

**ENVIRONMENTAL ASSESSMENT
AND
FINDING OF NO SIGNIFICANT IMPACT**

For

**Food and Drug Administration
Winchester Engineering and Analytical Center
Winchester and Woburn, Massachusetts**

July 2017

Prepared by

**New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, Massachusetts 01742-2751**

FINDING OF NO SIGNIFICANT IMPACT

Food and Drug Administration Winchester Engineering and Analytical Center Winchester and Woburn, Massachusetts

The Food and Drug Administration, Winchester Engineering and Analytical Center (FDA-WEAC) is located in Winchester and Woburn, Massachusetts, approximately 9 miles north of Boston. The installation is located on a fully developed parcel at 109 Holton Street. The building was constructed in 1952 and was originally used by the Atomic Energy Commission to extract uranium and thorium from ore to prepare uranium tetrafluoride. Since 1961, the facility has operated a radiation surveillance laboratory. The FDA-WEAC tests medical devices, household appliances (microwaves), and food safety.

The FDA-WEAC Replacement Construction Project Environmental Assessment (EA) is a decision-support document and the recommended or proposed actions must be assessed for their environmental effects in accordance with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations. An EA is completed to evaluate the potential impacts and cumulative effects of projects being proposed. The EA provides responsible and timely consideration of project environmental and cultural resources and ensures environmental mandates and considerations are incorporated in the planning process.

The proposed project involves the construction of a new facility of approximately 35,000 square feet and demolition of the current facility at 109 Holton Street in Winchester and Woburn, Massachusetts. The existing facility no longer meets the FDA-WEAC standards for size, configuration and amenities. The current facility is 60 years old and has outdated electrical and mechanical systems and it has reached its size and capacity for the technical equipment needed for the facility to perform its analytical work. The purpose of the project is to improve the facility by providing a building that meets current standards of quality of life, energy conservation, size, technological capability, and safety.

The FDA-WEAC Replacement Construction Project EA is compliant with the NEPA and the CEQ regulations 40 CFR, 1500–1517. I find that based on the evaluation of environmental effects discussed in this document, the proposed FDA-WEAC Replacement Construction Project is not a major federal action significantly affecting the quality of the human environment. Under the CEQ NEPA regulations, “NEPA significance” is a concept dependent upon context and intensity (40 C.F.R. § 1508.27.) When considering a site-specific action like the FDA-WEAC Replacement Construction Project, significance is measured by the impacts felt at a local scale, as opposed to a regional or nationwide context. The CEQ regulations identify a number of factors to measure the intensity of impact. These factors are discussed below, and none are implicated here to warrant a finding of NEPA significance. A review of these NEPA “intensity” factors reveals that the proposed action will not result in a significant impact - neither beneficial nor detrimental - to the human environment.

Impacts on public health or safety: The project is expected to have no effect on public health and safety. During the construction phase of the proposed project, heavy construction equipment and vehicles will be transported to the site, however, access to the site will be limited during construction.

Unique characteristics: The FDA-WEAC Replacement Construction Project will not impact wild and scenic rivers, prime farmlands, cultural and historic resources or waters of the United States.

Controversy: The proposed project is not controversial.

Uncertain impacts: The impacts of the proposed project are not uncertain. They are readily understood based on past experiences the U.S. Army Corps of Engineers, New England District has had with similar projects.

Precedent for future actions: The FDA-WEAC Replacement Construction Project was prepared pursuant to applicable laws and regulations and would not establish a precedent for future actions with significant effects.

Cumulative significance: As discussed in the EA, to the extent that other actions from the past, present and foreseeable future are expected to be related to the project as proposed, this project will provide little measurable cumulative impact to the area.

Historic resources: The FDA-WEAC Replacement Construction Project will have no effect on historic properties.

Endangered species: The project will have no known negative impacts on any Federal or state threatened or endangered species. The northern long-eared bat (*Myotis septentrionalis*), a Federally listed "Threatened" species, is found throughout Massachusetts. Due to the urban/suburban setting and the lack of sizable and suitable forest habitat in the project vicinity, it is unlikely that the northern long-eared bat is present in the project area. As such, the proposed project is "unlikely to adversely affect" the northern long-eared bat.

Potential violation of federal law: This action will not violate federal law.

Based on my review and evaluation of the environmental effects as presented in the Environmental Assessment, I have determined that the FDA-WEAC Replacement Construction Project is not a major federal action significantly affecting the quality of the human environment. Therefore, I have determined that this project is exempt from requirements to prepare an Environmental Impact Statement.

Date

Everett Bole
U.S. Department of Health and Human Services
Chief of Environmental Compliance (PSC)

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ENVIRONMENTAL ASSESSMENT
Food and Drug Administration
Winchester Engineering and Analytical Center
Replacement Construction Project

1.0 INTRODUCTION

1.1 Purpose and Need

The project involves the construction of a new building for the Food and Drug Administration, Winchester Engineering and Analytical Center (FDA-WEAC) and demolition of the current building at 109 Holton Street in Winchester and Woburn, Massachusetts. The existing building no longer meets the needs of the FDA and a larger building is needed. A new, larger building is required because the existing building, constructed in 1952, has reached its useful life. The FDA-WEAC facility consists of specialized laboratories and programs not found elsewhere in the FDA. It houses sophisticated and advanced equipment which require specialized building construction (lead walls, sound attenuating materials, etc.) and Mechanical, Electrical and Plumbing systems. The testing equipment and rooms require larger spaces. In addition, the varied branches and specialized laboratories require distinct separation, as well as project adjacencies in order to provide an efficient and coherent facility. Based on all of these factors, the new building has to be approximately 75,000 square feet in order to support the work of the FDA. The purpose of the project is to improve the working conditions at the FDA-WEAC and is on the same parcel of land as the current building.

The U.S. Army Corps of Engineers, New England District (NAE) is currently preparing an Environmental Assessment (EA) for this FDA-WEAC replacement and demolition project. The project EA is a decision-support document which is completed to evaluate the potential impacts and cumulative effects of the proposed project. The EA ensures that environmental mandates and considerations are incorporated in the planning process. The FDA-WEAC project EA is prepared pursuant to the National Environmental Policy Act (NEPA) and Council of Environmental Quality (CEQ) regulations 40 CFR, 1500–1517.

2.0 PROJECT DESCRIPTION

2.1 Location and Site History

The FDA-WEAC is located in Winchester and Woburn, Middlesex County, Massachusetts, approximately 9 miles north of Boston. The FDA-WEAC building is located at 109 Holton Street, and is surrounded by businesses and industrial buildings (Figure 1). The facility has one main building on an approximately 6 acre site, of which 1 acre is located in Winchester and the remaining 5 acres is located in Woburn. The site consists of an approximately 35,000 square foot one-story building that is occupied by the FDA-WEAC. There are eight auxiliary buildings and hazardous waste storage building located to the north of the

FDA-WEAC main building. The remainder of the property is open lawn and a fringe of mature trees and invasive plants (Figure 2).

