

DEPARTMENT OF DEFENSE

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Department of the Navy

**Record of Decision (ROD) for the Disposal and Reuse of Naval Air
Station (NAS) Brunswick, Maine**

AGENCY: Department of the Navy, DoD

COOPERATING AGENCY: Federal Aviation Administration

ACTION: Notice of Record of Decision

SUMMARY: The U.S. Department of the Navy (Navy) announces its decision to dispose of the NAS Brunswick property and its outlying properties (defined as the McKeen Street Housing Annex, East Brunswick Radio Transmitter Site, and Sabino Hill Rake Station) in a manner consistent with the *Brunswick Naval Air Station Reuse Master Plan* as outlined in the Final Environmental Impact Statement (FEIS) under Alternative 1, the Preferred Alternative.

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SUPPLEMENTARY INFORMATION: **The** Navy is required to close NAS Brunswick, in accordance with Public Law 101-510, the Defense Base Closure and Realignment Act of 1990, as amended in 2005 (BRAC Closure Law). Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. Section 4321, et seq.; Council on Environmental Quality Regulations (40 CFR 1500-1508); and Department of the Navy regulations (32 CFR 775), the Navy announces its decision to dispose of NAS Brunswick and its outlying properties in a manner consistent with the *Brunswick Naval Air Station Reuse Master Plan* (Reuse Master Plan) as developed and approved by the Brunswick Local Redevelopment Authority (BLRA). To comply with the BRAC Closure Law, the installation must be closed on or before September 15, 2011. The implementation of this alternative will result in the reuse of approximately 3,200 acres of previously Navy-owned property. Full build-out of the Preferred Alternative is proposed to be implemented over a 20-year period. The Preferred Alternative includes the redevelopment of approximately 1,630 acres (51%). In addition,

approximately 1,570 acres (49%) would be dedicated to a variety of active and passive uses, including recreation, open space, and natural areas. This alternative is based upon reuse of the existing airfield and its supporting infrastructure, a mix of land use types and densities, and the preservation of open space and natural areas. The Preferred Alternative includes the reuse of 43 existing non-residential structures containing approximately 1,289,000 square feet of usable space and 653 existing residential units. The Preferred Alternative also incorporates smart-growth principles such as pedestrian-friendly transportation features (e.g., walkable neighborhoods and bike lanes), compact development, open spaces, and a mix of land use types. Under the Preferred Alternative, the McKeen Street Housing Annex would remain residential; the East Brunswick Radio Transmitter Site would be utilized as recreational, open space, and natural areas; and the Sabino Hill Rake Station property would be utilized for parks and recreation.

Purpose and Need: The purpose of the proposed action is to provide for the disposal of NAS Brunswick by the Navy in a manner consistent with the Reuse Master Plan. The need is to provide the local community the opportunity for economic development and job creation.

Public Involvement: From the initial stages of the NEPA process, the Navy has actively engaged and encouraged public participation. The Navy published the Notice of Intent (NOI) to prepare an EIS in the Federal Register on October 24, 2008. Notices were published on November 6-11, 2008 in four local newspapers in the regional area of NAS Brunswick and through local media outlets, as well as through letters to federal, state, and local agencies and officials, interested groups and organizations, and individuals. Two public scoping meetings were held in the Town of Brunswick, Maine, on November 12 and 13, 2008.

The Notice of Availability for the Draft Environmental Impact Statement (DEIS) was published in the Federal Register on May 4, 2010, along with the announcement of public hearings. Notices were published on May 27-28, 2010 in four newspapers in the regional area of NAS Brunswick and through local media outlets. Two information sessions and public hearings were conducted in the Town of Brunswick, Maine, on June 2 and 3, 2010. A total of 25 comment statements were received during the public comment period, including a total of 153 unique comments on the DEIS.

The Notice of Availability of the FEIS was published in the Federal Register on November 23, 2010. Notices were published on November 26-27, 2010 in four newspapers in the regional area of NAS Brunswick and through local media outlets. The FEIS addressed all oral and written comments received during the DEIS public and agency comment periods. The FEIS was mailed to all individuals, agencies, and organizations that requested a copy of the final document. The ROD is publicly available on the Web site at <http://www.bracpmo.navy.mil/>.

