APPENDIX H

Participating Agencies
SECTION 106 CONSULTATION
April 29, 2022

Mr. Daniel Mackay, Deputy Commissioner and State Historic Preservation Officer
NYS Office of Parks, Recreation and Historic Preservation
PO Box 189
Waterford, NY 12188

SUBJECT: Initiation of Section 106 Consultation
Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Niagara Falls and Buffalo, New York

Dear Deputy Commissioner Mackay,

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) plans to programmatically test available counter unmanned aircraft system (C-UAS) technologies to evaluate their effectiveness in a range of terrains and environments and has prepared a single comprehensive document in order to meet DHS mission requirements. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, “Protection of Historic Properties (Section 106),” this letter is being transmitted to initiate consultation, to identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

Project Location

Five geographical testing areas are being considered including an area encompassing Niagara Falls and Buffalo, New York. A map of the area is included as Attachment 1.

Description of Undertaking

DHS S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) unmanned aircraft systems (UAS). The proposed undertaking includes testing of five types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested will be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The proposed undertaking evaluates five modalities (types) of systems: (1) Radar; (2) Passive radiofrequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic.

All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies.

DHS S&T would comply with all requirements for sUAS operations outlined in the U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification of Small Unmanned Aircraft Systems. Additionally, DHS S&T C-UAS testing would operate with an FAA
Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DoD controlled airspace). As part of the proposed undertaking, DHS will obtain FAA COAs for testing activities that involve operations at or below 400 feet above ground level.

**Area of Potential Effect**
Per NHPA Sections § 800.4(a)(1) and § 800.16(d), DHS S&T has defined the Area of Potential Effect (APE) for the undertaking as the proposed location of test events and the area where sUAS would land and fly. Because all C-UAS testing activities would occur above ground, there is no below-ground geographic area to include in the APE. No indirect effects are anticipated.

**Identification and Evaluation of Historic Properties**
A historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History and Architectural History consulted the National Register of Historic Places (NRHP) database, historic maps, aerial photos, and DHS S&T files for previous cultural resource reports and information on historic properties within the proposed undertaking APE. There are 185 NRHP-eligible or NRHP-listed architectural or archaeological resources within the APE. Niagara and Erie counties contain 53 historic districts.

Each C-UAS would have a normal operational altitude of up to 400 feet above ground level to satisfy operational and FAA requirements. Noise, as perceived from the ground, is not expected to be significant at the operating flight altitude. Ground activities related to the proposed undertaking would be minimal and limited to DHS properties. The test areas are characterized by human-built environments consisting of structures, paved and concrete surfaces, and landscaped areas. Construction activities are not anticipated and are not part of the proposed undertaking.

**Finding of No Adverse Effect to Historic Properties**
Due to the measures incorporated into the proposed undertaking to avoid impacts to above-ground properties and the absence of mechanisms to impact archaeological sites, DHS S&T has determined that pursuant to 36 C.F.R. 800.5(b), the proposed undertaking will have No Adverse Effects to Historic Properties and is seeking your concurrence.

Your prompt attention to the request is greatly appreciated. If DHS S&T has not received a response from your office within 30 days of your receipt of this determination letter, DHS S&T will consider its responsibilities under Section 106 to have been fulfilled.

Thank you for your support of the DHS mission. Should you need additional information, please do not hesitate to contact me via email at CUAS-Test@hq.dhs.gov.

Sincerely,

**SHAWN A MCDONALD**

Shawn McDonald
Program Manager
Mission & Capability Support
DHS, Science & Technology
May 23, 2022

Shawn McDonald  
Program Manager, Mission and Capability Support, Science and Technology Directorate  
U.S. Department of Homeland Security  
Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528-0525  

Re: DHS  
DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Niagara Falls, Niagara County and Buffalo, Erie County, New York  
22PR03450

Dear Shawn McDonald:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy State Historic Preservation Officer
Division for Historic Preservation
April 29, 2022

Ms. Andrea Lowery, PHMC Executive Director and State Historic Preservation Officer
Pennsylvania Historical and Museum Commission (PHMC)
Commonwealth Keystone Building, 400 North Street
Harrisburg, PA 17120-8552

SUBJECT: Initiation of Section 106 Consultation
Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Greater Philadelphia, Pennsylvania

Dear Executive Director Lowery,

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) plans to programmatically test available counter unmanned aircraft system (C-UAS) technologies to evaluate their effectiveness in a range of terrains and environments and has prepared a single comprehensive document in order to meet DHS mission requirements. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, “Protection of Historic Properties (Section 106),” this letter is being transmitted to initiate consultation, to identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

Project Location
Five geographical testing areas are being considered including an area encompassing Greater Philadelphia, Pennsylvania (PA). A map of the area is included as Attachment 1.

Description of Undertaking
DHS S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) unmanned aircraft systems (UAS). The proposed undertaking includes testing of five types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested will be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The proposed undertaking evaluates five modalities (or types) of systems: (1) Radar; (2) Passive radiofrequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic.

All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies.

DHS S&T would comply with all requirements for sUAS operations outlined in U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification of Small Unmanned Aircraft Systems. Additionally, DHS S&T C-UAS testing would operate with an FAA Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class...
C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DoD-controlled airspace). As part of the proposed undertaking, DHS will obtain FAA COAs for testing activities that involve operations at or below 400 feet above ground level.

**Area of Potential Effect**

Per NHPA Sections § 800.4(a)(1) and § 800.16(d), DHS S&T has defined the Area of Potential Effect (APE) for the undertaking as the proposed location of test events and the area where sUAS would land and fly. Because all C-UAS testing activities would occur above ground, there is no below-ground geographic area to include in the APE. No indirect effects are anticipated.

**Identification and Evaluation of Historic Properties**

A historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History and Architectural History consulted the National Register of Historic Places (NRHP) database, historic maps, aerial photos, and DHS S&T files for previous cultural resource reports and information on historic properties within the proposed undertaking APE. The test area contains 658 NRHP-listed properties. Chester, Delaware, Montgomery, Philadelphia, and Bucks counties in PA contain 253 historic districts.

Each C-UAS would have a normal operational altitude of up to 400 feet above ground level to satisfy operational and FAA requirements. Noise, as perceived from the ground, is not expected to be significant at the operating flight altitude. Ground activities related to the proposed undertaking would be minimal and limited to DHS properties. The test areas are characterized by human-built environments consisting of structures, paved and concrete surfaces, and landscaped areas. Construction activities are not anticipated and are not part of the proposed undertaking.

**Finding of No Adverse Effect to Historic Properties**

Due to the measures incorporated into the proposed undertaking to avoid impacts to above-ground properties and the absence of mechanisms to impact archaeological sites, DHS S&T has determined that pursuant to 36 C.F.R. 800.5(b), the proposed undertaking will have No Adverse Effects to Historic Properties and is seeking your concurrence.

Your prompt attention to the request is greatly appreciated. If DHS S&T has not received a response from your office within 30 days of your receipt of this determination letter, DHS S&T will consider its responsibilities under Section 106 to have been fulfilled.

Thank you for your support of the DHS mission. Should you need additional information, please do not hesitate to contact me via email at CUAS-Test@hq.dhs.gov.

Sincerely,

SHAWN A  
MCDONALD  
Date: 2022.05.06  
Digitally signed by SHAWN A MCDONALD  
07:55:26 -04'00'

Shawn McDonald  
Program Manager  
Mission & Capability Support  
DHS, Science & Technology

Attachment 1 – C-UAS Test Area
May 12, 2022

andrew glucksman mabbett
105 central street, suite 4100
stoneham PA 021800000

RE: ER Project # 2022PR02065.001, DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Greater Philadelphia, Department of Homeland Security, Whitemarsh Township, Montgomery County

Dear andrew glucksman:

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project’s potential effects on both historic and archaeological resources.

Above Ground Resources
No Above Ground Concerns - Environmental Review - No Effect - Above Ground

Based on the information received and available within our files, it is our opinion that the proposed project will have No Effect on above ground historic properties, including historic buildings, districts, structures, and/or objects, should they exist. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning above ground resources, please contact Pamela Reilly at preilly@pa.gov.

Archaeological Resources
No Archaeological Concerns - Environmental Review - No Effect - Archaeological

Based on the information received and available in our files, in our opinion, the proposed project should have No Effect on archaeological resources. Our analysis indicates that archaeological resources are potentially located in this project area. Should the scope of the project be amended to include additional ground-disturbing activity and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.
For questions concerning archaeological resources, please contact John Gardosik at jgardosik@pa.gov.

Sincerely,

Emma Diehl
Environmental Review Division Manager
April 29, 2022

Ms. Susan Pierce, Director / Deputy State Historic Preservation Officer
West Virginia State Historic Preservation Office
The Culture Center, State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305-0300

SUBJECT: Initiation of Section 106 Consultation
Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Northeastern West Virginia

Dear Director Pierce,

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) plans to programmatically test available counter unmanned aircraft system (C-UAS) technologies to evaluate their effectiveness in a range of terrains and environments and has prepared a single comprehensive document in order to meet DHS mission requirements. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, “Protection of Historic Properties (Section 106),” this letter is being transmitted to initiate consultation, to identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

**Project Location**
Five geographical testing areas are being considered including an area encompassing Northeastern West Virginia (WV). A map of the area is included as Attachment 1.

**Description of Undertaking**
DHS S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) unmanned aircraft systems (UAS). The proposed undertaking includes testing of five types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested will be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The proposed undertaking evaluates five modalities (or types) of systems: (1) Radar; (2) Passive radiofrequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic.

All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies.

DHS S&T would comply with all requirements for sUAS operations outlined in U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification of Small Unmanned Aircraft Systems. Additionally, DHS S&T C-UAS testing would operate with an FAA
Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DoD-controlled airspace). As part of the proposed undertaking, DHS would obtain FAA COAs for testing activities that involve operations at or below 400 feet above ground level.

**Area of Potential Effect**
Per NHPA Sections § 800.4(a)(1) and § 800.16(d), DHS S&T has defined the Area of Potential Effect (APE) for the undertaking as the proposed location of test events and the area where sUAS would land and fly. Because all C-UAS testing activities would occur above ground, there is no below-ground geographic area to include in the APE. No indirect effects are anticipated.

**Identification and Evaluation of Historic Properties**
A historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History and Architectural History consulted the National Register of Historic Places (NRHP) database, historic maps, aerial photos, and DHS S&T files for previous cultural resource reports and information on historic properties within the proposed undertaking APE. The test area contains 14 NRHP-listed properties. Berkeley and Jefferson counties in WV contain 50 historic districts.

Each C-UAS would have a normal operational altitude of up to 400 feet above ground level to satisfy operational and FAA requirements. Noise, as perceived from the ground, is not expected to be significant at the operating flight altitude. Ground activities related to the proposed undertaking would be minimal and limited to DHS properties. The test areas are characterized by human-built environments consisting of structures, paved and concrete surfaces, and landscaped areas. Construction activities are not anticipated and are not part of the proposed undertaking.

**Finding of No Adverse Effect to Historic Properties**
Due to the measures incorporated into the proposed undertaking to avoid impacts to above-ground properties and the absence of mechanisms to impact archaeological sites, DHS S&T has determined that pursuant to 36 C.F.R. 800.5(b), the proposed undertaking will have No Adverse Effects to Historic Properties and is seeking your concurrence.

Your prompt attention to the request is greatly appreciated. If DHS S&T has not received a response from your office within 30 days of your receipt of this determination letter, DHS S&T will consider its responsibilities under Section 106 to have been fulfilled.

Thank you for your support of the DHS mission. Should you need additional information, please do not hesitate to contact me via email at CUAS-Test@hq.dhs.gov.

Sincerely,

**SHAWN A MCDONALD**

Shawn McDonald
Program Manager
Mission & Capability Support
DHS, Science & Technology

Attachment 1 – C-UAS Test Area
June 8, 2022

Mr. Shawn A. McDonald
Program Manager
Mission & Capability Support
DHS Science & Technology
Washington, D.C. 20528
Via email: CUAS-Test@hq.dhs.gov

RE: Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Northeastern West Virginia
FR#: 22-634-MULTI

Dear Mr. McDonald:

We have reviewed the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: “Protection of Historic Properties,” we submit our comments.

According to the submitted information, the United States Department of Homeland Security S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) unmanned aircraft systems (UAS). Several sites in Berkeley and/or Jefferson counties are being considered for this undertaking. The proposed undertaking includes testing of five (5) types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as a fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested will be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The proposed undertaking evaluates five modalities (or types) of systems: (1) Radar; (2) Passive radio frequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic. All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies. DHS S&T would comply with all requirements for sUAS operations outlined in U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification of Small Unmanned Aircraft Systems. Equipment is expected to be operating at approximately 400 feet or less above ground level. No construction or ground disturbing activities are planned as a part of this undertaking.

We have reviewed the submitted information and concur that the proposed project’s Area of Potential Effect (APE) may include architectural properties eligible for or included in the National Register of Historic Places. As noted in the submission, the test area contains 14 NRHP-listed properties, and Berkeley and Jefferson
counties in WV contain 50 historic districts. However, due to the temporary nature of the activities and minimal potential for noise and sound effects, as well as no planned ground disturbing activities, we concur with the recommendation that this undertaking will have no adverse effect on historic resources. No further consultation is necessary regarding cultural resources; however, we ask that you contact our office if your project should change.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Kent C. Walker, Structural Historian, at (304) 558-0240.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/KCW
April 29, 2022

Mr. C. Andrew Lewis
Senior Historic Preservation Specialist
DC Office of Planning/DC State Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington, D.C. 20024

SUBJECT: Initiation of Section 106 Consultation
Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in National Capital Region, Greater Washington, D.C.

Dear Mr. Lewis,

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) plans to programmatically test available counter unmanned aircraft system (C-UAS) technologies to evaluate their effectiveness in a range of terrains and environments and has prepared a single comprehensive document in order to meet DHS mission requirements. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, “Protection of Historic Properties (Section 106),” this letter is being transmitted to initiate consultation, to identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

Project Location
Five geographical testing areas are being considered including an area encompassing the National Capital Region, Greater Washington, D.C. A map of the area is included as Attachment 1.

Description of Undertaking
DHS S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) Unmanned aircraft systems (UAS). The proposed undertaking includes testing of five types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested would be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The proposed undertaking evaluates five modalities (or types) of systems: (1) Radar; (2) Passive radiofrequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic.