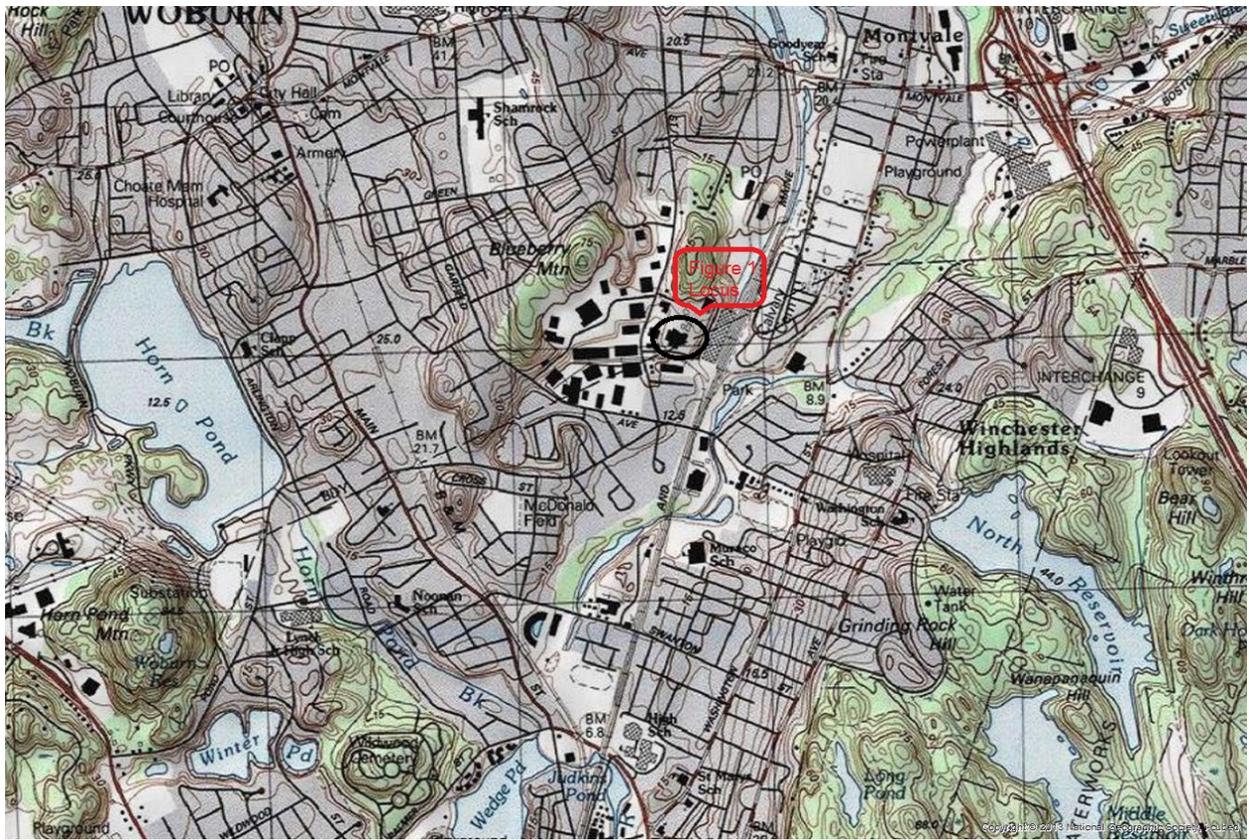


Figure 1: Site Location Map



Figure 2: Site Locus Map

2.2 Installation Mission and Description

The FDA-WEAC building was constructed in 1952. Between 1952 and 1961, the site was used by the Atomic Energy Commission for the development of uranium and thorium extraction methods from ore to prepare uranium tetrafluoride. The FDA-WEAC building has operated as a radiation surveillance laboratory since 1961, when the FDA was known as the Department of Health, Education, and Welfare. Current site uses include laboratory analysis of radionuclides in food, device sterility and evaluation of chemical sterility and disinfectants, and evaluation of medical device safety. The additional smaller structures on the site property are a maintenance shed, former radionuclide storage shed/carport, acid storage shed, hazardous waste storage shed, pilot plant, radionuclide waste shed, warehouse No. 1, warehouse No. 2 and gas cylinder storage area (Leuterio Thomas, LLC 2015).

2.3 FDA-WEAC Replacement Construction Project (Preferred Alternative)

The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, eight auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs. The preferred project includes the construction of a new building and four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building and seven auxiliary buildings, and moving of one hazardous waste storage building to the south of the new building. The existing connections to the local water, sewer, and sanitary utilities would be maintained.

The building was heated by No. 2 fuel oil until 1992. After 1992, the building was heated by natural gas. The building is cooled by HVAC rooftop units. The sanitary sewer system for the existing building is provided by the town of Winchester. Water supply is provided by the City of Woburn, electricity is from Eversource, and natural gas from NStar. The new building will be connected to the existing systems.

Site stormwater either infiltrates the landscaped areas or flows to stormwater drains located at the southeastern portion of the site. Stormwater flows to the municipal (Woburn) sewer. Stormwater from the proposed site will be managed using on-site Low Impact Development (LID) measures to the maximum extent possible to improve the management of stormwater on the site. Stormwater management design must comply with Section 438 of the 2007 Energy Independence and Security Act (EISA) and applicable Massachusetts Department of Environmental Protection (MassDEP) regulations.

LID Best Management Practices (BMP) such as bio-retention areas and bioswales will be constructed to manage stormwater runoff generated from rooftops and impervious surfaces. The 95% storm event used to calculate these quantities is 1.5 inches. The LID Planning Tool Worksheet shows no minimum runoff retention volume required to comply with Section 438 of EISA. LID measures are being proposed to promote infiltration and mitigate quality and quantity of stormwater to meet the MassDEP regulations. Temporary and permanent erosion and sediment controls will be incorporated to prevent exposed soils from exiting the disturbed limits of the site and entering natural or constructed drainage ways during construction.

The project contract specifications will include provisions for the removal of species considered to be invasive within the area of disturbance according to the 2005 Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (Massachusetts Invasive Plant Advisory Group 2005).

2.4 Alternatives

In addition to the No-Action Alternative, NAE evaluated three alternatives to improve the existing FDA-WEAC building to meet current FDA-WEAC standards for technical capability, quality of life (infrastructure and habitability), energy conservation, size (a building large enough

to support the specialized work taking place at the current facility), and safety. The following section provides an evaluation of each alternative.

2.4.1 No-Action Alternative

The No-Action alternative serves as a baseline against which the proposed action and alternatives can be evaluated and is required by CEQ regulations for implementing the NEPA. Under the No-Action alternative, the personnel at the FDA-WEAC would continue to use the existing building and the new facility would not be constructed. The FDA-WEAC is a multi-disciplinary, full-service specialty laboratory with capabilities in the areas of medical device/radiation-emitting products, radionuclides, and microbiology analyses. FDA-WEAC is the national servicing laboratory for engineering and radioactivity analyses. The testing facility provides a critical function to the nation. The No-Action alternative does not meet current FDA-WEAC demand standards for quality of life, energy conservation, size, habitability, and safety and therefore, is not considered a viable alternative.

2.4.2 Construction of new FDA-WEAC facility/Demolition of existing FDA-WEAC facility (Preferred Alternative)

The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, eight auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs. The preferred project includes the construction of a new 75,000 square foot building north of the existing building, four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building and seven auxiliary buildings, and moving of one hazardous waste storage building to the south of the new building (Figure 3). The existing connections to the local water, sewer, and sanitary utilities would be maintained. The facility will provide Radionuclides and Bioeffect laboratory facilities and an Engineering Branch. The current building is one of the worst in the FDA inventory, whether owned by the FDA or provided by the General Services Administration (GSA). The mechanical, electrical, plumbing, and structural systems are all in need of replacement or ready to be abandoned. Technological and laboratory process advances require the construction of a new building in order to provide full function of the FDA-WEAC facility's laboratories and equipment. Construction of a new building will also provide for a more robust energy efficient and sustainable building with introduction of maximizing shared space, thereby, minimizing the overall building footprint; it will provide a new HVAC and Building Management System which uses overall less energy; and new construction will provide for a building for long-term (50 year life) use and life cycle value.

The new FDA-WEAC facility would improve working conditions by providing a building that meets current standards of quality of life, current and future needs of technological and **laboratory space**, energy conservation, size, habitability, and safety. The new building would be at the same location as the current facility so would not change the commuting time for personnel.

Demolition of the current FDA-WEAC building would require decommission of the facility by the Nuclear Regulatory Commission using guidelines applicable to facilities that use radioactive materials. Asbestos containing materials were identified in the building based on testing completed in 2015 (Axiom Partners). Several rooms had lead containing paint, and there are light fixtures and caulking that contain polychlorinated biphenyl (PCBs). Chlorofluorocarbons (CFCs) are present in HVAC systems and hoods (Axiom Partners 2015). All of these hazardous materials will be removed and disposed of in accordance with federal, state, and local laws and regulations.

As there is no intended use for the existing building, the demolition of it will provide for more reclaimed green and open space for the WEAC staff.

2.4.3 Renovation of the Existing FDA-WEAC building

The existing facility does not provide the space needed for continuing the business of the FDA. This alternative does not enable the construction of a new building which would meet current standards for quality of life, energy conservation, size, habitability, and safety. The building systems and infrastructure are at or beyond their useful life, and chronic, disruptive facilities problems are an ongoing problem at this facility. The existing building's structure (bay spacing, floor spacing, building materials) limits renovation features that can be done in order to bring it to a modern and efficient building that meets current standards for a functional Government property. This alternative did not meet the project goal and therefore, was not considered a viable alternative.

2.4.4 Leasing an existing building for the FDA-WEAC

Leasing a building in the general vicinity of the current FDA-WEAC facility that would meet the needs of the FDA is unlikely since the area is fully developed. In addition, moving to a new location could result in longer commutes for some personnel. This alternative would not impact wetland or forested areas as personnel would be utilizing an existing building. However, to fully vet this alternative, Real Estate Division conducted a search for commercial industrial leases that are available within a 10 mile radius from Winchester, MA. In this 10 mile radius, the cities/towns investigated are Winchester, Woburn, Stoneham, Arlington, Medford, Melrose, and Belmont, MA. Of these cities/towns, 17 properties were available for lease, varying in size from 2,500sf to 104,000sf. However, only 3 properties were potential locations. Of these three properties, two were determined to be more appropriate for a warehousing/manufacturing application. The one remaining property is listed as flex space which can accommodate office, R&D, and laboratory space. In researching this property more, it was determined that the existing tenant was Porter & Chester Institute, which is an industrial education school. Therefore, the property was geared towards classrooms and hands-on training activities. The space would not be workable for

the FDA without significant gut renovation to provide the specialized laboratory spaces and the required functional adjacencies.

Further, locating the facility in possibly another community would not utilize the space they currently have available on the FDA-WEAC site, and could result in a decline of the quality of life for employees by possibly a longer commute, or a facility that won't fully meet their technical needs. A move to an existing FDA facility in Queens, NY was viewed unfavorably by the FDA-WEAC staff. The FDA Boston District Office, currently located in Stoneham, MA is not sufficient to accommodate the WEAC function and staff. Therefore, this alternative was not a viable alternative.

Comparison of Alternatives – Three alternatives with the potential to meet current standards for an FDA facility were evaluated for effects on various environmental, cultural and socio-economic resources. Positive (+) effects, negative (-) effects and no effects/unknown effects (0) are identified in Table 1 - Comparison of FDA-WEAC Alternatives on the Human Environment for each alternative. The construction and demolition (Preferred Alternative) is the optimal alternative as this alternative provides an available parcel with few environmental impacts.

Table 1 – Comparison of FDA-WEAC Alternatives on the Human Environment

	Demolition/ Construction	Renovation	Leasing
Wetland Resources	0	0	0
Water Quality	0	0	0
Forested Areas	-	0	0
Invasive Species	+	0	0
Cultural Resources	0	0	0
Facility Standards	+	0	0
Proximity to current FDA-WEAC	+	+	-

3.0 ENVIRONMENTAL SETTING

3.1 Physical Environment

3.1.1 Geology

The FDA-WEAC facility is located within the Appalachian Highlands Geologic Province along the boundary with the Atlantic Plain Geologic Province (USGS 2015a). Bedrock geology consists of Igneous and Metasedimentary rocks from the Paleozoian and Precambrian periods (USGS 2015b). Bedrock outcrops are common in the hilly areas of northern Winchester and southern Woburn although superficial deposits cover most of the towns' underlying bedrock. Bedrock outcrops occur at the project site with the depth to bedrock ranging from surface level outcrops to 26 feet below the ground surface. Site geology consists of fill overlying silty sand and gravel overlying glacial till underlain by bedrock.