Alternatives Considered: The Navy evaluated alternatives that would meet the purpose and need of the action and applied screening criteria to identify alternatives that were reasonable. The screening process and selection criteria were set out in the EIS. The result of the screening process was the evaluation of two BRAC alternatives, referred to in the FEIS as the Preferred Alternative, a redevelopment plan based on the approved Reuse Master Plan, Alternative 2, a higher-density redevelopment plan based on the guiding principles of the approved Reuse Master Plan, and the No Action Alternative. Both BRAC alternatives would accomplish the purpose and need.

Preferred Alternative: The Preferred Alternative includes the development of approximately 1,630 acres (51%) of the 3,200-acre

site. In addition, approximately 1,570 acres (49%) of the 3,200-acre site would be dedicated to a variety of active and passive uses, including recreation, open space, and natural areas. Full build-out of the Preferred Alternative is proposed to be implemented over a 20-year period. This alternative is based upon reuse of the existing airfield and its supporting infrastructure, a mix of land use types and densities, and the preservation of open space and natural areas. The Preferred Alternative includes the reuse of 43 existing non-residential structures containing approximately 1,289,000 square feet of usable space and 653 existing residential units. The Preferred Alternative also incorporates smart-growth principles such as pedestrian-friendly transportation features (e.g., walkable neighborhoods and bike lanes), compact development, open spaces, and a mix of land use types. Under the Preferred Alternative, the McKeen Street Housing Annex would remain residential, the East Brunswick Radio Transmitter Site would be utilized as recreational, open space, and natural areas, and the Sabino Hill Rake Station property would be utilized for parks and recreation.

Alternative 2 includes the development of approximately 1,580 acres (49%) of the 3,200-acre site. In addition, approximately 1,620 acres (51%) of the 3,200-acre site would be dedicated to a

variety of active and passive uses, including recreation, open space, and natural areas. Full build-out of Alternative 2 is proposed to be implemented over a 20-year period. Alternative 2 incorporates a higher density of residential and mixed-use development and no reuse of the airfield. This alternative presents a mix of land use types and densities and preserves open space and natural areas. Alternative 2 also incorporates smart-growth principles such as pedestrian-friendly transportation features (e.g., walkable neighborhoods and bike lanes), compact development, open spaces, and a mix of land use types. Under Alternative 2, the McKeen Street Housing Annex would remain residential, the East Brunswick Radio Transmitter Site would be utilized as recreational, open space, and natural areas, and the Sabino Hill Rake Station property would be utilized for parks and recreation.

The No-Action Alternative is the retention of the NAS Brunswick property by the U.S. government in caretaker status. Existing structures and land would not be reused or developed. The No-Action Alternative is evaluated in this FEIS as prescribed by Council of Environmental Quality regulations.

Environmentally Preferred Alternative: The No-Action Alternative maintains the status quo and therefore does not impact the

existing environment. It is the environmentally preferred alternative. However, it does not meet the purpose and need of the action and does not comply with the BRAC law.

The Preferred Alternative identified in the FEIS by the Navy best meets the purpose and need of the proposed action. The Preferred Alternative is the reuse of NAS Brunswick in a manner consistent with the approved Reuse Master Plan. The Preferred Alternative encompasses all of the land use districts outlined in the Guiding Principles for the Reuse Master Plan. The reuse plan will consider a mix of land uses, including but not limited to, the following: business with potential for high employment growth, capital investment and tax revenue, open space and public recreation uses, academic and research facilities, governmental/public services, housing, and aviation. The Preferred Alternative utilizes the existing airfield as a civilian airfield and provides employment opportunities and the framework for smart-growth development in the aviation-related business, professional office, community mixed use, business and technology industries, education, and residential land use districts. The Preferred Alternative also has 1,570 acres dedicated to natural, open space, and recreation areas. The Preferred Alternative is considered environmentally preferred among the two action alternatives.

ENVIRONMENTAL IMPACTS: To examine impacts resulting from the disposal and reuse of the installation, a build-out analysis was conducted. The build-out analysis is a projection of the maximum number of residential housing units and total floor area of commercial, business, industrial, and educational building space allowed under current Town of Brunswick zoning regulations. Furthermore, other resource-specific planning multipliers were applied to the build-out analysis to project population, employment, construction costs, traffic, water use, wastewater flows, and impervious surface area. The analysis was necessary because the Reuse Master Plan does not identify specific conditions (e.g., scale of development, number of residential units, and square footage of non-residential floor space) that would result from build-out of the property. Without these data on future build-out conditions, analysis of some resource areas (e.g., land use, transportation) was not possible.

