

## **APPENDIX D**

### **Comments Received on the Draft EA**

The following comments were received on the Draft EA (dated 18 November 2009) and were addressed in the Final EA (dated 25 February 2010).

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

November 13, 2009

Suzanne Hill  
GSA NCR NEPA Lead  
301 7<sup>th</sup> Street, SW  
Room 7600  
Washington, DC 20407

RE: Draft Environmental Assessment (EA) for a Lease Construction and Operation of a Consolidated National Cancer Institute (NCI) Campus in Montgomery County, Maryland, October, 2009

Dear Ms. Hill:

In accordance with the National Environmental Policy Act (NEPA), Section 404 of the Clean Water Act (Section 404), and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft EA for Lease Construction and Operation of a Consolidated National Cancer Institute (NCI) Campus. The proposed action involves the lease construction of approximately 574,000 rental square feet with a minimum of 1,900 parking spaces in order to consolidate workers from various locations.

The purpose and need of the proposed project should be more clearly identified and discussed in more detail. The purpose should be defined in relationship to the need for action. Therefore, the need for the action should identify and describe the underlying problem or deficiency; and facts and analyses supporting the problem in the particular location at the particular time should be specified. The purpose and need provided in the Draft EA does not clearly define why a consolidation is needed, and thus why construction is necessary. The project purpose and need is very narrow; identifying specific square footage and parking requirements without appropriate analysis or rationale.

Alternatives analysis should describe how each alternative addresses the needs of the proposed action. Without a clear purpose and need statement, analysis of alternatives considered is difficult. Provide more information as to how site selection requirements found in Section 2.2.1 were determined. Please detail any alternatives that were eliminated from consideration and an explanation as to why. The 'no action' alternative needs to be clearly analyzed and presented in the Environmental Consequences section of the EA. Without this analysis, it should not be assumed that no impact would occur.

Further investigation of aquatic resources, including wetlands, beyond the use of the National Wetlands Inventory is necessary. A wetland field investigation should be conducted and documentation should be provided as an attachment to this EA. Official correspondence with the US Army Corps of Engineers confirming that there are no wetlands on possible sites should also be included. Correspondence with the appropriate federal and state agencies regarding threaten or endangered species should be provided confirming that there are no species of concern in the project area. Additionally, correspondence with State Historic Preservation Agencies regarding National Historic Preservation Act, Section 106 should also be included.

More detailed information on potential environmental impacts is needed. The tables included in the EA provide an overall summary, but it does not explain the degree to which impacts will occur on environmental resources and site access. An indirect and cumulative impact analysis for the proposed action should be conducted and included in the EA. Cumulative impacts can result from individually minor, but collectively significant, action taking place over a period of time. The Council on Environmental Quality in 40 CFR 1508.7 defines cumulative impacts as “impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable action.”

The idea of the Environmental Justice Assessment is to identify potential populations of concern, and to then conduct an assessment to determine if disproportionately high and/or disparate impacts occur or have the potential to adversely impact those populations. It is not clear if necessary level of study has been conducted to identify potential populations or if they do exist in the study area. The area used for consideration is not the same as the study area for the proposed project. Montgomery County data was used and compared to national statistics. While this data may provide some level of detail at the county level, it does not provide specific data regarding low income or minority population in the direct area of impact, the Rockville area.

Thank you for allowing EPA with the opportunity to review and comment on the Draft EA for the Lease Construction and Operation of a Consolidated National Cancer Institute (NCI) Campus. If you have questions regarding these comments, the staff contact for this project is Ms. Alaina DeGeorgio; she can be reached at 215-814-2741.

Sincerely,



Barbara Rudnick  
NEPA Team Leader  
Office of Environmental Programs



*Maryland Department of Planning  
Maryland Historical Trust*

*Martin O'Malley  
Governor*

*Anthony G. Brown  
Lt. Governor*

*Richard Eberhart Hall  
Secretary*

*Matthew J. Power  
Deputy Secretary*

November 16, 2009

Ms. Suzanne Hill  
GSA NCR NEPA Lead  
301 7<sup>th</sup> Street SW  
Room 7600  
Washington, DC 20407

Re: Draft Environmental Assessment (EA) - Lease Construction and Operation of a  
Consolidated National Cancer Institute (NCI) Campus in Montgomery County, Maryland  
Maryland State Clearinghouse No. MD20091021-1386

Dear Ms. Hill:

Through the Maryland State Clearinghouse for Intergovernmental Assistance, the Maryland Historical Trust (Trust) received notification of the above-referenced undertaking for review and comment. The Trust, Maryland's State Historic Preservation Office, is reviewing the proposed project for effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

The proposed project entails the lease construction and operation of a consolidated National Cancer Institute (NCI) campus located in leased space built and operated by a private sector developer in Montgomery County, Maryland. The campus would comprise two to three low to mid-rise buildings and a minimum of 1,900 parking spaces. The draft EA identifies three alternative sites for the project:

- Alternative I – The Preserve at Tower Oaks in Rockville;
- Alternative II – the Washington Science Center Campus in North Bethesda; and
- Alternative III – the Shady Grove Life Sciences Center in Rockville.