The topography of the site is relatively flat with an elevation of approximately 75 feet above Mean Sea Level (MSL).

3.1.2 Soils

The Natural Resources Conservation Service Web Soil Survey for Middlesex County, Massachusetts indicates that the FDA-WEAC installation is located primarily on urban land. Urban land consists of areas where the soil has been altered or obscured by buildings, industrial areas, paved parking lots, sidewalks, roads and railroad yards (structures cover 75% or more of the surface area). Urban land areas in Middlesex County have slopes ranging from level to steep (USDA 2015).

Soils classification within the FDA-WEAC area includes Urban Land and Paxton soil. Paxton soil is a well-drained soil that has a slow infiltration rate and is coarse grained sand with fines (Leuterio and Thomas 2015).

The Federal Farmland Protection Policy Act (FPPA) of 1981 was enacted to minimize the extent to which federal programs contribute to the irreversible conversion of farmland to nonagricultural uses. The Act applies to farmland with soil types classified as prime, unique, or of statewide or local importance. The Paxton soil is intermixed with areas of Urban Land and therefore, is not well suited for agricultural productively.

Soil contamination has been documented with various constituents of concern in site investigations at the FDA-WEAC installation over the last few decades. It appears that most contaminated soil has been excavated and removed. Ten radioactive "hotspots" have been identified in the building area (more detailed information about site contamination can be found in Section 3.1.4 Hazardous Materials).

3.1.3 Climate

In general, winters in Middlesex County are cold, and summers are warm. In winter, the average temperature is 28.0 degrees Fahrenheit (F) and the average daily minimum temperature is 18.5 degrees. In summer, the average temperature is 69.1 degrees and the average daily maximum temperature is 80.3 degrees. The winters are moderately cold and wet. The last killing frost generally occurs in early May, and the earliest fall frost usually comes in late September or early October. The summers are typically warm and moist with some periods of high humidity. The total annual precipitation is about 46.9 inches. Of this, about 22.6 inches, or 48 percent, usually falls in April through September. The average seasonal snowfall is about 53.2 inches. The prevailing wind is from the west-northwest with highest average wind speed of 13.9 miles per hour occurring in March. Winter storms moving northeastward along the coast frequently bring rain and thawing and then more snow and cold weather. In summer, sea breezes frequently moderate the temperature, particularly near the coast (USDA 2009).

3.1.4 Hazardous Materials

Axiom Partners, Inc. performed surveys for suspect asbestos containing building materials (ACM) within the main building at the FDA-WEAC as part of a Hazardous Building Materials Survey Report (2015). A physical U.S. Environmental Protection Agency (EPA) Asbestos Hazard and Emergency Response Act (AHERA) inspection and sampling of current materials was conducted in accordance with established protocols to identify and quantify ACM in accessible areas. Site survey work was performed during May 2015 for the Whole Body Counting Room (WBCR) and the adjacent foyer, and the rest of the building during October and November 2015, by appropriately credentialed Massachusetts licensed asbestos inspectors using non-destructive sampling methods. Collected suspect ACM samples were submitted to a certified analytical laboratory for asbestos analysis by polarized light microscopy (PLM) using positive stop methodology. Results from the laboratory analysis of submitted bulk samples indicated that the following building materials were identified as friable and non-friable ACM (i.e., asbestos was present at concentrations equal to or greater than 1%) (Axiom 2015).

Friable Asbestos

- Residual Pipe Fitting Insulation – 30% Chrysotile
- Heating Pipe Thread Sealant – 10% Chrysotile

There were numerous areas within the FDA-WEAC that had non-friable ACMs due to the presence of floor tiles and adhesive, wood wall paneling and door caulking. These areas are summarized in the Axiom 2015 Hazardous Materials report for the WBCR and the 2015 report for the remainder of the building.

Based on field and laboratory analysis, ACM was categorized as either friable or non-friable. Friable ACM is defined by National Emission Standards for Hazardous Air Pollutants (NESHAP) as any material containing more than 1% asbestos that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure. Non-friable ACM is defined by NESHAP as any material containing more than 1% asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure. Note: Massachusetts state regulations define ACM as equal to or greater than 1% (Axiom Partners 2015).

Several rooms had lead containing paint, and there are light fixtures and caulking that contain polychlorinated biphenyl (PCBs). Chlorofluorocarbons (CFCs) are present in HVAC systems and hoods (Axiom Partners 2015).

FDA-WEAC holds a Nuclear Regulatory Commission (NRC) license. Because of this, the grounds and buildings must be free of any residual radioactivity that may cause the general public (including construction workers) to receive a Total Effective Dose Equivalent of 25 mrem per year above natural radiation levels (per 10 CFR Part 20.1403). Since there is historical evidence that natural uranium as well as uranium tailings have been buried in the back of the property (while the property was under the Atomic Energy Commission's ownership), the future construction site was surveyed, and a total of ten "hotspots" with elevated radiation levels were found in soils approximately a few inches from the surface.

The current survey guidelines for NRC-licensed facilities include the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) and the NRC's Consolidated Decommission Guidance (NUREG-1757). MARSSIM classifies areas based on level of relative impact ranging from Class 1, being the most impacted and requiring the most survey efforts, to Class 3, being the least impacted and requiring a minimum survey effort. Buried residual radioactive material is also subject to EPA regulations and guidelines.

A radiological decommission firm shall be required by the facility to perform certain services. The firm must acquire and utilize ground penetrating radar or other technology to further characterize the possible presence of any additional underground radioactive material on the impacted site. The facility will implement a personal protective equipment program and an ongoing air monitoring program for the duration of the project. Air samples must be taken in the impacted area and outside the impacted area to ensure airborne radioactivity levels are below NRC limits applicable to occupational workers and members of the general public, respectively (10 CFR Part 20, Appendix B). The facility will implement a Decommissioning radiation safety course for workers at the FDA-WEAC. Contaminated soils will be removed in all known, currently accessible hotspots and radiological samples will be taken from within the building. The disposal of soils with elevated levels of radioactivity and radiological samples will be made according to NRC regulations (10 CFR Part 20, Appendix G). A characterization survey will be conducted according to NRC guidelines in the impacted area which will develop Derived Concentration Guideline Levels (DCGLs) using NRC D+D computer code. Additionally, samples at depths of one foot, two feet, and three feet (as bedrock permits) shall be collected in order to further characterize the

activity content of the soil. Based on contamination levels found, deeper soils may be sampled. The decommission firm will remove, package and arrange for the disposal of any additional contaminated soils with elevated levels of radioactivity and radiological waste according to NRC regulations (10 CFR Part 20, Appendix G). A post-remediation final status survey will be performed according to NRC guidelines in order to confirm DCGLs have been met. The final step will be to coordinate all survey and sampling documentation and prepare a final report for submission to the NRC for site clearance.

Chlorinated volatile organic compounds (CVOCs) have been identified in an area up gradient from the project site. Testing for CVOC's in groundwater at the site will be conducted prior to building construction to determine if measures are necessary to mitigate the potential for vapor intrusion into the new building.

3.1.5 Cross Boundary Issues

The environmental effect of noise from construction and possible blasting, and dust need to be considered in the planning process. The FDA-WEAC building is located adjacent to industrial and warehouse structures on the north, south, and east. Holton Street is located to the west. The closest homes are more than 250 feet away to the south.

Cross boundary noise issues have not been problematic at the FDA-WEAC facility. Construction of the proposed building construction and demolition project could cause a temporary increase in construction related noise such as blasting for the residential area and a reduction in local ambient air quality because of fugitive dust and emissions generated by construction equipment. Construction activities would occur during typical working hours and the extent of dust generated would depend on the level of construction activity and dryness. Proper dust suppression techniques would be employed to avoid creating a nuisance for nearby residents during dry and windy weather. Blast control measures would be utilized.

3.2 Water Resources

3.2.1 Surface Water

There is no surface water located on the FDA-WEAC facility. The Aberjona River is approximately 800 feet away to the south and east of the site. The closest freshwater wetlands are located within a 0.5 mile radius to the north of the site.

3.2.2 Groundwater

There are no public water supply wells located within close proximity to the FDA-WEAC site. The depth to groundwater is greater than 6 feet and may be greater than 12 feet below the ground surface (bgs). Based on topographic gradients, groundwater is assumed to flow to the southeast towards the Aberjona River.

3.2.3 Wetlands

The development of wetlands is dependent on many physical and chemical parameters with the dominant successional force being soil moisture. Wetlands have many beneficial functions including the protection of public and private water supply, protection of surface and ground waters, nutrient retention, shoreline anchoring and dissipation of erosive forces, pollution prevention, fisheries and wildlife habitat, and aquifer recharge. There are no wetlands present on the FDA-WEAC site. The nearest wetland area was identified as being approximately 0.5 miles north of the facility.

3.3 Biological Resources

3.3.1 Terrestrial Habitat

The FDA-WEAC facility is characterized by planted landscaping trees and shrubs in developed areas with a fringe of trees and shrubs to the north and east of the building. The landscaped area contained a large red oak (*Quercus rubra*) and Norway maple (*Acer platanoides*), which is considered an invasive species. The adjacent fringe of trees and shrubs was comprised of red oak, white birch (*Betula papyrifera*), black oak (*Q. velutina*), white ash (*Fraxinus americana*), white oak (*Q. alba*), black cherry (*Prunus serotina*), and staghorn sumac (*Rhus typhina*). Herbaceous plants in the area include the sweet fern (*Comptonia peregrina*).