All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies.

DHS S&T would comply with all requirements for sUAS operations outlined in U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification of Small Unmanned Aircraft Systems. Additionally, DHS S&T C-UAS testing would operate with an FAA
Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DoD-controlled airspace). As part of the proposed undertaking, DHS would obtain FAA COAs for testing activities that involve operations at or below 400 feet above ground level.

**Area of Potential Effect**
Per NHPA Sections § 800.4(a)(1) and § 800.16(d), DHS S&T has defined the Area of Potential Effect (APE) for the undertaking as the proposed location of test events and the area where sUAS would land and fly. Because all C-UAS testing activities would occur above ground, there is no below-ground geographic area to include in the APE. No indirect effects are anticipated.

**Identification and Evaluation of Historic Properties**
A historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History and Architectural History consulted the National Register of Historic Places (NRHP) database, historic maps, aerial photos, and DHS S&T files for previous cultural resource reports and information on historic properties within the proposed undertaking APE. The test area contains 580 NRHP-listed properties. Washington, D.C. includes 81 historic districts.

Each C-UAS would have a normal operational altitude of up to 400 feet above ground level to satisfy operational and FAA requirements. Noise, as perceived from the ground, is not expected to be significant at the operating flight altitude. Ground activities related to the proposed undertaking would be minimal and limited to DHS properties. The test areas are characterized by human-built environments consisting of structures, paved and concrete surfaces, and landscaped areas. Construction activities are not anticipated and are not part of the proposed undertaking.

**Finding of No Adverse Effect to Historic Properties**
Due to the measures incorporated into the proposed undertaking to avoid impacts to above-ground properties and the absence of mechanisms to impact archaeological sites, DHS S&T has determined that pursuant to 36 C.F.R. 800.5(b), the proposed undertaking will have No Adverse Effects to Historic Properties and is seeking your concurrence.

Your prompt attention to the request is greatly appreciated. If DHS S&T has not received a response from your office within 30 days of your receipt of this determination letter, DHS S&T will consider its responsibilities under Section 106 to have been fulfilled.

Thank you for your support of the DHS mission. Should you need additional information, please do not hesitate to contact me via email at CUAS-Test@hq.dhs.gov

Sincerely,

**SHAWN A MONALD**
Program Manager
Mission & Capability Support
DHS, Science & Technology

Attachment 1 – C-UAS Test Area
DC STATE HISTORIC PRESERVATION OFFICE
FEDERAL AGENCY SECTION 106 REVIEW FORM

TO: Andrew Glucksman, Mabbet & Associates Inc.

ADDRESS: Via email to: glucksman@mabbett.com

PROJECT NAME/DESCRIPTION: Testing of Counter-Unmanned Aircraft Systems C-UAS Technologies

PROJECT ADDRESS/LOCATION DESCRIPTION: District-Wide/DHS Facilities

DC SHPO PROJECT NUMBER: 22-0517

The DC State Historic Preservation Office (DC SHPO) has reviewed the above-referenced federal undertaking(s) in accordance with Section 106 of the National Historic Preservation Act and has determined:

☐ This project will have no effect on historic properties. No further DC SHPO review or comment will be necessary.

☐ There are no historic properties that will be affected by this project. No further DC SHPO review or comment will be necessary.

☒ This project will have no adverse effect on historic properties. No further DC SHPO review or comment will be necessary.

☐ This project will have no adverse effect on historic properties conditioned upon fulfillment of the measures stipulated below.

☐ Other Comments / Additional Comments (see below):

Based upon our review of the project submittal, we understand that this undertaking is limited to flying small, unmanned fixed wing or rotocopter aircraft to test various detection technologies, that no alteration of any historic buildings or ground disturbance is proposed and that noise levels created by the aircraft will be negligible. Therefore, we concur that the proposed undertaking will have "no adverse effect" on historic properties. Thank you for providing this opportunity to review and comment.

BY: __________________________ DATE: May 23, 2022

C. Andrew Lewis
Senior Historic Preservation Specialist
DC State Historic Preservation Office
April 29, 2022

Ms. Elizabeth Hughes, Director and State Historic Preservation Officer
Maryland Historical Trust
Project Review and Compliance
100 Community Place,
Crownsville, MD 21032

SUBJECT: Initiation of Section 106 Consultation
Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in National Capital Region, Greater Washington, D.C.

Dear Director Hughes,

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) plans to programmatically test available counter unmanned aircraft system (C-UAS) technologies to evaluate their effectiveness in a range of terrains and environments and has prepared a single comprehensive document in order to meet DHS mission requirements. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, “Protection of Historic Properties (Section 106),” this letter is being transmitted to initiate consultation, to identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

Project Location
Five geographical testing areas are being considered including an area encompassing the National Capital Region, Greater Washington, D.C., which includes parts of Maryland (MD). A map of the area is included as Attachment 1.

Description of Undertaking
DHS S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) unmanned aircraft systems (UAS). The proposed undertaking includes testing of five types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested will be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The proposed undertaking evaluates five modalities (or types) of systems: (1) Radar; (2) Passive radiofrequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic.

All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies.

DHS S&T would comply with all requirements for sUAS operations outlined in U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification
of Small Unmanned Aircraft Systems. Additionally, DHS S&T C-UAS testing would operate with an FAA Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DoD-controlled airspace). As part of the proposed undertaking, DHS will obtain FAA COAs for testing activities that involve operations at or below 400 feet above ground level.

**Area of Potential Effect**

Per NHPA Sections § 800.4(a)(1) and § 800.16(d), DHS S&T has defined the Area of Potential Effect (APE) for the undertaking as the proposed location of test events and the area where sUAS would land and fly. Because all C-UAS testing activities would occur above ground, there is no below-ground geographic area to include in the APE. No indirect effects are anticipated.

**Identification and Evaluation of Historic Properties**

A historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History and Architectural History consulted the National Register of Historic Places (NRHP) database, historic maps, aerial photos, and DHS S&T files for previous cultural resource reports and information on historic properties within the proposed undertaking APE. The test area contains 580 NRHP-listed properties. Montgomery County and Prince George’s County, MD, have 49 historic districts.

Each C-UAS would have a normal operational altitude of up to 400 feet above ground level to satisfy operational and FAA requirements. Noise, as perceived from the ground, is not expected to be significant at the operating flight altitude. Ground activities related to the proposed undertaking would be minimal and limited to DHS properties. The test areas are characterized by human-built environments consisting of structures, paved and concrete surfaces, and landscaped areas. Construction activities are not anticipated and are not part of the proposed undertaking.

**Finding of No Adverse Effect to Historic Properties**

Due to the measures incorporated into the proposed undertaking to avoid impacts to above-ground properties and the absence of mechanisms to impact archaeological sites, DHS S&T has determined that pursuant to 36 C.F.R. 800.5(b), the proposed undertaking will have No Adverse Effects to Historic Properties and is seeking your concurrence.

Your prompt attention to the request is greatly appreciated. If DHS S&T has not received a response from your office within 30 days of your receipt of this determination letter, DHS S&T will consider its responsibilities under Section 106 to have been fulfilled.

Thank you for your support of the DHS mission. Should you need additional information, please do not hesitate to contact me via email at CUAS-Test@hq.dhs.gov.

Sincerely,

**SHAWN A MCDONALD**

Shawn McDonald
Program Manager
Mission & Capability Support
DHS, Science & Technology

Attachment 1 – C-UAS Test Area
April 29, 2022

Ms. Elizabeth Hughes, Director and State Historic Preservation Officer
Maryland Historical Trust
Project Review and Compliance
100 Community Place,
Crownsville, MD 21032

SUBJECT: Initiation of Section 106 Consultation
Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in National Capital Region, Greater Washington, D.C.

Dear Director Hughes,

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) plans to programmatically test available counter unmanned aircraft system (C-UAS) technologies to evaluate their effectiveness in a range of terrains and environments and has prepared a single comprehensive document in order to meet DHS mission requirements. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, “Protection of Historic Properties (Section 106),” this letter is being transmitted to initiate consultation, to identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

Project Location
Five geographical testing areas are being considered including an area encompassing the National Capital Region, Greater Washington, D.C., which includes parts of Maryland (MD). A map of the area is included as Attachment 1.

Description of Undertaking
DHS S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) unmanned aircraft systems (UAS). The proposed undertaking includes testing of five types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested will be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The proposed undertaking evaluates five modalities (or types) of systems: (1) Radar; (2) Passive radiofrequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic.

All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies.

DHS S&T would comply with all requirements for sUAS operations outlined in U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification
of Small Unmanned Aircraft Systems. Additionally, DHS S&T C-UAS testing would operate with an FAA Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DoD-controlled airspace). As part of the proposed undertaking, DHS will obtain FAA COAs for testing activities that involve operations at or below 400 feet above ground level.

**Area of Potential Effect**
Per NHPA Sections § 800.4(a)(1) and § 800.16(d), DHS S&T has defined the Area of Potential Effect (APE) for the undertaking as the proposed location of test events and the area where sUAS would land and fly. Because all C-UAS testing activities would occur above ground, there is no below-ground geographic area to include in the APE. No indirect effects are anticipated.

**Identification and Evaluation of Historic Properties**
A historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History and Architectural History consulted the National Register of Historic Places (NRHP) database, historic maps, aerial photos, and DHS S&T files for previous cultural resource reports and information on historic properties within the proposed undertaking APE. The test area contains 580 NRHP-listed properties. Montgomery County and Prince George’s County, MD, have 49 historic districts.

Each C-UAS would have a normal operational altitude of up to 400 feet above ground level to satisfy operational and FAA requirements. Noise, as perceived from the ground, is not expected to be significant at the operating flight altitude. Ground activities related to the proposed undertaking would be minimal and limited to DHS properties. The test areas are characterized by human-built environments consisting of structures, paved and concrete surfaces, and landscaped areas. Construction activities are not anticipated and are not part of the proposed undertaking.

**Finding of No Adverse Effect to Historic Properties**
Due to the measures incorporated into the proposed undertaking to avoid impacts to above-ground properties and the absence of mechanisms to impact archaeological sites, DHS S&T has determined that pursuant to 36 C.F.R. 800.5(b), the proposed undertaking will have No Adverse Effects to Historic Properties and is seeking your concurrence.

Your prompt attention to the request is greatly appreciated. If DHS S&T has not received a response from your office within 30 days of your receipt of this determination letter, DHS S&T will consider its responsibilities under Section 106 to have been fulfilled.

Thank you for your support of the DHS mission. Should you need additional information, please do not hesitate to contact me via email at CUAS-Test@hq.dhs.gov.

Sincerely,

SHAWN A
MCDONALD

[Signature]
Date: 2022.05.06 07:53:40
-04'00'

The Maryland Historic District has determined that this undertaking will have no adverse effect on historic properties.

[Signature]
Date 7/16/22

Attachment 1 – C-UAS Test Area
April 29, 2022

Ms. Julie Langan
Department of Historic Resources Director & State Historic Preservation Officer
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

SUBJECT: Initiation of Section 106 Consultation
Notification of DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Selected Areas in Virginia

Dear Director Langan,

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) plans to programmatically test available counter unmanned aircraft system (C-UAS) technologies to evaluate their effectiveness in a range of terrains and environments and has prepared a single comprehensive document in order to meet DHS mission requirements. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, “Protection of Historic Properties (Section 106),” this letter is being transmitted to initiate consultation, to identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

Project Location
Five geographical testing areas are being considered including an area encompassing Northeastern Virginia (VA); Richmond, VA; and the National Capital Region (to include parts of Northeastern VA). A map of each area is included as Attachments 1, 2 and 3.

Description of Undertaking
DHS S&T is proposing to programmatically test C-UAS capabilities to detect, track, identify, and mitigate (DTI-M) unmanned aircraft systems (UAS). The proposed undertaking includes testing of five types of third-party C-UAS technology modalities to DTI-M small UAS (sUAS), which the U.S. Department of Defense (DoD) defines as fixed wing or rotocopter UAS having a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested would be mounted on a tripod, which could be placed on the ground or on a vehicle. The C-UAS systems would have a detection range of up to approximately 1.2 miles.

The proposed undertaking evaluates five modalities (or types) of systems: (1) Radar; (2) Passive radiofrequency (RF) (sometimes referred to as electronic surveillance measures); (3) Active RF (used for fend or takeover actions when testing mitigation); (4) Electro-Optical/Infrared (EO/IR) cameras; and (5) Acoustic.

All C-UAS test events would be conducted by DHS S&T-authorized personnel in conjunction with a participating Component or State partner and may be attended by other DHS Components and other government, state, or local agencies.
DHS S&T would comply with all requirements for sUAS operations outlined in U.S. Department of Transportation, Federal Aviation Administration (FAA) Title 14 CFR, Part 107, Operation and Certification of Small Unmanned Aircraft Systems. Additionally, DHS S&T C-UAS testing would operate with an FAA Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DoD-controlled airspace). As part of the proposed undertaking, DHS would obtain FAA COAs for testing activities that involve operations at or below 400 feet above ground level.

Area of Potential Effect
Per NHPA Sections § 800.4(a)(1) and § 800.16(d), DHS S&T has defined the Area of Potential Effect (APE) for the undertaking as the proposed location of test events and the area where sUAS would land and fly. Because all C-UAS testing activities would occur above ground, there is no below-ground geographic area to include in the APE. No indirect effects are anticipated.

Identification and Evaluation of Historic Properties
A historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History and Architectural History consulted the National Register of Historic Places (NRHP) database, historic maps, aerial photos, and DHS S&T files for previous cultural resource reports and information on historic properties within the proposed undertaking APE. The test area contains:

- Northeastern VA test area
  - 14 NRHP-listed properties
    - Clarke and Frederick counties in VA contain 20 historic districts.
- Richmond, VA, test area
  - 167 NRHP-listed properties
    - Chesterfield County, Goochland County, Hanover County, and Henrico County contain 19 historic districts.
- National Capital Region, Greater Washington, D.C. (Northeastern VA portion)
  - 580 NRHP-listed properties
    - Arlington, Fairfax, and Falls Church counties in VA contain 64 historic districts

Each C-UAS would have a normal operational altitude of up to 400 feet above ground level to satisfy operational and FAA requirements. Noise, as perceived from the ground, is not expected to be significant at the operating flight altitude. Ground activities related to the proposed undertaking would be minimal and limited to DHS properties. The test areas are characterized by human-built environments consisting of structures, paved and concrete surfaces, and landscaped areas. Construction activities are not anticipated and are not part of the proposed undertaking.
Finding of No Adverse Effect to Historic Properties

Due to the measures incorporated into the proposed undertaking to avoid impacts to above-ground properties and the absence of mechanisms to impact archaeological sites, DHS S&T has determined that pursuant to 36 C.F.R. 800.5(b), the proposed undertaking would have No Adverse Effects to Historic Properties and is seeking your concurrence.

