoid affecting these resources can be found on our website (www.fws.gov/chesapeakebay).

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Chesapeake Bay Field Office Threatened and Endangered Species program at (410) 573-4531.

Sincerely,

Leopoldo Miranda
Field Supervisor

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U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410-573-4575



Online Certification Letter

Today's date: October 6, 2009

Project: NCI Consolidated Campus EA: Alternative III-Shady Grove LSC
bordered by Key West Avenue, Medical Center Drive and
Blackwell Road

Dear Applicant for online certification:

Thank you for choosing to use the U.S. Fish and Wildlife Service Chesapeake Bay Field Office online list request certification resource. This letter confirms that you have reviewed the conditions in which this online service can be used. On our website (www.fws.gov/chesapeakebay) are the USGS topographic map areas where no federally proposed or listed endangered or threatened species are known to occur in Maryland, Washington D.C. and Delaware.

You have indicated that your project is located on the following USGS topographic map
City of Rockville, Montgomery County, MD

Based on this information and in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), we certify that except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

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Sincerely,

Leopoldo Miranda
Field Supervisor

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23400 Mercantile Road • Suite 8 • Beachwood, OH 44122

October 7, 2009

Lori Byrne
DNR Wildlife & Heritage Service
580 Taylor Ave.
Tawes Office Bldg E-1
Annapolis MD 21401

On behalf of the General Services Administration (GSA), BSA Environmental Services, Inc. is requesting a review of the Maryland Department of Natural Resources (MDNR) database to determine the potential presence of any state-listed rare, threatened, or endangered species or species of concern on or near The Preserve at Tower Oaks in Rockville, Maryland, the Washington Science Center (WSC) Campus in North Bethesda, Maryland, or the Shady Grove Life Sciences Center (LSC) in Rockville, Maryland.

GSA is seeking to through lease construction a consolidated National Cancer Institute (NCI) Campus consisting of administrative/office space. The proposed consolidated NCI Campus would be developed and operated by a private sector developer and contractor. GSA would be entering a lease with a private sector developer and would administer the lease of the consolidated NCI Campus. The campus would comprise of 2 to 3 low to mid-rise buildings with a minimum of 1,900 parking spaces to accommodate 2,400 federal employees. The new campus would consolidate many separate existing leased spaces into a single consolidated campus in Montgomery County, Maryland.

The Preserve at Tower Oaks

The mostly undeveloped Tower Oaks commercial/industrial park is located in the southern portion of the City of Rockville, Montgomery County, Maryland. The 32 acre site is approximately 18 highway miles northwest of central Washington, D.C. Site topography can be described as gently rolling, with elevations ranging from 350 to 375 ft above mean sea level.

Forested areas of the Tower Oaks site are predominantly undisturbed mature deciduous woods that include tulip, poplar, sycamore, ash, box elder, and silver maple trees. A number of specimen trees are present at the site. The area provides habitat for large and small fauna dominated by deer, raccoon, squirrel and rabbit. Numerous native songbirds inhabit the area, as well as several species of snakes (City of Rockville Planning Commission, 1985).

WSC Campus

The WSC campus is located at the intersection of Montrose Parkway, Old Georgetown Road, and Executive Boulevard in southern Montgomery County, Maryland in North Bethesda (North Bethesda Policy Area). The site is approximately 16 highway miles northwest of central Washington, D.C. The site is gently sloping from north to south, with elevations ranging from 370 to 390 ft above mean sea level.

A Natural Resource Inventory (NRI) of the site conducted in 2008 found that most of the site (5+ acres) is a "poor quality forest" with "trees generally well under significant tree size". The NRI notes there is concrete and asphalt rubble exposed along steep slopes in the wooded area, and

phone: (216) 765-0582 • fax: (216) 765-0583 • e-mail: j.beaver@bsaenv.com

that this rubble is likely present under the tree stand because the area was cleared in the 1960s for development. A smaller tree stand of approximately two acres, designated as Stand A, likely has remained undisturbed for over 60 years and is in moderate to good condition. Stand A, however, is categorized in the NRI as "not within or containing an environmentally significant area," such as an environmental buffer, wetland, or large number of specimen trees (Greenhome & O'Mara, 2008b). The entire seven acre site has a number of invasive plant species present. Wildlife on the site is limited to species that readily adapt to co-habitation with humans (e.g., Canada goose). These species can be temporarily displaced during construction and would likely return to the site once construction is complete.