Non-native invasive species which have become established in terrestrial areas include glossy buckthorn (*Frangula alnus* synonym *Rhamnus frangula*), honeysuckle (*Lonicera* sp.), Tree of Heaven (*Ailanthus altissima*) and bittersweet (*Celastrus orbiculatus*), a vine which grows over trees and shrubs.

3.3.2 Wildlife

Mammalian species found in the project area are those tolerant of human disturbance such as raccoon (*Procyon lotor*), skunk (*Mephitis mephitis*), gray squirrel (*Sciurus carolinensis*), red fox (*Vulpes vulpes*), opossum (*Didelphis marsupialis*), and moles. Birds such as sparrows, northern cardinal (*Cardinalis cardinalis*), and hawks have been known to inhabit the area. In addition, reptiles and amphibians present include frogs, salamanders, and snakes.

3.3.3 Fisheries

There are no fisheries resources present at the FDA-WEA facility.

3.4 Endangered and Threatened Species

The northern long-eared bat (*Myotis septentrionalis*) (NLEB) was recently listed as a federally threatened species by the U.S. Fish and Wildlife Service (April 2, 2015) and is listed as being present throughout the state of Massachusetts. This listing took effect on May 4, 2015. Increased mortality of the bat caused by white-nose syndrome, an infectious wildlife disease that poses considerable threats to hibernating bat species, has been the primary contributor to a significant decline in the population of the NLEB since 2007 (USFWS 2015a). The NLEB was once widespread throughout New England, but due to white-nose syndrome, the population in New England has declined by at least 90 percent (USFWS 2015b.)

In addition to listing the northern long-eared bat as a threatened species, the USFWS issued an interim 4(d) rule which prohibits incidental take (an action that is not intended to take a species but may still result in incidental harmful effects on the species) with some limited exceptions provided the activities protect known maternity roosts and hibernacula.

Suitable summer habitat for the NLEB consists of a wide variety of forested/wooded habitats where the bats roost, forage, and travel and have also been observed roosting in human-made structures, such as buildings, barns and sheds. Bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet of other forested/wooded habitat. Females give birth between late May to late July and roost in maternity colonies composed of approximately 30 to 60 bats. In winter, the NLEB hibernates in caves and mines, called a hibernacula

The FDA-WEAC construction and demolition is located in an industrialized section of Winchester and Woburn. The site is 6 acres in size and is currently developed with the existing building and eight auxiliary structures. There are individual trees located in the landscaped area of the property along its periphery. There are only a few large trees along the fringe of the facility. Approximately 50 trees or about one acre will be removed as part of this project (Figure 3).

NAE has made a determination that the FDA-WEAC project is “not likely to adversely affect” the threatened NLEB. While no data is currently available, it is unlikely that the NLEB is present in the project area due to the urban/suburban setting and the lack of sizable/suitable habitat in the vicinity with the capacity to support a colony of bats. There are no maternity roost trees or hibernacula in the project area. The Corps coordinated with the FWS and there was no response within a 30-day timeframe therefore, concurrence with our determination is assumed. (U.S. Fish and Wildlife Service’s (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance; Northern Long-Eared Bat 4(d) Streamlined Consultation Form).

The Natural Heritage and Endangered Species Program (NHESP) database indicates that there is no priority habitat within the area or vicinity of the FDA-WEAC facility.

3.5 Socio-Economic Resources

As of the 2010 census, there were 22,374 people and 7,564 households residing in the town of Winchester. Of the 7,564 households in Winchester, 84.3% are owner occupied. The average household size was 2.86. The racial makeup of the town was 87.1% White, 1% African American, 0.1% Native American, 9.3%, Asian, 0.0% Pacific Islander, 1.9% Hispanic or Latino, and 2.0% from two or more races. Of the town population, 47.7% were male and 52.3% were female; 6.5% were under 5 years, 28.7% were 5 years to 19 years, 48.6% were 20 to 64 years and 16.2% were over 65 years. The median household income for the town of Winchester was \$141,829 and the per capita income was \$66,880. Approximately 3% of the population were below the poverty level (U.S. Census Bureau 2015a).

The 2010 census reports that there are 38,134 people and 14,914 households in the city of Woburn. Of the 14,914 households, 61.4% are owner occupied. Average household size is 2.58. The racial makeup of the town was 84.2% White, 4.2% African American, 0.2% Native American, 7.3% Asian, 0.0% Pacific Islander, 4.5% Hispanic or Latino, and 2.0% from two or more races. Of the town population, 48.4% were male and 51.6% were female; 5.9% were under 5 years, 19.8% were under 18 years of age, 41.6% were 19 to 64 years, and 15.9% were over 65 years. The median household income for the city of Woburn was \$77,883 and the per capita income was \$35,767. Approximately 6.8% of the population was living in poverty (U.S. Census Bureau 2015b).

3.6 Historic and Archaeological Resources

There are four known pre-contact sites in Winchester and Woburn. In Winchester, the sites (19-MD-60 and 19-MD-376) were identified in the vicinity of Mystic Lake and Upper Mystic Lake. In Woburn, sites 19-MD-255 was identified near Horn Pond while site 19-MD-1676 was identified at Rag Rock. Those sites which had a temporal identification were from the Late Archaic and Middle Woodland Periods. During the Contact Period (start of European occupation), natives inhabited the area and most likely used the Aberjona River as a connection to the Boston area (Strauss and Cook 1998, Heitert 2010). There are no known sites in the vicinity of the FDA-WEAC property.

The Winchester and Woburn area was known as Charlestown Village and was first settled in the 1630s by families from Charlestown who were granted land in the northern portion of the town and was originally designated Waterfield and Rockfield. Much of the land became part of Woburn when the town was incorporated in 1642. In 1680 there were about 14 families in Winchester. Population increase was slow due to a smallpox epidemic and only increased to about 200 people by the mid-eighteenth century.

Woburn's population grew to 1,575 in 1765 and 1,750 in 1790. By 1794 there were two mills on Horn Pond Brook and by 1835 there 35 shoe shops (Strauss and Cook 1998). The Middlesex Canal began construction in 1793 and was fully operational in 1803. The

Middlesex Canal, which ran through Winchester and Woburn was the first regional transportation canal in the country and operated until 1853 when the railroads became the dominant form of transportation (Binzen et al. 2009).

There was considerable industry in Woburn and Winchester. Tanning, shoe making, and leather machinery were all important industries. Many of these factories operated along the Aberjona River and its tributaries. Other industries included wool carding, leather splitting and mahogany sawing, and the manufacture of piano cases, felt, watch hands, and shoes.

Winchester separated from Woburn in 1850. The town had an industrial economic base in the latter half of the nineteenth century with tanneries, freight, coal and lumber yards, gelatin, and japanning factories, felt manufacturers and laundries (Heitert 2010).

By the turn of the twentieth century, Woburn was known as Tan City and was the leading leather producer in the region, with associated support industries developing rapidly (Binzen et al. 2009). However, during the Great Depression this industry declined, leaving only six tanneries operating by 1940, and only one factory still operating in the 1960s.

There are eight historic archaeological sites in Woburn and Winchester, including the Middlesex Canal and associated lock and bridge abutments. None of these sites are in the vicinity of the FDA-WEAC facility.

4.0 ENVIRONMENTAL IMPACTS

4.1 Physical Environment

4.1.1 Soils

Soils classification within the FDA-WEAC area includes Paxton soil and Urban Land 0-8 percent (U.S. Department of Agriculture 2009). This area is not recognized as “Prime Farmland” and as such the Federal Farmland Protection Policy Act (FPPA) of 1981 is not applicable.

4.1.2 Hazardous Materials

Axiom Partners performed surveys for suspected asbestos containing building materials (ACM) at the FDA-WEAC facility. Results from the laboratory analysis indicated that both friable (pipe fitting insulation and heating pipe thread sealant) and non-friable (wall paneling, floor tile, and floor tile adhesive) ACM are present (Axiom Partners 2015). As such, the proposed project will require the abatement of ACM during the demolition of non-structural architectural elements and finishes. Any suspect material encountered during demolition that has not been identified as being non-ACM will be assumed to be ACM

unless sample results prove otherwise. The contractor will be required to comply with all applicable federal, state and local laws and regulations.

Additional hazardous materials surveys were conducted by Axiom Partners. Lead containing paint, light ballasts and caulking containing Polychlorinated Biphenyl's (PCBs), thermostats containing mercury, and chlorofluorocarbons are present. These and other hazardous materials identified on-site will also be handled in accordance with all applicable federal, state and local laws and regulations. Ten radioactive "hotspots" have been identified within the proposed footprint of the new facility. Radiation specialists will be on-site during the winter/spring of 2017, and the site is expected to be remediated by May 2017. Chlorinated volatile organic compounds (CVOCs) have been identified up gradient from the FDA-WEAC facility.

Construction personnel will test for CVOCs contamination. Should CVOC's contamination be found in the project area groundwater, a low-permeability membrane between the soil and the building will be installed during building construction as recommended in the U.S. Environmental Protection Agency Office of Solid Waste and Emergency Response (OSWER) Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor to Indoor Air (June 2015). Additional measures (e.g., installation of an Active Depressurization Technologies [ADT] system) will be also be installed if determined to be necessary during post-construction monitoring.

