DRAFT

Environmental Assessment

Plum Island Animal Disease Center Closure

DEPARTMENT OF HOMELAND SECURITY

September 2022

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Acronyms and Abbreviations

AOI	Area of Interest
AOPC	Area of Potential Concern
APE	Area of Potential Effects
AST	Aboveground Storage Tank
B	Building
BGEPA	Bald and Golden Eagle Protection Act
bgs	Below Ground Surface
BMP	Best Management Practices
C&D	Construction and Demolition
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
DHS	Department of Homeland Security
EA	Environmental Assessment
EAF	Environmental Assessment Form
EIS	Environmental Impact Statement
EJ	Environmental Justice
EJ IWG	Federal Interagency Working Group on Environmental Justice
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FAD	Foreign Animal Disease
FCD	Federal Consistency Determination
FONSI	Finding of No Significant Impact
FSAP	Federal Select Agent Program
GHG	Greenhouse gases

GSA	General Services Administration
HAP	Hazardous air pollutant
HPMP	Historic Properties Management Plan
HTMW	Hazardous and toxic materials and waste
HVAC	Heating, ventilation, and air conditioning
IAC	White House Environmental Justice Interagency Work Group
IBA	Important Bird Area
IT	Information technology
LOD	Limits of disturbance
MBTA	Migratory Bird Treaty Act
MMPA	Marine Mammal Protection Act
MOSF	Major Oil Storage Facility
MSA	Magnuson Stevens Fishery Conservation and Management Act
NAAQS	National Ambient Air Quality Standards
NBAF	National Bio- and Agro-Defense Facility
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NLEB	Northern long-eared bat
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NPDES	National Pollutant Discharge Elimination System
NRCS	National Resources Conservation Service
NRHP	National Register of Historic Places
NSPS	New Source Performance Standards
NYCRR	New York Codes, Rules, and Regulations
NYSDEC	New York State Department of Environmental Conservation
NYSDS	New York State Department of State
NYSNHP	New York State Natural Heritage Program

OSHA	Occupational Safety and Health Administration
PA	Programmatic Agreement
PIADC	Plum Island Animal Disease Center
PM	Particulate Matter
ROD	Record of Decision
SHPO	State Historic Preservation Office
SPCCP	Spill Prevention Control and Countermeasure Plan
SPDES	State Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total maximum daily load
US	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
UST	Underground storage tank
VOC	Volatile organic compounds
WMA	Waste Management Area
WWTP	Wastewater treatment plant

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1.0 Purpose of and Need for the Proposed Action

1.1 Introduction

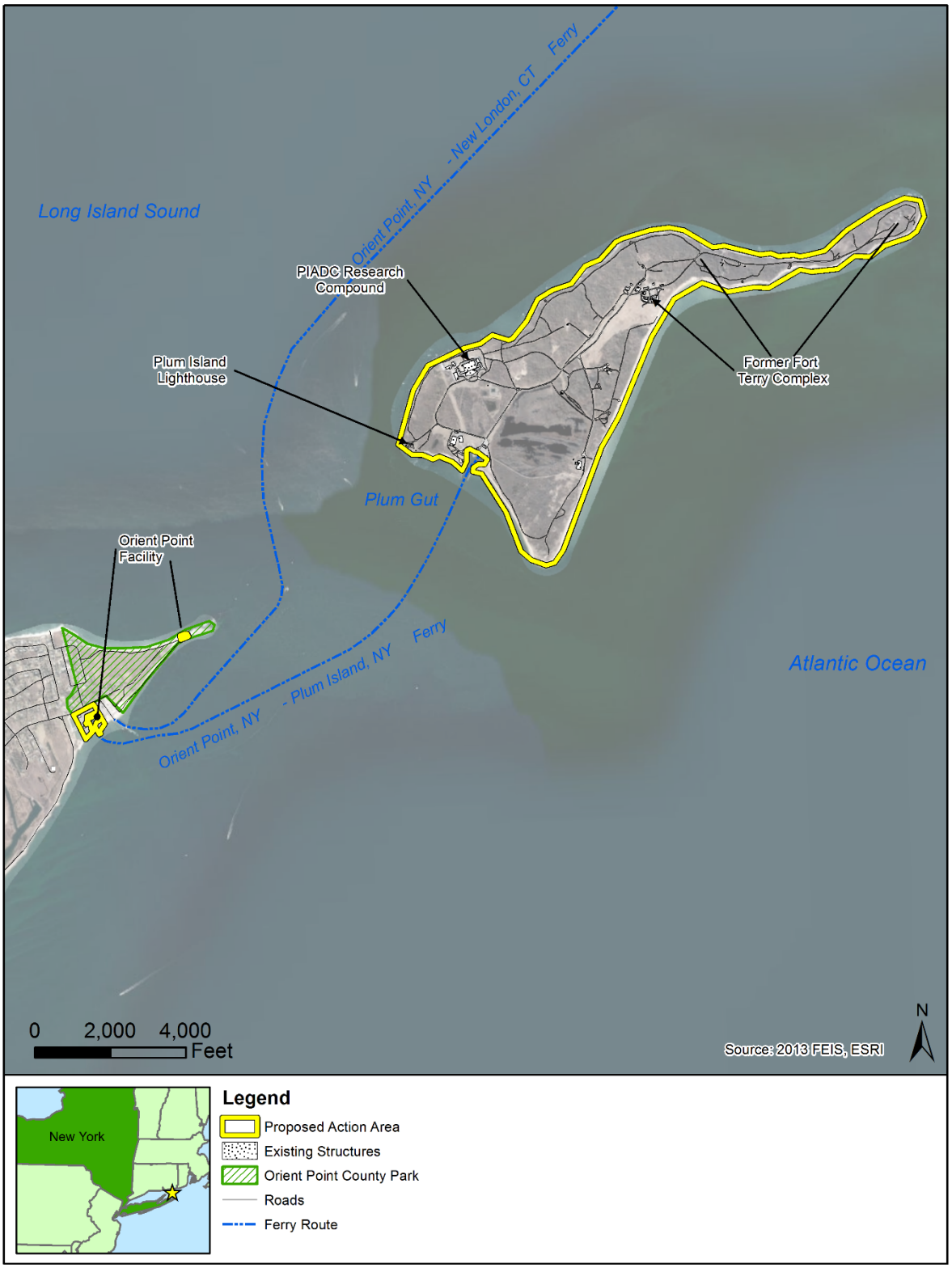
This Environmental Assessment (EA) evaluates the United States (US) Department of Homeland Security's (DHS) proposal to conduct activities required to close the Plum Island Animal Disease Center (PIADC), following transfer of its mission to the National Bio- and Agro-Defense Facility (NBAF) (Proposed Action). DHS prepared this EA in compliance with the National Environmental Policy Act of 1969 (NEPA; 42 United States Code [USC] §§ 4321 et seq.); the White House Council on Environmental Quality (CEQ) *Regulations Implementing the Procedural Provisions of NEPA* (40 Code of Federal Regulations [CFR] Parts 1500-1508); DHS Management Directive 023-01, rev. 01 *Implementation of the NEPA*, and DHS Instruction 023-01-002-01 rev. 01 *Implementation of the NEPA*.

1.2 Background

Plum Island is an 840-acre island owned by DHS and located 1.5 miles northeast of Orient Point in Suffolk County, New York within Long Island Sound (see **Figure 1**). PIADC is operated by the DHS Science & Technology Directorate's Office of National Laboratories and is comprised of the PIADC research compound and supporting infrastructure, including an effluent decontamination system, a wastewater treatment plant (WWTP), storage facilities, roadways, utilities, and DHS-owned transportation assets. Throughout this EA the term PIADC research compound refers to the buildings and structures located within the fence line at PIADC (see **Figure 1**). The area within the PIADC research compound was fully disturbed during the construction of Building 101 (B101) for PIADC in 1954. Today, the compound consists of B100, B101, B102, B103, B104, B107, B108, B109, B111, three 210,000-gallon above-ground storage tanks (ASTs) used for fuel storage, and a 2,500-gallon underground storage tank (UST) used to fuel the crematories. These buildings and structures support the science mission and operations at PIADC. Plum Island also includes natural land, the Plum Island Lighthouse, and buildings and structures associated with the former Fort Terry.

DHS also owns the Orient Point facility at Orient Point, New York, which consists of two parcels of land that support DHS operations on Plum Island. The first is a 0.5-acre parcel of land within Orient Point County Park that houses the utility transfer station, which supports the underground cabling and utilities on Plum Island. The second is a 9.5-acre site that serves as the ferry landing for the Plum Island-Orient Point ferries. Supporting infrastructure at the Orient Point facility includes two USTs used to heat buildings, one integrated AST for an emergency generator, parking, storage facilities, administrative space, and security fencing.

Figure 1: Proposed Action Area Location



The mission of PIADC is to defend the US against accidental or intentional introduction of transboundary animal diseases, also known as foreign animal diseases (FADs), that threaten US livestock, industries, food security, and the economy. PIADC operates Biosafety Level 2, Biosafety Level 3 Enhanced, Animal Biosafety Level 3, and Biosafety Level 3 Agriculture laboratory and animal research facilities on Plum Island.

In 2008, Congress recognized the growing need for veterinary countermeasures to protect the US's agricultural sector and the limitations posed by the current PIADC facility (i.e., aging laboratory and research facilities and lack of space to construct a Biosafety Level 4 facility). Following completion of an Environmental Impact Statement (EIS) in 2008, DHS announced in a Record of Decision (ROD) their intent to construct the new NBAF in Manhattan, Kansas. Construction of the new NBAF facility is currently underway and is expected to be completed in 2022. Once NBAF is operational, DHS's mission at PIADC will be transferred to NBAF in accordance with DHS's prior EIS/ROD (DHS, 2008).

1.3 Purpose and Need

The purpose of the Proposed Action is to effectively and efficiently close PIADC facilities and infrastructure following mission transfer to NBAF. The Proposed Action is needed to prepare for the Congressionally-mandated conveyance of Plum Island. Following transfer of DHS's science mission from PIADC to NBAF, DHS will no longer have a mission need for Plum Island. Thus, in accordance with the Consolidated Appropriations Act of 2021, DHS must prepare for the General Services Administration's (GSA) future disposal[1] of the 'Plum Island asset,' which consists of all DHS property associated with Plum Island and Orient Point including land, structures, materials, and equipment.

1.4 Scope of the EA

This EA analyzes the potential environmental, cultural, and socioeconomic consequences associated with DHS's proposal to close operations at PIADC. Actions occurring following completion of closure activities (e.g., future disposal of the Plum Island asset) are not analyzed in this EA. Furthermore, actions associated with the cessation of science mission activities at PIADC and relocation of associated personnel, were previously analyzed in the 2013 EIS and are therefore not discussed further in this EA (GSA, 2013).

The study area evaluated for potential impacts to the human and natural environment from PIADC closure activities is defined as the entirety of Plum Island (840 acres) and the Orient Point facility (hereafter referred to as the Proposed Action area; see **Figure 1**). The Proposed Action is not anticipated to have meaningful impacts beyond this area.

Based on internal and external early scoping of the Proposed Action, including public comments received (see **Section 1.5**), DHS identified eight resource areas that require evaluation in this EA. These resource areas are identified in **Section 2.3** and analyzed in

[1] Disposal refers to the act of transferring control and ownership to another entity.

Section 3.0. Resource areas not expected to experience meaningful effects, and which are therefore not evaluated in this EA, are also identified in **Section 2.3** along with DHS's rationale for excluding them from further consideration.

1.5 Public Involvement

Public participation opportunities with respect to this NEPA process are guided by DHS NEPA implementing procedures, the requirements of NEPA (40 CFR 1506.6), and the CEQ regulations. In addition to public participation, interagency and intergovernmental coordination is a federally mandated process for informing and coordinating with other governmental agencies regarding federal proposed actions. This coordination also fulfills requirements under Executive Order (EO) 12416, *Intergovernmental Review of Federal Programs* (subsequently supplemented by EO 13132, *Federalism*), which requires federal agencies to cooperate with and consider state and local views in implementing a federal proposal.