Trust staff reviewed the information presented in the draft EA to assess what effects, if any, the proposed undertaking may have on historic and archeological properties. We offer the following preliminary comments regarding the three alternatives under consideration.

Alternative I: This parcel is currently wooded and sited within a mostly undeveloped commercial/industrial park. The EA mistakenly states that there are no cultural resources on the property, *thus consultation under Section 106 ... is not required.* Yet it goes on to state that a *Phase I Archeological Survey is being conducted concurrent to this EA.* The identification of historic properties that may be affected by an undertaking is a critical step in the Section 106 consultation process. The Trust awaits a copy of the draft report on the Phase I archeological survey, when available, for review and comment. Based on the survey's results, GSA will be able to make an informed decision whether or not the property contains cultural resources that may be eligible for the National Register of Historic Places. Further consultation with the Trust is needed to complete the Section 106 review of Alternative I, should GSA continue to consider this alternative for undertaking.

Alternative II: Based on the information in the EA, the Trust concurs with GSA that there are no historic properties within the area of potential effect for Alternative II. No further consultation is needed for this alternative.

Alternative III: Based on the information in the EA, the Trust concurs with GSA that there are no historic properties within the area of potential effect for Alternative II. No further consultation is needed for this alternative.

*100 Community Place    Crownsville, Maryland 21032-2023  
Telephone: 410.514.7600    Fax: 410.987.4071    Toll Free: 1.800.756.0119    TTY Users: Maryland Relay  
Internet: [www.marylandhistoricaltrust.net](http://www.marylandhistoricaltrust.net)*

Suzanne Hill  
Consolidated NCI Campus  
Montgomery County  
November 16, 2009  
Page 2 of 3

We look forward to further consultation with GSA to successfully complete the Section 106 review of this undertaking. If you have questions or need further assistance, please contact Amanda Apple (for historic structures) at 410-514-7630 / [aapple@mdp.state.md.us](mailto:aapple@mdp.state.md.us) or me (for archeology) at 410-514-7631 / [bcole@mdp.state.md.us](mailto:bcole@mdp.state.md.us). Thank you for providing us this opportunity to comment.

Sincerely, .



Beth Cole  
Administrator, Project Review and Compliance  
Maryland Historical Trust

EJC/ARA/200904148

cc: Bob Rosenbush (MDP)  
Scott Whipple (M-NCPPC)

MD 2009 1021-1386

**Keith Bounds**

**From:** Eric Beckett  
**Sent:** Wednesday, November 18, 2009 1:16 PM  
**To:** Keith Bounds  
**Cc:** Reena Mathews; L'Kiesha Markley  
**Subject:** National Cancer Institute Comments

Keith,

Here are our comments on the NCI consolidated campus EA document. Let me know if you have any questions.

Thanks,

**National Cancer Institute (NCI) Draft Environmental Assessment**

- On page 4-13 the plan should mention the future Corridor Cities Transitway as a future transit mode which will serve the LSC area. Even though it won't be constructed before the NCI campus is completed, it will add to the long-term viability of the LSC as an attractive site.
- The proposed traffic mitigation measures on pages 5-2 to 5-4 will be reevaluated when a traffic impact study is submitted to the State. The required improvements may be the same as detailed or more depending on the submitted documents.
- Montgomery County has proposed grade-separated interchanges at Great Seneca Highway and Sam Eig Highway and Key West Avenue and Shady Grove Road as apart of the Gaithersburg West Master Plan. It would be expected that if the Life Science City site is selected, that the developer may be asked to contribute funds to the ultimate improvements as apart of their mitigation. This will be negotiated when the developer submits the traffic impact study for the selected alternative.

***Eric Beckett, Assistant Regional Planner***  
Maryland State Highway Administration  
707 N. Calvert Street, Mail Stop C-502  
Baltimore, Maryland 21202  
phone: 410-545-5666  
toll free: 1-888-204-4828  
email: [ebeckett@sha.state.md.us](mailto:ebeckett@sha.state.md.us)

11/18/2009

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Please Complete Your Review & Recommendation Before November 12, 2009

Return Completed Form To: Linda C. Janey, J.D., Assistant Secretary for Clearinghouse and Communications, Maryland  
Department of Planning, 301 West Preston Street, Room 1104, Baltimore, MD 21201-2305  
Phone: 410-767-4490 Fax: 410-767-4480