Shady Grove LSC

The Shady Grove LSC is located in the south-central portion of Montgomery County, Maryland just outside the northwest border of the City of Rockville, approximately 22 highway miles northwest of central Washington, D.C. The site is within the zoned LSC and is bordered by Key West Avenue, Medical Center Drive, Blackwell Road, and existing John Hopkins University buildings. The terrain can be described as flat to gently rolling with elevations ranging from 440 to 475 ft above mean sea level. A stormwater management pond is located on the north end of the site, with much of the remaining site area as landscaped parking.

The trees on site generally are considered immature being less than 15 years old. Wildlife on the site is limited to species that readily adapt to co-habitation with humans, including species such as the Canada goose. These species can be temporarily displaced during construction and would likely return to the site once construction is complete.

The site and study areas are shown on three separate attached maps. Your consultation on this project is greatly appreciated. We would appreciate a response within 30 days of receiving this letter. If no response is received, then we will assume no federally-listed rare, threatened, or endangered species or species of concern exists on or near the sites.

If you require any additional information, please contact me via phone at 216-765-0582 or via email at j.beaver@bsaenv.com.

Sincerely,



Dr. John Beaver
President



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

November 16, 2009

Mr. John Beaver
BSA Environmental Services, Inc.
23400 Mercantile Road, Suite 8
Beachwood, OH 44122

RE: Environmental Review for General Services Administration (GSA) Lease Construction for Consolidated National Cancer Institute (NCI) Campus Site, 3 Sites in Montgomery County, Maryland.

Dear Dr. Beaver:

For the Shady Grove Life Sciences Center site and the Washington Science Center Campus site, the Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

For the Preserve at Tower Oaks site, the Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. However, our analysis of the information provided also suggests that the forested area on the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources. In order to do so, the following guidelines could be incorporated into the site design to help minimize the project's impacts on FIDS and other native forest plants and wildlife:

1. Restrict development to nonforested areas.
2. If forest loss or disturbance is unavoidable, concentrate or restrict development to the following areas:
 - a. the perimeter of the forest (i.e., within 300 feet of existing forest edge)
 - b. thin strips of upland forest less than 300 feet wide
 - c. small, isolated forests less than 50 acres in size
 - d. portions of the forest with low quality FIDS habitat, (i.e., areas that are already heavily fragmented, relatively young, exhibit low structural diversity, etc.)
3. Maximize the amount of forest "interior" (forest area >300 feet from the forest edge) within each forest tract (i.e., minimize the forest edge:area ratio). Circular forest tracts are ideal and square tracts are better than rectangular or long, linear forests.

Tawes State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401

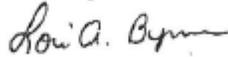
410.260.8DNR or toll free in Maryland 877.620.8DNR • www.dnr.maryland.gov • TTY users call via Maryland Relay

Page 2

4. Minimize forest isolation. Generally, forests that are adjacent, close to, or connected to other forests provide higher quality FIDS habitat than more isolated forests.
5. Limit forest removal to the “footprint” of houses and to that which is necessary for the placement of roads and driveways.
6. Minimize the number and length of driveways and roads.
7. Roads and driveways should be as narrow and as short as possible; preferably less than 25 and 15 feet, respectively
8. Maintain forest canopy closure over roads and driveways.
9. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.
10. Maintain or create wildlife corridors.
11. Do not remove or disturb forest habitat during April-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.
12. Landscape homes with native trees, shrubs and other plants and/or encourage homeowners to do so.
13. Encourage homeowners to keep pet cats indoors or, if taken outside, kept on a leash or inside a fenced area.
14. In forested areas reserved from development, promote the development of a diverse forest understory by removing livestock from forested areas and controlling white-tailed deer populations. Do not mow the forest understory or remove woody debris and snags.
15. Afforestation efforts should target a) riparian or streamside areas that lack woody vegetative buffers, b) forested riparian areas less than 300 feet wide, and c) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER # 2009.1749.mo