EO 13175, *Consultation and Coordination with Indian Tribal Governments*, requires federal agencies to invite federally recognized American Indian tribes to participate in the NEPA and National Historic Preservation Act of 1966 (NHPA) Section 106 processes as Sovereign Nations based on their potential ancestral ties to the Proposed Action area. DHS has invited the Delaware Tribe of Indians and the Shinnecock Indian Nation to consult for this Proposed Action via letters sent to the tribes on January 28, 2022.

Following coordination with stakeholders, DHS commenced a 30-day early scoping period for the Proposed Action on January 27, 2022, with an announcement in the *Suffolk Times* and *Riverhead News Review*. Responses received during this early scoping period are consolidated in a Scoping Report (see **Appendix A**) and addressed in **Section 3.0**, as appropriate.

A complete list of agencies and individuals consulted during preparation of this Draft EA is included in **Section 6.0** and copies of relevant correspondence are included in **Appendix A**. A record of consultation with American Indian Tribes is included in **Appendix B**.

This Draft EA, a Draft Finding of No Significant Impact (FONSI), and Finding of No Practicable Alternative (FONPA) have been made available for a 30-day public review period, during which the public; other federal, state, and local agencies; and federally recognized tribes are encouraged to provide comments. The public review period was initiated with DHS's publication of a Notice of Availability (NOA) for the Draft EA in the *Suffolk Times* and *Riverhead News Review* on September 8, 2022 and will conclude 30 days later on October 9, 2022. DHS also sent the NOA to all stakeholders on the project mailing list concurrent with the newspaper publication. The Draft EA and supporting documents were published digitally on the project website at https://www.dhs.gov/national-environmental-policy-act and made available in hard copy at the Floyd Memorial Library at 539 1st Street, Greenport, New York 11944 and the Southold Free Library at 53705 Main Road, Southold, New York 11971.

Comments on the Draft EA or inquiries regarding the document should be submitted during the 30-day comment period via electronic mail at PlumIslandClosureEA@ST.DHS.GOV. Public comments, agency responses, and tribal responses will be addressed in the Final EA, as appropriate.

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2.0 Description of the Proposed Action and Alternatives

2.1 Proposed Action

The Proposed Action is to conduct activities required to close PIADC, following transfer of its mission to NBAF. DHS has identified tasks that must be completed to facilitate this Proposed Action. These tasks would be executed in a series of projects/activities anticipated to conclude in 2028. For the purposes of this analysis, these tasks have been grouped into five primary components, described in **Section 2.1.1** through **Section 2.1.5**. Specific activities that would be conducted under each task are summarized in **Table 1**. No facility construction or demolition is included in the Proposed Action.

2.1.1 Facilities Decontamination and Efficacy Validation

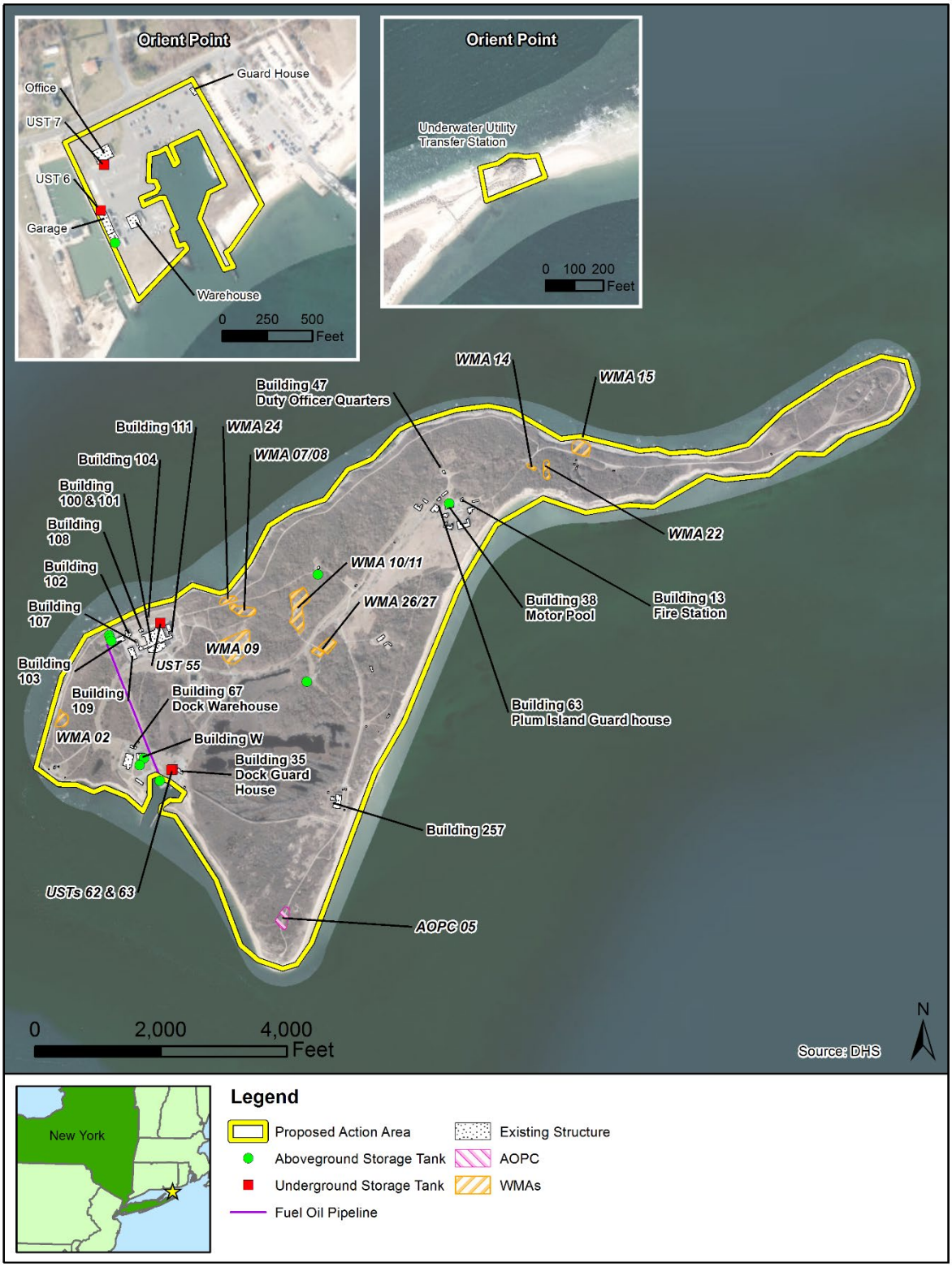
PIADC biocontainment facilities (B101, B102, and B111; see **Figure 2**) must be decontaminated. Under the Proposed Action, DHS would develop a decontamination plan, perform the decontamination process, complete validation testing, and conduct soil testing at these three buildings in coordination with the New York State Department of Environmental Conservation (NYSDEC) and the Federal Select Agent Program (FSAP) (DHS, 2021). Biological decontamination would be carried out using approved, validated methods.

Prior to decontamination, asbestos-containing materials would also be removed from buildings, to facilitate decontamination activities. Anticipated decontamination methods include manual scrubbing and liquid cleaning, thermal and chemical disinfection, and possible fumigation. DHS would install two mobile autoclaves[2] adjacent to B101 to facilitate decontamination activities. Following decontamination, third-party validation testing would be performed to verify and document that each building has been decontaminated to the extent agreed upon during the planning stage with NYSDEC and FSAP. The soil beneath some buildings may also be tested to identify any potential organic, petroleum, or metal pollutants. If soil testing identifies pollutants, DHS would coordinate with NYSDEC to determine if remediation would be required.

In addition, microbial sampling activities would be conducted at B257, which was historically used to research FADs. Since B257 was decommissioned and decontaminated in 1996, residual pathogens are unlikely to be present. However, under the Proposed Action DHS would develop and implement a sampling and analysis plan to validate the presence or absence of residual pathogens in B257. Sampling results and analysis would be documented and provided to NYSDEC; DHS would work with NYSDEC to determine any remediation requirements if pathogens are present. Ground disturbance during facilities decontamination and sampling activities would be confined to the footprints of B101, B102, B111, and B257.

[2] Autoclaves are machines that use pressurized steam to sterilize equipment and waste.

Figure 2: Existing Structures and Waste Management Areas/Area of Potential Concern



2.1.2 Waste Management Delineation and Remediation

Original PIADC policy prohibited any removal of waste from Plum Island to minimize potential for release of FADs to the mainland. Combustible waste materials were incinerated on-Island, while non-combustible materials (e.g., glass, metal, construction/demolition waste) were disposed of in designated waste management areas (WMAs). In the 1990s, a program was initiated at Plum Island to investigate 49 sites of concern, which included WMAs, areas of potential concern (AOPC; i.e., areas where contaminants are potentially present), and former US Army structures historically used for the storage and/or disposal of potentially harmful materials. DHS has worked closely with NYSDEC and the Suffolk County Department of Health Services over the past three decades to investigate and successfully remediate numerous sites of concern, including by removing buried waste, capping contaminated areas, and conducting soil and groundwater monitoring.

NYSDEC has determined that 10 sites of concern on Plum Island require further action, including 9 WMAs and 1 AOPC (see **Figure 2**). Under the Proposed Action, DHS would determine the nature and extent of contamination at these remaining WMAs and AOPC, which may include the following general steps:

1. Delineate the extent of each WMA/AOPC using geophysical tools (e.g., ground penetrating radar, metal detection, magnetometer, etc.);
2. Confirm the geophysical findings by excavating a series of test pits to confirm the presence or absence of waste materials;
3. Collect and analyze soil samples to identify contaminants;
4. Install monitoring wells to survey and gauge general groundwater flow direction; and
5. As determined appropriate, remove waste for off-Island disposal (anticipated for WMA 2 and WMA 7/8) or cap the site(s) for long-term monitoring.

Specific actions occurring at each site of concern are identified in **Table 1**.

Some vegetation clearing would be required to facilitate delineation/cleanup of the WMAs/AOPC. Vegetation clearing would be restricted to locations on or immediately surrounding the WMA/AOPC and limited to only what would be required to facilitate delineation/cleanup activities. Clearing would primarily involve trimming tall grasses and removal of small shrubs to facilitate access to the remaining WMAs and AOPC. No clearing would occur on beaches, in marine or freshwater areas, or in tidal or freshwater wetlands. DHS does not anticipate clearing any mature trees to facilitate delineation/cleanup activities. Excavated areas would be backfilled with clean fill sourced on-Island from an existing borrow area immediately east of WMA 9.

2.1.3 Subsurface Oil Delineation and Remediation

DHS would conduct testing to determine the nature and extent of subsurface oil contamination near B101, B102, and B103. Contamination in this area was identified in the mid-1990s and resulted from surface and subsurface spills from multiple sources (Lizotte, 2017). DHS has worked closely with the NYSDEC to address subsurface oil contamination with a goal of restoring the subsurface to an acceptable condition as stipulated pursuant to Section 17-0303 of the New York Environmental Conservation Law and Section 176 of the New York Navigation Law. A light non-aqueous phase liquid recovery system is currently in use on Plum Island to remediate oil contamination at this location (DHS, 2021). Under the Proposed Action, DHS would delineate/characterize the extent of remaining oil contamination at this location. This may require drilling through and around the foundations of B101, B102, and B103.

2.1.4 Asset Preservation and Preparation for Long-term Storage

Under the Proposed Action, some of DHS's physical assets on Plum Island would be put into long-term storage (i.e., "laid up") to preserve their value. Assets that would be laid up for long-term storage include emergency generators, boilers, chillers, and buildings. Transportation assets may also be put into long-term storage to preserve their value. Buildings on Plum Island would be inspected and secured as part of long-term storage (DHS, 2021). Buildings at Orient Point would be maintained in an ongoing operational status (i.e., heating, cooling, and electricity for lights) and secured until conveyance of Plum Island.

B100, which serves as the administration building for PIADC, would be maintained in an ongoing operational status until conveyance of Plum Island. To maintain B100 in an operational state, many of the systems serving B100 would need to be rerouted. Steam piping, chilled water piping, and electrical systems serving B100 are currently routed through B101. B100 and B101 also share a heating, ventilation, and air conditioning (HVAC) system, and control software is housed in B101. DHS anticipates these systems may be impacted during decontamination activities at B101. To address this concern, these systems would be rerouted around B101 directly to B100 prior to the start of decontamination activities at B101 (DHS, 2021). Ground disturbance required to reroute systems to B100 would occur on previously developed land entirely within the PIADC research compound.