The build-out analysis is only a projection of the maximum conditions allowed under current zoning regulations and is based on standard land use planning assumptions. The final build-out of the installation is subject to many variables, including

future market conditions, changes to local and state land use regulations, and other development factors.

Land Use: The Preferred Alternative would result in changes to existing land use conditions on the installation, including a more intensively built environment, new land uses, and open public access to the formerly secure and restricted military property. The Preferred Alternative is consistent with the *Town of Brunswick 2008 Comprehensive Plan and Zoning Ordinance*. Upon full build-out, the property would be apportioned as follows: 500 acres to the airport operations land use district; 230 acres to the aviation-related business land use district; 120 acres to the professional office land use district; 175 acres to the community mixed-use land use district; 190 acres to the business and technology industries land use district; 200 acres to the education district; 215 acres to the residential district; and 1,570 acres to recreation, open space, and natural areas land use districts. Full build-out would provide the land area required to develop a maximum of 2,946 residential units, 9.19 million square feet of non-residential floor space, 250 hotel rooms, and 1,570 acres of recreation, open space, and natural areas.

Socioeconomics: Major beneficial economic effects to the surrounding economy would be expected resulting from the new construction and renovation of existing facilities during reuse development. A net increase of 10,500 direct jobs could be created at full build-out under the Preferred Alternative. There would also be a net present value of \$397.7 million in new construction, including supplies and labor.

An analysis was conducted in compliance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations). This analysis found that although there are small pockets of low-income populations within the Town of Brunswick and the Brunswick Labor Market Area, they do not constitute an environmental justice community as defined by the U.S. Environmental Protection Agency (EPA) or necessitate further analysis when measured against the community of comparison (state of Maine).

Under the Preferred Alternative, there would be a decrease of approximately 250 K-12 students; therefore, existing schools would not need to expand. Demand for local healthcare and medical facilities, as well as public safety and emergency facilities, would be expected to increase. Public safety and emergency facilities would also need to expand their service

area to include the former installation property (approximately 3,200 acres).

Transportation: Disposing of the NAS Brunswick property opens the formerly secure military installation to public access. The full build-out design under the Preferred Alternative includes eight new access points. A net increase of 5,217 vehicle trips is expected during the P.M. peak hour (2:30 P.M. through 6:30 P.M.) on the existing network of roads near NAS Brunswick. There would also be short-term construction-related traffic.

Hazardous Waste: At full build-out, the quantity of hazardous wastes and materials used/generated, stored, and disposed of would be expected to be less than the quantity generated during the Navy's operations at NAS Brunswick. The Navy will continue as the lead agency for site investigations and remediation, with oversight by the EPA and Maine Department of Environmental Protection (MEDEP), at all sites identified through the Environmental Restoration Program. Currently planned cleanup activities at all Environmental Restoration Program sites will continue in order to achieve the cleanup standards established under the Resource Conservation and Recovery Act, Comprehensive Environmental Response and Liability Act, and Superfund Amendments and Reauthorization Act.

Air Quality: Construction-related air emissions would be temporary and would primarily occur within the boundaries of the former NAS Brunswick installation property. The impact would depend on construction activities and schedule, which has not yet been determined. Cumberland County, Maine, is currently in attainment for all criteria pollutants, but is subject to a maintenance plan for ozone attainment.

In accordance with revisions to 40 CFR 93.153 published July 6, 2010, General Conformity requirements shall not apply to federal actions that involve the transfer of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of transfer (40 CFR 93.153(c)(2)(xiv)). Under either Alternative 1 or Alternative 2, the disposal and transfer of NAS Brunswick land and improvements would be carried out by the Navy and is exempt from the General Conformity Rule requirements under (40 CFR 93.153(c)(2)(xiv)).

The FAA has reviewed the proposed Airport Layout Plan as part of the FAA's independent review and approval process. The FAA has determined that General Conformity applies to the FAA's approval of the Airport Layout Plan considered under Alternative 1, although the final design is not considered part of this action.