State Application Identifier: MD20091021-1386		Clearinghouse Contact: Bob Rosenbush, 410-767-4490 brosenbush@mdp.state.md.us	
Location: MTGM			
Applicant: U.S. General Services Administration			
Description: Draft Environmental Assessment: Lease Construction of a Consolidated National Cancer Institute: consider four (4) alternatives including "no action": +/- 574,614 rentable square feet plus parking			
Based on a Review of the Information Provided, We Have Checked (☐) the Appropriate Determination Below			
CONSISTENT RESPONSES (For Use By STATE AGENCIES Only)			
C1	It is Consistent with our plans, programs, and objectives		
C2	It is Consistent with the policies contained in Executive Order 01.01.1992.27 (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), Executive Order 01.01.1998.04 (Smart Growth and Neighborhood Conservation Policy), and our plans, programs, and objectives.		
C3	(MHT ONLY) It has been determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.		
C4	(DNR ONLY) It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.		
C7	(MDP ONLY) It is consistent with the requirements of State Finance and Procurement Article 5-7B-02; 03; 04 and 05 Smart Growth and Neighborhood Conservation (Priority Funding Areas).		
CONSISTENT RESPONSES (For Use By COUNTY & LOCAL AGENCIES Only)			
C5	It is Consistent with our plans, programs, and objectives.		
C6	It is Consistent with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of 1992), State Finance and Procurement Article 5-7B - Smart Growth and Neighborhood Conservation (Priority Funding Areas), and our plans, programs, and objectives.		
OTHER RESPONSES (For Use BY ALL)			
R1	GENERALLY CONSISTENT WITH QUALIFYING COMMENTS: It is generally Consistent with our plans, programs and objectives, but the attached qualifying comment is submitted for consideration.		
R2	CONTINGENT UPON CERTAIN ACTIONS: It is generally Consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment(s).		
R3	NOT CONSISTENT: It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act visions/policies; or it may duplicate existing program activities, as indicated in the attached comment(s). If a meeting with the applicant is requested, please check here: <input type="checkbox"/>		
R4	ADDITIONAL INFORMATION REQUESTED: Additional information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here: <input type="checkbox"/>		
R5	FURTHER INTEREST: Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the applicant.		
R6	SUPPORTS: Supports "Smart Growth" and Federal Executive Order 12072 (Federal Space Management), which directs federal agencies to locate facilities in urban areas.		

Attach additional comments if necessary OR use these spaces: \_\_\_\_\_

Name: Christine Benjamin Signature: [Signature]  
 Organization: Montgomery County Economic Dev. Phone: (240) 777-2006  
 Address: Rockville, MD 20850 Date Completed: 11/12/09  
 - Check here if comments are attached.

MDPCH-1A

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City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

Community Planning and  
Development Services  
240-314-8200  
TTY 240-314-8137  
FAX 240-314-8210

Historic Preservation Office  
240-314-8230

Inspection Services Division  
240-314-8240

Long Range Planning  
Division  
240-314-8200

Planning Division  
240-314-8220

Revitalization/Housing Division  
240-314-8290

MAYOR  
Susan R. Hoffmann

COUNCIL  
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Phyllis Marcuccio  
Anne M. Robbins

CITY MANAGER  
Scott Ullery

CITY CLERK  
Claire F. Funkhouser

CITY ATTORNEY  
Debra Yerg Daniel

November 18, 2009

Ms. Suzanne Hill  
GSA NCR NEPA Lead  
301 7<sup>th</sup> Street, SW  
Room 7600  
Washington, D.C. 20407

RE: Draft Environmental Assessment (EA) for lease construction of a  
consolidated National Cancer Institute (NCI) campus

Dear Ms. Hill,

The City of Rockville is delighted to be under consideration for the potential construction of a consolidated NCI campus in The Preserve at Tower Oaks. The Preserve at Tower Oaks site has the requisite zoning and development approvals in place for the use and construction of the proposed NCI campus.

Since the site is located within an approved Planned Development (PD), construction of the proposed NCI campus would only be subject to a Level Two Site Plan review (in accordance with Article 7 of the City's Zoning Ordinance). The Preserve at Tower Oaks site is a prime location that would clearly support the NCI in advancing its mission and performance objectives.

Most of the City's comments are intended to correct, or more clearly convey, information provided in select sections of the draft EA. In addition, the City's Traffic and Transportation Division has provided a few suggestions related to the potential construction of the consolidated NCI campus in the Preserve at Tower Oaks. However, please note that these are only suggestions and no transportation improvements would be required.

If you have any questions, or would like to follow-up on a particular comment or suggestion, please feel free to contact Joe Thompson with the Planning and Zoning Division at (240) 314-8225.

Sincerely,

  
Jim Wasilak, A.I.C.P.  
Chief of Planning

Enclosure:

1. City of Rockville Response to Draft EA

CC: Scott Ullery, City Manager  
Susan Swift, A.I.C.P., Director of Community Planning & Development Services  
Deane Mellander, Zoning Administrator

**ENCLOSURE 1**  
**City of Rockville Response to Draft EA**

**Suggested deleted text is struck-through. Suggested new text is underlined.**

**2.2.3 Sedimentation, Erosion, and Stormwater Management Requirements**

As the construction of the proposed consolidated NCI Campus would disturb more than one acre, the selected developer would be required to maintain a sedimentation and erosion control plan and a stormwater management plan, as well as obtain a NPDES permit. Construction activities related to the Proposed Action would not take place on identified wetland or floodplain areas on either The Preserve at Tower Oaks, the WSC Campus, or the Shady Grove LSC. However, a 100-year floodplain is located off-site and to the west of The Preserve at Tower Oaks site. A stormwater management (SWM) pond is located on the north side of the Shady Grove LSC site. A sedimentation and erosion control plan and stormwater management plans are designed to protect any adjacent wetland and floodplain areas from the impacts related to construction activities.

**2.2.4 Forestation Requirements**

In accordance with the State Forest Conservation Program (COMAR 08.19.04) and the City of Rockville Forest and Tree Preservation Ordinance (FTPO) and the Montgomery County Code Chapter 22A (Forest Conservation Law), any project that disturbs over 40,000 ft (0.92 acres) of land requires approval and implementation of a Forest Conservation Plan (FCP) and Forest Stand Delineation Plan, which would be conducted by a qualified professional.