In addition, DHS may conduct activities to close the Major Oil Storage Facility (MOSF) at Plum Island and Orient Point. All of the petroleum storage tanks, transfer pipes, and appurtenances are collectively known as a MOSF. Activities may involve removing five USTs, associated pipes, and ancillary equipment; interior cleaning of nine ASTs, associated pipes, and ancillary equipment; and interior cleaning of the aboveground pipeline that runs between the Plum Island harbor and the PIADC research compound. The aboveground components of the MOSF would remain in place and be preserved for possible future use. If required, ground disturbance required to close the MOSF (i.e., to remove underground components) would occur entirely on previously developed areas near existing facilities.

2.1.5 Asset Disposition and Permit Transfer

Under the Proposed Action, all DHS accountable personal property (e.g., materials and equipment), records, and information technology (IT) assets would be inventoried and transferred in accordance with federal government guidance/procedures. Personal property would be inventoried and tracked/managed by DHS until the time of PIADC's closure. Records would be inventoried and transferred or destroyed in accordance with the National Archives and Records Administration mandates. IT assets would be wiped of sensitive data and programs, inventoried, then either transferred, disposed of, or kept on site (DHS, 2021). In addition, all operating permits held by DHS would either be closed out or maintained at current levels for future transfer to a new owner. DHS would clean out the Island's WWTP in accordance with applicable regulatory standards to prepare it for future transfer, with the associated state pollution discharge elimination system (SPDES) permit (subject to the approval of NYSDEC), to a new owner.

Table 1: Proposed Action Tasks

Task	Description
Facilities Decontamination and Efficacy Validation	
B101, B102 and B111 Decontamination	Activities include removal of all excess property (equipment, records, biological agents), asbestos decontamination and abatement (as required for biological decontamination), power washing with a detergent/degreaser, liquid cleaning, thermal and chemical disinfection/decontamination, and possible fumigation. Soils beneath each building may be tested to identify potential contaminants.
B257 Sampling	Activities under this task include developing and implementing a sampling and analysis plan to validate the presence or absence of residual pathogens in B257. Sampling results and analysis would be documented and provided to NYSDEC; DHS would work with NYSDEC to determine any remediation requirements if pathogens are present.
Waste Management Delineation and Remediation	
WMA 2, 7/8, and 26/27 Sampling and Delineation	Activities at WMA 2, 7/8, and 26/27 include conducting geophysical surveys and excavating test pits, soil sampling and analysis, and installation of monitoring wells. The perimeter of each WMA would be delineated and surveyed. At WMA 7/8, up to four monitoring wells would be converted to permanent wells to facilitate ongoing groundwater sampling. WMA 2 and WMA 7/8 would either be remediated (i.e., all waste removed to an off-Island landfill) or capped and monitored.
WMA 9 and 14	Activities at WMA 9 and 14 include limited soil sampling. At WMA 9, three monitoring wells would be installed.
WMA 10/11 and AOPC 5	WMA 10/11 is currently undergoing groundwater sampling, and under the Proposed Action, groundwater sampling would continue for an additional three years. AOPC 5 has previously been investigated and capped. However, no groundwater monitoring was previously conducted. Activities at AOPC 5 include installation of monitoring wells to facilitate annual groundwater sampling over the next five years.

Task	Description
WMA 15, 22, and 24	Activities at WMA 15, 22, and 24 include conducting geophysical surveys and excavating test pits. If investigation reveals small amounts of waste, wastes would be removed for disposal using a backhoe/excavator. Once complete, excavated areas would be backfilled with clean soil from an on-Island existing borrow area. Final restoration would consist of grading. No revegetation would be required. The perimeter of each WMA would be delineated and surveyed.
Subsurface Oil Delineation/Remediation	
Subsurface Oil Delineation/Remediation	Subsurface oil contamination exists near B101, B102, and 103. Contamination does not affect the Island's water supply. Activities include delineating the extent of the oil spill. This would require drilling through and around the foundations of B101, B102, and B103 to investigate the soil beneath these structures.
Asset Preservation and Preparation for Long-term Storage	
Emergency Diesel Generator Lay Up	Three 1,820-kilowatt Caterpillar stand-by generators are located on the Island in B109 and would be preserved for future use. Activities under this task include cleaning, changing filters, applying rust and corrosion preventative treatments, loosening belts, and disconnecting batteries.
Boiler Lay Up	There are three 500-horsepower fire tube steam boilers on the Island in B109. Under this task, two boilers would be turned off and preserved for future use, while the remaining boiler would be maintained to serve B100. Activities under this task include removing water from the two boilers and blocking off the fire side from the two boilers that would be turned off.
Chiller Lay Up	There are four chillers in B107, including two 500-ton chillers and two 375-ton chillers. Under this task, up to three of these chillers would be taken offline and preserved for future use. A minimum of one 375-ton chiller would be kept online to serve B100, and an additional 375-ton chiller may be kept online to provide redundancy.
Balance of Plum Island and Orient Point Lay Up	Buildings on Plum Island and Orient Point that are currently maintained as operational would be inspected and secured as part of long-term storage. These buildings require varying amounts of work for closure and preservation; however, the overall level of effort for this task is expected to be minimal and generally within existing buildings. B100 and buildings at Orient Point would be maintained in an ongoing operational status until conveyance.

Task	Description
Transportation Asset Lay Up	If required, transportation assets, such as ferries, small boats, health and safety vehicles, and busses on-Island may be prepared for long-term storage. However, it is assumed these assets would remain operational until conveyance.
B100 HVAC and Systems Re-routing	B100 serves as PIADC's administrative building. To preserve the Island's value, this building would be maintained in an immediately operational state until conveyance of the Island. Activities under this task include rerouting systems serving B100 to bypass B101 to avoid expected impact during the decontamination process. The current HVAC control system would be replaced with either thermostat controls or an energy management system.
MOSF Closure and UST Removal	All of the petroleum storage tanks, transfer pipes, and appurtenances on Plum Island and Orient Point are collectively known as a MOSF. The existing MOSF may be closed. Activities under this task include potentially removing five USTs (three on Plum Island; two at Orient Point), associated pipes, and ancillary equipment; interior cleaning of nine ASTs (eight on Plum Island; one at Orient Point), associated pipes, and ancillary equipment; and interior cleaning of the aboveground pipeline between the Plum Island harbor and the PIADC research compound.
Asset Disposition and Permit Transfer/Closure	
Disposition of Personal Property, Records, and IT Assets	Under this task, all DHS accountable personal property, records, and IT assets would be inventoried and transferred in accordance with federal government guidance/procedures.
Transfer/Closure of Island Operating Permits	Operating permits held by DHS would be closed or maintained for transfer to a new owner. Operating permits that would be closed include autoclave permits, the effluent decontamination system permit, and the crematory permit. Operating permits that would be maintained at current levels until subsequent transfer include the air state facility permit, SPDES, potable water permit, and Orient Point harbor dredge permit. Activities under this task include cleaning out the Island's WWTP to applicable regulatory standards to prepare it for future transfer, with the SPDES permit, to a new owner.

2.1.6 Standard Best Management Practices for Plum Island Closure Activities

Additionally, to avoid or minimize adverse environmental impacts to the extent practicable, DHS adopts the Best Management Practices (BMPs) listed in **Table 2** for the closure activities to prepare for the Congressionally mandated disposal of Plum Island. The impact analysis in **Section 3.0** assumes implementation of these BMPs.

Table 2: Standard Best Management Practices for Plum Island Closure Activities

Resource	Best Management Practice
Air Quality and Climate Change	• Wet ground during excavation or grading activities to minimize dust. • Ensure stockpiled debris and soil are covered. • Ensure truckloads are covered. • Require a speed of less than 15 miles per hour for heavy equipment on unpaved surfaces. • Whenever possible, use electricity from established electrical power sources instead of generators. • Use low volatile organic compound (VOC) architectural materials, supplies, and equipment. • Regularly repair and service heavy equipment to prevent excess emissions. • Shut down heavy equipment when not needed. • Clean excess soil from heavy equipment and trucks leaving the work area to prevent off-site transport of soil.
Earth Resources	• Implement erosion and sediment control measures specified in the Stormwater Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) General Permit (e.g., silt fences, check dams, etc.). • Implement pollution prevention activities identified in the SWPPP. • Ensure the separation of contaminated soils from clean soils. • Adhere to the Spill Prevention Control and Countermeasure Plan (SPCCP).
Water Resources	• Abandon monitoring wells in accordance with NYSDEC guidance document: *CP-43: Groundwater Monitoring Well Decommissioning Policy*. • Conduct routine inspections of equipment and heavy machinery.
Biological Resources	• Inspect and thoroughly clean heavy machinery to remove rhizomes and seeds to minimize the potential distribution of invasive species. • Cease work immediately and contact the DHS's Environmental Manager if any special status species or migratory nesting birds are observed where heavy machinery would be operated. • Limit vegetation clearing to previously disturbed areas within the PIADC research compound and on or in the immediate vicinity of the WMAs/AOPC.

Resource	Best Management Practice
Biological Resources (continued)	• Restrict vegetation clearing activities to occur only during the day between November and March, which is avoids the identified special status species and migratory bird nesting periods and timeframes. • Conduct pedestrian surveys of the limits of disturbance (LOD) and surrounding areas to identify bald eagle nests prior to vegetation clearing. • If bald eagle nests are discovered, coordinate with United States Fish and Wildlife Service (USFWS) and implement measures included in the USFWS's National Bald Eagle Management Guidelines (i.e., establishing buffers around nesting sites or observing seasonal restrictions).
Cultural and Historic Resources	• Conduct all proposed activities related to historic properties in accordance with the NHPA Section 106 Programmatic Agreement (PA) and Historic Properties Management Plan (HPMP). • Proceed as stipulated in the PA to ensure compliance with applicable regulations and consultation requirements in the event unanticipated and previously unidentified archaeological resources are discovered.
Socioeconomics and Environmental Justice	• N/A
Hazardous and Toxic Materials and Waste	• Use approved, validated methods to carry out decontamination in accordance with NYSDEC, FSAP, and any other applicable federal, state, and local regulations. • Ensure proper transport, storage, and disposal of hazardous and toxic materials and waste (HTMW). • Ensure appropriate decontamination of any asbestos-containing materials that are removed using approved, validated methods. • Separate contaminated soils from clean soils and ensure removal or decontamination of soils using approved, validated methods. • Construct a decontamination pad for the decontamination and cleaning of large equipment and heavy machinery. Decontaminate all equipment in-between work as each site. • Containerize, label, and characterize all HTMW waste derived from WMA/AOPC investigations. • Ensure spill containment materials are contained on-site. • Adhere to the SPCCP. • Ensure the proper closure of tanks permanently out of service by following the requirements outlined in 6 New York Codes, Rules, and Regulations (NYCRR) 613.9(b) and other applicable federal, state, and local regulations. • Adhere to the NYSDEC Guidance for Petroleum Stipulation Agreement for subsurface oil delineation and remediation. • Dispose of or recycle decontaminated HTMW and non-hazardous solid waste at permitted facilities in accordance with federal, state, and local regulations.

Resource	Best Management Practice
Health and Safety	• Ensure all personnel carrying out closure activities are properly trained, adhere to project-specific health and safety plans, and wear personal protective equipment. • Use proper storage and handling procedures for HTMW. • Operate machinery according to standard protocols. • Comply with all applicable federal, state, and local regulations regarding health and safety.

2.2 Alternatives Considered

NEPA and CEQ regulations require all reasonable alternatives to be explored and objectively evaluated. Alternatives that are eliminated from detailed study must be identified along with a summary of the reasons for their dismissal. For this analysis, an alternative is considered "reasonable" if it would meet the Proposed Action's purpose and need. "Unreasonable" alternatives that would not meet the Proposed Action's purpose and need were dismissed from further consideration in this EA.

DHS determined that the Preferred Alternative is the only reasonable alternative for this Proposed Action. No other alternatives would meet the purpose and need described in **Section 1.3**.