Noise: The Preferred Alternative has a civilian airport component and aircraft operations would be expected to increase to 45,500 operations per year (up from 24,709 operations in 2008). Noise associated with future operations, however, would be expected to decrease compared to existing (2008 baseline) conditions. This is because the majority of future aircraft operations would involve aircraft that are smaller and quieter than the military aircraft that operated at NAS Brunswick. Under the Preferred Alternative, there would be only minor short-term noise impacts from construction. It is expected that traffic noise would be generated in areas that are already experiencing traffic noise and would not result in additional noise impacts.

Utilities: Upon full build-out of the Preferred Alternative, water and wastewater volumes would exceed existing (2008 baseline) conditions. The projected net increase in demand for water is estimated to be 1.10 million gallons per day (gpd). The existing water system is expected to have enough capacity to meet the demand. The projected net increase in wastewater treatment is estimated to be 872,153 gpd, and an expansion of the existing water treatment system would be required to handle the new volume. Full build-out of the Preferred Alternative would result in a net increase of 343 acres of impervious

surface over existing (2008 baseline) conditions. Other utility systems such as natural gas and electricity would need to be expanded or relocated to accommodate the final design at full build-out of the Preferred Alternative.

Cultural Resources: Under Section 106 of the National Historic Preservation Act, the Navy has completed formal Section 106 consultation to resolve all adverse effects to historic properties. Twenty structures on the installation property are eligible for listing in the National Register of Historic Places (NRHP) and thirty-five archaeological sites have been identified. The Navy and the Maine State Historic Preservation Office (SHPO) have finalized and executed a Programmatic Agreement (PA) that identifies measures to avoid, minimize, or mitigate the adverse effect of the proposed action on historic properties.

Geology, Topography and Soils: The majority of redevelopment under the Preferred Alternative would occur in areas that have already been developed by the Navy. Some alteration of the existing topography would be expected as a result of grading and associated cut-and-fill activities necessary to accommodate new building sites. New construction could also impact soils with erosion potential, hydric soils, soils with limited

constructability, and soils identified as farmland of statewide importance. There would be no impact on geologic resources. Under the Preferred Alternative, 1,570 acres of the installation property would be dedicated to preserving open space and natural areas.

Surface Waters: The 18-hole golf course and pedestrian trails proposed under the Preferred Alternative could impact surface waters. Surface waters are also present in each land use district. The creation of 343 additional acres of impervious surface could impact groundwater recharge in the area. Development in the airport operations and the business and technology districts may be located within a floodplain. Any development within a floodplain would be regulated by the Town of Brunswick. There are 389 acres of wetlands on NAS Brunswick, of which 51 acres may be potentially impacted by future development.

Biological Resources: At full build-out under the Preferred Alternative, up to 1,146 acres of undeveloped land, including 690 acres of upland forests, could be impacted, and 25 acres of critically imperiled Little Bluestem-Blueberry Sandplain Grassland and 50 acres of existing maintained grass could be developed. There would also be long-term conservation and

preservation of 1,060 acres of natural ecological communities. At the East Brunswick Radio Transmitter site, 64 acres of the critically imperiled Sandplain Grassland habitat could be impacted.

Wildlife such as small terrestrial mammals, amphibians, and reptiles would be most likely to be impacted, although only in the short term. Upon completion of construction, recolonization by wildlife would be expected. There are no federally listed threatened or endangered species on the NAS Brunswick property. Three state-listed species are present: the upland sandpiper, grasshopper sparrow, and clothed sedge. There would be a potential impact on these three species because prime habitat could be permanently removed as a result of development. Any party proposing development or other land disturbances in the proposed land use districts that contain prime habitat would be required to consult with the Maine Department of Inland Fisheries and Wildlife (MDIFW) to receive the appropriate permits and clearances. The Preferred Alternative includes the reuse of the airfield as a civilian airport. Therefore, areas around the airfield would continue to be maintained in accordance with Federal Aviation Administration (FAA) requirements and would remain suitable for state-listed species. On the main installation property, 25 acres of critically

imperiled Little Bluestem-Blueberry Sandplain Grassland habitat could be removed for the proposed professional office, education, and aviation-related uses land use districts. Full development in these land use districts would impact the grasshopper sparrow and other grassland bird species. The Maine Department of Inland Fisheries and Wildlife (MDIFW) has stated that these proposed land uses in areas of Sandplain Grassland habitat would be incompatible with protections afforded state-listed species (e.g., grasshopper sparrow) under the Maine Endangered Species Act. Further reduction of available habitat, particularly historic core breeding areas, would significantly impact species recovery on the property. Since this habitat is considered a significant wildlife habitat under the Maine Natural Resource Protection Act (NRPA), a permit would likely be required for any development within this area. Such permitting would likely require review and approval from the MDIFW and MNAP.