The Preserve at Tower Oaks has an existing Revised Preliminary FCP in place for the site. However, this plan is outdated and would need to be revised as part of the development review process. The required total area of woodland preservation for Phase I and Phase II of Tower Oaks is 28.30 acres. The developer has proposed a larger preservation area of 30.29 acres. Afforestation Reforestation would take place within an area that has been established for afforestation reforestation resulting from development of the entire developer's properties. As the site is developed at The Preserve at Tower Oaks, a Final Forest Conservation Plan would be submitted to the ~~Maryland Department of Natural Resources (MDNR)~~ City of Rockville for each of the parcels which would address the pro-rata share of the parcel under development. Significant trees in the project area of Phase II have not been identified. However, prior to the start of construction and during the permitting process the applicant would be required to comply with the City's Forest and Tree Preservation Ordinance (FTPO). a revised FCP would be updated to include significant trees (VKA, 2007).

**2.2.7 Utility Requirements**

All three proposed action alternatives for the consolidated NCI Campus are approximately the same density and would therefore have similar utility requirements. Water consumption at the proposed consolidated NCI Campus would be a result of water chillers, sanitary uses, human consumption, and landscaping. Due to the water conservation measures described in Section 2.2.6 and the consolidated NCI Campus's requirement for LEED Silver certification, operation of the proposed consolidated NCI Campus would consume a negligible portion of the total water consumption in Montgomery County. The developers for The Preserve at Tower Oaks ~~and the WSC Campus~~ would apply to the City of Rockville and the developer for Shady Grove LSC and the WSC Campus would apply to Washington Suburban Sanitary Commission (WSSC) to obtain

## ENCLOSURE 1 City of Rockville Response to Draft EA

a water allocation contract, which would be approved prior to construction of the proposed consolidated NCI Campus.

### 4.1 Location and Land Use

The former use of the site is presumed to have been farming agricultural. The site appears as heavily wooded in aerial photographs from 1951 forward (Law Engineering and Environmental Services, 1997). The site is bordered by Woodmont Country Club to the east and southeast, residential development to the north, the Montrose Office Park and residential development to the south, and the remainder of the Tower Oaks commercial/industrial park and Interstate 270 corridor to the west.

The plan for development, site use, and density was established in 1985 with the City of Rockville's approval of a Comprehensive Planned Development, CPD-1-85, located on 192 acres referred to as the Tower Oaks Tract. In 1993, City Resolution No. 21-93 eliminated the creation of a proposed Cabin John Lake as a stormwater management facility and added a public parkland element Stream Valley Park element (located to the west and northwest of the property). City Resolution No. 1-01, adopted in January 2001, defined the development standards for the property still in effect today including: development density, park and recreational land, transportation, stormwater management, etc. (City of Rockville, 2004). The property is located within Development Area 5 of Tower Oaks. This area is approved for 945,000 gross square feet of office development (including the existing 189,000 square foot office building at I Preserve Parkway). Construction and operation of the proposed consolidated NCI Campus is consistent with the governing Planned Development (PD) documents of Tower Oaks and all related City of Rockville planning and zoning regulations.

### 4.14 Pollution Prevention and Waste Management

#### Wastewater

##### WSC Campus

The City of Rockville Washington Suburban Sanitary Commission (WSSC) provides sanitary sewer service to the WSC Campus (Building Diagnostics, 2007).

### 4.4 Soils

#### The Preserve at Tower Oaks

The majority of The Preserve at Tower Oaks site occurs on undisturbed soils. Soils found at the Tower Oaks site are generally of the Glenelg-Manor and Chester Associations, consisting of well-drained, gentle to strongly sloping soils. Glenelg silt loam occupies most of the upland areas. Erosion is fairly easily controlled in these soils [U.S. Department of Agriculture (USDA) Soil Conservation Service, 1990]. In addition, these soils are conducive to implementing many of the specific Environmental Site Design practices now required by the Maryland Department of the Environment.

### 4.5.4 Drinking Water

#### WSC Campus

The City of Rockville Washington Suburban Sanitary Commission (WSSC) supplies drinking water to the WSC Campus (Building Diagnostics, 2007).

**ENCLOSURE 1**  
**City of Rockville Response to Draft EA**

**4.9 Historical and Cultural Resources**

The Preserve at Tower Oaks

There are no known historic or culture resources listed or eligible to be listed in the National Register of Historic Places (NRHP) or of locally designated significance on the Tower Oaks site, thus consultation under Section 106 of the National Historic Preservation Act is not required. The former use of the site is presumed to have been farming agricultural. The site appears as heavily wooded in aerial photographs from 1951 forward (Law Engineering and Environmental Services, 1997). A Phase I Archeological Survey is being conducted concurrent to this EA.