Proper dust suppression techniques and applicable provisions to minimize noise will be employed during construction activities. A blasting plan will be required to minimize noise and vibration impacts to surrounding businesses and residential areas. Construction activities will be temporary and intermittent and with the use of proper provision to minimize runoff, dust and noise. The FDA-WEAC project will have no long-term impacts to the physical environment.

4.2 Water Resources

No impacts to water resources are anticipated as a result of the FDA-WEAC Construction Replacement Project. There is no surface water or wetlands within 800 feet of the facility. There are no public water supply wells located within close proximity to the FDA-WEAC site. The depth to groundwater is greater than 6 feet and may be greater than 12 feet bgs. Groundwater should not be affected by the project.

4.3 Biological Resources

No negative long-term impacts to biological resources will occur as a result of the FDA-WEAC Construction Replacement Project. The majority of the FDA-WEAC facility has been developed and the majority of the FDA-WEAC Construction Replacement Project will be built within the existing footprint of currently developed areas. The current level of development on the site limits the suitability of the site to common species generally tolerant

of human interaction. During construction activities, birds and small mammals may be temporarily displaced; however, the use of sediment erosion control techniques, the quick restoration of disturbed areas and the use of native species of plants for landscaping will minimize these temporary impacts to biological resources. Once construction activities are completed, wildlife common to the area will reutilize suitable habitat.

4.4 Endangered and Threatened Species

NAE has made a determination that the FDA-WEAC project is “not likely to adversely affect” the threatened NLEB. While no data is currently available, it is unlikely that the NLEB is present in the project area due to the urban/suburban setting and the lack of sizable/suitable habitat in the vicinity with the capacity to support a colony of bats (correspondence from Natural Heritage and Endangered Species Program dated February 8, 2017). There are no maturity roost trees or hibernacula in the project area. The Corps coordinated with the FWS using the streamlined form and no response was received within 30 days therefore, concurrence with our determination is assumed based on FWS guidance.

4.5 Socio-Economic Resources

The implementation of the FDA-WEAC Construction Replacement Project, with the construction of the new building, is expected to have positive socio-economic benefits for the FDA workforce. The project incorporates the desires of the existing workforce for a facility that meets current standards of quality of life, energy conservation, size, habitability, and safety. This project would also create short-term business in the local construction industry. Another benefit is that as construction employees utilize local businesses, more revenue is generated in the short term at the local level.

4.6 Historic and Archaeological Resources

There are no known archaeological sites in the vicinity of the FDA-WEAC facility. The determination was made that the proposed construction and demolition project would have no effect on historic properties. The Massachusetts State Historic Preservation Officer (MA SHPO) in a letter dated March 2, 2017 has concurred with this determination. It is anticipated that the Mashpee Wampanoag Tribe and Wampanoag Tribe of Gay Head (Aquinnah) Tribal Historic Preservation Officers will also concur with this determination based on a lack of response from coordination correspondence, telephone calls and emails.

5.0 OTHER COMPLIANCE REQUIREMENTS

5.1 Environmental Justice

Executive Order 12898 directs Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of an agency's programs, policies, and activities on minority populations and low-income populations. The proposed project is not expected to impact any minority or low-income neighborhoods

adjacent to or in the vicinity of the project pursuant to Executive Order 12898. The proposed FDA-WEAC Construction Replacement Project is a building replacement project that will be located on the existing FDA-WEAC property in Winchester and Woburn, Massachusetts. Therefore, no disproportionately high and adverse impacts specific to any minority or low-income neighborhood would occur as a result of the proposed project.

5.2 Protection of Children

Executive Order 13045 requires Federal agencies to examine proposed actions to determine whether they will have disproportionately high human health or safety risks on children. During the construction phase of the proposed project, heavy construction equipment and vehicles will be transported to the site. However, the construction area is located on FDA property. Access for the general public will be prohibited using engineering controls such as fencing, during construction to prevent unauthorized personnel from entering the work area (including children). In addition, there will be a temporary increase in truck traffic transporting materials to and from the site. These trucks will be limited to public roadways and the existing project access road which is used for the FDA-WEAC facility exclusively. Increased traffic will be of short duration and temporary. Therefore, the proposed project is not expected to cause any disproportionate direct, or indirect or cumulative environmental health or safety risks to children.

5.3 Floodplain Management

Executive Order No. 11988 Floodplain Management requires Federal agencies to evaluate the potential effects of any actions which may take place within floodplains. A Federal Emergency Management Agency 100 year floodplain is associated with the Aberjona River within a 0.5 mile radius to the south and east of the site. The FDA-WEAC facility is not located in a floodplain.

5.4 Clean Air Act Conformity

Section 176 (c) of the Clean Air Act (CAA) requires that Federal agencies assure that their activities are in conformance with Federally-approved CAA state implementation plans for geographic areas designated as non-attainment and maintenance areas under the CAA. The U. S. Environmental Protection Agency (USEPA) General Conformity Rule to implement Section 176 (c) is found at 40 CFR Part 93. CAA compliance, specifically with the USEPA's General Conformity Rule, requires that all Federal agencies, review new actions and decide whether the actions would worsen an existing National Ambient Air Quality Standards (NAAQS) violation, cause a new NAAQS violation, delay the State Implementation Plan (SIP) attainment schedule of the NAAQS, or otherwise contradict the State's SIP. Non-attainment areas are geographic regions where the air quality fails to meet the NAAQS. The six criteria air pollutants are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, and lead.

Middlesex County has met the attainment standards for all six criteria; just recently meeting attainment standards for ozone. On March 12, 2008, a new 8-hour ozone standard became effective and the previous 8-hour ozone standard (1997) was revoked on February 13, 2017. Middlesex County achieved attainment for ozone when the 1997 ozone standard was revoked. Middlesex County which is in attainment for all six criteria air pollutants and therefore, a Federal Conformity Review is not required for this project. A Record of Non-Applicability (RONA) is provided at in Appendix C.

In order to minimize air quality effects during construction, all construction operations will comply with applicable provisions of the Commonwealth of Massachusetts air quality control regulations pertaining to dust, odors, construction, noise, and motor vehicle emissions. No direct or indirect increases or other changes in local or regional air quality are likely to occur with the construction and operation of the proposed project.

5.5 Cumulative Impacts

The Council on Environmental Quality (CEQ) definition of cumulative impacts as found in 40 Code of Federal Regulation (CFR) section 1508.7 is as follows: "Cumulative Impact is the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or nonfederal) or persons undertakes such other acts." The following section describes past, present and future federal, state and local projects in the project area and near vicinity.

Communities in the vicinity of Boston have grown substantially over the last 80 years. An aerial map of the area from 1938 shows no construction on Holton Street. There are a few houses south of the project area. A 1952 map shows the FDA-WEAC facility with no other development on Holton Street. A rail line is approximately 750 feet east of the facility and a cemetery is across the railroad tracks. By 1969, there is an infill of residential properties southwest of the facility and 18 large industrial/commercial buildings west of the FDA-WEAC building. In 1978, a very large structure was present directly east of the facility. A structure was constructed south of the facility, and 26 large buildings are now to the west. In 1980, the area south and southeast of the FDA-WEAC facility has become built out with residential properties. There is still an undeveloped forested tract of land north of the facility. By 1987, there are 29 large industrial or commercial buildings within a half mile west of the facility (no more vacant land is visible), and a large portion of the forested tract to the north is now a gravel pit. In 2008, there are eight large commercial or industrial properties to the north and east of the facility, and in 2010 there are nine. In 2012, there is a parking lot where the gravel pit once was, and the remaining forested tract has been cleared for residential properties (Leuterio Thomas 2016). Over the period between 1938 and the present, the project area has been fully developed with the exception of a small remnant forested area

Other past actions, include the granting of one permit by the U.S. Army Corps of

Engineers (USACE) in 1991 for a 19 lot subdivision within a one mile radius of Holton Street (located to the east).

The current project involves the demolition of an existing building and construction of a new facility on the same property. The proposed project will involve construction of a 75,000 square foot building that will require the removal of approximately 50 trees and invasive species from a wooded area that according to aerial photographs has grown after the building was constructed.

Based on telecom communications with the City of Woburn and the City of Woburn on May 30, 2017, there is no present or future construction planned for the surrounding area. In addition, the USACE, New England District Regulatory Division, determined there are no present or future permits being reviewed at this time for the towns of Winchester and Woburn. Another project had a pre-application in 2014, (a bikeway) but there is no information as to whether a permit was issued or if the proponent avoided impacts to wetlands. Future anticipated cumulative activities include the periodic maintenance of the existing building and structures within the project area.

Although the redevelopment of the FDA-WEAC facility will permanently impact a portion of the remnant forest within the footprint of the project, these impacts are not considered to be cumulatively significant when compared to past, current and future projects in the area. There are no anticipated cumulative impacts to fish and wildlife, or Federal and/or state threatened and endangered species.

6.0 LIST OF PREPARERS

U.S. Army Corps of Engineers, New England District

Name	Title	Education/Responsibility	Experience
Judith L. Johnson	Biologist	B.S. Wildlife Biology Responsible for the NEPA document preparation	37 years
Kathleen A. Atwood	Archaeologist	M.A. Responsible for the NEPA document preparation and compliance with the National Historic Preservation Act	30 years

7.0 COORDINATION

Coordination was undertaken with the agencies listed below during the preparation of the Environmental Assessment and through the Notice of Availability 30-day public notice

process (see Appendix A – Coordination for letters of response).