Your prompt attention to the request is greatly appreciated. If DHS S&T has not received a response from your office within 30 days of your receipt of this determination letter, DHS S&T will consider its responsibilities under Section 106 to have been fulfilled.

Thank you for your support of the DHS mission. Should you need additional information, please do not hesitate to contact me via email at CUAS-Test@hq.dhs.gov.

Sincerely,

SHAWN A MCDONALD
Date: 2022.05.06 07:56:03 -04'00'

Shawn McDonald
Program Manager
Mission & Capability Support
DHS, Science & Technology

Attachment 1 – C-UAS Test Areas
DATE: 10 May 2022

TO: Mr. Andrew Glucksman

FROM: Marc E. Holma, Architectural Historian (804) 482-6090

PROJECT: DHS S&T Proposed Undertaking to Evaluate Counter-Unmanned Aircraft Systems in Selected Areas in Virginia

This project will have an effect on historic resources. Based on the information provided, the effect will not be adverse.

This project will have an adverse effect on historic properties. Further consultation with DHR is needed under Section 106 of the NHPA.

Additional information is needed before we will be able to determine the effect of the project on historic resources. Please see below.

No further identification efforts are warranted. No historic properties will be affected by the project. Should unidentified historic properties be discovered during implementation of the project, please notify DHR.

We have previously reviewed this project. Attached is a copy of our correspondence.

Other (Please see comments below)

COMMENTS:
PERSONS AND AGENCIES CONTACTED
The Honorable [Name]  
United States Senate  
Washington, D.C. 20510  

Dear [title / name]:

In 2018, Congress passed *The Preventing Emerging Threats Act of 2018* (PL 115-254), granting the U.S. Department of Homeland Security (DHS) statutory authority to counter credible threats from unmanned aircraft systems (UAS) (i.e., drones) in the interest of national safety and security. In accordance with the *National Environmental Policy Act of 1969* (42 United States Code [USC] §§ 4321 et seq.) the DHS Science & Technology Directorate (S&T) has completed a Draft Environmental Assessment (EA) for the proposed testing of counter unmanned aircraft system (C-UAS) technologies. The purpose of the proposed testing is to evaluate their effectiveness in a range of terrains and environments in a single comprehensive document in order to meet DHS mission requirements. Five geographical testing areas were considered including three areas of interest to you or your constituents; the area encompassing the National Capital Region, Greater Washington, D.C., the area encompassing Northeastern West Virginia (WV), to include parts of Virginia (VA), and the area encompassing Richmond, VA.

S&T will test C-UAS capabilities to detect, track, identify, and mitigate UAS. Tests will be limited in scope and temporary in duration at selected locations. S&T will also comply with all Federal Aviation Administration requirements for small UAS and C-UAS operations. No impacts to the public have been identified and no known impacts to the natural environment have been determined. Measures, such as consulting the U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IPaC) database, will be used during planning to prevent impacts to biological resources such as bats and migratory birds. The Draft EA can be downloaded from the following website: http://www.dhs.gov/national-environmental-policy-act.

DHS S&T appreciates receiving comments that you or your constituents may have about the Draft EA findings for the planned testing within the next 30 days. The final EA will address relevant comments and concerns received from all interested parties during the public comment period. A Notice of Availability (NOA) announcing the completion and release of the final EA and Finding of No Significant Impact (FONSI), if applicable, will be published on the DHS website and in a local newspaper. Additionally, DHS S&T has published a Notice of Availability in the *Washington Post*, the *Charleston Gazette Mail*, and the *Richmond Times Dispatch* to inform the public about the opportunity to review and comment on the Draft EA during the 30-day review period.

All comments or questions on the Draft EA may be submitted via e-mail at: CUAS-Test@hq.dhs.gov. It is important that any comments submitted include a reference to “C-UAS NEPA DRAFT EA.” Thank you for your support of the DHS mission.

Respectfully,

Kathryn Coulter Mitchell  
Senior Official Performing the Duties of the Under Secretary
In 2018, Congress passed *The Preventing Emerging Threats Act of 2018* (PL 115-254), granting the U.S. Department of Homeland Security (DHS) statutory authority to counter credible threats from unmanned aircraft systems (UAS) (i.e., drones) in the interest of national safety and security. In accordance with the National Environmental Policy Act of 1969 (42 United States Code [USC] §§ 4321 et seq.) the DHS Science & Technology Directorate (S&T) has completed a Draft Environmental Assessment (EA) for the proposed testing of counter unmanned aircraft system (C-UAS) technologies. The purpose of the proposed testing is to evaluate their effectiveness in a range of terrains and environments in a single comprehensive document in order to meet DHS mission requirements.

S&T will test C-UAS capabilities to detect, track, identify, and mitigate UAS. The planned tests will be limited in scope and temporary in duration at selected locations. S&T will also comply with all Federal Aviation Administration requirements for small UAS and C-UAS operations. No impacts to the public have been identified and no known impacts to the natural environment have been determined. Measures, such as consulting the U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IPaC) database, will be used during planning to prevent impacts to biological resources such as bats or migratory birds. The Draft EA can be downloaded from the following website: [http://www.dhs.gov/national-environmental-policy-act](http://www.dhs.gov/national-environmental-policy-act).

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All comments or questions on the Draft EA may be submitted via e-mail at: CUAS-Test@hq.dhs.gov. It is important that any comments submitted include a reference to “C-UAS NEPA DRAFT EA.” Thank you for your support of the DHS mission.

Respectfully,

Kathryn Coulter Mitchell
Senior Official Performing the Duties of the Under Secretary
The Honorable [Name]
[committee]
[Committee contd]
United States Senate
Washington, D.C. 20510

Dear [title / name]:

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Respectfully,

Kathryn Coulter Mitchell

Senior Official Performing the Duties of the Under Secretary
The Honorable [Name]  
[committee]  
[Committee contd]  
United States Senate  
Washington, D.C. 20510

Dear [title / name]:

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All comments or questions on the Draft EA may be submitted via e-mail at: CUAS-Test@hq.dhs.gov. It is important that any comments submitted include a reference to “C-UAS NEPA DRAFT EA.” Thank you for your support of the DHS mission.

Respectfully,

Kathryn Coulter Mitchell  
Senior Official Performing the Duties of the Under Secretary
[DATE]

The Honorable [Name]
[committee]
[Committee contd]
United States Senate
Washington, D.C. 20510

Dear [title / name]:

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All comments or questions on the Draft EA may be submitted via e-mail at: CUAS-Test@hq.dhs.gov. It is important that any comments submitted include a reference to “C-UAS NEPA DRAFT EA.” Thank you for your support of the DHS mission.

Respectfully,

Kathryn Coulter Mitchell
Senior Official Performing the Duties of the Under Secretary
HOMELAND SECURITY COMMITTEE OFFICIALS

The Honorable Gary Peters
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

The Honorable Rob Portman
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Katko
Ranking Member
Committee on Homeland Security
U.S. House of Representatives
Washington, D.C. 20515

FEDERAL ELECTED OFFICIALS

Niagara/Buffalo, NY

The Honorable Charles Schumer
United States Senate
Washington, D.C. 20510

The Honorable Kirsten Gillibrand
United States Senate
Washington, D.C. 20510

The Honorable Brian Higgins
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Chris Jacobs
U.S. House of Representatives
Washington, D.C. 20515

Greater Philadelphia, PA

The Honorable Bob Casey
United States Senate
Washington, D.C. 20510

The Honorable Pat Toomey
United States Senate
Washington, D.C. 20510

The Honorable Brian Fitzpatrick
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Brendan Boyle
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Madeleine Dean
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Dwight Evans
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Chrissy Houlahan
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mary Gay Scanlon
U.S. House of Representatives
Washington, D.C. 20515

Northeastern, WV

The Honorable Shelley Moore Capito
United States Senate
Washington, D.C. 20510

The Honorable Joe Manchin
United States Senate
Washington, D.C. 20510

The Honorable Tim Kaine
United States Senate
Washington, D.C. 20510

The Honorable Mark Warner
United States Senate
Washington, D.C. 20510

The Honorable Alex Mooney
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jennifer Wexton
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Ben Cardin
United States Senate
Washington, D.C. 20510

The Honorable Chris Van Hollen
United States Senate
Washington, D.C. 20510

The Honorable Tim Kaine
United States Senate
Washington, D.C. 20510

The Honorable Mark Warner
United States Senate
Washington, D.C. 20510

The Honorable Jennifer Wexton
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Don Beyer
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Gerry Connolly
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Anthony Brown
U.S. House of Representatives

Richmond, VA

The Honorable Tim Kaine
United States Senate
Washington, D.C. 20510

The Honorable A. Donald McEachin
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Abigail Spanberger
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Rob Wittman
U.S. House of Representatives
Washington, D.C. 20515

STATE and LOCAL AGENCIES

Niagara/Buffalo, NY

Gay Vietzke
Director
U.S. National Park Service - Northeast Region
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Philadelphia, PA 19107

Wendi Weber
Regional Director
U.S. Fish and Wildlife Service - North Atlantic-Appalachian Regional Office
300 Westgate Center Drive
C-UAS Testing at Multiple Sites

Hadley, MA 01035

Lisa F. Garcia
Director
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

U.S. Army Corps of Engineers, Regulatory Division (NY)
NEPA Review
Jacob K. Javits Federal Building
26 Federal Plaza, Room 17-302
New York, NY 10278-0090

Basil Seggos
Commissioner
New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Greater Philadelphia, PA

Gay Vietzke
Director
U.S. National Park Service - Northeast Region
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Wendi Weber
Regional Director
U.S. Fish and Wildlife Service - North Atlantic-Appalachian Regional Office
300 Westgate Center Drive
Hadley, MA 01035