2.2.1 Preferred Alternative

Under the Preferred Alternative, DHS would implement the Proposed Action as described in **Section 2.1**. The Preferred Alternative includes conducting activities required to close PIADC, following transfer of its mission to NBAF. Approximately 100 support staff currently employed at Plum Island and the Orient Point facility would continue to support closure activities until closure activities are complete. In addition, DHS would employ approximately 200 additional contractors to assist with closure activities. Following completion of the Preferred Alternative, the number of DHS personnel employed at Plum Island and the Orient Point facility would be reduced to zero.

2.2.2 No Action Alternative

Under the No Action Alternative, DHS would retain administrative control and maintenance responsibilities of assets on Plum Island and Orient Point following transfer of the science mission from PIADC to NBAF. The approximately 100 staff employed at Plum Island and the Orient Point facility for non-science mission activities would continue to support DHS operations on Plum Island and Orient Point. No decontamination, asset preservation and long-term storage activities, or permit transfer/closure would occur. DHS may decide to conduct select asset preservation/long-term storage activities for assets that would no longer be required once DHS's science mission moves to NBAF (e.g., diesel generator lay-up); however, DHS would still be legally required to meet biocontainment standards and safety levels as required

by FSAP regulations, and some infrastructure would be maintained at the current level due to NYSDEC permit requirements. DHS would continue to conduct waste management and subsurface oil delineation and remediation activities in coordination with the NYSDEC and Suffolk County Department of Health Services, and ferry service would continue to facilitate DHS's ongoing activities on Plum Island.

The No Action Alternative would not meet the requirements set forth in the Consolidated Appropriations Act of 2021, which mandates the disposal of the Plum Island asset. Therefore, it does not meet the purpose of and need for the Proposed Action. The No Action Alternative is carried forward for analysis in the EA to provide a comparison of baseline conditions to the Proposed Action, as required by the CEQ NEPA implementing regulations (40 CFR 1502.14). The No Action Alternative reflects the status quo and serves as a benchmark against which the effects of the Proposed Action can be evaluated.

2.3 Level of Environmental Analysis

In compliance with NEPA, CEQ regulations, and DHS NEPA Implementing Procedures, this EA focuses on the resource areas that the Proposed Action could potentially impact. **Table 3** presents each resource area, its corresponding area of interest (AOI), and the rationale for whether the resource area has been retained for detailed analysis or dismissed from further consideration, based upon the determination of a qualified DHS subject matter expert for each resource area.

Table 3. Resource Areas Considered in this EA

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Infrastructure	Buildings, utilities, and transportation assets within the Proposed Action area.	Significant impacts would occur if there were substantial impacts to existing facilities, damage to transportation assets, or permanent impairment or loss of utility service.	No	The Proposed Action would not involve building construction or demolition nor would it permanently impact transportation assets or utilities on Plum Island or Orient Point. Furthermore, all infrastructure work would occur entirely within Federal government property and there would be no impacts to the use or availability of public utilities, transportation assets, or other public infrastructure. Therefore, this resource was dismissed from analysis.
Land Use	Areas within or adjacent to the Proposed Action area.	Significant impacts would occur if closure activities led to permanent incompatible alteration of the characteristics of specific properties, or if existing land uses would be converted beyond minor changes.	No	Implementation of the Proposed Action would not change existing land use within Plum Island or Orient Point. Closure activities would take place within the footprints of existing structures and on previously disturbed areas. There would be no demolition of structures or new construction at either Plum Island or Orient Point. The Proposed Action would have no potential to disrupt, interfere with, or prevent the continued operation of existing land uses on or adjacent to Plum Island or the Orient Point facility. Therefore, land use was dismissed from analysis.

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Visual Resources and Aesthetics	Areas within and adjacent to closure activities, from which they would be visible.	Significant impacts would occur if there were a permanent adverse alteration of the existing viewshed.	No	Closure activities would have no potential to affect the aesthetic quality or change the visual appeal of Plum Island or Orient Point. Therefore, this resource was dismissed from analysis.
Noise	Areas within 0.25 mile of the Proposed Action area that may experience increased noise during closure activities.	Significant impacts would occur if generated noise were permanently intrusive to nearby sensitive receptors, if it exceeded applicable noise limit thresholds, or if it caused harm or injury to people or communities.	No	Noise levels at the Orient Point facility include vehicle traffic, ferry operations, and other maritime traffic typical of a suburban noise environment. Temporary noise associated with closure activities at the Orient Point facility are expected to be similar to or less than current operations and comparable to or less than noise associated with a typical suburban environment. Noise emanated from Plum Island would not be discernable on the mainland. The Proposed Action would have no adverse impacts on the noise environment. Therefore, this resource was dismissed from further analysis.

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Recreation	Areas within the Proposed Action area	Significant impacts would occur if closure activities meaningfully interfered with established recreational activities.	No	Proposed closure activities would primarily occur on Plum Island, which is not accessible to the public. Proposed activities on Orient Point would not affect off-site areas such as recreation facilities as asset lay-up and potential UST removal would take place within the fence-line of the Orient Point facility. No work is proposed to take place at the utility transfer station located within the Orient Point State Park. Due to the distance of these recreational areas from Plum Island, closure activities would have no effect on continued use and enjoyment of these state and county parks. Therefore, this resource was dismissed from analysis.
Air Quality and Climate Change	Suffolk County, New York	Significant impacts would occur if there were a change in the attainment status with respect to the National Ambient Air Quality Standards (NAAQS), or if emissions exceeded regulatory thresholds.	Yes	Proposed closure activities would create emissions associated with operation of motor vehicles and equipment as well as from minor earthwork in disturbed areas. This resource is evaluated further in **Section 3.1**.

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Earth Resources	Areas in which closure activities would be conducted, including surrounding adjacent environments.	Significant impacts would occur if closure activities exposed people or structures to major geological hazards or substantially increased potential occurrences of erosion or sedimentation.	Yes	Closure activities would include limited ground disturbance to facilitate delineation and remediation of the remaining WMAs and AOPC, potential excavation of USTs, and the relocation of utilities within the PIADC research compound. This resource is evaluated further in **Section 3.2**.
Water Resources	Surface waters, wetlands, watersheds, groundwater, and coastal zones within or near proposed closure activities.	Significant impacts would occur if proposed activities resulted in an exceedance of established water quality thresholds, impeded navigability of surface waters; substantially increased the amount of stormwater entering surface waters; did not comply with wetland protection regulations and permits; substantially affected groundwater quantity or quality; induced flooding in occupied areas; or were inconsistent with applicable enforceable coastal zone policies.	Yes	Proposed closure activities include ground disturbance, which may impact water resources. This resource is evaluated further in Section. **3.3**.

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Biological Resources	Vegetation and wildlife occurring within the Proposed Action area.	Significant impacts would occur if proposed activities resulted in substantial permanent loss or degradation of terrestrial or aquatic habitat, unpermitted "take" of special status species, or violation of regulations concerning special status species.	Yes	The Proposed Action includes limited vegetation clearing to facilitate WMA/AOPC delineation and remediation activities. Multiple federally and state listed species are known to occur on Plum Island. This resource is evaluated further in **Section 3.4**.
Cultural and Historic Resources	Historic properties within or near the Proposed Action Area.	Significant impacts would occur if the integrity of a historic property were diminished such that it would no longer be eligible for listing in the National Register of Historic Places (NRHP); if historic viewsheds were substantially altered; or if tribal concerns were inadequately resolved.	Yes	Historic properties exist on Plum Island and two American Indian tribes have historic ties to the Island. This resource is evaluated further in **Section 3.5**.

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Socioeconomics and Environmental Justice	Counties where PIADC personnel may live; and low-income or minority communities surrounding the Proposed Action area.	Significant impacts would occur if there were substantial changes to employment, population, or housing availability of nearby communities; or if environmental justice (EJ) communities were disproportionately adversely affected.	Yes	Closure activities would lead to changes in local employment. Potential air emissions and noise generation from closure activities could result in disproportionate effects to nearby EJ communities. This resource is evaluated further in **Section 3.6**.
Hazardous and Toxic Materials and Waste	Solid or hazardous waste sites within or near the Proposed Action area.	Significant impacts would occur if the total amount of hazardous or toxic materials and waste or solid waste exceeded regulatory thresholds; there were permanent increased risk of contamination; or a new or substantial human or environmental health risk was created.	Yes	Proposed closure activities would require identification and remediation of hazardous and toxic materials and waste (HTMW). This resource is evaluated further in **Section 3.7**.
Health & Safety	Areas in which closure activities would be conducted, including surrounding adjacent environments.	Significant impacts would occur if closure activities were to put the health and safety of the public at risk or violate applicable federal and/or state safety regulations.	Yes	Closure activities would include delineation and remediation of the remaining WMAs and AOPC as well as sampling in an area of perceived potential risks from residual pathogens. This resource is evaluated further in **Section 3.8**.

3.0 Affected Environment and Environmental Consequences

This section describes the natural and human environment that exists within the AOI and the potential impacts (environmental consequences) associated with implementing the Proposed Action in accordance with CEQ guidelines set forth in 40 CFR 1508.8.

The specific criteria for evaluating the potential environmental impacts of the Proposed Action and No Action Alternative are described in the following sections. The significance of an action is also measured in terms of its context and intensity. The context and intensity of potential environmental impacts are described in terms of their duration, magnitude, whether they are direct or indirect, and whether they are adverse or beneficial, as summarized in the following paragraphs:

- **Short-term or long-term.** In general, short-term impacts are those that would occur only for a limited, finite time with respect to a particular activity of the Proposed Action. Long-term impacts are those that are more likely to be persistent and chronic throughout the life of the Proposed Action or would last years after an impact-producing activity occurred.
- **Less-than-significant (negligible, minor, moderate), or significant.** These relative terms are used to characterize the magnitude or intensity of an impact. Negligible impacts would generally perceptible but are at the lower level of detection. A minor impact would be slight, but detectable. A moderate impact would be readily apparent. Significant impacts would be those that, in their context and due to their magnitude (severity), have the potential to meet the thresholds for significance set forth in CEQ regulations (40 CFR 1508.27) and, thus, warrant heightened attention and examination for potential means for mitigation to fulfill the policies set forth in NEPA.
- **Direct or Indirect.** Direct impacts are those that would occur as a result of and at the same time and place as the Proposed Action. Indirect impacts are those that would be caused by the Proposed Action but would occur at a different time or place and involve dynamic variables.
- **Adverse or beneficial.** An adverse impact would cause unfavorable or undesirable outcomes on the human-made or natural environment. A beneficial impact would cause positive outcomes on the human-made or natural environment.
- **Cumulative.** A cumulative impact would be an additive impact when the effects of the Proposed Action is considered in the context of past, present, or reasonably foreseeable future project(s) impacts. Cumulative impacts could be negligible, minor, moderate, significant, and adverse of beneficial for a given environmental resource.

The Proposed Action has no mechanism to impact several of the environmental resources discussed in **Table 3**; therefore, these resources are not carried forward for further analysis.

3.1 Air Quality and Climate Change

The Clean Air Act (CAA), as amended, requires the US Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. NAAQS are provided for six principal pollutants called "criteria pollutants" (as listed under Section 108 of the CAA): carbon monoxide (CO); lead (Pb); nitrogen dioxide (NO_2); ozone (O_3); particulate matter (PM), divided into two size classes of 1) aerodynamic size less than or equal to 10 micrometers (PM_{10}), and 2) aerodynamic size less than or equal to 2.5 micrometers ($PM_{2.5}$); and sulfur dioxide (SO_2). Ambient (i.e., outdoor) air quality in an area can be characterized in terms of whether it complies with the primary and secondary NAAQS.

The US EPA and state and local agencies have established a network of ambient air quality monitoring stations to measure concentrations of criteria pollutants across the US The data are then averaged over a specific time period and used by regulatory agencies to determine compliance with the NAAQS and to determine if an area is in attainment (criteria pollutant concentrations are below the NAAQS), nonattainment (criteria pollutant concentrations exceed the NAAQS), or maintenance (area was formerly nonattainment and is currently in attainment).