In addition, there would be potential impacts on deer wintering areas, 34 vernal pools, and 15 significant vernal pools and associated buffer area. Consultation with the MEDEP and an NRPA permit would be required before taking actions that could impact significant vernal pools or buffer areas.

No impact would be expected on important bird areas or essential fish habitat, and there would be no significant adverse impact

on populations of migratory bird species protected under the Migratory Bird Treaty Act (MBTA). There would be no impact on nesting and foraging areas used by bald eagles protected under the Bald and Golden Eagle Protection Act, although there are nests in the vicinity of NAS Brunswick.

MITIGATION MEASURES: The disposal and reuse of NAS Brunswick could adversely impact certain human and natural environment resources without the use of mitigation measures.

Transportation: A net increase in vehicle trips and impacts on transportation could be mitigated by the developer through the planned expansion of and updates to existing roadways in the area.

Air Quality: Implementation of traffic-related mitigation measures by the future developer could also mitigate air quality impacts associated with traffic by decreasing the amount of time motor vehicles idle at an intersection. Construction-related air emissions can be mitigated by utilizing best management practices (BMPs). These BMPs include but are not limited to: utilizing fuel-efficient vehicles with emission controls; ensuring all equipment is properly maintained; spraying water on soil piles and graded areas; minimizing idling of construction

vehicles; and utilizing existing power sources (i.e., power poles) or clean fuel generators rather than diesel-powered generators. A project-specific dust control plan should be drafted by the developer for each project to control dust in accordance with Maine's Erosion and Sediment Control BMPs. Specific practices include: using traffic control to restrict traffic to predetermined routes; maintaining as much natural vegetation as practicable; phasing of construction to reduce the area of land disturbed at any one time; using temporary mulching, permanent mulching, temporary vegetative cover, permanent vegetative cover, or sodding to reduce the need for dust control, using mechanical sweepers on paved surfaces, where necessary, to prevent dirt buildup, which can create dust; periodically moisten exposed soil surfaces to control dust; and repeatedly applying treatments, as needed, to control dust when temporary dust control methods are used. In addition, to reduce air emissions from buildings, the developer may integrate modern building construction and renovation methods can be used to provide energy efficiencies (i.e., LEED programs and Energy Star programs). It is expected the redevelopment would follow the Reuse Plan's *Community Design Guidelines* and would incorporate low-impact development, smart growth principles, best management practices, and redevelopment design measures that incorporate energy conservation including effective insulation, high-

performance windows, tight construction and ducts, efficient heating and cooling equipment, and energy efficient products.

Storm Water Management: Storm water mitigation will be outlined by the developer in a storm water management plan, as required by the Town of Brunswick. The developer may be required to submit a site development plan, which will include a specific Storm Water Pollution Prevention Plan (SWPPP) for the redevelopment project. This would include a site plan for managing storm water runoff and describe the BMPs to be implemented to minimize erosion, sedimentation, and storm water pollution. BMPs may include grass swales to filter and reduce storm water runoff, silt fencing to minimize erosion, and berms to prevent silt-laden runoff from entering storm drains. Development within the watersheds of Urban Impaired Streams will also require mitigation measures, which may include either (1) paying a compensation fee or (2) treating, reducing, or eliminating an off-site or on-site pre-development impervious storm water source. If an existing impervious area is to be redeveloped, it may not be necessary to meet the Urban Impaired Stream Standard. This could occur if the MEDEP determines that the new use of the existing impervious area is unlikely to increase impacts on storm water runoff above the levels already present in the existing impervious areas. Post-construction

BMPs would also be required to control the average annual load of total suspended solids in storm water runoff. If spillage of fuels or lubricating oils occurs, it will be cleaned up immediately by the removal and proper disposal of all contaminated soils pursuant to applicable regulatory requirements.