Federal

U.S. Fish and Wildlife Service
U.S. Environmental Protection Agency

State

Massachusetts Department of Environmental Protection
Massachusetts Department of Fisheries, Wildlife and Law Enforcement
Division of Fish and Wildlife
Natural Heritage and Endangered Species Program
Massachusetts State Historic Preservation Office

Local

Town of Winchester – Town Administrator and Selectmen Office
City of Woburn – Mayor’s Office

Tribes

Wampanoag Tribe of Gay Head (Aquinnah)
Mashpee Wampanoag Tribe

A Notice of Availability of the Draft Environmental Assessment (EA) was published in local newspapers (see Appendix B) initiating a 30-day public review period from July 31 to August 30, 2017. Copies of the Draft EA, Finding of No Significant Impact (FONSI) and Record of Non-Applicability (RONA) were available on the NAE webpage. The Notice of Availability of the Draft EA, FONSI and RONA was also sent to Federal, state and local agencies with interest or jurisdiction with the project.

8.0 COMPLIANCE WITH ENVIRONMENTAL FEDERAL STATUTES AND EXECUTIVE ORDERS

Federal Statutes

1. Archaeological Resources Protection Act of 1979, as amended, 16 USC 470 et seq.

Compliance: Issuance of a permit from the Federal land manager to excavate or remove archaeological resources located on public or Indian lands signifies compliance.

2. Preservation of Historic and Archeological Data Act of 1974, as amended, 16 U.S.C. 469 et seq.

Compliance: Project has been coordinated with the State Historic Preservation Officer. Impacts to archaeological resources will be mitigated.

3. American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996.

Compliance: Must ensure access by Native Americans to sacred sites, possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

4. Clean Air Act (CAA), as amended, 42 U.S.C. 7401 et seq.

Compliance: In accordance with 40 CFR 93.153(c) 2 (xii), Federal actions involving planning, studies, provision of technical assistance, and certain construction projects are considered actions that “would result in no emissions increase or an increase in emission that is clearly de minimis” and as such, a General Conformity review of the FDA-WEAC Replacement Construction Project is not required.

5. Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972) 33 U.S.C. 1251 et seq.

Compliance: Not Applicable; project does not involve the discharge of dredged or fill material into a water of the U.S.

6. Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.

Compliance: Not Applicable; project is not located within the State designated coastal zone.

7. Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

Compliance: Coordination with the U.S. Fish and Wildlife Service (FWS) signifies compliance with this Act.

8. Estuarine Areas Act, 16 U.S.C. 1221 et seq.

Compliance: Not applicable; report is not being submitted to Congress.

9. Federal Water Project Recreation Act, as amended, 16 U.S.C. 460 *I-12* et seq.

Compliance: Not applicable

10. Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq.

Compliance: Projects that are exempt include “activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal land under their jurisdiction” pursuant to 16 U.S.C. § 662 (h).

11. Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-4 et seq.

Compliance: Public notice of the availability of this report to the National Park Service (NPS) and the Office of Statewide Planning relative to the Federal and State comprehensive outdoor recreation plans signifies compliance with this Act.

12. Marine Protection, Research, and Sanctuaries Act of 1971, as amended, 33 U.S.C. 1401 et seq.

Compliance: Not applicable; the project does not involve the transportation or disposal of dredged material in ocean waters pursuant to Sections 102 and 103 of the Act, respectively.

13. National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq.

Compliance: Coordination with the State Historic Preservation Officer and Tribal Historic Preservation Officer signifies compliance.

14. Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3000-3013, 18 U.S.C. 1170

Compliance: Regulations implementing NAGPRA will be followed if discovery of human remains and/or funerary items occur during implementation of this project.

15. National Environmental Policy Act of 1969, as amended, 42 U.S.C 4321 et seq.

Compliance: Preparation of an Environmental Assessment signifies partial compliance with NEPA. Full compliance shall be noted at the time the Finding of No Significant Impact is issued.

16. Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.

Compliance: Not Applicable; no requirements for projects or programs authorized by Congress.

17. Watershed Protection and Flood Prevention Act as amended, 16 U.S.C 1001 et seq.

Compliance: Not applicable; there is no floodplain within 800 ft. of the FDA-WEAC facility.

18. Wild and Scenic Rivers Act, as amended, 16 U.S.C 1271 et seq.

Compliance: Not applicable.

19. Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

Compliance: Not applicable.

Executive Orders

1. Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971

Compliance: Coordination with the State Historic Preservation Officer signifies compliance.

2. Executive Order 11988, Floodplain Management, 24 May 1977 amended by Executive Order 12148, 20 July 1979.

Compliance: Not applicable.

3. Executive Order 11990, Protection of Wetlands, 24 May 1977.

Compliance: Not applicable.

4. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, 4 January 1979.

Compliance: Not applicable to projects located within the United States.

5. Executive Order 12898, Environmental Justice, 11 February 1994.

Compliance: Not applicable; the project is not expected to have a significant impact on minority or low-income population, or any other population in the United States.

6. Executive 13007, Accommodation of Sacred Sites, 24 May 1996

Compliance: Agencies must accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoid adversely affecting the physical integrity of such sacred sites.

7. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. 21 April, 1997.

Compliance: Not applicable if the project would not create a disproportionate environmental health or safety risk for children.

8. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 6 November 2000.

Compliance: Consultation with Indian Tribal Governments, where applicable, and consistent with executive memoranda, DoD Indian policy, and USACE Tribal Policy Principles signifies compliance.

Executive Memorandum

Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing NEPA, 11 August 1980.

Compliance: The project area is located within primarily urban complex soils. No prime farmland soils are impacted and as such, the FDA-WEAC Replacement Construction Project is exempt from the Farmland Protection Policy Act.

White House Memorandum, Government-to-Government Relations with Indian Tribes, 29 April 1994.

Compliance: Consultation with Federally Recognized Indian Tribes, where appropriate, signifies compliance.

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10.0 LIST OF ACRONYMS

ACM – Asbestos containing material

CAA – Clean Air Act

CEQ - Council of Environmental Quality

CFR – Code of Federal Regulation

CVOCs – chlorinated volatile organic compounds

EA – Environmental Assessment

EIS – Environmental Impact Statement

FDA-WEAC – Food and Drug Administration, Winchester Engineering and Analytical Center

FONSI – Finding of No Significant Impact

FPPA - Farmland Protection Policy Act

MA DEP – Massachusetts Department of Environmental Protection

MA DPH – Massachusetts Department of Public Health

MESA - Massachusetts Endangered Species Act
NAAQS – National Ambient Air Quality Standards
NEPA - National Environmental Policy Act
NRCS – Natural Resources Conservation Service
PCBs – Polychlorinated Biphenyl's
ROD – Record of Decision
RONA – Record of Non-Applicability
SIP – State Implementation Plan
USEPA – U.S. Environmental Protection Agency
USFWS - U.S. Fish and Wildlife Service
VOC – Volatile Organic Compound

Appendix A – Coordination



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

November 21, 2016

Planning Division
Evaluation Branch

Eve Schluter, Chief of Environmental Review
Massachusetts Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
One Rabbit Hill Road
Westborough, Massachusetts 01581

Dear Ms. Schluter:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Building Construction Replacement Project at the Federal Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1).

The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, nine auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs (Figure 2). The proposed project includes the construction of a new building and four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building and seven auxiliary buildings, and the moving of one hazardous waste storage building to the south of the new building. All hazardous materials will be handled in accordance with appropriate federal, state, and local laws and regulations. The existing connections to the local water, sewer, and sanitary utilities will be maintained.

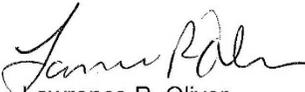
The site is almost fully developed with the building, nine auxiliary structures and paved parking areas east and south of the site. There is a landscaped lawn at the front of the building. There is a small fringe of shrubs and mature trees to the north and east of the facility. These include native and invasive species. The Aberjona River is over 800 feet away, the nearest freshwater wetlands are 0.5 miles away to the north, and the 100 year floodplain is 0.5 miles to the south and east.

The proposed project will be part of a design-build project, so the outline of the new facility is not yet defined, except that it will be confined to the current parcel. The taking of mature trees will be minimized to the extent possible. This project will be coordinated with the U.S. Fish and Wildlife Service (USFWS), New England Field Office regarding

potential impacts to the federally threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB).

The purpose of this letter is to request your comments on the proposed project. Please include information on the location of any NLEB maternity trees within a 150 foot buffer of the project area. So that we may include it in our Federal Endangered Species Act affects determination to be prepared for the USFWS. If you have any questions or comments, or would like to visit the site, please contact Ms. Kate Atwood at (978) 318-8537 or by email at Kathleen.a.atwood@usace.army.mil or the Project Manager, Jennifer Flanagan at (978) 318-8015 or by email at Jennifer.w.flanagan@usace.army.mil.