**Alternative I: The Preserve at Tower Oaks**

Construction and operation of the proposed consolidated NCI Campus at The Preserve at Tower Oaks is consistent with City of Rockville land use planning and zoning ordinances. Erosion of soils could potentially result from excavation and grading during the construction phase of the proposed consolidated NCI Campus. This may have minor adverse indirect impacts on the water quality of the nearby Cabin John Creek drainage basin. Application of Best Management Practices (BMPs) during construction would prevent excessive erosion from leaving the existing and the proposed Tower Oaks site. Compliance with standards for control of sediments, erosion and fugitive dust (during construction) and stormwater management (during construction and operation), as determined by the MDE and the City of Rockville, would be required for all the construction activities and contractors. Minor short-term adverse impacts to plant and animal resources during construction, including displacement of species through destruction of habitat, would be mitigated by BMPs, Environmental Site Design practices, and COMAR 08.19.04 forestation requirements.

*City of Rockville Traffic and Transportation Division Suggestions*

No transportation improvements are required. However, to improve Transportation Demand Management (TDM) aspects, adoption of a car-pooling program and improvements to public transportation systems are encouraged. Two existing Ride-On bus services are available in the project area. Line 81 runs along Montrose Parkway, Tower Oaks Boulevard, and Wootton Parkway, while line 38 runs along Montrose and Seven Locks Road.



*Maryland Department of Planning*

*Martin O'Malley*  
Governor  
*Anthony G. Brown*  
Lt. Governor

*Richard Eberhart Hall*  
Secretary  
*Matthew J. Power*  
Deputy Secretary

December 17, 2009

Ms. Suzanne Hill  
GSA NCR NEPA Lead  
U.S. General Services Administration  
301 7th Street, SW  
Room 7600  
Washington, DC 20407

**STATE CLEARINGHOUSE RECOMMENDATION**

**State Application Identifier:** MD20091021-1386

**Applicant:** U.S. General Services Administration

**Project Description:** Draft Environmental Assessment: Lease Construction of a Consolidated National Cancer Institute: consider four (4) alternatives including "no action": +/- 574,614 rentable square feet plus parking

**Project Location:** Montgomery County

**Approving Authority:** U.S. General Services Administration

**Recommendation:** **Consistent with Qualifying Comments and Contingent Upon Certain Actions**

Dear Ms. Hill:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.02.04-.07, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter, with attachments, constitutes the State process review and recommendation based upon comments received to date. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Departments of Business and Economic Development, Health & Mental Hygiene, the Environment, Transportation, Natural Resources, Montgomery County, the Maryland National Capital Park and Planning Commission in Montgomery County, the City of Rockville, and the Maryland Department of Planning, including the Maryland Historical Trust. As of this date, the Maryland Departments of Business and Economic Development, and Natural Resources have not submitted comments. **This recommendation is contingent upon the applicant considering and addressing any problems or conditions that may be identified by their review. Any comments received will be forwarded.**

The Maryland Department of the Environment, and the Maryland Historical Trust stated that their findings of consistency are contingent upon the Applicant taking the actions summarized below.

The Maryland Department of the Environment submitted these contingent comments.

1. If any project can be considered regionally significant, such as a shopping mall, a sports arena, industrial complex, or an office complex, the project may need to be identified to the regional Metropolitan Planning Organization (MPO). Project managers who need a permit to connect their projects to a State or federal highway should contact the Planning Division of the Air Quality Program, Air and Radiation Management Administration, at (410) 537-3240 for further guidance.

*301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305  
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay  
Internet: www.MDP.state.md.us*

Ms. Suzanne Hill  
December 17, 2009  
Page 2

2. If a project receives federal funding, approvals and/or permits, and will be located in a nonattainment area or maintenance area for ozone, carbon monoxide, or fine particulate matter (pm 2.5), the applicant should determine whether emissions from the project will exceed the thresholds identified in the federal rule on general conformity. If the project emissions will be greater than these thresholds, contact the Planning Division of the Air Quality Planning, Air and Radiation Management Administration, at (410) 537-3240 for further information regarding threshold limits.

3. Any above-ground or underground petroleum storage tanks that may be utilized must be installed and maintained in accordance with applicable State and federal laws and regulations. Contact the Oil Control Program at (410) 537-3442 for additional information.

4. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3318 for additional information.

The Maryland Department of the Environment addressed these issues in the attached comments and map: water quality impairments; anti degradation of water quality; and total maximum daily loads.

The Maryland Historical Trust commented that “further consultation is required to complete the Section 106 review if GSA continues to consider Alternative I: The Preserve at Tower Oaks for the undertaking.” See the attached letter.

The Maryland Department of Transportation and the Maryland-National Capital Park Planning Commission in Montgomery County found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below. The Maryland Department of Transportation addressed issues relating to: the future Corridor Cities Transitway; the need for a traffic impact study; and developer contributions for future transportation improvements. See the attached memorandum.

The Maryland-National Capital Park Planning Commission in Montgomery County provided information about the zoning classifications, building area, building height, and the appropriate master plans for Alternative II: Washington Science Center Campus, and Alternative III: Shady Grove Life Science Center. See the attached response forms.

The Maryland Departments of Health & Mental Hygiene; Montgomery County; the City of Rockville; and the Maryland Department of Planning found this project to be consistent with their plans, programs, and objectives.

The City of Rockville stated that “the Preserve at Tower Oaks site is a prime location that would clearly support the National Cancer Institute in advancing its mission, and performance objectives.” See the attached letter.