Cultural Resources: Historic properties listed or eligible for listing in the NRHP were evaluated as part of this EIS. A *Programmatic Agreement (PA), Between the United States Navy and the Maine State Historic Preservation Officer (SHPO) on the Lease and Property Transfer of Properties Located at Naval Air Station Brunswick, Maine and Topsham Annex, Topsham, Maine*, was cooperatively finalized and executed. The PA identifies measures to avoid, minimize, or mitigate the adverse effect on historic properties and/or archaeological sites. Property recipients and future developers shall be required to contact and coordinate approval with the Maine SHPO prior to initiating any development that may affect these sites. Mitigation for any adverse effect resulting from the development will be negotiated between the developer and the Maine SHPO. In order to ensure the further protection of the historic properties, the PA requires covenants be included in any long-term lease in furtherance of conveyance and/or deed of transfer by the Navy on

which any archaeological sites or historic resources are located. The covenants provide for enforcement by either the Navy or the SHPO and shall be binding on all property recipients and future transferees.

Sediment and Erosion Control: Redevelopment of NAS Brunswick has the potential to cause soil erosion. The developer will be required to utilize mitigation measures in accordance with Maine's Erosion and Sediment Control Law and other applicable state laws. Soil impacts resulting from the implementation of the Preferred Alternative will be mitigated by the future developer through the use of temporary erosion and sediment control measures during construction, permanent storm water management measures, and appropriate building site location and design. Appropriate engineering controls may be used to mitigate soil limitations before construction begins.

Wetland Impacts: Implementation of the Preferred Alternative could potentially impact 51 acres of wetlands. In accordance with the Clean Water Act and the Maine Natural Resources Preservation Act (NRPA), wetland disturbance must be avoided by the developer where possible. If the developer cannot avoid wetland impacts, a wetland permit application will be required along with any necessary mitigation plan. Compensation by the

developer as a form of mitigation may also be required for any lost functions and values of wetlands. Mitigation may take the form of restoring degraded wetlands, enhancing the functions of existing wetlands, preserving wetlands on adjacent uplands that have similar functions and are vulnerable to development, or creating wetlands from upland areas. The U.S. Army Corps of Engineers generally requires a mitigation ratio of 2:1 for permanent impacts on forested wetlands. Impacts on surface waters can also be mitigated by the developer through the protection of riparian buffer zones, development of Erosion and Sedimentation Control Plans, and implementation of BMPs. Any potential impacts on significant vernal pools will require the developer to consult with the MEDEP and obtain a Maine Natural Resources Preservation Act (NRPA) permit.

Wildlife Habitat: Any redevelopment activities that may impact significant wildlife habitat, including the Little Bluestem-Blueberry Sandplain Grassland, will require the future developer to consult with the Maine Natural Areas Program (MNAP) and MEDEP, as well as a permit from the NRPA. The consultation and permit processes will identify specific mitigation measures.

AGENCY CONSULTATION AND COORDINATION: The FAA participated in the preparation of the EIS as a Cooperating Agency. Under

Alternative 1, the NAS Brunswick airfield would be converted to a civilian airfield and would be under FAA jurisdiction. The Navy also initiated consultation with a number of federal and state agencies.

U.S. Environmental Protection Agency (USEPA) Region 1

The USEPA Region 1 office became an active part of the consultation process by attending an early Interagency Meeting held in November 2008. After the interagency meeting, the USEPA provided the Navy with public scoping requirements. After publishing the DEIS, the USEPA contacted the Navy in June 2010, providing comments on the DEIS. The Navy and the USEPA participated in a series of conference calls to adequately address the USEPA's concerns with the DEIS. Upon review of the FEIS, the USEPA sent comments to the Navy in December 2010. The Navy addressed the comments in this ROD.

U.S. Fish and Wildlife Service (USFWS) and National Oceanographic and Atmospheric Administration - National Marine Fisheries Service (NOAA Fisheries Service)

The proposed action involved environmental components that are under the responsibility of the USFWS Maine Field Office - Ecological Services. A request for formal consultation with the USFWS was initiated via a letter sent in December 2008 along

with maps of the proposed action alternatives and land use district categories. After review of the letter and attachments, the USFWS sent a letter, in December 2008, indicating that no federally listed endangered species occurred within the project area, thus completing the consultation with this agency required in Section 7 of the ESA.