Sincerely,


Lawrence R. Oliver
Chief, Evaluation Branch

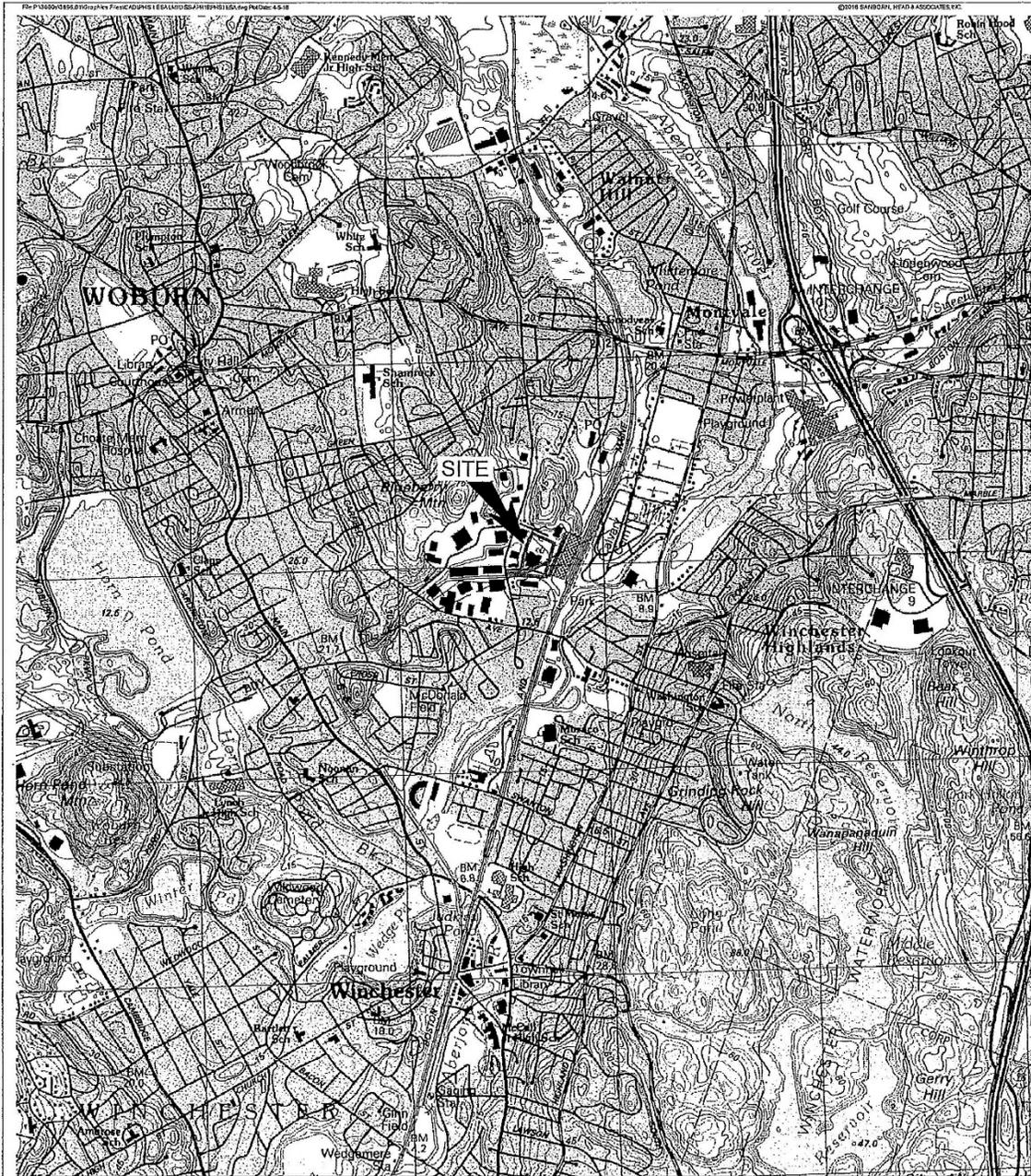
Similar letter sent to:
Timothy L. Timmerman, Associate Director
Office of Environmental Review
Environmental Protection Agency, New England, Region
5 Post Office Square, Suite 100
Mail Code ORA-17-1
Boston, Massachusetts 02109

Jack Buckley, Director
Division of Fisheries and Wildlife
One Rabbit Hill Road
Westborough, Massachusetts 01581

Mr. Tom Chapman, Supervisor
Department of the Interior
U.S. Fish and Wildlife Service, Ecological Services
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087

Richard Howard, Town Manager
71 Mt. Vernon Street
Town Hall, 2nd Floor
Winchester, Massachusetts 01890

Mr. Scott Galvin, Mayor
Mayor's Office
City Hall
10 Common Street
Woburn, Massachusetts 01801



NOTES:
 Base map was taken from the "Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Information Technology Division"
 7.5 minute USGS Quadrangle Maps: Woburn, Massachusetts, REV: 1985



Drawn By: C.Green
 Designed By: D.Volpe
 Reviewed By: P.Malone
 Project No: April 2016
 Date: 3896.01

SCALE: 1:25,000

SANBORN HEAD

Figure 1

Locus Plan
 Phase I Environmental Site
 Assessment with Limited
 Subsurface Investigation

109 Holton Street
 Winchester, Massachusetts

From: [Medeiros, Daisy M \(FWE\)](#)
To: [Atwood, Kathleen A CIV \(US\)](#)
Subject: [EXTERNAL] RE: Food and Drug Administration building construction
Date: Wednesday, February 08, 2017 9:28:37 AM

Good morning Kathleen,

Thank you for your letter requesting comment on the proposed project and location of any northern long-eared bat (NLEB) maternity roost trees near the project site.

109 Holton Street, Winchester is not within the 150ft buffer zone for maternity roost trees of NLEB. It is also not within Natural Heritage and Endangered Species Priority or Estimated Habitat for Rare Species and therefore does not require review pursuant to the Massachusetts Endangered Species Act (MESA).

You may confirm roosts and hibernacula locations for any current or future projects by visiting the following page:

Blocked <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/species-information-and-conservation/rare-mammals/northern-long-eared-bat.html>

Best,

Daisy Medeiros
Endangered Species Review Assistant
Natural Heritage & Endangered Species Program
Massachusetts Division of Fisheries & Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
(508) 389-6357 | Daisy.M.Medeiros@state.ma.us
mass.gov/nhesp | [facebook.com/masswildlife](https://www.facebook.com/masswildlife)

From: Atwood, Kathleen A CIV (US) <Kathleen.A.Atwood@usace.army.mil>
Sent: Thursday, January 12, 2017 12:11 PM
To: Heritage, Natural (FWE)
Subject: Food and Drug Administration building construction

To whom this may concern:

The U.S. Army Corps of Engineers (ACOE) is preparing an Environmental Assessment on behalf of the Food and Drug Administration (FDA) for a building construction and demolition project. A letter was sent to your office dated November 21, 2016 requesting comments on the proposed project and the location of any northern long-eared bat (*Myotis septentrionalis*) (NLEB) maternity trees within a 150 foot buffer of the project area (please see the attached letter). The ACOE has not received a response at this time.

Please contact me should you need additional information to complete your review. We are currently working toward completing our coordination with the U.S. Fish and Wildlife Service under the Endangered Species Act regarding potential impacts to the NLEB. In addition, a review of location maps on your website did not identify any Priority Habitat for any species. Please let us know if there is additional information that we should be aware of concerning state listed species.

I would be happy to discuss this with you further. I can be reached at the contact information below.

Regards,
Kate Atwood

Kathleen A. Atwood



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

February 13, 2017.

Planning Division
Evaluation Branch

Ms. Brona Simon, Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission
Massachusetts Archives Building
220 Morrissey Boulevard
Boston, Massachusetts 02125

Dear Ms. Simon:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Construction Replacement Project at the Food and Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1). We would like your comments on this proposed project.

The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, constructed in 1952, eight auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs (Figure 2). The preferred project includes the construction of a new building and four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building and seven auxiliary buildings, and moving of one hazardous waste storage building to the south of the new building. The existing connections to the local water, sewer, and sanitary utilities would be maintained.

The site was used by the Atomic Energy Commission between 1952 and 1961 for the development of methods to extract uranium and thorium from ore to prepare uranium tetrafluoride. Since 1961, the primary site uses are the laboratory analysis of radionuclides in food, device sterility and evaluation of chemical sterility and disinfectants, and evaluation of medical device safety.

The site is almost fully developed with the building, eight auxiliary structures and paved parking areas east and south of the site (see enclosed photographs). There is a landscaped lawn at the front of the building. There is a small fringe of shrubs and mature trees to the north and east of the facility. There are numerous bedrock outcrops in this area. The Aberjona River is over 800 feet away, the nearest freshwater wetlands

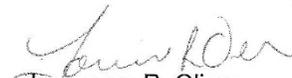
are 0.5 miles away to the north, and the 100 year floodplain is 0.5 miles to the south and east.

The proposed project will be part of a design-build project, so the outline of the new facility is not yet defined, except that it will be confined to the current parcel. A copy of the conceptual site plan that will be sent out to contractors is enclosed for your review.

We believe that proposed project will have no effect on historic properties. The site has been fully developed. Any areas that have not been paved have been subject to extensive landscaping or are very stony areas with bedrock outcrops. We would appreciate your concurrence.

If you have any questions or comments, or would like to visit the site, please contact Ms. Kate Atwood at (978) 318-8537 or by email at Kathleen.a.atwood@usace.army.mil or the Project Manager, Jennifer Flanagan at (978) 318-8015 or by email at Jennifer.w.flanagan@usace.army.mil.

Sincerely,


Lawrence R. Oliver
Chief, Planning Division

Similar letter sent to:
Ms. Ramona Peters
Tribal Historic Preservation Officer
483 Great Neck Road South
Mashpee, MA 02649

Ms. Bettina Washington
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

RECEIVED

FEB 16 2017

MASS. HIST. COMM

RC.61778

February 13, 2017.

Planning Division
Evaluation Branch

Ms. Brona Simon, Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission
Massachusetts Archives Building
220 Morrissey Boulevard
Boston, Massachusetts 02125

Dear Ms. Simon:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Construction Replacement Project at the Food and Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1). We would like your comments on this proposed project.

The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, constructed in 1952, eight auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs (Figure 2). The preferred project includes the construction of a new building and four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building and seven auxiliary buildings, and moving of one hazardous waste storage building to the south of the new building. The existing connections to the local water, sewer, and sanitary utilities would be maintained.