The General Conformity Rule (40 CFR Part 51, Subpart W) requires federal agencies to prepare written Conformity Determinations for Federal actions in or affecting NAAQS in nonattainment areas to demonstrate that their actions will not cause or contribute to violations of the NAAQS, except when the action is covered under the Transportation Conformity Rule or when the action is exempt because the total increase in emissions is insignificant, or *de minimis*. The AOI for ambient air quality is Suffolk County, New York, which is considered nonattainment for one or more NAAQS (**Section 3.1.1.1**).

Greenhouse gases (GHG) occur in the atmosphere both naturally and as a result of human activities, such as the burning of fossil fuels. GHGs are made up of water vapor, carbon dioxide, nitrous oxide, methane, ozone, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. GHGs are regulated under Section 202 of the CAA. Carbon Dioxide (CO_2) is the primary GHG emitted during fossil-fuel combustion, while smaller amounts of methane and nitrous oxide are also emitted. GHGs are non-toxic and non-hazardous at normal ambient concentrations, and there are no applicable ambient standards or emission limits for GHGs under the CAA. The US EPA regulates GHGs through mobile source emission standards and permitting requirements under the Title V Operating Permits program. These regulations include fuel efficiency and renewable fuel standards on light-duty, medium-duty, and heavy-duty vehicles. The heating effect from these gases is considered the probable cause of the global warming observed over the last 50 years (USEPA, 2009). However, the change in climate conditions caused by GHGs analyzed in this EA is a global effect. Therefore, the analysis and disclosure of localized incremental emissions changes are unlikely to have a measurable effect on climate change.

3.1.1 Affected Environment

3.1.1.1 Ambient Air Quality

The primary regulatory authority for air quality in New York is NYSDEC. Suffolk County is designated as a serious non-attainment area for O_3 and a maintenance area for $PM_{2.5}$ (USEPA, 2022). Federal agencies must evaluate the emissions of O_3 and $PM_{2.5}$ to determine the applicability of the general conformity regulations. Because Suffolk County is located within an Ozone Transport Region, the *de minimis* level for O_3 is 50 tons per year for the O_3 precursors nitrogen oxides (NO_x) and volatile organic compounds (VOC). The *de minimis* level for $PM_{2.5}$ is 100 tons per year (40 CFR § 93.153(b)(1)).

Under the CAA, US EPA established New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) to minimize emissions of criteria pollutants and hazardous air pollutants (HAP) from man-made emission sources. Although typically present in minimal quantities in the ambient air, HAPs have high toxicity that may pose a threat even at low concentrations. NESHAPs primarily apply to "stationary sources," which are emission sources that have a fixed location (e.g., fuel-burning boilers and generators, entire facilities/plants, etc.), as opposed to "mobile sources," which are emission sources that can move from one location to another (e.g., motor vehicles, ships, airplanes, etc.).

Major source facilities are required to obtain a Title V operating permit. The US EPA defines a "major source" as stationary sources, or groups of stationary sources, with a potential to emit more than 100 tons per year of any criteria pollutant, 10 tons per year of any HAP, or 25 tons per year of any combination of HAPs. The Proposed Action would not require a Title V operating permit. PIADC currently operates under Air State Facility Permit No. 1-4738-00028/00030. Permitted sources at PIADC include the facility's incinerators, three no. 2 fuel oil-fired boilers, and three diesel-powered generator sets. The permit includes NSPS requirements for fuel oil-burning equipment, as well as process-specific emissions limitations (e.g., PM emission rates for incinerators). Once the PIADC science mission transfers to NBAF, remaining emissions sources on or in the vicinity of the Proposed Action area will consist of ongoing site maintenance (e.g., mowing, building surface coating); fuel-fired boilers; internal combustion engines (e.g., emergency power generators); waste management activities described in **Section 2.1.2**; nearby ship, barge, and boat emissions; and vehicle emissions on Plum Island roadways. Use of the incinerators (i.e., the crematorium) will cease following the science mission transfer.

Populations who are particularly sensitive to the effects of air pollution include, but are not limited to, asthmatics, children, and the elderly, as well as specific facilities, such as long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, schools, playgrounds, and childcare centers. Due to its geographically isolated location, these populations do not reside within 1 mile of the Proposed Action area.

3.1.1.2 Greenhouse Gases and Climate Change

The climate of Suffolk County is described as warm-summer humid continental. An average of 51.2 inches of annual precipitation is evenly distributed throughout the year, with July as the driest month (3.2 inches average precipitation) and October as the wettest month (5.6 inches average precipitation). The average annual temperature is 46.9 degrees Fahrenheit (°F). July is the warmest month and January is the coldest month, with average temperatures of 69.2°F and 23.1°F, respectively (Climate Data, 2022).

In 2009, New York State EO 24 set a goal to reduce GHG emissions in the state by 80 percent below 1990 emission rates by 2050. The EO required the State to prepare a climate action plan to assess how all economic sectors can reduce GHG emissions and adapt to climate change. The 2019 Climate Leadership and Community Protection Act additionally requires New York to reduce economy-wide GHG emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels. Buildings (including fossil fuels burned for heat and GHGs released from building equipment and foam insulation) account for 32 percent of GHGs emitted in New York. Transportation, electricity generation, and waste (including landfills and waste treatment and combustion) account for 28 percent, 13 percent, and 12 percent, respectively, of New York's GHG emissions (New York State Climate Action Council, 2022).

In 2021, two Presidential EOs regarding GHGs and climate change were issued: EO 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, and EO 14008, *Tackling the Climate Crisis at Home and Abroad*. EO 13990 directs the federal government to reduce GHG emissions, bolster resilience to the impacts of climate change, and immediately commence work to confront the climate crisis using the best science in federal decision-making. EO 13990 further created the Working Group on the Social Cost of Greenhouse Gases, tasked with developing methods to account as accurately as possible for the global damages of GHG emissions in financial terms.

EO 14008 requires climate considerations to be an essential element of US foreign policy and national security. EO 14008 directs the United States to rejoin the Paris Agreement and to implement and build upon the Agreement's three over-arching objectives (a safe global temperature, increased climate resilience, and financial flows aligned with a pathway toward low GHG emissions and climate-resilient development). Under EO 14008, the federal government is directed to drive the assessment, disclosure, and mitigation of climate pollution and climate-related risks in all economic sectors. This EO established the White House Office of Domestic Climate Policy to coordinate the policy-making process with respect to domestic climate-policy issues and monitor implementation of the President's domestic climate-policy agenda. The National Climate Task Force was also established, which includes the Secretary of Homeland Security, to facilitate the organization and deployment of a government-wide approach to combat the climate crisis, and facilitate planning and implementation of key federal actions to reduce climate pollution and increase resilience to the impacts of climate change. Task Force members are directed to prioritize action on climate change in their policy-

making and budget processes, in their contracting and procurement, and in their engagement with state, local, tribal, and territorial governments.

3.1.2 Environmental Consequences

This section identifies and discloses potential air quality impacts from criteria pollutant and GHG emissions associated with the Proposed Action. Significant impacts on ambient air quality would occur if there were a change in the attainment status with respect to the NAAQS, or if emissions exceed regulatory thresholds. Because Plum Island is located within an Ozone Transport Region that is in serious non-attainment for O_3 and maintenance for $PM_{2.5}$, a CAA General Conformity Determination would need to be prepared if the Proposed Action would result in an increase of 50 tons per year or more of NO_x or VOCs, or 100 tons per year or more of $PM_{2.5}$.

No significance threshold for GHG emissions and climate change has been established. As previously noted in **Section 3.1**, the change in climate conditions is a global effect, and the Proposed Action is unlikely to have a measurable effect on climate change.

3.1.2.1 Preferred Alternative

Air emissions generated from the site conveyance preparation activities would have *short-term, less-than-significant* adverse impacts on the existing air quality environment in the vicinity of Plum Island. Potential emissions would be generated during removal of excess personal property, asbestos abatement, boiler-powered autoclave use, soil excavation for testing and associated backfilling, vegetation removal, general excavation, site grading, building alterations, removal of USTs and associated piping and equipment, and rerouting infrastructure to bypass B101. Additional criteria pollutant and GHG emissions would increase temporarily from burning fossil fuels in equipment during closure activities and construction employees accessing the site.

NO_x, PM_{10}, and $PM_{2.5}$ are the pollutants of greatest concern with respect to these activities. NO_x emissions are generated by equipment and employee vehicle engines and would contribute to regional O_3 concentrations. PM emissions result from excavation, grading, and vehicle and equipment exhaust. However, due to the limited scope and scale of the site preparation activities, emissions of these pollutants would increase only incrementally and on a temporary basis and are unlikely to exceed *de minimis* thresholds (NO_x, VOC, and $PM_{2.5}$) or other regulatory thresholds. GHG emissions from site transfer preparation activities would not have a significant impact on climate change vulnerability.

Closure activities would be temporary, and emissions would be minimized to the greatest extent practicable through implementation of the previously identified BMPs (see **Table 2**).

Following closure activities, overall *criteria pollutant and GHG emissions reductions* would result from the Proposed Action. Three 1,820-kilowatt stand-by generators would be removed from operation and preserved for future use. Routine test-firing of these units would cease,

along with any use during power disruptions at the site. Two of three 500-horsepower fire tube steam boilers at the facility would be taken offline and preserved for future use. Fuel combustion associated with these boilers would cease at this time. Three of four chillers at the facility would also be taken offline, substantially reducing chiller operation power requirements compared to existing conditions. The removal, layup, or shutdown of equipment would result in an ongoing reduction of emissions on Plum Island relative to current emissions. Staff reductions at Plum Island and the Orient Point facility would reduce employee commute emissions associated with the PIADC. However, most staff would likely choose to find alternative employment locally and would continue to contribute commuting-related emissions within the AOI.

Plum Island transportation assets, such as ferries, small boats, health and safety vehicles, and busses may be prepared for long-term storage. However, it is assumed that these assets would remain operational until conveyance of the property. If any or all of these assets are used less frequently, or their use is discontinued following the mission transfer to NBAF, there would be a corresponding decrease in criteria pollutant and GHG emissions at Plum Island. This would further contribute to the ongoing emissions reductions associated with the Proposed Action.

Given the size, quantity, and power demands of the equipment and assets slated to be taken offline, the *long-term beneficial impacts* on air quality and climate change are expected to be *less-than-significant*.

3.1.2.2 No Action Alternative

Under the No Action Alternative, the ambient air quality environment and GHG emissions would remain as described in **Section 3.1.1**, including minor emissions associated with WMA/AOPC management activities. Therefore, the No Action Alternative would have *long-term, less-than-significant adverse impacts* on air quality and climate change.

3.2 Earth Resources

Earth resources analyzed in this EA include soils. Soils are typically described in terms of their type, physical characteristics, and types of land use. The AOI for earth resources includes areas in which closure activities would be conducted, including surrounding adjacent environments. The limits of disturbance (LOD) is defined as the area that would undergo ground-disturbing activities due to the Proposed Action. The LOD is comprised of WMAs/AOPC, the PIADC research compound, the Orient Point facility, USTs, and B257 (see **Figure 3**) and is approximately 26 acres.

Prime Farmland: One subcomponent of soils is prime farmland, defined as land that is available for and has a combination of physical and chemical characteristics that are best suited for producing food, feed, forage, fiber, and oilseed crops (USDA, 2000). The Farmland Protection Policy Act of 1981 (7 USC 4201 et seq.) states that federal agencies must "minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to

nonagricultural uses." While WMAs 7/8, 9, 15, 24, and 26/27 overlap areas identified as prime farmland by the Natural Resources Conservation Service (NRCS; see **Figure 3**), these areas are previously disturbed due to their past and present use for waste disposal, making them unsuitable for farming practices. Therefore, activities under the Preferred Alternative would have no potential to affect prime farmlands and this resource is dismissed from further analysis.

Hydric Soils: Hydric soils are defined as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper portion of the soil. Under natural conditions, these soils are able to support growth and reproduction of hydrophytic vegetation. Presence of hydric soils is one of the criteria used to identify and delineate wetlands (see **Section 3.3**) No hydric soils are present within the LOD (see **Table 4**); therefore, activities under the Preferred Alternative would have no potential to affect hydric soils and this resource is dismissed from further analysis.