The Maryland Department of Planning commented that it appreciates that the proposed three potential consolidated locations for a National Cancer Institute Campus are inside Montgomery County’s Priority Funding Areas, where the State and the County intend to target their efforts to support economic development and growth. Considering all the transportation, environment, and economic benefits of using public and alternative modes of transportation, this Department strongly encourages the Applicant to select a location that has the best potential for employees to use public transit, walking, and bicycling. If the Washington Sciences Center Campus is selected, improvements on pedestrian and bicycle access to the White Flint Metro Station should be part of the overall traffic mitigation strategies.

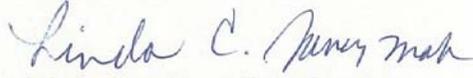
Ms. Suzanne Hill  
December 17, 2009  
Page 3

**Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse.** The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. **Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. Any substitutions of this form must include the State Application Identifier Number. This will ensure that our files are complete.**

Thank you for your cooperation with the MIRC process.

Sincerely,



Linda C. Janey, J.D., Assistant Secretary  
for Clearinghouse and Communications

LCJ:BR

Enclosures

cc: Beth Cole - MHT  
Tammy Edwards - DBED  
Elizabeth Barnard - DHMH  
Joane Mueller - MDE  
Cindy Johnson - MDOT

Roland Limpert - DNR  
Diane Jones - MTGM  
John Carter - M-NCPPCM  
Phyllis R. Marcuccio - ROCKVILLE

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**MONTGOMERY COUNTY PLANNING DEPARTMENT**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Subject: MD20091021-1386**

**Lease Construction of a Consolidated National Cancer Institute**

In response to the request, the Montgomery County Planning Department of the M-NCPPC has reviewed the Draft Environmental Assessment for Lease Construction of a Consolidated National Cancer Institute (NCI). The Planning Department discusses the merits of each alternative location that are located under the Planning Department's jurisdiction for a consolidated site below. Please note: The following does not constitute a site selection recommendation by the Planning Department.

**Alternative I: The Preserve at Tower Oaks**

This site is located in the City of Rockville outside the jurisdiction of the M-NCPPC. Therefore, no analysis is provided for this site.

**Alternative II: Washington Science Center (WSC) Campus**

The existing properties include the Wilgus site and the Washington Science Center site. For your information, the following table summarizes the applications for approval of a Preliminary Plan for each site.

	Wilgus Property (North of Montrose parkway)	Washington Science Center (South of Montrose Parkway)
Zone	C-O, O-M and R-200	I-3
Proposed Building area (Square feet)	307,865 SF	159,050 SF proposed 681,350 Total
Building Height	3-7 stories	4-7 stories
Parking Spaces	1,056	2,169

In the next fiscal year (2011), the White Flint II Master Plan that includes this area will start. The Plan will consider the land use and zoning for these parcels.

**Alternative III: Shady Grove Life Sciences Center (LSC)**

	Shady Grove LSC
Zone	LSC (0.5 FAR)
Proposed Building area (Square feet)	218,202 SF existing 894,636 SF allowed
Building Height	100 ft maximum

As of November 19, 2009, the Gaithersburg West Master Plan, which covers this site, is pending. The pending master plan may allow additional square footage.

Whichever site is determined by NCI to be suitable for building a consolidated site, NCI will have to file applications with the Planning Department.

G: carter/GSA letter NCI

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Please Complete Your Review & Recommendation Before November 12, 2009

Return Completed Form To: Linda C. Janey, J.D., Assistant Secretary for Clearinghouse and Communications, Maryland  
Department of Planning, 301 West Preston Street, Room 1104, Baltimore, MD 21201-2305  
Phone: 410-767-4490 Fax: 410-767-4480

State Application Identifier: MD20091021-1386		Clearinghouse Contact: Bob Rosenbush, 410-767-4490 brosenbush@mdp.state.md.us	
Location: MTGM			
Applicant: U.S. General Services Administration			
Description: Draft Environmental Assessment: Lease Construction of a Consolidated National Cancer Institute: consider four (4) alternatives including "no action": +/- 574,614 rentable square feet plus parking			
Based on a Review of the Information Provided, We Have Checked (☐) the Appropriate Determination Below			
CONSISTENT RESPONSES - (For Use By STATE AGENCIES Only)			
<input type="checkbox"/>	C1	It is Consistent with our plans, programs, and objectives	
<input type="checkbox"/>	C2	It is Consistent with the policies contained in Executive Order 01.01.1992.27 (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), Executive Order 01.01.1998.04 (Smart Growth and Neighborhood Conservation Policy), <u>and</u> our plans, programs, and objectives.	
<input type="checkbox"/>	C3	(MHT ONLY) It has been determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.	
<input type="checkbox"/>	C4	(DNR ONLY) It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.	
<input type="checkbox"/>	C7	(MDP ONLY) It is consistent with the requirements of State Finance and Procurement Article 5-7B-02; 03; 04 and 05 Smart Growth and Neighborhood Conservation (Priority Funding Areas).	
CONSISTENT RESPONSES - (For Use By COUNTY & LOCAL AGENCIES Only)			
<input checked="" type="checkbox"/>	C5	It is Consistent with our plans, programs, and objectives.	
<input type="checkbox"/>	C6	It is Consistent with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of 1992), State Finance and Procurement Article 5-7B – Smart Growth and Neighborhood Conservation (Priority Funding Areas), <u>and</u> our plans, programs, and objectives.	
OTHER RESPONSES - (For Use By ALL)			
<input checked="" type="checkbox"/>	R1	GENERALLY CONSISTENT WITH QUALIFYING COMMENTS: It is generally Consistent with our plans, programs and objectives, but the attached qualifying comment is submitted for consideration.	
<input type="checkbox"/>	R2	CONTINGENT UPON CERTAIN ACTIONS: It is generally Consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment(s).	
<input type="checkbox"/>	R3	NOT CONSISTENT: It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act visions/policies; or it may duplicate existing program activities, as indicated in the attached comment(s). If a meeting with the applicant is requested, please check here: <input type="checkbox"/>	
<input type="checkbox"/>	R4	ADDITIONAL INFORMATION REQUESTED: Additional information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here: <input type="checkbox"/>	
<input type="checkbox"/>	R5	FURTHER INTEREST: Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the applicant.	
<input type="checkbox"/>	R6	SUPPORTS: Supports "Smart Growth" and Federal Executive Order 12072 (Federal Space Management), which directs federal agencies to locate facilities in urban areas.	