Michael Green
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Greater Washington, D.C.
Mayor Bowser
Executive Office of the Mayor
1350 Pennsylvania Avenue, NW
Washington, DC 20004
Councilmember Silverman
esilverman@dccouncil.us
Councilmember White
rwhite@dccouncil.us
Councilmember White
twhite@dccouncil.us
Governor Hogan
100 State Circle
Annapolis, MD 21401
Senator Augustine
malcolm.augustine@senate.state.md.us
Governor Youngkin
Office of the Governor
Senator Beidle
pamela.beidle@senate.state.md.us
<table>
<thead>
<tr>
<th>Senator Benson</th>
<th>Senator Simonaire</th>
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</thead>
<tbody>
<tr>
<td><a href="mailto:joanne.benson@senate.state.md.us">joanne.benson@senate.state.md.us</a></td>
<td><a href="mailto:bryan.simonaire@senate.state.md.us">bryan.simonaire@senate.state.md.us</a></td>
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<tr>
<td>Senator Elfreth</td>
<td>Senator Smith</td>
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<tr>
<td><a href="mailto:sarah.elfreth@senate.state.md.us">sarah.elfreth@senate.state.md.us</a></td>
<td><a href="mailto:will.smith@senate.state.md.us">will.smith@senate.state.md.us</a></td>
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<tr>
<td>Senator Feldman</td>
<td>Senator Waldstreicher</td>
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<tr>
<td><a href="mailto:brian.feldman@senate.state.md.us">brian.feldman@senate.state.md.us</a></td>
<td><a href="mailto:jeff.waldstreicher@senate.state.md.us">jeff.waldstreicher@senate.state.md.us</a></td>
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<tr>
<td>Senator Griffith</td>
<td>Senator Watson</td>
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<td><a href="mailto:melony.griffith@senate.state.md.us">melony.griffith@senate.state.md.us</a></td>
<td><a href="mailto:ron.watson@senate.state.md.us">ron.watson@senate.state.md.us</a></td>
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<tr>
<td>Senator Guzzone</td>
<td>Senator Zucker</td>
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<td><a href="mailto:guy.guzzone@senate.state.md.us">guy.guzzone@senate.state.md.us</a></td>
<td><a href="mailto:craig.zucker@senate.state.md.us">craig.zucker@senate.state.md.us</a></td>
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<td>Delegate Acevero</td>
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<td><a href="mailto:katie.fry.hester@senate.state.md.us">katie.fry.hester@senate.state.md.us</a></td>
<td><a href="mailto:gabriel.acevero@house.state.md.us">gabriel.acevero@house.state.md.us</a></td>
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<td>Senator Jackson</td>
<td>Delegate Acevero</td>
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<td><a href="mailto:michael.jackson@senate.state.md.us">michael.jackson@senate.state.md.us</a></td>
<td><a href="mailto:vanessa.atterbeary@house.state.md.us">vanessa.atterbeary@house.state.md.us</a></td>
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<td>Senator Kagan</td>
<td>Delegate Bagnall</td>
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<td><a href="mailto:cheryl.kagan@senate.state.md.us">cheryl.kagan@senate.state.md.us</a></td>
<td><a href="mailto:heather.bagnall@house.state.md.us">heather.bagnall@house.state.md.us</a></td>
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<tr>
<td>Senator King</td>
<td>Delegate Barnes</td>
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<td><a href="mailto:nancy.king@senate.state.md.us">nancy.king@senate.state.md.us</a></td>
<td><a href="mailto:ben.barnes@house.state.md.us">ben.barnes@house.state.md.us</a></td>
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<td>Senator Kramer</td>
<td>Delegate Barnes</td>
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<td><a href="mailto:ben.kramer@senate.state.md.us">ben.kramer@senate.state.md.us</a></td>
<td><a href="mailto:darryl.barnes@house.state.md.us">darryl.barnes@house.state.md.us</a></td>
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<td>Senator Lam</td>
<td>Delegate Bartlett</td>
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<td><a href="mailto:clarence.lam@senate.state.md.us">clarence.lam@senate.state.md.us</a></td>
<td><a href="mailto:sandy.bartlett@house.state.md.us">sandy.bartlett@house.state.md.us</a></td>
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<tr>
<td>Senator Lee</td>
<td>Delegate Barve</td>
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<tr>
<td><a href="mailto:susan.lee@senate.state.md.us">susan.lee@senate.state.md.us</a></td>
<td><a href="mailto:kumar.barve@house.state.md.us">kumar.barve@house.state.md.us</a></td>
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<tr>
<td>Senator Patterson</td>
<td>Delegate Carey</td>
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<td><a href="mailto:obie.patterson@senate.state.md.us">obie.patterson@senate.state.md.us</a></td>
<td><a href="mailto:ned.carey@house.state.md.us">ned.carey@house.state.md.us</a></td>
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<td><a href="mailto:paul.pinsky@senate.state.md.us">paul.pinsky@senate.state.md.us</a></td>
<td><a href="mailto:alfred.carr@house.state.md.us">alfred.carr@house.state.md.us</a></td>
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<td>Senator Reilly</td>
<td>Delegate Chang</td>
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<td><a href="mailto:edward.reilly@senate.state.md.us">edward.reilly@senate.state.md.us</a></td>
<td><a href="mailto:mark.chang@house.state.md.us">mark.chang@house.state.md.us</a></td>
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<tr>
<td>Senator Rosapepe</td>
<td>Delegate Charles</td>
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<td><a href="mailto:jim.rosapepe@senate.state.md.us">jim.rosapepe@senate.state.md.us</a></td>
<td><a href="mailto:nick.charles@house.state.md.us">nick.charles@house.state.md.us</a></td>
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<tr>
<td>Delegate Name</td>
<td>Email Address</td>
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<tr>
<td>Delegate Charkoudian</td>
<td><a href="mailto:lorig.charkoudian@house.state.md.us">lorig.charkoudian@house.state.md.us</a></td>
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<td>Delegate Chisholm</td>
<td><a href="mailto:brian.chisholm@house.state.md.us">brian.chisholm@house.state.md.us</a></td>
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<tr>
<td>Delegate Crutchfield</td>
<td><a href="mailto:charlotte.crutchfield@house.state.md.us">charlotte.crutchfield@house.state.md.us</a></td>
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<tr>
<td>Delegate Cullison</td>
<td><a href="mailto:bonnie.cullison@house.state.md.us">bonnie.cullison@house.state.md.us</a></td>
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<td>Delegate Ebersole</td>
<td><a href="mailto:eric.ebersole@house.state.md.us">eric.ebersole@house.state.md.us</a></td>
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<tr>
<td>Delegate Feldmark</td>
<td><a href="mailto:jessica.feldmark@house.state.md.us">jessica.feldmark@house.state.md.us</a></td>
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<td>Delegate Fennell</td>
<td><a href="mailto:diana.fennell@house.state.md.us">diana.fennell@house.state.md.us</a></td>
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<td>Delegate Fisher</td>
<td><a href="mailto:wanika.fisher@house.state.md.us">wanika.fisher@house.state.md.us</a></td>
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<td>Delegate Foley</td>
<td><a href="mailto:linda.foley@house.state.md.us">linda.foley@house.state.md.us</a></td>
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<td>Delegate Fraser-Hidalgo</td>
<td><a href="mailto:david.fraser.hidalgo@house.state.md.us">david.fraser.hidalgo@house.state.md.us</a></td>
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<td>Delegate Gilchrist</td>
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<td>Delegate Harrison</td>
<td><a href="mailto:andreatrach.harrison@house.state.md.us">andreatrach.harrison@house.state.md.us</a></td>
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<td>Delegate Healey</td>
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<td>Delegate Henson</td>
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<td><a href="mailto:mary.lehman@house.state.md.us">mary.lehman@house.state.md.us</a></td>
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<td><a href="mailto:lesleylopez@house.state.md.us">lesleylopez@house.state.md.us</a></td>
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<td><a href="mailto:sara.love@house.state.md.us">sara.love@house.state.md.us</a></td>
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<td><a href="mailto:eric.luedtke@house.state.md.us">eric.luedtke@house.state.md.us</a></td>
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DelDMcQuinn@house.virginia.gov
Delegate Ransone
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Delegate Robinson
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Delaget Taylor
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Delegate VanValkenburg
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Delegate Ware
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Delegate Willett
DelRWillett@house.virginia.gov
Delegate Wyatt
DelSWyatt@house.virginia.gov
COMMENT MATRIX
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<th>Response</th>
<th>resolution status</th>
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<tr>
<td>S&amp;L 1</td>
<td>Delegate Dan Cox</td>
<td>25-May</td>
<td>electronic</td>
<td>C-UAS Program</td>
<td>I'm unsure of the scope of this mission and the lawfulness since there are no published &quot;credible threats from unmanned aircraft systems&quot; to my knowledge inland in our homeland.</td>
<td>Response drafted by MCS and reviewed by OGC, Ellie Peltz - 5/26</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 2</td>
<td>Jake Salmons</td>
<td>24-May</td>
<td>electronic</td>
<td>general</td>
<td>Was this sent to all state legislators and/or are you looking for a specific response from Sen. Stuart?</td>
<td>responded - no response needed from Senator. 5/24</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 3</td>
<td>Nat Robie / Dominion Energy Representative Tiyana Parker Chief of Staff for Delegate Shaneka Henson</td>
<td>27-May</td>
<td>electronic</td>
<td>update POC</td>
<td>For further communications with Dominion Energy, Thomas Chadwick and myself are your points of contact. Thank you for sending the DHS Science &amp; Technology Directorate letter.</td>
<td>no response needed from DHS</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 4</td>
<td>Wilson-Anton</td>
<td>27-May</td>
<td>electronic</td>
<td>asked for plain language general</td>
<td>Can you explain this at eight grade level for me, please?</td>
<td>responded with explanation - 5/26</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 5</td>
<td>Delegate Geraldine Valenino-Smith</td>
<td>25-May</td>
<td>electronic</td>
<td>general</td>
<td>Thank you I have shared this with the Delegate for her review and probable comments, questions or concerns.</td>
<td>no response needed from DHS</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 6</td>
<td>24-May</td>
<td>electronic</td>
<td>general</td>
<td>Ms. Bisbee: Thank you for this but can you elaborate on how this affects my State of Maryland District 23A? If I have further details I can take further action.</td>
<td>The Stakeholder notifications are distributed to all federal, state, and local stakeholders in and around the area where we propose to test the technologies, in accordance with NEPA requirements. A notice of availability (NOA) was published in the Washington Post, as well.</td>
<td>resolved</td>
<td></td>
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<tr>
<td>S&amp;L 7</td>
<td>Sheariah Yousefi Chief of Staff Delegate Mike Griffith</td>
<td>24-May</td>
<td>electronic</td>
<td>general</td>
<td>Re: C-UAS NEPA DRAFT EA. When you have a moment, could you please advise as to the reasoning this is being shared with the delegate? Is it for information dissemination to constituents, etc.? I want to clarify there is no action required on our part.</td>
<td>There is no action required on your part.</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 8</td>
<td>Todd Stephens PA House of Representatives</td>
<td>23-May</td>
<td>electronic</td>
<td>general</td>
<td>Where will these tests be occurring? Why was I notified of the testing? What other officials from Southeastern Pennsylvania were notified? Do you expect any impact on Horsham, Upper Dublin or Montgomery Townships or Ambler Borough in Montgomery County?</td>
<td>Currently we have a contractor planning to test at their facility. All state and local stakeholders in and around the greater Philadelphia area have been notified per NEPA requirements and as part of the C-UAS EA we’re conducting. Happy to answer any additional questions. We don’t expect any testing to occur in those areas nor did we assess that there will be any adverse impacts from the equipment we are testing in any area.</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 9</td>
<td>Teresa M. Chaconas Chief of Staff Delegate Courtney Watson</td>
<td>23-May</td>
<td>electronic</td>
<td>general</td>
<td>Thank you for sharing this information regarding testing of Counter unmanned aircraft system (C-UAS) technologies and the associated NEPA process, with Delegate Watson. I will share with her. Is the testing going to occur in or near her legislative district? Thanks.</td>
<td>Thank you for your question. Short answer is ‘no’. However, for our scoping process stakeholders in and adjoining the NCR, or within the Beltway, are being notified for situational awareness.</td>
<td>resolved</td>
</tr>
<tr>
<td>S&amp;L 10</td>
<td>Senator Melony Griffith</td>
<td>23-May</td>
<td>electronic</td>
<td>general</td>
<td>Thank you for providing this information. It has been forwarded to Senator Griffith.</td>
<td>no response needed from DHS</td>
<td>resolved</td>
</tr>
</tbody>
</table>
Hi Carlton – On behalf of Kathryn Coulter Mitchell, thank you for your review and comments on DHS’s C-UAS EA. We agree to the request to restrict where equipment will be placed. Here is our mitigation statement that will be added to the final EA for the NCR:

Any C-UAS equipment mounted on buildings will be placed away from the edge of a roof at a distance equal to or greater than its height above the roof to reduce its visibility. In addition, DHS will identify and cordon off any sites on buildings or on the ground to ensure a safe environment for federal workers and the general public in accordance with applicable federal regulations. Any permanent installations, if proposed in the future, will be subject to NCPC review. As such, DHS will photo-document equipment setup/installation during testing as this will help NCPC understand the potential visual impacts of any installations.

Thank you. Comments and recommendations received.

The following link below includes the State Clearinghouse Review and Recommendation letter for your project, Draft Environmental Assessment: Proposed Testing of Counter-Unmanned Aircraft System Technologies at Multiple Sites; Five Geographical Testing Areas are Being Considered—http://www.dhs.gov/national-environmental-policy-act.

Thank you. Comments and recommendations received.

Good morning– attached is your file copy of the completed federal review for the following project: Draft Environmental Assessment, Counter-Unmanned Aircraft Systems Testing at Multiple Sites, Department of Homeland Security, Greater Washington DC and Greater Richmond (DEQ 22-081F)

If you have any questions regarding this project, please call John at 804/639-1919; email John.Fisher@deq.virginia.gov

Thank you, Valerie, Comments received.

There’s a 30-day open comment period for this EA; active until 15 June.

Let me know if you have any other questions.

Hi Sylvia –

We request systems mounted on buildings be placed away from the edge of a roof at a distance equal to or greater than its height above the roof to reduce its visibility. In addition, we request that any sites on buildings or on the ground be identified and cordoned off to ensure a safe environment for federal workers and the general public in accordance with applicable federal regulations.

Any permanent installations, if proposed in the future, will be subject to NCPC review. As such, we recommend that sites be photo-documented during testing as this will help NCPC understand the potential visual impacts of any installations.

Thank you for reaching out with your inquiry. The CEQ regulations and the DHS Instruction Manual require public involvement in the NEPA process for proposed DHS actions. The draft EA is made available to the public for review and comment for a minimum of 30 calendar days (i.e., through June 15). We plan to publish the Final EA on June 30. Can we get your review prior to? Kindly advise.

When are comments due for this?

When are comments due on this? June 15? Can we give our reviewers more time than that? Thank you!

I can request the reviewers expedite their review for June 15, but they might not be able to get it done that quickly, but we will submit our response by June 30 at the latest. Thank you!
The New York State Historic Preservation Office (SHPO) has found the following initial submission insufficient and returned it. It is not currently in SHPO’s processing queue. Please read the reviewer’s comments about the submission below.

**Reviewer’s Comments:** Thank you for submitting your project in CRIS. Please shrink down your proposed APE to cover a smaller area – perhaps one of the facility locations, or the main office, etc. Alternatively, you can provide a GIS shape file specifically of the project locations, and we can upload those into CRIS. Once you have made your edits, please make sure to resubmit to SHPO. If you have questions, contact me at jennifer.walkowski@parks.ny.gov.

**Response:** Thank you for your response. Project Number: 22PR03450. Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking. If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Thank you for your response. DHR File # 2022-3898. Thank you for submitting your project in CRIS. Please shrink down your proposed APE to cover a smaller area – perhaps one of the facility locations, or the main office, etc. Alternatively, you can provide a GIS shape file specifically of the project locations, and we can upload those into CRIS. Once you have made your edits, please make sure to resubmit to SHPO. If you have questions, contact me at jennifer.walkowski@parks.ny.gov.

**Response:** Thank you for your response. DHR File # 2022-3898.

**Response:** No further action is required at this time.
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<tr>
<td>MD</td>
<td>Ms. Elizabeth Hughes</td>
<td>16-May</td>
<td>electronic</td>
<td>Cultural/ Section 106</td>
<td>The Maryland Historical Trust has determined that this undertaking has no adverse effect on historic... signed 5/16/22</td>
</tr>
<tr>
<td>DC</td>
<td>C. Andrew Lewis</td>
<td>23-May</td>
<td>electronic</td>
<td>Cultural/ Section 106</td>
<td>Based upon our review of the project submittal, we understand that this undertaking is limited to flying small, unmanned fixed wing or rotocopter aircraft to test various detection technologies, that no alteration of any historic buildings or ground disturbance is proposed and that noise levels created by the aircraft will be negligible. Therefore, we concur that the proposed undertaking will have “no adverse effect” on historic properties. Thank you for providing this opportunity to review and comment.</td>
</tr>
<tr>
<td>WV</td>
<td>Susan M Pierce</td>
<td>8-Jun</td>
<td>electronic</td>
<td>Cultural/ Section 106</td>
<td>We have reviewed the submitted information and concur that the proposed project’s Area of Potential Effect (APE) may include architectural properties eligible for or included in the National Register of Historic Places. As noted in the submission, the test area contains 14 NRHP-listed properties, and Berkeley and Jefferson counties in WV contain 50 historic districts. However, due to the temporary nature of the activities, we concur with the recommendation that this undertaking will have no adverse effect on historic resources. No further consultation is necessary regarding cultural resources; however, we ask that you contact our office if your project should change. We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Kent C. Walker, Structural Historian, at (304) 558-0240.</td>
</tr>
<tr>
<td>VA</td>
<td>Marc Holma</td>
<td>10-Jun</td>
<td>electronic</td>
<td>Cultural/ Section 106</td>
<td>The Virginia DHR received notification of the availability to review and comment on the draft EA for the DHR Counter-UAV Aircraft Systems testing. The DHR, as the State Historic Preservation Office in Virginia, offers our comments pursuant to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800. Upon review of the draft EA for the proposed undertaking, we have no concerns regarding the undertaking affecting historic properties listed in or eligible for listing in the National Register of Historic Places. Duplicate concurrence: noted. Thank you for your response. DHR File # 2022-3898.</td>
</tr>
<tr>
<td>Comment ID</td>
<td>Commentor</td>
<td>Date Received</td>
<td>Method</td>
<td>Resource Areas</td>
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| Shawnee   | Erin Paden | 9-Jun        | electronic | Cultural/Section 106 | The Shawnee Tribe’s Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project. However, there is still potential for the discovery of unknown resources.  
We have no issues or concerns at this time. Please continue with the project as planned, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume immediate consultation under such a circumstance.  
If you have any questions, you may contact me via email at Section106@shawnee-tribe.com | No further action is required at this time. | resolved |
| Seneca-Iroquois | Dr. Joe Stahlman | 8-Jun | electronic | cultural/Section 106 | SNI THPO has no concerns with this project. Thank you for contacting us on this matter. We look forward to future communications. | No further action is required at this time. | resolved |
REPRESENTATIVE COMMENTS
Thank you for your prompt and detailed response. This is incredibly helpful. God bless you all in your efforts to protect us.