In July 2009, the Navy contacted the NOAA National Marine Fisheries Service, North East Regional Office, requesting information on the presence of listed species, critical habitat, and marine mammals. Due to the inland location of the project area, in September 2009 NOAA National Marine Fisheries Service responded to the Navy, stating that no further consultation with NOAA was required.

***Maine Department of Inland Fisheries and Wildlife (MDIFW) and
Maine Natural Areas Program (MNAP)***

The proposed action involved environmental components that are under the responsibility of both the MDIFW and MNAP. A request for formal consultation with both state agencies was initiated via a letter sent in December 2008 along with maps of the proposed action alternatives and land use district categories. After review of the letter and attachments, in December 2008 the MNAP provided a list of rare and unique botanical features,

including habitats of rare, threatened, or endangered plant species and unique or exemplary natural communities that could be impacted by the proposed action. In April 2009, the MDIFW provided the Navy with maps and records pertaining to rare wildlife species, specifically birds. All information gathered through the consultation process was used to examine potential impacts on sensitive wildlife and botanical features identified in the EIS.

Maine Historic Preservation Commission

The Maine Historic Preservation Commission is the State Historic Preservation Office (SHPO) for the State of Maine. The Navy notified the Maine SHPO of the proposed action and the anticipated Section 106 consultation via letter in December 2008. In the December 2008 letter, the Navy identified three historic properties eligible for listing in the National Register of Historic Places (NRHP) and areas of archaeological sensitivity that could be affected by the proposal. The SHPO responded via letter in January 2009, stating that field work must be completed by the Navy, including archeological and architectural surveys, and approved by the SHPO. In an exchange of correspondence in July 2009, the Navy and the SHPO agreed on a path forward to conduct surveys.

In accordance with the National Historic Preservation Act (NHPA) and Executive Order Nos. 13007, 13084, and 13287, the Navy initiated consultation with the Native American Tribes in Maine in January 2010, requesting information on any known ceremonial or sacred sites located on or in the vicinity of NAS Brunswick.

In September 2010, the Navy and Maine SHPO signed a Programmatic Agreement that outlined the stipulations for development at NAS Brunswick to ensure the long-term preservation of the property's historic significance.

Maine State Planning Office (SPO)

In January 2010, the Navy contacted the Maine SPO, presenting the SPO with the Federal Agency Coastal Zone Management Act (CZMA) Negative Determination. In February 2010, the Maine SPO concurred with the Navy's negative determination regarding the policy in a letter.

RESPONSE TO COMMENTS RECEIVED REGARDING THE FINAL ENVIRONMENTAL

IMPACT STATEMENT (FEIS): The Navy received comments from two agencies on the FEIS, the EPA and the state of Maine SHPO. The EPA recommended the Navy condition property transfer to address storm water management, Energy/LEED, and construction emissions

requirements. The Navy expects that redevelopment will follow the Community Design Guidelines from the Reuse Master Plan, and applicable laws and regulations.

The Maine SHPO expressed concerns that the archaeological site at the East Brunswick Radio Transmitter Site was missing from the maps in the FEIS. The location of this site and other archaeological and culturally sensitive resources are identified in the Programmatic Agreement, Appendix O. In order to preserve the sensitivity of the specific site location, the figures and maps are not included; however, they are available to appropriate organizations and agencies.

CONCLUSIONS: In determining how to dispose of and reuse NAS Brunswick and its outlying properties, the following factors were considered: the results of the analysis of environmental and socioeconomic effects within the FEIS, relevant federal and state statutes and regulations, MRRRA's design guidelines, compatibility with the Reuse Master Plan and Town of Brunswick Zoning, and the comments received during the EIS process. After carefully weighing all of these factors and analyzing the data presented in the FEIS, I have determined that the Preferred Alternative best meets the needs of the Navy while minimizing potential environmental impacts. The preferred alternative

reuses the existing airfield and existing infrastructure at NAS Brunswick and promotes smart growth redevelopment, including walkable communities in a mix of residential and commercial uses. The preferred alternative preserves open space and provides the community with recreation areas. It provides for the disposal of NAS Brunswick and its outlying properties by the Navy in a manner consistent with Reuse Master Plan and provides the local communities in the Brunswick Labor Market Area with the opportunity for economic development and job creation.

1/26/11

Date



Roger M. Natsuhara

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