Geology: The Proposed Action would not include deep excavation within the LOD. Bedrock and other geological features on Plum Island and Orient Point lie over 600 feet below ground surface (bgs) (Crandell, 1962; ENTECH, 2007). The groundwater monitoring wells associated with the remediation and delineation of WMAs/AOPC, the deepest disturbance included the Proposed Action, would be dug 10 feet into the water table. The groundwater on Plum Island occurs between 0 and 75 feet bgs (ENTECH, 2002). As ground-disturbing activities would remain relatively shallow in relation to the geological features on Plum Island and Orient Point, there is no potential for the Proposed Action to impact geology and seismic conditions. Therefore, the Preferred Alternative would have no potential to affect geology and seismic conditions and this resource is dismissed from further analysis.

Topography: The Proposed Action would involve minor ground disturbance activities such as grading and excavation for utility rerouting within the PIADC research compound; removal of USTs, associated pipes, and ancillary equipment to close the MOSF; WMA/AOPC remediation and delineation; and backfilling using an existing borrow area. These ground-disturbing activities would not alter the topography of Plum Island; therefore, the Preferred Alternative would have no potential to affect topography and this resource is dismissed from further analysis.

3.2.1 Affected Environment

Plum Island surface soils are described predominately as sand and sandy loams with boulder and cobble present in some locations. Dune sands are present in the south portion of Plum Island. Orient Point primarily has soils classified as fill land dredge material. Fourteen soil map units are identified within the 26-acre LOD (see **Figure 3** and **Table 4**). A majority of the soils in the LOD are cut and fill land and gravel pits. None of the soils are considered hydric. As previously noted, while some prime farmland soils occur in the LOD, the LOD has been previously disturbed, and the soils are not suitable for farming.

Figure 3: Soils at the Proposed Action Area

Table 4: Select Soil Characteristics for Soils within the LOD

Map Unit Name	Acres	Prime Farmland	Farmland of Statewide Importance	Hydric	Landform/Description	Location in LOD
Bridgehampton silt loam, 0 to 2 percent slopes	0.1	Yes	No	No	Outwash plains; well drained soils, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 26/27
Bridgehampton silt loam, 2 to 6 percent slopes	0.1	Yes	No	No	Outwash plains; well drained soils, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 9
Carver and Plymouth soils, 15 to 35 percent slopes	1.8	No	No	No	Outwash plains; moraines; excessively drained soils, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 2 WMA 9 WMA 10/11
Cut and fill land gently sloping	11.5	No	No	No	Not Listed	PIADC Research Compound UST 55
Escarpments	0.5	No	No	No	Not Listed	WMA 15
Fill land dredged material	<0.1	No	No	No	Not Listed	USTs 62/63 Orient Point Facility UST 6-O UST 7-O
Gravel pits	3.1	No	No	No	Not Listed	WMA 9
Haven loam, 0 to 2 percent slopes	0.3	Yes	No	No	Outwash plains; well drained, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 26/27

Map Unit Name	Acres	Prime Farmland	Farmland of Statewide Importance	Hydric	Landform/Description	Location in LOD
Haven loam, 2 to 6 percent slopes	4.4	Yes	No	No	Outwash plains; well drained, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 7/8 WMA 9 WMA 10/11 WMA 24 WMA 26/27
Hooksan sand, 0 to 3 percent slopes	1.7	No	No	No	Dunes; excessively drained, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	AOPC 5 B257
Plymouth loamy coarse sand, 8 to 15 percent slopes	1.1	No	No	Predominately Nonhydric	Outwash plains, hills, moraines; excessively drained, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 7/8 WMA 24
Riverhead sandy loam, 3 to 8 percent slopes	0.4	Yes	No	No	Outwash plains, moraines; well drained, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 15
Riverhead very stony sandy loam, 3 to 8 percent slopes	0.3	No	No	No	Outwash plains, moraines; excessively drained, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 14 WMA 22
Riverhead very stony sandy loam, 8 to 15 percent slopes	0.9	No	No	No	Outwash plains, moraines; excessively drained, depth to water table is more than 80 inches. Depth to restrictive feature is more than 80 inches.	WMA 15 WMA 22

Source: (NRCS, 2022)

3.2.2 Environmental Consequences

A significant adverse earth resources impact would occur if proposed activities expose people or structures to major geological hazards or substantially increase potential occurrences of erosion or sedimentation.

3.2.2.1 Preferred Alternative

The Preferred Alternative would disturb soils from the removal of vegetative cover, soil testing/characterization, backfilling using clean fill from the existing borrow area, installation of monitoring wells, site grading associated with the WMAs/AOPC, the rerouting of infrastructure to bypass B101, subsurface oil delineation and remediation, and excavation of USTs, associated pipes, and ancillary equipment to facilitate the closure of the MOSF (see **Table 1**).

Proposed activities would impact approximately 26 acres of previously disturbed areas on Plum Island and Orient Point, which could lead to increased erosion and sedimentation. Since the Proposed Action would exceed one acre of land disturbance, a National Pollutant Discharge Elimination System (NPDES) General Permit would be obtained for the project pursuant to the Clean Water Act (CWA; 33 USC 1251 et seq). Furthermore, the current PIADC Stormwater Pollution Prevention Plan (SWPPP) would be implemented which has identified potential sources of pollutants, described pollution prevention activities (i.e., BMPs) to be implemented on the site, and established erosion and sediment controls to manage stormwater discharges and minimize sedimentation to the extent possible. Implementation of the erosion and sediment control measures specified in the SWPPP and NPDES permit (e.g., silt fences, check dams, etc.) would minimize these potential impacts.

Clean backfill would be required to fill excavated areas (i.e., WMAs/AOPC, B100 utility reroute, and potential UST removal). DHS would backfill with clean fill sourced on-Island from an existing borrow area immediately east of WMA 9. At this time, DHS does not anticipate the need for a NYSDEC Mined Land Reclamation Permit, as less than 750 cubic yards of clean fill would be taken from the borrow area within each calendar year (NYSDEC, 2014). In the event more than 750 cubic yards of fill would be taken from the existing borrow area in a year, DHS commits to obtaining a NYSDEC Mined Land Reclamation Permit.

Further, soil testing and characterization would test soils where appropriate (i.e., WMAs/AOPC and underneath buildings undergoing decontamination) for any contaminants that may be present (e.g., semi-VOCs, metals, pesticides, polychlorinated biphenyls, hexavalent chromium, and mercury) which could impact other resources, such as groundwater (see **Section 3.3**). Potential impacts on soils may occur if petroleum products or other liquids associated with closure of the MOSF (e.g., removal of USTs, piping, and ancillary equipment) or heavy equipment (e.g., excavators) were accidentally spilled or released. Contaminated soils and equipment would be kept separate from clean soils to ensure the contamination does not spread. Contaminated soils would be characterized and either disposed of off- Island in

permitted facilities or contained in-place (e.g., in the WMAs/AOPC) using monitoring wells in accordance with federal, state, and local regulations. Potential hazardous and toxic materials and waste (HTMW) impacts are discussed further in **Section 3.7**.

Overall, impacts on soils would be temporary and minimized through the BMPs designated in the NPDES permit/SWPPP, adhering to the site Spill Prevention Control and Countermeasure Plan (SPCCP), and through standard characterization and testing processes. Therefore, the Preferred Alternative would have *short-term, less-than-significant adverse impacts* on soils. Following implementation of the Preferred Alternative, the areas of ground disturbance would passively revegetate, which would stabilize the soils in the long-term. The Preferred Alternative would have *no long-term or ongoing impacts* on soils in the AOI.

3.2.2.2 No Action Alternative

Under the No Action Alternative, WMA/AOPC activities would continue, including backfilling using clean fill from the existing borrow area, soil sampling, and subsurface oil delineation and remediation, which would have *short-term, less-than-significant adverse impacts* on soil resources in the AOI similar to those described for the Preferred Alternative. Potential erosion and sedimentation impacts associated with ground disturbance outside of the WMAs/AOPC (e.g., utility re-routing) would not occur. Once WMA/AOPC activities are complete, areas of ground disturbance would passively revegetate, which would stabilize the soils in the long-term. Therefore, *no long-term or ongoing impacts* on soils in the AOI would occur under the No Action Alternative.

3.3 Water Resources

Water resources analyzed in this EA include surface water (including stormwater), wetlands, floodplains, groundwater, and coastal resources. Surface water consists of lakes, rivers, and streams. Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE, 1987). Floodplains are belts of low, level ground on one or both sides of a stream channel and are subject to either periodic or infrequent inundation by flood water. A 100-year floodplain has a 1 percent chance of inundation in any given year. Groundwater can be defined as subsurface water resources that are interlaid in layers of rock and soil and recharged by surface water seepage. Coastal resources are protected by the Federal Coastal Zone Management Act of 1972, which enables states and territories to implement federally approved coastal programs to protect coastal areas in conjunction with environmental, economic, and human health.

The AOI for water resources includes surface waters, wetlands, watersheds, groundwater, and coastal zones within or near proposed closure activities on Plum Island and Orient Point.

3.3.1 Affected Environment

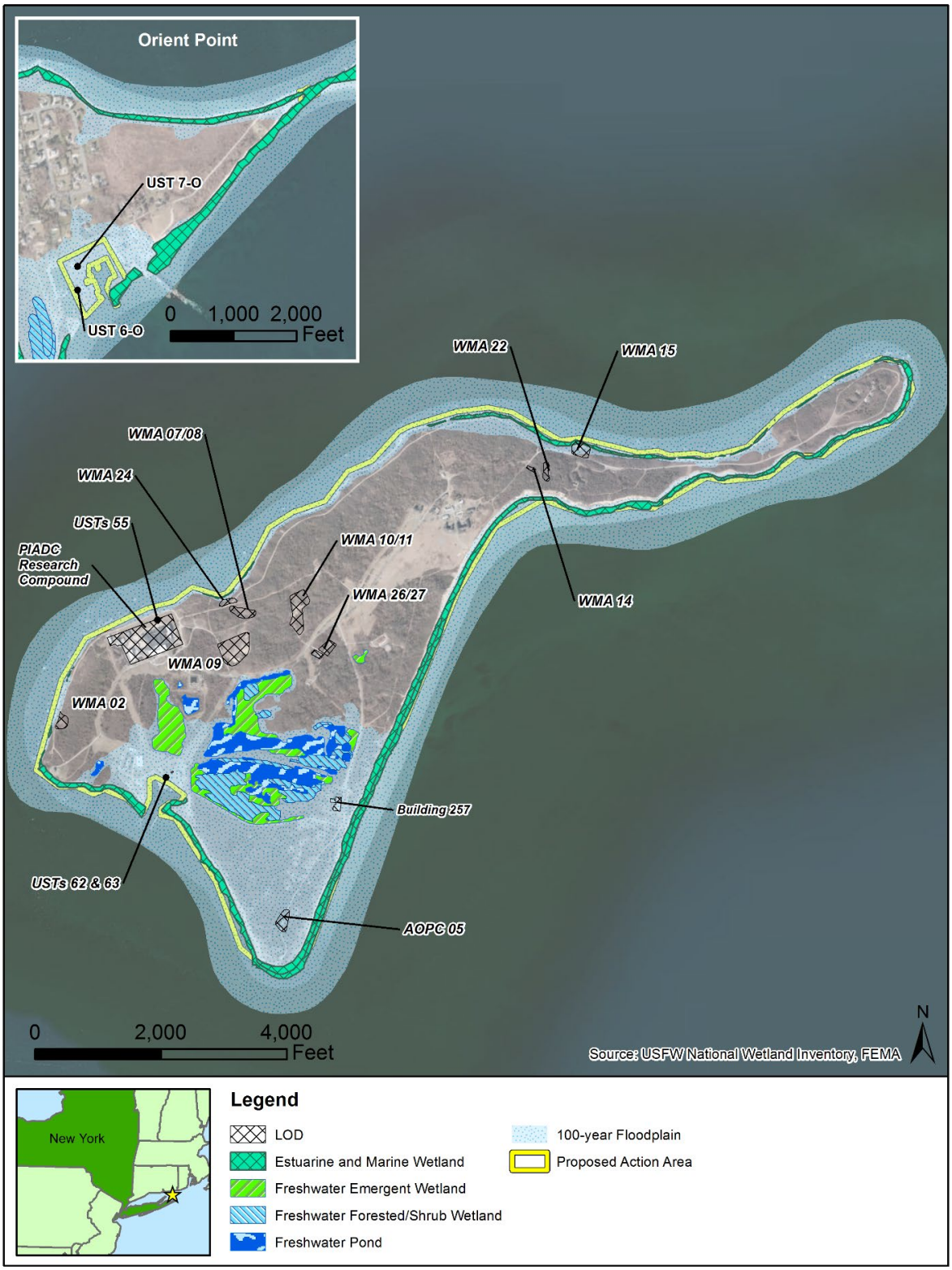
Surface Water: Plum Island and Orient Point are surrounded by Long Island Sound, a tidal estuary located between Long Island, New York and Connecticut and opening to the Atlantic Ocean to the east. No streams were identified on Plum Island or in the vicinity of the Orient Point facility (USFWS, 2022a). Surface water runoff from the Island is minimal, as most soils are described as well drained (see **Section 3.2**).