Delegate Dan Cox  
State Delegate (D4, Frederick & Carroll Counties)  
House of Delegates  
House Office Building  
6 Bladen St, Suite 326  
Annapolis, MD 21401

Sent from my iPhone

On May 26, 2022, at 2:55 PM, Palmer, Adam A. (CTR)  
<Adam.Palmer@> wrote:

Delegate Cox,
Here are answers to the questions you sent below. Please let me know what additional questions you may have.

Question: I'm unsure of the scope of this mission and the lawfulness since there are no published "credible threats from unmanned aircraft systems" to my knowledge inland in our homeland.

Answer: Over the past several years, the popularity of Small Unmanned Aircraft Systems (sUAS)/drones has grown significantly as they have become more affordable and capable. As drones have become more popular, they have also presented increasing threats to our safety and security. Congress recognized the potential harm drones cause and provided select Federal agencies with new authorities to address this emerging challenge. The Preventing Emerging Threats Act was enacted in 2018 and provided the U.S. Department of Homeland Security (DHS) with authorities to detect, identify, monitor, track, disrupt control, seize, or disable a drone that presents a threat. The Preventing Emerging Threats Act also authorized DHS to conduct research, testing, training on, and evaluation of equipment designed to counter the threats posed by drones (6 U.S.C. § 124n). Since the law's passage, DHS
Components performing authorized Counter-Unmanned Aircraft Systems (C-UAS) missions have begun fielding new technological capabilities that detect, track, identify and if warranted, mitigate the drone. To establish organizational processes and identify which C-UAS technology DHS Components should purchase, DHS has established multiple testbeds that represent a wide range of operational environments. The proposed testing event to take place in your district will allow DHS to test and evaluate C-UAS technology for future DHS operational use.

**Question 1)** Will DHS drones be positioned in the skies above us using technologies to monitor people or property?

**Answer:** No. DHS operated test drones will not conduct surveillance during the C-UAS test events.

**Question 2)** Will DHS drones be flying over residential neighborhoods?

**Answer:** Depending on the test objectives, drones may need to operate in residential neighborhoods. With that said, the impact on residents and businesses will be small. When test events occur, the primary aspect of testing will be the flying of a small number of drones (1-2 drones each mission and roughly 20 missions per day) over the period of a few days, which is already legal for drone hobbyists to do. When conducting tests, there are no plans to alter or block traffic or restrict pedestrian movements. It is likely that many residents won’t even realize testing is happening. Additionally, test drone flight profiles are precoordinated with the FAA and adhere to all FAA Part 107 regulations. In accordance with these regulations, test drone operators must maintain visual line-of-sight of the drones in flight at all times, drones cannot be operated over any persons not directly participating in the test, and drones cannot be flown at night.

**Question 3)** Will DHS drones be taking “counter-measures” that shoot down or "mitigate" other drones?

**Answer:** During this testing event, DHS does plan on testing mitigation technology against test drones owned and operated by DHS. Most C-UAS systems DHS tests mitigate by using the same frequencies used by the test drone in order to render the drone safe by gaining control, sending it back to its home base, or landing it safely in a designated area. During these tests, DHS will not interfere with private drones that are following FAA rules and procedures. If mitigation technology is going to be tested, DHS S&T will utilize Temporary Flight Restrictions (TFRs) and/or the FAA’s Notice to Airmen/Air Missions (NOTAM) system, to ensure non-test drones are aware of the testing activities and will not be mitigated. Additionally, DHS is not testing systems that physically destroy, or “shoot down,” drones. Any armed DHS personnel participating in the tests will never use their firearms to shoot at a drone.

**Question 4)** What “Credible threats from unmanned aircraft systems” exist and are identified at this time, and what are the known or suspected sources?
**Answer:** The primary threat from drones in our airspace is from nuisance or nefarious actors. Nuisance incidents include hobbyists who are operating their drone illegally but without malicious intent. For example, flying a drone near an airport can force air operations to cease due to safety concerns. Nefarious applications may include unpermitted surveillance, the distribution of contraband, or a terrorist attack. Examples of these nefarious applications include the use of drones to monitor law enforcement operations in order to hide illegal activity, flying contraband over prison walls or the U.S. border, as well as terrorist organizations who have used drones in attacks outside of the US.

**Question 5)** There are no details about this mission in regard to what "detection, tracking, identifying and mitigating" will mean, what countries or groups may be of concern for flying drones in our airspace, whether the tracking will include a scope inclusive of citizens lawfully going about business, nor what technologies (radar, infrared, 5G tech, etc) are used to do this.

**Answer:**

What "detection, tracking, identifying and mitigating" mean: DRAFT Environmental Assessment for Counter-Unmanned Aircraft Systems Testing at Multiple Sites | Homeland Security (dhs.gov) (Table 1), provides definitions for the following C-UAS terminology:

- **Detect:** A detection is a declaration that a UAS is in the presence of a sensor. Some systems, depending on how thresholds are configured, may report any object in its view as a detection (i.e., birds, commercial planes, etc.), or they may attempt to only alert the operator of objects deemed to be considered drones, based on system capabilities and configuration.
- **Track:** A track is a compilation of location reports over a period of time. Tracks can be displayed for ground controllers and/or drones. Generally, it is displayed as a line or a sequence of dots.
- **Identify:** Identification is the assignment by the C-UAS technology (either autonomously or by an operator) of a drone to a more specific name or category, such as physical address of its modem, or the exact make/model of the drone.
- **Mitigate:** Mitigate is often used interchangeably with negate, interdict or neutralize. It describes the methods used to remove or reduce the threat posed by a drone. These methods include technical means, such as RF or GPS jamming, and spoofing/hijacking.

What countries or groups may be of concern for flying drones in our airspace: The main threat observed within the US has come from criminal actors who use drones for illicit surveillance and to transport contraband. Internationally, terrorist organizations have utilized drones to conduct surveillance and attacks. As such, it is prudent for DHS to plan for how to counter such a threat.
Will tracking include a scope inclusive of citizens lawfully going about business: The C-UAS equipment will not collect personal information and only aims to collect information between the test control device and the test drones. There is a remote possibility C-UAS sensors might capture images containing personally identifiable information (PII) while monitoring the airspace within the area of operations. If this situation occurs, no PII captured by C-UAS sensors will be stored or maintained. Additionally, DHS issued a Privacy Impact Assessment (PIA) that covers the C-UAS testing and operations for the entire Department, including DHS S&T. DHS/ALL/PIA-085 Counter-Unmanned Aircraft Systems (C-UAS) discusses measures taken to mitigate privacy risks and protect PII during DHS’s use of C-UAS technologies during testing, evaluation, and operational deployment. The document is publicly posted on the DHS website and can be found at: https://www.dhs.gov/publication/dhsallpia-085-counter-unmanned-aircraft-systems-c-uas.

What technologies (radar, infrared, 5G tech, etc) are used: The C-UAS systems to be tested may use the following technologies (Source: DRAFT Environmental Assessment for Counter-Unmanned Aircraft Systems Testing at Multiple Sites | Homeland Security (dhs.gov), Section 2.1.2):

- Radar: Radars operate by transmitting a radio signal of known frequency and power in a focused direction and then detecting the reflected signal that is bounced back from the target.
- Passive Radio Frequency (RF): Passive RF sensors rely on antennas to receive, and computers to analyze, RF signals associated with communications between the ground controller and the drone. Passive RF sensors analyze the radio signatures and modulations specific to drone signals and are capable of identifying certain drone models and manufacturers as well as locating the signal’s transmission origin—the drone and/or the ground controller. Most C-UAS that rely primarily on passive RF sensors use libraries of known drone radio signatures and compare detected signals to those in the library in order to classify or identify drones.
- Electro-Optical (EO) and Infrared (IR) Cameras: EO/IR sensors are digital video cameras that collect environmental information in the visible and infrared light spectrum.
- Acoustic: Acoustic sensors are passive and use high sensitivity microphone arrays coupled with audio analysis applications to detect, track and identify sounds produced by drone motors and propellers. The spinning of different types of drone propellers produces unique acoustic patterns, which makes it possible to create a library of these acoustic signatures to identify different types of drones and determine the general direction of the sound source.
- Active RF: Active RF technology can be used by C-UAS systems to fend or takeover drones when conducting mitigation operations. These active RF systems interdict and disrupt RF signals making up the
communications loop of drone platforms.

Adam A. Palmer | SAIC
CUAS Policy Analyst
CTR Support to Department of Homeland Security
Science and Technology Directorate

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From: Dan Cox  
Sent: Wednesday, May 25, 2022 9:12 AM  
To: CUAS-Test@hq.dhs.gov;  
Subject: Questions Re: C-UAS notice

Dear Ms. Mitchell, Office of the Undersecretary of DHS:

This email is in response to your letter to my office dated May 16. I am grateful for our DHS personnel working to keep us safe.

I'm unsure of the scope of this mission and the lawfulness since there are no published "credible threats from unmanned aircraft systems" to my knowledge inland in our homeland.

Some questions I am requesting an answer to include: 1) Will DHS drones be positioned in the skies above us using technologies to monitor people or property? 2) Will DHS drones be flying over residential neighborhoods? 3) Will DHS drones be taking "counter-measures" that shoot down or "mitigate" other drones? 4) What “Credible threats from unmanned aircraft systems” exist and are identified at this time, and what are the known or suspected sources? 5) There are no details about this mission in regard to what "detection, tracking, identifying and mitigating" will mean, what countries or groups may be of concern for flying drones in our airspace, whether the tracking will include a scope inclusive of citizens lawfully going about business, nor what technologies (radar, infrared, 5G tech, etc) are used to do this. Please provide clarity for this as well.

Thank you for your service to our country and for your anticipated response in this matter.

Dan Cox

Delegate Dan Cox  
District 4, Frederick and Carroll Counties
June 13, 2022

NCPC File #8384

Kathryn Coulter Mitchell  
Science and Technology Directorate  
United States Department of Homeland Security  
Washington, DC 20407

RE: NCPC comments on the Draft Environmental Assessment for Counter-Unmanned Aircraft Systems Testing at Multiple Sites

Dear Ms. Mitchell:

Thank you for the opportunity to review the Draft Environmental Assessment (EA) for Counter-Unmanned Aircraft Systems (C-UAS) Testing at Multiple sites within the United States, including the National Capital Region (NCR). As the federal planning agency for the National Capital Region, NCPC has review authority over federal projects located in the NCR per (40 USC§ 8722 (b)(1)) and approval authority over projects located within Washington, DC per (40 USC§ 8722 (b)(1) and (d)). Our interest is to ensure projects are consistent with policies contained within the Federal Elements of the Comprehensive Plan for the National Capital (Comprehensive Plan). As this project includes the potential of testing C-UAS systems located on federal buildings or sites within the National Capital Region, NCPC has an interest in the physical and visual impacts of any future permanent installations. We appreciate that the current proposal allows for testing and evaluation prior to any decision about permanent measures that may have impacts to federal building or sites.

NCPC staff is generally supportive of the action alternative in the EA for C-UAS systems which includes potentially deploying C-UAS that could be portable, affixed to a vehicle, or mounted to a tripod placed on either the ground or a building. Since no specific sites are identified in the EA, our comments are general in nature. Our primary interest is related to any installations located with Monumental Core of Washington, DC, particularly those areas in and around the National Mall, as this is the largest collection of important national cultural and civic sites. The protection of vistas and long views are important given the historic nature of Washington, DC. As such, we request systems mounted on buildings be placed away from the edge of a roof at a distance equal to or greater than its height above the roof to reduce its visibility. In addition, we request that any sites on buildings or on the ground be identified and cordoned off to ensure a safe environment for federal workers and the general public in accordance with applicable federal regulations.

Any permanent installations, if proposed in the future, will be subject to NCPC review. As such, we recommend that sites be photo-documented during testing as this will help NCPC understand the potential visual impacts of any installations. Given the significant number of historic resources in the core of Washington, DC, such documentation will also be important to future Section 106 consultation required under the National Historic Preservation Act (NHPA).
These comments have been prepared in accordance with NCPC’s Historic Preservation and Federal Workplace Policies of the Comprehensive Plan. We refer the Department of Homeland Security to NCPC’s *Comprehensive Plan for the National Capital* to reference policies and guidelines for which this project will be evaluated against. The Comprehensive Plan and other NCPC plans/policies can be found on our website at [www.ncpc.gov](http://www.ncpc.gov). Please feel free to contact Carlton Hart, the point of contact for this project, at 202-482-7252 or carlton.hart@ncpc.gov.

Sincerely,

FOR Diane Sullivan

Director, Urban Design and Plan Review Division
June 1, 2022

Ms. Holly Bisbee, Science and Technology Directorate
U.S. Department of Homeland Security
245 Murray Lane, SW, Bldg. T-5
Washington, DC 20223

STATE CLEARINGHOUSE REVIEW PROCESS
State Application Identifier: MD20220524-0392
Reviewer Comments Due By: June 12, 2022
Project Description: Draft Environmental Assessment: Proposed Testing of Counter-Unmanned Aircraft System Technologies at Multiple Sites; Five Geographical Testing Areas are Being Considered—http://www.dhs.gov/national-environmental-policy-act
Project Address: Niagara Falls and Buffalo, NY; the greater Philadelphia, PA area; Northeastern WV, National Capital Region (NCR), D.C. & MD; Richmond, Virginia
Project Location: Maryland, New York, Pennsylvania, Virginia, and West Virginia; and the District of Columbia
Clearinghouse Contact: Sylvia Mosser

Dear Ms. Bisbee:

Thank you for submitting your project for intergovernmental review. Participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps ensure project consistency with plans, programs, and objectives of State agencies and local governments. MIRC enhances opportunities for approval and/or funding and minimizes delays by resolving issues before project implementation.