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Sincerely,


Lawrence R. Oliver
Chief, Planning Division

Similar letter sent to:
Ms. Ramona Peters
Tribal Historic Preservation Officer
483 Great Neck Road South
Mashpee, MA 02649

Ms. Bettina Washington
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535

CONCURRENCE. 
3/2/17 BRONA SIMON RC.61778
STATE HISTORIC
PRESERVATION OFFICER
MASSACHUSETTS
HISTORICAL COMMISSION



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

November 21, 2016

Planning Division
Evaluation Branch

Jack Buckley, Director
Division of Fisheries and Wildlife
One Rabbit Hill Road
Westborough, Massachusetts 01581

Dear Mr. Buckley:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Building Construction Replacement Project at the Federal Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1).

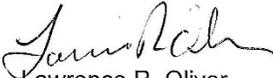
The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, nine auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs (Figure 2). The proposed project includes the construction of a new building and four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building, and seven auxiliary buildings and the moving of one hazardous waste storage building to the south of the new building. All hazardous materials will be handled in accordance with appropriate federal, state, and local laws and regulations. The existing connections to the local water, sewer, and sanitary utilities will be maintained.

The site is almost fully developed with the building, nine auxiliary structures and paved parking areas east and south of the site. There is a landscaped lawn at the front of the building. There is a small fringe of shrubs and mature trees to the north and east of the facility. These include native and invasive species. The Aberjona River is over 800 feet away, the nearest freshwater wetlands are 0.5 miles away to the north, and the 100 year floodplain is 0.5 miles to the south and east.

The proposed project will be part of a design-build project, so the outline of the new facility is not yet defined, except that it will be confined to the current parcel. The taking of mature trees will be minimized to the extent possible.

The purpose of this letter is to request your comments on the proposed project. If you have any questions or comments, or would like to visit the site, please contact Ms. Kate Atwood at (978) 318-8537 or by email at Kathleen.a.atwood@usace.army.mil or the Project Manager, Jennifer Flanagan at (978) 318-8015 or by email at Jennifer.w.flanagan@usace.army.mil.

Sincerely,


Lawrence R. Oliver
Chief, Evaluation Branch



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

November 21, 2016

Planning Division
Evaluation Branch

Timothy L. Timmerman, Associate Director
Office of Environmental Review
Environmental Protection Agency, New England, Region
5 Post Office Square, Suite 100
Mail Code ORA-17-1
Boston, Massachusetts 02109

Dear Mr. Timmermann:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Building Construction Replacement Project at the Federal Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1).

The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, nine auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs (Figure 2). The proposed project includes the construction of a new building and four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building, and seven auxiliary buildings, and the moving of one hazardous waste storage building to the south of the new building. All hazardous materials will be handled in accordance with appropriate federal, state, and local laws and regulations. The existing connections to the local water, sewer, and sanitary utilities will be maintained.

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The purpose of this letter is to request your comments on the proposed project. If you have any questions or comments, or would like to visit the site, please contact Ms. Kate Atwood at (978) 318-8537 or by email at Kathleen.a.atwood@usace.army.mil or the Project Manager, Jennifer Flanagan at (978) 318-8015 or by email at Jennifer.w.flanagan@usace.army.mil.

Sincerely,


Lawrence R. Oliver
Chief, Evaluation Branch



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
606 VIRGINIA ROAD
CONCORD MA 01742-2761

February 13, 2017

Planning Division
Evaluation Branch

Ms. Ramona Peters
Tribal Historic Preservation Officer
453 Great Neck Road South
Mashpee, MA 02649

Dear Ms. Peters:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Construction Replacement Project at the Food and Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1). We would like your comments on this proposed project.

The FDA-WEAC project site is approximately 6 acres in size and includes an existing 35,000 square foot building, constructed in 1952, eight auxiliary buildings, two parking areas, open lawn and bordering trees and shrubs (Figure 2). The preferred project includes the construction of a new building and four new storage buildings north of the existing building within the same parcel of land, the demolition of the existing building and seven auxiliary buildings, and moving of one hazardous waste storage building to the south of the new building. The existing connections to the local water, sewer, and sanitary utilities would be maintained.

The site was used by the Atomic Energy Commission between 1952 and 1961 for the development of methods to extract uranium and thorium from ore to prepare uranium tetrafluoride. Since 1961, the primary site uses are the laboratory analysis of radionuclides in food, device sterility and evaluation of chemical sterility and disinfectants, and evaluation of medical device safety.

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The proposed project will be part of a design-build project, so the outline of the new facility is not yet defined, except that it will be confined to the current parcel. A copy of the conceptual site plan that will be sent out to contractors is enclosed for your review.

We believe that proposed project will have no effect on historic properties. The site has been fully developed. Any areas that have not been paved have been subject to extensive landscaping or are very stony areas with bedrock outcrops. We would appreciate your concurrence.

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Sincerely,


Lawrence R. Oliver
Chief, Planning Division

Similar letter sent to:

Ms. Bettina Washington
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535

Ms. Brona Simon, Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission
Massachusetts Archives Building
220 Morrissey Boulevard
Boston, Massachusetts 02125



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

February 13, 2017

Planning Division
Evaluation Branch

Ms. Bettina Washington
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535

Dear Ms. Washington:

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State Historic Preservation Officer
Massachusetts Historical Commission
Massachusetts Archives Building
220 Morrissey Boulevard
Boston, Massachusetts 02125

Ms. Ramona Peters
Tribal Historic Preservation Officer
483 Great Neck Road South
Mashpee, MA 02649



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

November 21, 2016

Planning Division
Evaluation Branch

Richard Howard, Town Manager
71 Mt. Vernon Street
Town Hall, 2nd Floor
Winchester, Massachusetts 01890

Dear Mr. Howard:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Building Construction Replacement Project at the Federal Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1).

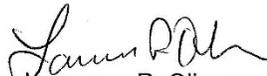
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Lawrence R. Oliver
Chief, Evaluation Branch



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

November 21, 2016

Planning Division
Evaluation Branch

Mr. Scott Galvin, Mayor
Mayor's Office
City Hall
10 Common Street
Woburn, Massachusetts 01801

Dear Mr. Galvin:

The U.S. Army Corps of Engineers, New England District (NAE) is preparing an Environmental Assessment for a proposed Building Construction Replacement Project at the Federal Drug Administration, Winchester Analytical and Engineering Center (FDA-WEAC) located in Winchester and Woburn, Massachusetts (Figure 1).

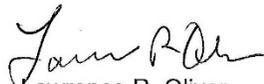
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Sincerely,



Lawrence R. Oliver
Chief, Evaluation Branch

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:	YES	NO
1. Does the project occur wholly outside of the WNS Zone ¹ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency ² to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³ : Judith L. Johnson, Judith.l.johnson@usace.army.mil (978) 318-8138

Project Name: Food and Drug Administration, Winchester Engineering and Analytical Center (FDA-WEAC) (Figure 1)

Project Location : 109 Holton Street Winchester, MA (Latitude 42°28'15.14"N Longitude 71°7'56.73"W)

Basic Project Description (provide narrative below or attach additional information): see attached

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

² See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhsites.html>

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	1 acre	
If known, estimated acres ⁵ of forest conversion from April 1 to October 31	unknown	
If known, estimated acres of forest conversion from June 1 to July 31 ⁶	unknown	
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: _____

Date Submitted: _____

⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.

Appendix B - Notice of Availability of the Draft Environmental Assessment

**PUBLIC NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL ASSESSMENT AND FINDING OF
NO SIGNIFICANT IMPACT FOR THE FOOD AND DRUG ADMINISTRATION WINCHESTER ENGINEERING
AND ANALYTICAL CENTER, WINCHESTER AND WOBURN, MASSACHUSETTS**

Pursuant to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR 1500), the U.S. Army Corps of Engineers conducted an Environmental Assessment (EA) of the potential environmental and socioeconomic effects associated with the Food and Drug Administration Winchester Engineering and Analytical Center located in Winchester and Woburn, Massachusetts.

The Draft EA and Finding of No Significant Impact (FONSI) will undergo a 30-day public review period, from July 31 through August 30, 2017. This is in accordance with requirements specified in 40 CFR 1501.4 and 1506.6 and CEQ regulations.

The Draft EA and FONSI can be accessed on the U.S. Army Corps of Engineers, New England District website at:
<http://www.nae.usace.army.mil/Missions/Public-Notices/>

Printed copies of the Draft EA and FONSI can also be requested.

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Legal Notices were placed in the on Friday, BLANK.

Appendix C Record of Non-applicability

CLEAN AIR ACT - RECORD OF NON-APPLICABILITY (RONA)

GENERAL CONFORMITY - RECORD OF NON-APPLICABILITY

Project/Action Name: **FDA-WEAC, building construction and demolition project**

Project/Action Point of Contact: Jennifer Flanagan, USACE Technical Lead
Phone: 978-318-8347

Begin Date: 2017 End Date: 2020

General Conformity under the Clean Air Act, Section 176 has been evaluated for the project described above according to the requirements of 40 CFR 93, Subpart B. The requirements of this rule are not applicable to this project/action because:

Middlesex County has met the attainment standards for all six criteria (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, and lead); just recently meeting attainment standards for ozone. On March 12, 2008, a new 8-hour ozone standard became effective and the previous 8-hour ozone standard (1997) was revoked on February 13, 2017. Middlesex County achieved attainment for ozone when the 1997 ozone standard was revoked. Middlesex County is in attainment for all six criteria air pollutants and therefore, a Federal Conformity Review is not required for this project.

AND

The project/action is not considered regionally significant under 40 CFR 93.153(i).

Supporting documentation is:

- APPEAR IN THE NEPA DOCUMENTATION (Clean Air Act Conformity Section)
- OTHER

Date: 28 July 2017

Signed: _____

Joseph B. Mackay, Chief
Environmental Resources Section