attach additional comments if necessary OR use these spaces: SEE ATTACHMENT

me: JOHN A. CARTER  
 organization: M-NORPC  
 address: 8787 GEORGIA AVENUE  
SILVER SPRING, MD 20910

Signature: [Signature]  
 Phone: (301) 495-4575  
 Date Completed: 11/19/09  
 Check here if comments are attached.

NOV 23 REC'D

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**ENVIRONMENTAL ASSESSMENT for the NATIONAL CANCER INSTITUTE**  
**Maryland Department of the Environment - Science Services Administration**

**REVIEW FINDING: R1 Consistent with Qualifying Comments**  
**(MD2009 1021-1386)**

The following additional comments are intended to alert interested parties to issues regarding water quality standards. The comments address:

**A. Water Quality Impairments:** Section 303(d) of the federal Clean Water Act requires the State to identify impaired waters and establish Total Maximum Daily Loads (TMDLs) for the substances causing the impairments. A TMDL is the maximum amount of a substance that can be assimilated by a waterbody such that it still meets water quality standards.

**Planners should be aware of existing water quality impairments identified on Maryland's 303(d) list. The Project Alternative locations are situated several watersheds. The Preserve at Tower Oaks (Alternative 1) and Washington Science Center Campus (Alternative 2) are in the Cabin John Creek watershed, identified by the 8-digit code 02140207. Shady Grove Life Sciences Center is in the Potomac River Mo Cnty watershed, identified by the 8-digit code 02140202. Both of which are currently impaired by several substances and subject to regulations regarding the Clean Water Act.**

Planners may find a list of nearby impaired waters by entering the 8-digit basin code into an on-line database linked to the following URL:  
[http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/Maryland%20303%20dlist/2008\\_303d\\_search/index.asp](http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/Maryland%20303%20dlist/2008_303d_search/index.asp)

This list is updated every even calendar year. Planners should review this list periodically to help ensure that local decisions consider water quality protection and restoration needs. **Briefly, the current impairments that are relevant to the Project include the following:**

**Cabin John Creek (0214207):**

**Bacteria:** Non-tidal. A TMDL has been written and approved by EPA.  
**Sediments:** Non-tidal. A TMDL is pending development.  
**Biological:** Non-tidal. A TMDL is pending development.

**Potomac River MO Cnty (02140202):**

**Nutrients:** Non-tidal. A TMDL is pending development.  
**Sediments:** Non-tidal. A TMDL is pending development.  
**Toxics:** Non-tidal. A TMDL for PCBs is pending development.  
**Biological:** Non-tidal. A TMDL is pending development.

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**B. TMDLs:** Development and implementation of the Comprehensive Plan should take into account consistency with TMDLs developed for the impaired waterbodies referenced above. Government decisions made prior to the development of a TMDL should strive to ensure no net increase of impairing substances. TMDLs are made available on an updated basis at the following web site:

[www.mde.state.md.us/Programs/WaterPrograms/TMDL/Summittals/index.asp](http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/Summittals/index.asp)

Special protections for high-quality waters in the local vicinity, which are identified pursuant to Maryland's anti-degradation policy;

**C. Anti-degradation of Water Quality:** Maryland requires special protections for waters of very high quality (Tier II waters). The policies and procedures that govern these special waters are commonly called "anti-degradation policies."

**Tier II waters are not present in the area of the project.**

Planners should be aware of legal obligations related to Tier II waters described in the Code of Maryland Regulations (COMAR) 26.08.02.04 with respect to current and future land use plans. Information on Tier II waters can be obtained online at:

<http://www.dsd.state.md.us/comar/26/26.08.02.04%2D1.htm>

Planners should also note that since the Code of Maryland Regulations is subject to periodic updates. A list of Tier II waters pending Departmental listing in COMAR can be found, with a discussion and maps for each county, at the following website:

<http://www.mde.state.md.us/ResearchCenter/Data/waterQualityStandards/Antidegradation/index.asp>

### **ADDITIONAL COMMENTS**

The project should consider all Maryland Stormwater Management Controls. Site Designs should consider all Environmental Site Design to the Maximum Extent Practicable and "Green Building" Alternatives. Designs that reduce impervious surface and BMPs that increase runoff infiltration are highly encouraged.