Maryland Gubernatorial Executive Order 01.01.1998.04, Smart Growth and Neighborhood Conservation Policy, encourages federal agencies to adopt flexible standards that support "Smart Growth." In addition, Federal Executive Order 12072, Federal Space Management, directs federal agencies to locate facilities in urban areas. Consideration of these two Orders should be taken prior to making final site selections. A copy of Maryland Gubernatorial Executive Order 01.01.1998.04, Smart Growth and Neighborhood Conservation Policy is available upon request.

We have forwarded your project to the following agencies and/or jurisdictions for their review and comments: the Maryland Departments of General Services, Natural Resources, Transportation, and the Environment; the Maryland Military Department; Prince George's County; Montgomery County; the Maryland-National Capital Park and Planning Commission in Prince George's County; the Maryland-National Capital Park and Planning Commission in Montgomery County; the National Capital Planning Commission; the Metropolitan Washington Council of Government; and the Maryland Department of Planning; including the Maryland Historical Trust. A composite
review and recommendation letter will be sent to you by the reply due date. Your project has been assigned a unique State Application Identifier that you should use on all documents and correspondence. Please be assured that we will expeditiously process your project.

If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at sylvia.mosser@maryland.gov. Thank you for your cooperation with the MIRC process.

Sincerely,

Jason Dubow, Manager
Resource Conservation and Management

JD:SM

22-0392_NFP.NEW.docx
Ms. Holly Bisbee, Science and Technology Directorate
U.S. Department of Homeland Security
245 Murray Lane, SW, Building T-5
Washington, DC  20223

STATE CLEARINGHOUSE RECOMMENDATION
State Application Identifier:  MD20220524-0392
Applicant:  U.S. Department of Homeland Security
Project Description:  Draft Environmental Assessment: Proposed Testing of Counter-Unmanned Aircraft System Technologies at Multiple Sites; Five Geographical Testing Areas are Being Considered—
http://www.dhs.gov/national-environmental-policy-act
Project Address:  Niagara Falls and Buffalo, NY; the greater Philadelphia, PA area; Northeastern WV, National Capital Region (NCR), D.C. & MD, Richmond, Virginia
Project Location:  States of Maryland, New York, Pennsylvania, Virginia and West Virginia; and the District of Columbia
Recommendation:  Consistent

Dear Ms. Bisbee:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.02.04-.07, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation.

Review comments were requested from the Maryland Departments of General Services, Natural Resources, Transportation, and the Environment; the Maryland Military Department; Montgomery County; Prince George's County; the Maryland National Capital Parks and Planning Commission - Montgomery County; the Maryland National Capital Parks and Planning Commission - Prince George's County; the Metropolitan Washington Council of Governments; the National Capital Planning Commission; and the Maryland Department of Planning, including the Maryland Historical Trust. The Maryland Department of General Services; Montgomery County; Prince George's County; the Maryland National Capital Parks and Planning Commission - Montgomery County; the Maryland National Capital Parks and Planning Commission - Prince George's County; the Metropolitan Washington Council of Governments; and the Maryland Department of Planning (Central Maryland regional planner) did not have comments regarding consistency. The Maryland Military Department; and the National Capital Planning Commission did not provide comments.

The Maryland Department of Planning Upper Eastern Shore regional planner provided the following general comment: “The proposed study area does not appear to encroach into the Upper Eastern Shore Region.”
The Maryland National Capital Parks and Planning Commission - Prince George's County (MNCPPCP) provided the following general comment:

“The Community Planning Division concludes that the Counter-Unmanned Aircraft Systems Testing, as outlined in the Draft EA, will have little to no impact on Prince George’s County’s current land use and Master Planning efforts and the built environment. Due to the relatively small size and intermittent use of the technologies outlined, we believe the many current land uses and Master Planning efforts will not be impacted. David Allen Green, MBA, Planner IV, Community Planning Division, MNCPPC.”

The Maryland Departments of Natural Resources, Transportation, and the Environment; and the Maryland Department of Planning (Lower Eastern Shore, Upper Eastern Shore, and Western Maryland regional planners), including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.

The Maryland Historical Trust has determined that the project will have “no effect” on historic properties and that the federal and/or State historic preservation requirements have been met.

The State Application Identifier Number must be placed on any correspondence pertaining to this project.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at sylvia.mosser@maryland.gov.

Thank you for your cooperation with the MIRC process.

Sincerely,

Myra Barnes, Lead Clearinghouse Coordinator

cc:
Tanja Rucci - DGS
Tony Redman - DNR
Tyson Byrne - MDOT
Amanda Redmiles - MDE
Kirk Yaukey - MILT
Kathleen Herbert - PGEO
Greg Ossont - MTGM
Neil Braunstein -
MNCPPCM
Matthew Flis - NCPC
Greg Goodwin - MWCOC
Ivy Thompson - MNCPPCP
David Dahlstrom - MDPLU
Tracey Gordy - MDPLL
Joseph Griffiths - MDPL

22-0392_CRR.CLS.docx
June 21, 2022

Department of Homeland Security
Science and Technology Directorate (S&T)
Office of Mission Capability and Support (MCS)
Via email. cuas-test@hq.dhs.gov

RE: Draft Environmental Assessment, Counter-Unmanned Aircraft Systems Testing at Multiple Sites, Department of Homeland Security, Greater Washington DC and Greater Richmond (DEQ 22-081F)

To Whom It May Concern:

The Commonwealth of Virginia has completed its review of the above-referenced document. The Department of Environmental Quality is responsible for coordinating Virginia’s review of federal environmental documents submitted under the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also responsible for coordinating Virginia’s review of federal consistency documents submitted pursuant to the Coastal Zone Management Act (CZMA) and providing the state’s response. This is in response to the May 2022 Draft Environmental Assessment (EA) (received May 23, 2022), submitted by the U.S. Department of Homeland Security for the proposed activity. The following agencies participated in the review of this proposal:

- Department of Environmental Quality
- Department of Conservation and Recreation
- Department of Health
- Department of Historic Resources
- Department of Aviation

In addition, the Department of Wildlife Resources was invited to comment on the proposed action.
PROJECT DESCRIPTION

The U.S. Department of Homeland Security (DHS) Science & Technology Directorate (S&T) proposes to test counter-unmanned aircraft system (C-UAS) capabilities to detect, track, identify, and mitigate (DTI-M) small unmanned aircraft systems (sUAS). Five geographical testing areas are being considered: Niagara Falls and Buffalo, New York; greater Philadelphia; Northeastern West Virginia; greater Washington, D.C.; and greater Richmond, Virginia.

The Proposed Action would involve testing the capabilities of C-UAS to detect, track, identify, and mitigate (DTI-M) sUAS in the five geographic areas. Five types of third-party C-UAS technology modalities would be tested against sUAS, which Department of Defense (DOD) defines as fixed wing or rotocopter sUAS with a maximum takeoff weight of less than 55 pounds. The C-UAS systems being tested would be person-portable, affixed to a vehicle for mobility, or mounted on a tripod which could be placed on the ground or on a building. The C-UAS systems would have a detection range of up to approximately 1.2 miles. The five modalities (or types) of systems to be evaluated include:

- radar;
- passive radio frequency (RF) (sometimes referred to as electronic surveillance measures);
- active RF (used for fend or takeover actions when testing mitigation);
- electro-optical/infrared (EO/IR) cameras; and
- acoustic.

All C-UAS test events would be conducted by S&T-authorized personnel in conjunction with a participating component or state partner and may be attended by other DHS components, and other government, state, or local agencies.

The greater Washington, D.C. C-UAS test may be set up somewhere within the 275-square-mile area that encompasses Washington, D.C., and extends into portions of southeastern Maryland, including Silver Spring and Bethesda, and northern Virginia, including Falls Church, Arlington, and Alexandria. This testing area is highly urbanized and includes most of the Nation’s capital buildings, monuments, and includes other federal, suburban, residential, industrial, commercial, military, recreational, and military lands. Major highways intersect the area, two major rivers passing through the area. Railroad corridors intersect the area from all cardinal sides. There are major airports within the area and federal lands. There are no tribal trust lands within this area.

The greater Richmond C-UAS testing may be set up somewhere within the Richmond Metropolitan Area including the city of Richmond and the counties of Chesterfield, Goochland, Henrico, and Hanover. This approximately 314-square-mile area is highly urbanized, including surrounding suburban areas and agricultural lands. The area includes the Richmond International Airport. Numerous railroad lines cross the test area.
from all cardinal directions and intersect near Richmond. Federal lands within this
testing area include the Richmond National Battlefield Park and the Army’s Defense
Supply Center. The James River flows into the area from the west, then turns south
near the center of the area and exits through the southern boundary of the area. There
are no tribal trust lands within the area.

**CONCLUSION UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT**

Provided activities are performed in accordance with the recommendations which follow
in the Environmental Impacts and Mitigation section of this report, the Proposed Action
is unlikely to have significant effects on ambient air quality, important farmland, forest
resources, historic resources, surface waters, and wetlands. It is unlikely to adversely
affect species of plants or insects listed by state agencies as rare, threatened, or
endangered.

**ENVIRONMENTAL IMPACTS AND MITIGATION**

1. **Surface Waters and Wetlands.** According to the EA (page 33), during planning,
S&T would review the U.S. Fish and Wildlife Service (USFWS National Wetland
Inventory (NWI) mapping to identify surface water and wetland locations to ensure test
events do not occur within a wetland or a surface water body. The Proposed Action has
the potential to occur in areas adjacent to or directly over surface water and wetlands.
C-UAS test activities would have no mechanism for impact to surface water or wetlands.
sUAS flight activities would not result in the discharge, fill, or dredging of surface waters
or wetlands, and no in-water activities would occur.

1(a) **Agency Jurisdiction.** The State Water Control Board promulgates Virginia’s water
regulations covering a variety of permits to include the Virginia Pollutant Discharge
Elimination System Permit regulating point source discharges to surface waters, Virginia
Pollution Abatement Permit regulating sewage sludge, storage and land application of
biosolids, industrial wastes (sludge and wastewater), municipal wastewater, and animal
wastes, the Surface and Groundwater Withdrawal Permit, and the Virginia Water
Protection (VWP) Permit regulating impacts to streams, wetlands, and other surface
waters. The VWP permit is a state permit which governs wetlands, surface water, and
surface water withdrawals and impoundments. It also serves as §401 certification of the
federal Clean Water Act §404 permits for dredge and fill activities in waters of the U.S.
The VWP Permit Program is under the Office of Wetlands and Stream Protection, within
the DEQ Division of Water Permitting. In addition to central office staff that review and
issue VWP permits for transportation and water withdrawal projects, the six DEQ
regional offices perform permit application reviews and issue permits for the covered
activities:

- Clean Water Act, §401;
- Section 404(b)(i) Guidelines Mitigation Memorandum of Agreement (2/90);
- State Water Control Law, Virginia Code section 62.1-44.15:20 et seq.; and
- State Water Control Regulations, 9 VAC 25-210-10.
1(b) **Agency Findings.** The DEQ Northern Regional Office (NRO) finds that the Proposed Action will have no discernable impacts to surface waters, including wetlands in the area of Northern Virginia under its jurisdiction. The DEQ Piedmont Regional Office (PRO) did not indicate that the proposal would impact jurisdictional waters in the Richmond area under its jurisdiction.

For additional information, contact DEQ-NRO, Mark Miller at (571) 866-6487 or mark.miller@deq.virginia.gov or DEQ-PRO, Kelley West at (804) 432-7946 or kelley.west@deq.virginia.gov.

2. **Floodplain Management.** The EA (page 33) states that the Proposed Action is temporary in nature and does not involve constructing any permanent structures. Additionally, there would be no mechanism present to alter a floodplain. Therefore, the Proposed Action would not impact floodplains.

2(a) **Agency Jurisdiction.** The DCR Division of Dam Safety and Floodplain Management (DSFM) is the lead coordinating agency for the Commonwealth’s floodplain management program and the National Flood Insurance Program (Executive Order 45). The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community’s local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (shaded Zone X).

2(b) **Requirements.** All development within a Special Flood Hazard Area (SFHA) or floodplain, as shown on the locality’s Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance. Projects conducted by federal agencies within the SFHA must comply with federal Executive Order 11988: Floodplain Management.

DCR’s Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must contact the local floodplain administrator for an official floodplain determination and comply with the community’s local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality. MCHF is encouraged to reach out to the local floodplain administrator to ensure compliance with the local floodplain ordinance.

2(c) **Recommendations.** DCR recommends DHS-S&T access the Virginia Flood Risk Information System (VFRIS) to find flood zone information.

For additional information, contact DCR-DSFM, Angela Davis at (804) 371-6135 or angela.davis@dcr.virginia.gov.
3. Air Emissions. The EA (pages 23-24) notes that the greater DC area is marginal for 8-hour ozone and the Richmond area is in full attainment for National Ambient Air Quality Standards (NAAQS) states that C-UAS testing technologies would be powered either with small commercial batteries that do not generate emissions of criteria pollutants or small gasoline-powered portable generators (under 20 horsepower). Emissions of criteria pollutants from the temporary use of small portable gasoline-fueled generators would be below federal or state air quality standards. The sUAS proposed for use are powered by small onboard batteries and would not result in air emissions during flight. Potential greenhouse gas (GHG) emissions would be limited to motor vehicles traveling to and from project sites; however, these would be temporary, minimal, and typical of other roadway emissions in the surrounding area.

3(a) Agency Jurisdiction. The [DEQ Air Division](https://www.deq.virginia.gov), on behalf of the State Air Pollution Control Board, is responsible for developing regulations that implement Virginia’s Air Pollution Control Law (Virginia Code §10.1-1300 et seq.). DEQ is charged with carrying out mandates of the state law and related regulations as well as Virginia’s federal obligations under the Clean Air Act as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia’s air quality. The appropriate DEQ regional office is directly responsible for the issuance of necessary permits to construct and operate all stationary sources in the region as well as monitoring emissions from these sources for compliance.