Section 303(d) of the CWA requires states and territories to identify and list waters which do not meet water quality standards for specified pollutants or substances. Waters not meeting the established thresholds are considered to be impaired, and agencies are required to develop total maximum daily loads (TMDL) for the applicable pollutants to bring the listed water into compliance. Both NYSDEC and the Connecticut Department of Environmental Protection have listed Long Island Sound as impaired due to low dissolved oxygen. A TMDL addressing nitrogen pollution in Long Island Sound was established in 2000 (NYSDEC & CDEP, 2000). Sanitary sewage on Plum Island is treated on the on-Island WWTP and discharged into Long Island Sound in accordance with SPDES operating and discharge permits. Sanitary sewage at the Orient Point facility is stored in a cesspool and pumped on a routine basis.

Wetlands: Plum Island contains approximately 31 acres of freshwater wetlands, primarily located in the south-central portion of the Island (see **Figure 4**). These wetlands include a mixture of freshwater emergent wetlands, freshwater forested/shrub wetlands, and freshwater ponds. Approximately 43 acres of estuarine and marine wetlands are dispersed along the Plum Island coastline (USFWS, 2022a). No freshwater wetlands occur within or directly adjacent to the PIADC research compound or within areas where WMAs/AOPC or USTs are located. The Orient Point facility and WMA 15 border estuarine marine wetlands and the utility transfer station at Orient Point County Park occurs entirely within an estuarine marine wetland. Section 404 of the CWA establishes a program to regulate wetland impacts through a permitting process overseen by the United States Army Corps of Engineers (USACE). In addition, NYSDEC regulates activities in freshwater wetlands that are larger than 12.4 acres, including a 100-foot buffer around such wetlands.

Floodplains: The Plum Island coastline and a large area of the southern portion of the Island, including the wetland areas and the Plum Island Ferry Dock area, are within the Federal Emergency Management Agency 100-year floodplain (see **Figure 4**) (FEMA, 2009). The PIADC research compound is located outside the floodplain; however, Buildings 67, W, 257, and 35 as well as WMA 15 and AOPC 5 occur within the 100-year floodplain. Additionally, the entire Orient Point facility is located within the 100-year floodplain (FEMA, 2009).

Figure 4: Water Resources at the Proposed Action Area



Groundwater: Plum Island is underlain by an unconfined freshwater aquifer and groundwater occurs within the sand and gravel of the upper Pleistocene glacial deposits. Depth to groundwater is highly variable, occurring between 0 and 75 feet bgs (ENTECH, 2002). The Plum Island aquifer is the source of potable water on Plum Island and is recharged solely from precipitation falling on the Island's surface. On Orient Point, groundwater is drawn from the aquifer system underlying Long Island, where groundwater generally occurs between 0 and 190 feet bgs (USGS, 2017).

Coastal Resources: Plum Island and Orient Point are located within New York's designated coastal zone and must comply with the enforceable policies established under New York's Coastal Zone Management Program. A Federal Consistency Determination (FCD) is submitted to the New York State Department of State (NYSDS) for review and concurrence (NYSDS, 2022). In addition, the Town of Southold implements a Local Waterfront Revitalization Program, which guides development actions in the Town and provides the basis for the FCD for actions affecting the Town's coastal areas (Town of Southold, 2022).

3.3.2 Environmental Consequences

A significant adverse water resources impact would occur if proposed activities result in an exceedance of established water quality thresholds; impede navigability of surface waters; substantially increase the amount of stormwater entering surface waters; do not comply with wetland protection regulations and permits; substantially affect groundwater quantity or quality; induce flooding in occupied areas; or are inconsistent with applicable enforceable coastal zone policies.

3.3.2.1 Preferred Alternative

Surface Water: The Preferred Alternative would have no impact to stormwater, as closure activities would not create any new impervious surfaces or modify the topography of Plum Island or Orient Point. Stormwater runoff would continue to percolate through the well-drained soils in the Proposed Action area and there would be no new stormwater discharges to Long Island Sound. As discussed in **Section 3.2.2.1**, DHS would obtain coverage under a NPDES General Permit and adhere to the PIADC SWPPP, which has identified erosion controls and BMPs to manage stormwater discharges. DHS would restore the pre-development hydrology of the site to the maximum extent technically feasible, in compliance with Section 438 of the Energy Independence and Security Act of 2007. Under the Preferred Alternative, DHS would clean out the WWTP prior to transfer of the SPDES operating and discharge permit. In addition, the Proposed Action would have no potential to affect the Plum Island Sound TMDL. Therefore, the Preferred Alternative would have *no short-term or long-term adverse effects* on surface water.

Wetlands: The Preferred Alternative would not involve any direct impacts on wetlands on Plum Island or Orient Point, as ground-disturbing activities would take place entirely outside of wetland areas. The nearest freshwater wetland is approximately 400 feet from areas where

ground disturbance would occur. In addition, WMA 15 borders an estuarine marine wetland. DHS would utilize erosion control measures specified in the NPDES permit and the PIADC SWPPP to minimize indirect impacts on nearby wetlands. These impacts would be minor and would cease once ground disturbance is complete. Therefore, the Preferred Alternative would have *short-term, less-than-significant adverse effects* on wetlands in the AOI. Once closure activities are complete, there would be *no ongoing or long-term adverse impacts* on wetlands in the AOI.

Floodplains: Components of the Preferred Alternative would involve work within the 100-year floodplain. Since the Preferred Alternative involves preparing existing buildings for long-term preservation and delineating and remediating historically contaminated areas, there is no practicable alternative for conducting work within the floodplain. Therefore, a Draft Finding of No Practicable Alternative has been prepared in accordance with EO 11988, *Floodplain Management*, and is included in the Draft FONSI for this EA. The Preferred Alternative primarily involves modifications to existing buildings and minor ground disturbance (with no net fill) on previously disturbed land (e.g., the WMAs/AOPC and USTs). It would not alter or interfere with the long-term function of the 100-year floodplain or increase the potential for flooding in the Proposed Action area. Therefore, the Proposed Action would have *no short-term or long-term adverse effects* on the floodplain.

Groundwater: The Preferred Alternative would not involve large withdrawals of groundwater or intentionally release or inject materials into groundwater resources or aquifers. Under the Preferred Alternative, monitoring wells would be installed at WMAs/AOPC that require further groundwater sampling (see **Table 1**), which would not meaningfully affect groundwater quantity or quality. Upon completion of groundwater monitoring activities, wells would be abandoned in accordance with NYSDEC guidance document: *CP-43: Groundwater Monitoring Well Decommissioning Policy* (DHS, 2022; NYSDEC, 2009). In addition, potential impacts on groundwater may occur if petroleum products or other liquids associated with heavy equipment (e.g., excavators) were accidentally spilled or released. This impact would be minimized through adherence to BMPs, such as performing routine inspections of equipment and maintaining spill containment materials on-site. Overall, adverse impacts on groundwater under the Preferred Alternative would be *short-term and less-than-significant*. The Preferred Alternative would result in *no long-term adverse impacts* on groundwater in the AOI.

Coastal Resources: The Preferred Alternative may disturb coastal resources from onshore ground and soil disturbances, which could lead to increased erosion and sedimentation. However, the Preferred Alternative would be consistent to the maximum extent practicable with New York's enforceable policies with compliance to applicable regulations and appropriate agency coordination. Implementation of the Preferred Alternative would avoid impacts on the coastal zone to the maximum extent practicable, resulting in *short-term, less-than-significant adverse impacts* on New York's coastal zone and coastal resources. DHS

submitted its FCD for implementation of the Preferred Alternative to the NYSDS on [Date]. DHS's FCD is included in **Appendix C**. In addition, delineation and remediation of the WMAs/AOPC would result in a *long-term beneficial impact* on New York's coastal resources.

3.3.2.2 No Action Alternative

Under the No Action Alternative, there would be no change to surface waters, existing floodplains, or coastal conditions. WMA/AOPC activities would continue, including limited ground disturbance and installation of groundwater monitoring wells. Therefore, *short-term, less-than-significant adverse impacts* on wetlands and groundwater could occur. Once WMA/AOPC activities are complete, there would be *no long-term impacts* on either wetlands or groundwater.

3.4 Biological Resources

Biological resources addressed in this EA consist of vegetation, wildlife, and special status species. Special status species relevant to this EA are those protected under the federal Endangered Species Act of 1973 (ESA), Magnuson Stevens Fishery Conservation and Management Act of 1976 (MSA), Marine Mammal Protection Act of 1972 (MMPA), Bald and Golden Eagle Protection Act of 1940 (BGEPA), Migratory Bird Treaty Act of 1918 (MBTA), or under applicable state laws or regulations. The AOI for biological resources includes vegetation and wildlife occurring within the Proposed Action area.

Aquatic Species: None of the proposed closure activities would occur on beaches, involve in-water work, or increase marine vessel traffic. Ground disturbance would be limited to previously disturbed areas and erosion, sedimentation, and HTMW.BMPs would be implemented (see **Table 2**). Therefore, the Preferred Alternative would have no potential to impact aquatic species and this resource is dismissed from further analysis.

3.4.1 Affected Environment

Vegetation: Vegetation on Plum Island is generally grouped into the following communities: beach/dune, freshwater wetland, oldfield/landscaped, historically disturbed (i.e., impacted) upland forest, and relatively undisturbed (i.e., unimpacted) upland forest (see **Figure 5**). The beach/dune areas occur along the coast and in the southern tip of the Island. This community is sparsely vegetated with herbaceous cover, including American sea rocket (*Calkile edentula*), seaside goldenrod (*Solidago sempervirens*), and beach pea (*Lathyrus japonicus*) in the beach areas and American beachgrass (*Amophila breviligulata*), sickle-leaved golden aster (*Pityopsis falcata*), and seaside goldenrod commonly occurring in the dune areas (NYSNHP, 2016). Common vegetation occurring in the freshwater wetland areas includes highbush blueberry (*Vaccinium corymbosum*), red maple (*Acer rubrum*), and blackgum (*Nyssa sylvatica*). Vegetation in the forested areas include eastern red cedar (*Juniperus virginiana*), red maple, and black cherry (*Prunus serotina*). Vegetation found in oldfield/landscaped areas include Norway maple (*Acer platanoides*), white heath aster (*Symphyotrichum ericoides*), golden clover (*Trifoluim aureum*), and cow vetch (*Vicia cracca*). Invasive species found on Plum

Island include tree of heaven (*Ailanthus altissima*), rugosa rose (*Rosa rugosa*), and common reed (*Phragmites australis*). The New York State Natural Heritage Program (NYSNHP) conducts surveys and makes management recommendations to improve the Island's natural communities and limit the spread of invasive species (NYSNHP, 2016). Vegetation at the Orient Point facility consists of maintained lawn and scattered mature landscape trees.

Wildlife: Plum Island provides regionally significant habitat that supports a high diversity of wildlife. Notably, Plum Island provides critical stopover habitat for migrating birds and is home to one of New York's largest seal haul-out sites (NYSNHP, 2016). The most recent biodiversity survey, conducted by the NYSNHP in 2015, identified over 200 species of birds, over 200 species of moths, 9 mammals, and 5 reptiles inhabiting Plum Island. Other wildlife occasionally observed on Plum Island include white-tailed deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), and eastern box turtle (*Terrapene carolina*). Raccoons were accidentally introduced to Plum Island in 1995 and are considered a pest species due to their negative impact on breeding birds. NYSNHP has recommended full-scale eradication of raccoons on Plum Island (NYSNHP, 2016). Common wildlife at Orient Point include those typically present in a semi-suburban environment, such as white-tailed deer, groundhog (*Marmota monax*), and red fox (*Vulpes vulpes*).