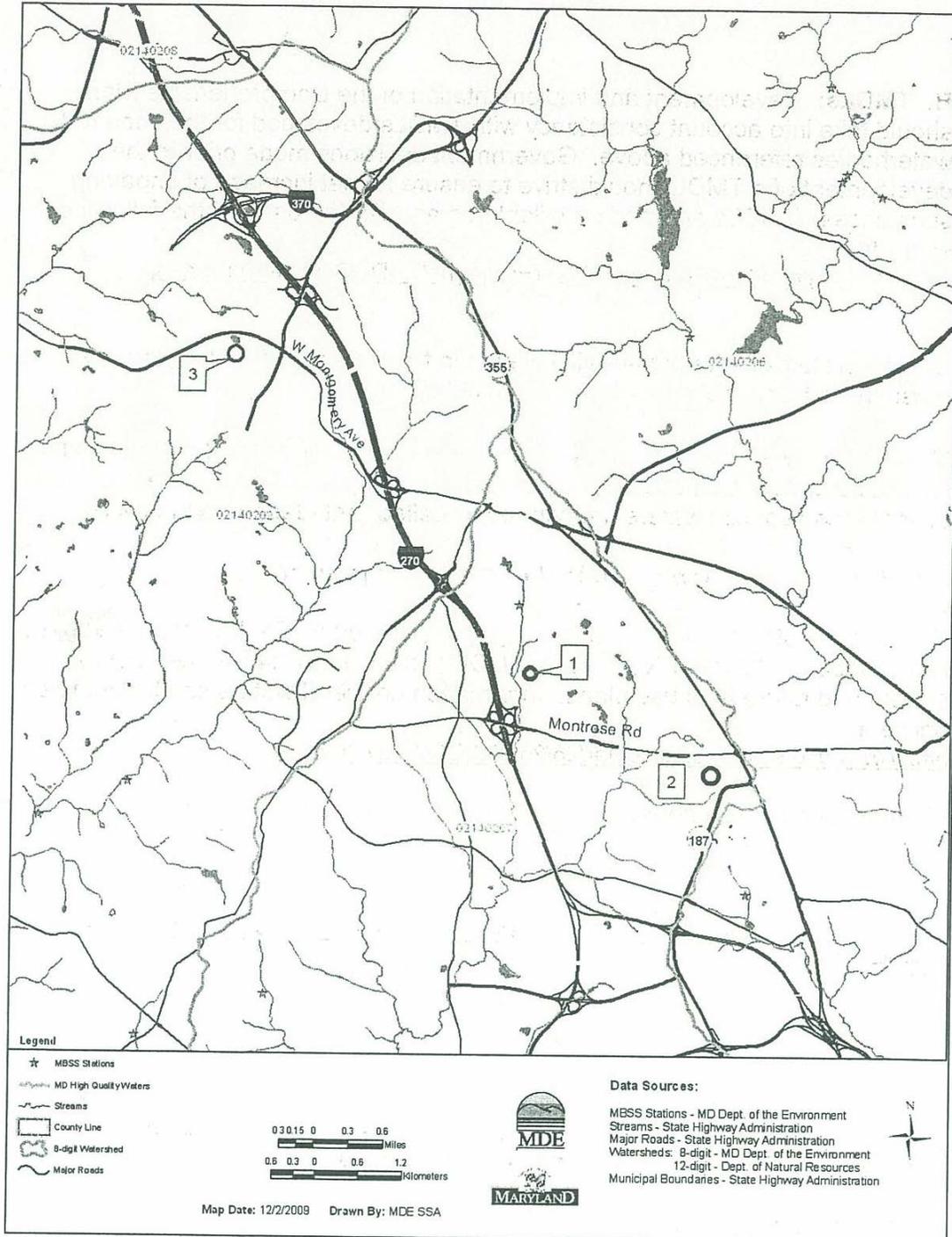
Further Information:

<http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/swm2007.asp>

Environmental Site Design (Chapter 5):

<http://www.mde.state.md.us/assets/document/Design%20Manual%20Chapter%205%2003%2024%202009.pdf>

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"Jason Bibby" <Jason.Bibby@sympatico.ca>

To suzanne.hill@gsa.gov

cc

01/04/2010 09:49 PM

Subject Consolidated NCI Campus Draft EA

Dear Ms. Hill,

Although it is past the November 20th deadline, I was noticed a couple of errors/omissions in the Appendix B traffic studies:

1) In the Tower Oaks traffic study, the traffic entering/exiting the NCI Campus is not shown.

2) In the WSC Traffic Study, the Intersection of "Old" Old Georgetown Rd @ Montrose Parkway (immediately east of intersection 22, and at the south east corner of the potential site) is shown as curving down to meet Old Georgetown Rd., when infact it continues to the east and joins Randolph Rd.

Do you know when a Final EA is expected, or when/where additional information can be found? I am interested in keeping upto date on the progress of the site selection.

Thanks,

Jason Bibby

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