The Air Division regulates emissions of air pollutants from industries and facilities and implements programs designed to ensure that Virginia meets national air quality standards. The most common regulations associated with major State projects are:

- Open burning: 9 VAC 5-130 et seq.
- Fugitive dust control: 9 VAC 5-50-60 et seq.
- Permits for fuel-burning equipment: 9 VAC 5-80-1100 et seq.

3(b) Agency Findings. The DEQ Division of Air Program Coordination (DAPC) concurs with the attainment status for the greater DC and Richmond areas as presented in the EA. In addition, the sites are designated emission control areas for the control of oxides of nitrogen (NOₓ) and volatile organic compounds (VOCs). DEQ-DAPC did not indicate any concerns with the systems testing as proposed.

3(c) Recommendations. DEQ-PRO recommends the proposed actions operate in a manner consistent with air pollution control practices for minimizing emissions, especially during periods of high ozone.

For additional information, contact DEQ-NRO, David Hartshorn at (571) 408-1778 or [r.david.hartshorn@deq.virginia.gov](mailto:r.david.hartshorn@deq.virginia.gov) or DEQ-PRO, James Kyle at (804) 489-6241 or
4. **Wildlife and Natural Heritage Resources.** The EA (page 36) finds that the wildlife species common to the Project area include terrestrial and avian animals that are native to the Proposed Action sites and may include migratory bird species. No unique or sensitive wildlife resources were identified within the Proposed Action sites. Impacts on wildlife would vary depending on the specific habitat requirements; however, no impacts on vegetation or wildlife habitat are anticipated. Potential impacts on wildlife species would be limited to radio frequency and sUAS impacts.

4(a) **Agency Jurisdiction.**

(i) **The Virginia Department of Conservation and Recreation’s (DCR) Division of Natural Heritage (DNH).**

DNH’s mission is conserving Virginia’s biodiversity through inventory, protection and stewardship. The Virginia Natural Area Preserves Act (Virginia Code §10.1-209 through 217), authorizes DCR to maintain a statewide database for conservation planning and project review, protect land for the conservation of biodiversity, and protect and ecologically manage the natural heritage resources of Virginia (the habitats of rare, threatened and endangered species, significant natural communities, geologic sites, and other natural features).

(ii) **The Virginia Department of Agriculture and Consumer Services (VDACS).**

The Endangered Plant and Insect Species Act of 1979 (Virginia Code Chapter 39 §3.1-1020 through 1030) authorizes VDACS to conserve, protect and manage endangered and threatened species of plants and insects. Under a Memorandum of Agreement established between VDACS and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

4(b) **Agency Findings.**

(i) **Natural Heritage Resources**

DCR-DNH searched its Biotics Data System (Biotics) for occurrences of natural heritage resources from the project area. Biotics documents the presence of natural heritage resources within the project boundary including a 100-foot buffer. However, due to the scope of the activity we do not anticipate that this project will adversely impact these natural heritage resources. Please note, predictive models identifying potential habitat for natural heritage resources intersect the project boundary. However, based on DCR biologist’s review of the proposed project a survey is not recommended for the resources.
(ii) State-listed Plant and Insect Species

DCR-DNH finds that the Proposed Action will not affect any documented state-listed threatened and endangered plant or insect species.

(iii) State Natural Area Preserves

DCR finds that there are no State Natural Area Preserves under the agency’s jurisdiction in the project vicinity.

4(c) Recommendations.

(i) Natural Heritage Resources

Contact DCR-DNH to secure updated information on natural heritage resources if the scope of the project changes and/or six months passes before the project is implemented, since new and updated information is continually added to the Biotics Data System.

(ii) Wildlife Resources and Protected Species

The Virginia Department of Wildlife Resources (VDWR) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in DCR’s response. Access the DWR Fish and Wildlife Information Service or contact DWR, Amy Martin at (804) 367-2733 or amy.martin@dwr.virginia.gov.

5. Public Water Supply. According to the EA (page 33), the Proposed Action does not involve or require any interaction with groundwater, including withdrawals or injections of substances to aquifers underlying the test areas. There would be no direct or indirect impact on groundwater. C-UAS test activities would have no mechanism for impact to surface water or wetlands. sUAS flight activities would not result in the discharge, fill, or dredging of surface waters or wetlands, and no in-water activities would occur.

5(a) Agency Jurisdiction. The Virginia Department of Health (VDH) Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells, springs and surface water intakes). VDH administers both federal and state laws governing waterworks operation.

5(b) Agency Findings. VDH-ODW has no comments on the Proposed Action with respect to public water supply sources.

For additional information, contact VDH-ODW, Arlene Fields Warren at (804) 864-7781 or arlene.warren@vdh.virginia.gov.
6. Radiological Emissions. According to the EA (page 47), C-UAS technologies include radar with active radio frequency (RF) (active radar), passive RF detectors, EO/IR, and acoustic (passive listening devices) methods. Technologies that emit RF may also be similar to the RF emitted between an sUAS and a controller. Active RF is the only technology with potential to emit energies that could potentially impact living organisms.

For the Proposed Action, C-UAS active radar systems would not exceed maximum exposure limitations for the public as referenced in Occupational Safety & Health Administration (OSHA) 29 CFR 1910 and would comply with FCC 47 CFR 1.1307(b), IEEE C95.7, and International Commission of Non-Ionizing Radiation Protection (ICNIRP) 2020.

Additionally, all C-UAS testing would comply with the limits for occupational/controlled exposures and for general populations/uncontrolled exposures in accordance with the FCC 47 CFR 1.1307(b) (FCC, 2007). Furthermore, all testing would not exceed the recommended exposures described by IEEE Standards Associates C95.7-214, Recommended Practice for Radio Frequency Safety Programs, 3 kHz to 300 Gigahertz (GHz) (IEEE SA, 2014), and International Commission of Non-Ionizing Radiation Protection (ICNIRP) RF electromagnetic field (EMF) Guidelines 2020 (ICNIRP, 2020).

6(a) Agency Jurisdiction. The Virginia Department of Health (VDH) Office of Radiological Health (ORH) is responsible for protecting the public health and safety from unnecessary radiation from a diversity of sources that spans a wide spectrum of applications in the healing arts, research and educational institutions, and industry. VDH-DRH administers a licensing and inspection program for radioactive materials that are naturally occurring or accelerator produced; registers, inspects and certifies X-ray machines in the Commonwealth; provides educational and technical assistance for indoor radon; coordinates with the Department of Emergency Management for training activities and response to radiological emergencies; and collects environmental samples for radiological analysis near various fixed nuclear facilities.

6(b) Agency Findings. VDH did not indicate any concerns with respect to RF emissions related to the Proposed Action.

For additional information, contact VDH, Arlene Fields Warren at (804) 864-7781 or arlene.warren@vdh.virginia.gov

7. Historic Resources. According to the EA (pages 31-32), the greater DC test area contains 580 National Register of Historic Places (NRHP)-listed properties. Additionally, 30 historic districts a located in Arlington County, 15 in Fairfax County, and 19 in the City of Falls Church. There are no tribal trust lands in the test area, but seven federally-recognized tribes with an interest in this area include the Catawba Indian Nation, Cherokee Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Pamunkey Indian Tribe, and Seneca-Cayuga Nation.
The greater Richmond test area contains 167 NRHP-listed. Additionally, there are seven historic districts in Chesterfield County, four in Goochland County, eight in Hanover County, and five historic districts in Henrico County. There are no tribal trust lands in the test area, but seven federally-recognized tribes with an interest in this area include the Catawba Indian Nation, Chickahominy Indian Tribe, Chickahominy Indians-Eastern Division, Delaware Nation, Monacan Indian Nation, Pamunkey Indian Tribe, and Upper Mattaponi Tribe.

7(a) Agency Jurisdiction. The Virginia Department of Historic Resources (DHR) conducts reviews of both federal and state projects to determine their effect on historic properties. Under the federal process, DHR is the State Historic Preservation Office, and ensures that federal undertakings—including licenses, permits, or funding—comply with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation at 36 CFR Part 800. Section 106 requires federal agencies to consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. The DHR Review and Compliance Division has additional information on applicable state and federal laws and how to submit an application for review.

7(b) Agency Findings. Based on its review of the draft EA for the proposed undertaking, DHR has no concerns regarding the undertaking affecting historic properties listed in or eligible for listing in the National Register of Historic Places.

For additional information, contact DHR, Marc Holma at (804) 482-6090 or marc.holma@dhr.virginia.gov.

8. Aviation Impacts. According to the EA (page 6), the Federal Aviation Administration (FAA) released the Small Unmanned Aircraft Vehicle Rule (14 CFR Part 107) in August 2016 to address sUAS operation in the national airspace. All S&T-authorized contracted sUAS operators are required to be Part 107 certified. S&T C-UAS testing operates with an FAA Certificate of Waiver or Authorization (COA) when flying in controlled airspace (Class A, Class B, Class C, Class D, and Class E airspace) and with additional coordination as needed (such as when flying in DOD-controlled airspace). As part of the Proposed Action, S&T would obtain FAA COAs for testing activities at all proposed testing areas that involve operations at or below 400 feet Above Ground Level (AGL).

8(a) Agency Jurisdiction. The Virginia Department of Aviation (DoAv) plans for the development of the state aviation system, promotes aviation, grants aircraft and airports licenses, and provides financial and technical assistance to cities, towns, counties and other governmental subdivisions for the planning, development, construction and operation of airports, and other aviation facilities.

8(b) Agency Recommendations. DoAv recommends the following:

- Proposed activities associated with the testing should minimize the risks with potential light, electromagnetic interference, and active radio frequency on the
conduct of operations at airports and the operations of aircraft. Care should also be given to eliminate any distraction to aircraft operators during the testing. 

- DHS-S&S should consult with airport sponsors and the appropriate offices of the FAA prior to and during the testing activities.

For additional information, contact DoAv, Rusty Harrington at (804) 236-3522 or rusty.harrington@doav.virginia.gov.

9. Federal Consistency under the Coastal Zone Management Act. According to the EA (page 33), the Coastal Zone Management Act (CZMA) requires that federal actions likely to affect any land or water use or natural resource within the coastal zone must be consistent to the maximum extent practicable with a state’s Coastal Zone Management Program. These actions must also go through a federal consistency review. Significant impacts would occur if activities were inconsistent with applicable enforceable coastal zone policies. Because the Proposed Action has no mechanisms to utilize coastal zone resources, nor reasonably affect any land or water use or natural resource within a coastal zone, DHS has determined that federal consistency under Section 307 of the CZMA is not required.

9(a) Agency Jurisdiction. Pursuant to the Coastal Zone Management Act of 1972 (§ 1456(c)), as amended, and the federal consistency regulations implementing the CZMA (15 CFR Part 930, Subpart C, § 930.30 et seq.) federal actions that can have reasonably foreseeable effects on Virginia’s coastal uses or resources must be conducted in a manner which is consistent to the maximum extent practicable with the Virginia Coastal Zone Management (CZM) Program. The Virginia CZM Program is comprised of a network of programs administered by several agencies. DEQ is the lead agency administering the Virginia CZM Program. In order to be consistent with the program, federal agency activities must be consistent with all the applicable enforceable policies of the Virginia CZM Program prior to commencing the project. This entails the submission by the federal proponent agency of a Federal Consistency Determination to DEQ for its review and concurrence. Additional information on federal consistency and submission requirements may be found at DEQ’s Federal Consistency webpage.

9(b) Agency Findings. DHS has determined that the Proposed Action has no effect on coastal resources or uses in Virginia [and a negative determination under § 930.35 is not required], therefore, per 930.33(a)(2) coordination with the Virginia CZM Program is not required under Section 307 of the CZMA. Based on the information and analysis provided in the draft EA, it is DEQ’s opinion that the Proposed Action will not have reasonably foreseeable coastal effects and therefore, does not require the submission of a Federal Consistency Determination.

For additional information, contact the DEQ Office of Environmental Impact Review (OEIR), John Fisher at (804) 659-1919 or john.fisher@deq.virginia.gov.
Thank you for the opportunity to review the Draft Environmental Assessment for the Counter-Unmanned Aircraft Systems Testing. This response focuses on proposed activities in Virginia localities included in the greater DC and Richmond areas. Detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 659-1915 or John Fisher at (804) 659-1919 for clarification of these comments.

Sincerely,

Bettina Rayfield
Program Manager
Environmental Impact Review and Long-Range Priorities

Enclosures

Ec: Amy Martin, DWR
    Kristal McKelvey, DCR
    Arlene Warren, VDH
    Roger Kirchen, DHR
    Rusty Harrington, DoAv
TO: John Fisher  
Environmental Program Planner

FROM: Kelley West  
Environmental Planner

DATE: June 17, 2022

SUBJECT: Counter-Unmanned Aircraft Systems Testing at Multiple Sites (22-081F)

I have reviewed the Environmental Assessment for the above referenced project by which Department of Homeland Security proposes to test available counter unmanned aircraft system technologies to evaluate their effectiveness in a range of terrains and environments to meet DHS mission requirements. The testing takes place in Richmond, VA. My comments are as follows:

Air: DEQ-PRO recommends the proposed actions shall operate in a manner consistent with air pollution control practices for minimizing emissions, especially during periods of high ozone. Fugitive dust should be kept to a minimum, (9 VAC5-50-60). For further questions concerning air quality issues, please contact James Kyle at (804) 527-5047.

Waste: The generation or recovery of any hazardous waste materials should be tested and removed in accordance with the Virginia Hazardous Waste Management Regulations (9 VAC 20-60) and/or the Virginia Solid Waste Management Regulations (9 VAC 20-81). Please understand that it is the generator’s responsibility to determine if a solid waste meets the criteria of a hazardous waste and as a result be managed as such. In addition, asbestos waste, lead waste, or contaminated residues generated must be handled and disposed of in accordance with the VSWMR or VHWMR as applicable. DEQ recommends that pollution prevention principles be implemented to reduce the amount of wastes at the source, such as the re-use and recycling of construction waste materials. If you have any questions concerning hazardous/solid waste management, please contact Shawn Weimer at (804)527-5055.

Above/Underground Storage Tanks (AST/UST): All necessary precautions should be taken to avoid or minimize potential environmental/health risks. Please report the installation, relocation or removal of any above or below ground petroleum storage tank to DEQ Piedmont Regional Office. For any petroleum contaminated soil/groundwater that are encountered during the subsurface phases of this project, please contact your Local Fire Marshall with any personal safety concerns and report any such contamination to DEQ-PRO. The disposal of contaminated soils and groundwater should be done in accordance with DEQ regulatory guidelines. If you have any further questions or concerns or need to report the installation, relocation or removal of a tank please contact the DEQ-PRO at (804) 527-5020.
Virginia Department of Historic Resources (DHR) comments on C-UAS NEPA Draft EA

1 message

Holma, Marc <marc.holma@dhr.virginia.gov> Fri, Jun 10, 2022 at 10:34 AM
To: CUAS-Test@hq.dhs.gov
Cc: John Fisher <john.fisher@deq.virginia.gov>

To Whom It May Concern:

The Virginia DHR received notification of the availability to review and comment on the draft EA for the DHR Counter-Unmanned Aircraft Systems testing. The DHR, as the State Historic Preservation Office in Virginia, offers our comments pursuant to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800. Upon review of the draft EA for the proposed undertaking, we have no concerns regarding the undertaking affecting historic properties listed in or eligible for listing in the National Register of Historic Places.

Sincerely,
Marc Holma, Architectural Historian
Division of Review and Compliance
DHR

Marc Holma
Architectural Historian
Division of Review and Compliance
(804) 482-6090
marc.holma@dhr.virginia.gov
Thank you for requesting our comments regarding the C-UAS NEPA DRAFT EA, Project Number DEQ #22-081F.

The Virginia Department of Aviation has reviewed the documents provided. Following our review, we would like to offer the following comments on the document:

The Department requests that any activities associated with the testing minimize the risks with potential light, electromagnetic interference, active radio frequency (RF) on the conduct of operations at airports and the operations of aircraft. Care should also be given to not create a distraction to aircraft operators during the testing as well.

The Department also asks that airport sponsors and the appropriate offices of the Federal Aviation Administration be consulted prior to and during the testing activities.

The Department appreciates the consideration you have given to us by requesting our comments on this project. Please do not hesitate to contact me should you have any questions or require further assistance regarding the Department’s review of this project.

--

R.N. (Rusty) Harrington, MBA
Manager, Planning and Environmental Section
Virginia Department of Aviation
5702 Gulfstream Road
Richmond, Virginia 23250
(804) 236-3522
Re: NEW PROJECT DHS Counter-Unmanned Aircraft Systems Testing, DEQ 22-081F
1 message

Warren, Arlene <arlene.warren@vdh.virginia.gov>  
To: John Fisher <john.fisher@deq.virginia.gov>  
Mon, Jun 6, 2022 at 1:21 PM

Project Number: DEQ #22-081F
Project Sponsor: Department of Homeland Security
Project Title: Counter-Unmanned Aircraft Systems Testing at Multiple Sites
Location: Arlington County

The Office of Drinking Water – VDH does not have any comments.

Best Regards,

Arlene F. Warren
GIS Program Support Technician
Virginia Department of Health, Office of Drinking Water
109 Governor Street, 6th Floor
Richmond, VA 23219
804-356-6658 (office/cell/text)
MEMORANDUM

DATE: June 16, 2022

TO: John Fisher

FROM: Kristal McKelvey, Environmental Impact Review Coordinator

SUBJECT: DEQ 22-081F, Counter-Unmanned Aircraft Systems Testing at Multiple Sites

Division of Planning and Recreation Resources

The Department of Conservation and Recreation (DCR), Division of Planning and Recreational Resources (PRR), develops the Virginia Outdoors Plan and coordinates a broad range of recreational and environmental programs throughout Virginia. These include the Virginia Scenic Rivers program; Trails, Greenways, and Blueways; Virginia State Park Master Planning and State Park Design and Construction. PRR also administers the Land & Water Conservation Fund (LWCF) program in Virginia.

Division of Natural Heritage

The Department of Conservation and Recreation’s Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources within the project boundary including a 100ft buffer. However, due to the scope of the activity we do not anticipate that this project will adversely impact these natural heritage resources. Please note, predictive models identifying potential habitat for natural heritage resources intersect the project boundary. However, based on DCR biologist’s review of the proposed project a survey is not recommended for the resources.

There are no State Natural Area Preserves under DCR’s jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.
The Virginia Department of Wildlife Resources (VDWR) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from http://vafwis.org/fwis/ or contact Amy Martin at (804-367-2211) or amy.martin@dwr.virginia.gov. Multiple documented occurrences of state listed animals are located within the submitted project boundary including a 100-foot buffer. Therefore, DCR recommends coordination with the VDWR, Virginia's regulatory authority for the management and protection of these species to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

Division of State Parks

DCR's Division of State Parks is responsible for acquiring and managing, state parks. Park development and master planning are managed by the Division of Planning and Recreation Resources. Master plans are required prior to a parks opening and are updated every ten years (Virginia Code § 10.1-200 et seq.).

Division of Dam Safety and Floodplain Management

Dam Safety Program:
The Dam Safety program was established to provide proper and safe design, construction, operation and maintenance of dams to protect public safety. Authority is bestowed upon the program according to The Virginia Dam Safety Act, Article 2, Chapter 6, Title 10.1 (10.1-604 et seq) of the Code of Virginia and Dam Safety Impounding Structure Regulations (Dam Safety Regulations), established and published by the Virginia Soil and Water Conservation Board (VSWCB).

Floodplain Management Program:
The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community’s local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (Shaded X Zone).

All development within a Special Flood Hazard Area (SFHA), as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance.

State Agency Projects Only

Executive Order 45, signed by Governor Northam and effective on November 15, 2019, establishes mandatory standards for development of state-owned properties in Flood-Prone Areas, which include Special Flood Hazard Areas, Shaded X Zones, and the Sea Level Rise Inundation Area. These standards shall apply to all state agencies.

1. Development in Special Flood Hazard Areas and Shaded X Zones
   A. All development, including buildings, on state-owned property shall comply with the locally-adopted floodplain management ordinance of the community in which the state-owned property is located and any flood-related standards identified in the Virginia Uniform Statewide Building Code.
B. If any state-owned property is located in a community that does not participate in the NFIP, all development, including buildings, on such state-owned property shall comply with the NFIP requirements as defined in 44 CFR §§ 60.3, 60.4, and 60.5 and any flood-related standards identified in the Virginia Uniform Statewide Building Code.

1. These projects shall be submitted to the Department of General Services (DGS), for review and approval.

2. DGS shall not approve any project until the State NFIP Coordinator has reviewed and approved the application for NFIP compliance.

3. DGS shall provide a written determination on project requests to the applicant and the State NFIP Coordinator. The State NFIP Coordinator shall maintain all documentation associated with the project in perpetuity.

C. No new state-owned buildings, or buildings constructed on state-owned property, shall be constructed, reconstructed, purchased, or acquired by the Commonwealth within a Special Flood Hazard Area or Shaded X Zone in any community unless a variance is granted by the Director of DGS, as outlined in this Order.

The following definitions are from Executive Order 45:

Development for NFIP purposes is defined in 44 CFR § 59.1 as “Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.”

The Special Flood Hazard Area may also be referred to as the 1% annual chance floodplain or the 100-year floodplain, as identified on the effective Flood Insurance Rate Map and Flood Insurance Study. This includes the following flood zones: A, AO, AH, AE, A99, AR, AR/AE, AR/AO, AR/AH, AR/A, VO, VE, or V.

The Shaded X Zone may also be referred to as the 0.2% annual chance floodplain or the 500-year floodplain, as identified on the effective Flood Insurance Rate Map and Flood Insurance Study.

The Sea Level Rise Inundation Area referenced in this Order shall be mapped based on the National Oceanic and Atmospheric Administration Intermediate-High scenario curve for 2100, last updated in 2017, and is intended to denote the maximum inland boundary of anticipated sea level rise.

“State agency” shall mean all entities in the executive branch, including agencies, offices, authorities, commissions, departments, and all institutions of higher education.

“Reconstructed” means a building that has been substantially damaged or substantially improved, as defined by the NFIP and the Virginia Uniform Statewide Building Code.

Federal Agency Projects Only

Projects conducted by federal agencies within the SFHA must comply with federal Executive Order 11988: Floodplain Management.

DCR’s Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must reach out to the local floodplain administrator for an official floodplain determination and comply with the community’s local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality. For state projects, DCR recommends that compliance documentation be provided prior to the
project being funded. For federal projects, the applicant/developer is encouraged to reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS): www.dcr.virginia.gov/vfris

To find community NFIP participation and local floodplain administrator contact information, use DCR's Local Floodplain Management Directory: www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

Cc: Amy Martin, VDWR
TO: John Fisher

We thank OEIR for providing DEQ-AIR an opportunity to review the following project:
Accordingly, I am providing following comments for consideration.

Document Type: Environmental Assessment
Project Sponsor: Department of Homeland Security
Project Title: Counter-Unmanned Aircraft Systems Testing at Multiple Sites
Location: Arlington County

Project Number: DEQ #22-081F

PROJECT LOCATION: X OZONE NON ATTAINMENT
AND EMISSION CONTROL AREA FOR NOX & VOC

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: X CONSTRUCTION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:
1. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
2. 9 VAC 5-45-760 et seq. – Asphalt Paving operations
3. 9 VAC 5-130 et seq. – Open Burning
4. 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
5. 9 VAC 5-30-130 et seq. – Odorous Emissions; Applicable to
6. 9 VAC 5-60-300 et seq. – Standards of Performance for Toxic Pollutants
7. 9 VAC 5-50-400 Subpart, Standards of Performance for New Stationary Sources, designate standards of performance for the
8. 9 VAC 5-80-1100 et seq. of the regulations – Permits for Stationary Sources
9. 9 VAC 5-80-1605 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the
10. 9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
11. 9 VAC 5-80-800 et seq. Of the regulations – State Operating Permits. This rule may be applicable to

COMMENTS SPECIFIC TO THE PROJECT:
All precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx).

(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: May 27, 2022
Northern Regional Office comments regarding the environmental assessment request for DHS Counter-Unmanned Aircraft Systems Testing, DEQ 22-081F. It should be noted, while there are no discernable land disturbance, water discharges, or waste issues related to this assessment, for consistency purposes the following comments are provided.

Land Protection Division – The project manager is reminded that if any solid or hazardous waste is generated/encountered during construction, the project manager would follow applicable federal, state, and local regulations for their disposal. For additional Land Protection/Waste questions, please contact the regional waste program manager Richard Doucette at 571.866.6063 or richard.doucette@deq.virginia.gov.

Air Compliance/Permitting - The project manager is reminded that during the construction phases that occur with this project; the project is subject to the Fugitive Dust/Fugitive Emissions Rule 9 VAC 5-50-60 through 9 VAC 5-50-120. In addition, should any open burning or use of special incineration devices be employed in the disposal of land clearing debris during demolition and construction, the operation would be subject to the Open Burning Regulation 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100. For additional air questions please contact the regional air compliance manager David Hartshorn at 571.408.1778 or r.david.hartshorn@deq.virginia.gov.

Virginia Water Protection Permit (VWPP) Program – The project manager is reminded that a VWP permit from DEQ may be required should impacts to surface waters be necessary. Measures should be taken to avoid and minimize impacts to surface waters and wetlands during construction activities. The disturbance of surface waters or wetlands may require prior approval by DEQ and/or the U.S. Army Corps of Engineers. The Army Corps of Engineers is the authority for an official confirmation of whether there are federal jurisdictional waters, including wetlands, which may be impacted by the proposed project. DEQ may confirm additional waters as jurisdictional beyond those under federal authority. Review of National Wetland Inventory maps or topographic maps for locating wetlands or streams may not be sufficient; there may need to be a site-specific review of the site by a qualified professional. Even if there will be no intentional placement of fill material in jurisdictional waters, potential water quality impacts resulting from construction site surface runoff must be minimized. This can be achieved by using Best Management Practices (BMPs). If construction activities will occur in or along any streams (perennial, intermittent, or ephemeral), open water or wetlands, the applicant should contact DEQ-NRO VWPP staff to determine the need for any permits prior to commencing work that could impact surface waters or wetlands. Upon receipt of a Joint Permit Application for the proposed surface water impacts, DEQ VWPP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance. VWPP staff reserve the right to provide comment upon receipt of a permit application requesting authorization to impact state surface waters, and at such time that a wetland delineation has been conducted and associated jurisdiction determination made by the U.S. Army Corps of Engineers. For additional water protection questions please contact the regional water protection program manager Christoph Quansey at 571.719.0843 or christoph.quansey@deq.virginia.gov.

Erosion and Sediment Control, Storm Water Management – DEQ has regulatory authority for the Virginia Pollutant Discharge Elimination System (VPDES) programs related to municipal separate storm sewer systems (MS4s) and construction activities. Erosion and sediment control measures are addressed in local ordinances and State.
Commonwealth of Virginia Mail - DHS Counter-Unmanned Aircraft Systems Testing, DEQ 22-081F

regulations. Additional information is available at http://www.deq.virginia.gov/Programs/Water/StormwaterManagement.aspx. Non-point source pollution resulting from this project should be minimized by using effective erosion and sediment control practices and structures. Consideration should also be given to using permeable paving for parking areas and walkways where appropriate, and denuded areas should be promptly revegetated following construction work. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan will be required. Some localities also require an E&S plan for disturbances less than 10,000 square feet. A stormwater management plan may also be required. For any land disturbing activities equal to one acre or more, you are required to apply for coverage under the VPDES General Permit for Discharges of Storm Water from Construction Activities. The Virginia Stormwater Management Permit Authority may be DEQ or the locality. For additional storm water construction questions please contact the regional storm water program manager Mark Remsberg at 703.583.3874 or mark.remmsberg@deq.virginia.gov.

Other VPDES Permitting – A construction project may require coverage under the VAG83 permit for discharges from petroleum contaminated sites, groundwater remediation, and hydrostatic tests for any hydrostatics tests on any new piping installed, or for any potential dewatering during construction if petroleum contamination is encountered. For additional water permitting/compliance questions please contact the regional water compliance manager Edward Stuart at 571.866.6184 or edward.stuart@deq.virginia.gov.

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