Special Status Species: DHS queried the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database to identify federally listed species with the potential to occur in the Proposed Action area. The IPaC identified five federally listed species that DHS has considered in its effect analysis, further discussed in **Table 5**. Of these species, only three are likely to occur on Plum Island. In addition, DHS consulted with the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS) to identify federally listed marine species with potential to occur near the Proposed Action area. NMFS identified two species of Atlantic large whales, four species of sea turtles, and the Atlantic sturgeon (*Acipenser oxyrhynchus oxyrhynchus*) as potentially occurring in the waters near the Proposed Action area. NMFS also confirmed that no essential fish habitat regulated under the MSA occurs in the waters near the Proposed Action area (see **Appendix D**). Additionally, Plum Island provides habitat for seals, which are protected under the MMPA.

The NYSDEC maintains a list of state-threatened and endangered species, as well as species of special concern. DHS queried the NYSDEC Environmental Assessment Form (EAF) Mapper to obtain a list of state-threatened and endangered species with potential to occur in the Proposed Action area. The EAF Mapper identified 16 species, including 2 birds and 14 plants (NYSDEC, 2022a; NYSDEC, 2022b) (**Appendix E**). DHS also reviewed the NYSNHP's 2016 Plum Island Biodiversity Inventory, which identified nine additional state-listed species not listed on the EAF Mapper (NYSNHP, 2016). State-listed species are discussed in **Table 6**.

Figure 5: Land Cover in the Proposed Action Area

Table 5: Federal listed Species with Potential to Occur at the Proposed Action Area

Species Common Name	Scientific Name	Federal Status	Habitat Description
Northern long-eared bat	*Myotis septentrionalis*	FT	This species overwinters in caves and mines and lives in forested habitat the remainder of the year. During the summer, this species roosts underneath bark or in cavities or crevices of both live and dead trees. It has also been found roosting in structures such as barns and sheds (USFWS, 2022b). Northern long-eared bats (NLEB) have been found in every county of New York, although bat surveys conducted in 2015 did not identify any on Plum Island (NYSDEC, 2022c; NYSNHP, 2016). However, these surveys did identify four historic bunkers on Plum Island that have suitable characteristics for bat hibernacula, one of which is located approximately 0.1 mile east of WMA 22 Although no NLEB were identified during bat surveys, due to the species' presence on nearby Long Island, they may travel to Plum Island for foraging. Furthermore, the historic bunkers represent potential hibernacula for this species (NYSNHP, 2016).
Piping plover	*Charadrius melodus*	FT	This species is found in coastal habitats, primarily on sandy beaches and tidal flats and typically nesting in open sandy areas near water (National Audubon Society, 2022a). Piping plover have been documented at Plum Island and confirmed breeding pairs have been observed. There is a known occurrence on the beach to the south of B257, between the months of April and October, and this species is commonly found between June and August (NYSNHP, 2016). This species is rarely seen in September and October, and no occurrences have been documented between November and March (NYSNHP, 2016).
Red knot	*Calidris canutus rufa*	FT	This species nests in inland tundra habitat near water in the summer, and uses coastal mudflats and tidal shores as stopover habitat during migration (National Audubon Society, 2022b). Red knot has been observed on Plum Island between September and October, but this observation is considered an accidental occurrence, as it was recorded only once between 2011 and 2015 (NYSNHP, 2016).
Roseate tern	*Sterna dougallii dougallii*	FE	This species occurs in coastal environments, including salt bays and estuaries. Nests are usually found on sandy or rocky islands with some low plant cover and close to shallow waters for feeding (National Audubon Society, 2022c). Roseate terns have been documented on Plum Island (NYSNHP, 2016). This species occurs along most of the shoreline of Plum Island, but most commonly occurs in the northern tip of the Island. It has been observed between the months of April and August. This species has not been observed on Plum Island between September and March (NYSNHP, 2016).
Seabeach amaranth	*Amaranthus pumilus*	FT	This plant species is found on Atlantic coast sand dunes, primarily those located on barrier islands. It typically occurs in upper beaches and overwash areas, where little other vegetation is present (NPS, 2021). Seabeach amaranth has not been observed on Plum Island (NYSNHP, 2016).

Status: FT = Federally Threatened; FE = Federally Endangered
Source: (USFWS, 2022c)

Table 6: State-listed Species with Potential to Occur at the Proposed Action Area

Species Common Name	Scientific Name	State Status	Habitat Description
Black tern	*Chlidonias niger*	SE	Black terns have been observed on Plum Island between September and October; however, this occurrence is considered accidental (NYSNHP, 2016).
Coastal fireweed	*Erechtites hieraciifolius var. megalocarpus*	SE	Coastal fireweed occurs on the upper edge of beaches in sand, gravel, and sometimes in small brackish marshes (NYSNHP, 2012a). While this species has historically been observed on Plum Island, surveys in 2015 failed to identify this species (NYSNHP, 2016).
Cut-leaved water milfoil	*Myriophyllum pinnatum*	SE	This species is found along shores of small ponds, ditches, and large lakes. It is primarily threatened by saltwater intrusion during storm events (NYSNHP, 2008a). This species has been observed on Plum Island (NYSNHP, 2016).
Many spiked flatsedge	*Cyperus polystachyos Rottb*	SE	This species is a perennial sedge occurring throughout Long Island in sandy pond shores, ditches, and wetlands between coastal dunes (Native Plant Trust, 2022a). This species is documented on Plum Island (NYSNHP, 2016).
Peregrine falcon	*Falco peregrines*	SE	Peregrine falcons are periodically observed on Plum Island (NYSNHP, 2016). No nesting habitat is present on Plum Island or Orient Point.
Piping plover	*Charadrius melodus*	SE	See **Table 5.**
Roseate tern	*Sterna dougalii*	SE	See **Table 5.**
Scotch lovage	*Ligusticum scothicum ssp. scothicum*	SE	Scotch lovage is typically found on stabilized dunes with low shrubs and on the edge of disturbed coastal forests (NYSNHP, 2012b). While this species has historically been observed on Plum Island, surveys in 2015 failed to identify this species (NYSNHP, 2016).

Species Common Name	Scientific Name	State Status	Habitat Description
Velvet rosette grass	*Dichanthelium scoparium*	SE	Velvet rosette grass occurs in moist, sandy, and often disturbed areas (NYSNHP, 2012c). While this species has historically been observed on Plum Island, surveys in 2015 failed to identify this species (NYSNHP, 2016).
Annual saltmarsh aster	Symphyotrichum subulatum var. subulatum	ST	Annual saltmarsh aster occurs along the banks of salt-influences habitats, such as tidal channels/creeks, salt ponds, and wet brackish swales (NYSNHP, 2008b). A 2015 survey on Plum Island identified a few of these species within ditches in the maritime dune community on the Island (NYSNHP, 2016).
Bald eagle	*Haliaeetus leucocephalus*	ST	Historically, bald eagles were rarely seen on Plum Island; however, DHS staff have observed an increase in sightings of bald eagles on the Island. No bald eagle nesting sites have been observed at the Orient Point facility or in the vicinity (NYSNHP, 2016; The Center for Conservation Biology, 2022). One bald eagle nest has been observed by DHS personnel on the north point of the Island near the former Fort Terry complex. Bald eagles exhibit high nest fidelity and nesting territories are often used year after year. Bald eagles nest in large mature trees with clear view of shoreline foraging areas (USFWS, 2007).
Common tern	*Sterna hirundo*	ST	Common terns are found in a wide range of aquatic habitats and nesting typically occurs in colonies. Nests are built on bare ground or in areas with low vegetation (Audubon, 2022a).This species is abundant on Plum Island from April through October (NYSNHP, 2016).
Dwarf umbrella sedge	*Fuirena pumila*	ST	This species is found on the coastal plain, typically within pond shores and low areas (Native Plant Trust, 2022b). This species has been observed on Plum Island (NYSNHP, 2016).
Great plains flat sedge	*Cyperus lupulinus ssp. lupulinus*	ST	Great plains flat sedge occurs in a variety of habitats, including open sandy beaches, pastures, and roadsides (NYSNHP, 2008c). While this species has historically been observed on Plum Island, surveys in 2015 failed to identify this species (NYSNHP, 2016).
Least tern	*Sterna antillarum*	ST	Least terns are not typically observed on Plum Island, although they are sometimes spotted between June and August. Plum Island likely provides breeding habitat for this species, although breeding has not been confirmed (NYSNHP, 2016).

Species Common Name	Scientific Name	State Status	Habitat Description
Marsh straw sedge	*Carex hormathodes*	ST	Marsh straw sedge occurs in and adjacent to salt or brackish tidal marshes or in margins of wetlands and wet forest adjacent to the coast (NYSNHP, 2006). While this species has historically been observed on Plum Island, surveys in 2015 failed to identify this species (NYSNHP, 2016).
Northern harrier	*Circus cyaneus*	ST	Northern harrier has been observed on Plum Island year-round, although occurrences are considered uncommon or rare. This species has historically been observed breeding in the meadows in the north central portion of the Island and in the dunes to the south of the freshwater wetlands (NYSNHP, 2016).
Northern long-eared bat	*Myotis septentrionalis*	ST	See **Table 5.**
Oakes evening primrose	*Oenothera oakesiana*	ST	Oakes evening primrose occurs in extremely low numbers within New York's maritime dune communities. This species requires periodic disturbance to reduce competition with woody plants (NYSNHP, 2011a). A 2015 survey on Plum Island identified three of three of these species (NYSNHP, 2016).
Red knot	*Calidris canutus rufa*	ST	See **Table 5.**
Reflexed flat sedge	*Carex retroflexa*	ST	This species occurs in open successional areas and open grasslands (NYSNHP, 2009). This species has not been documented on Plum Island (NYSNHP, 2016)
Single-glumed spike rush	*Eleocharis uniglumis*	ST	This species is found in or near salty and brackish water, most commonly at the margin of fluctuating shorelines (NYSNHP, 2008d). A 2015 survey on Plum Island identified this species (NYSNHP, 2016).
Wild pink	*Silene caroliniana ssp. pensylvanica*	ST	Wild pink typically occurs in open grassy and shrubby areas along the edge of sandy trails, roads, and powerlines (NYSNHP, 2011b). A 2015 survey on Plum Island identified this species along periodically mowed roadsides on Plum Island (NYSNHP, 2016).

Status: ST = State Threatened; SE = State Endangered
Source: (NYSNHP, 2016; NYSDEC, 2022b)

As previously discussed, Plum Island provides important habitat for birds protected under the MBTA. The diversity of bird species is highest in the spring between April and May and in the fall between September and October with 157 and 146 species observed, respectively. Species diversity is slightly lower in the summer between June and August and in the winter between November and March with 126 and 129 species observed, respectively. The breeding season on Plum Island for migratory birds generally occurs between June and August (NYSNHP, 2016). Audubon has designated Orient Point and Plum Island as an Important Bird Area (IBA) (Audubon, 2022b). An IBA is a distinct area that provides essential habitat for breeding, wintering, or migrating birds. The Orient Point and Plum Island IBA includes significant habitat for bird species, such as barrier beaches, wetlands, and maritime forests. Plum Island and Orient Point are known to provide breeding habitat for colonies of great egrets (*Ardea alba*), snowy egrets (*Egretta thula*), black-crowned night-herons (*Nycticorax nycticorax*), piping plover (*Charadrius melodus*), American oystercatchers (*Haematopus palliates*), herring gulls (*Larus argentatus*), great black-backed gulls (*Larus marinus*), and least terns (*Sternula antillarum*) (Audubon, 2022b).

Historically, bald eagles (*Haliaeetus leucocephalus*), protected under the BGEPA, were rarely observed on Plum Island (see **Table 5**); however, DHS staff have observed more frequent sightings of bald eagles near Fort Terry on the north point of the Island. As stated previously, one bald eagle nest has been observed by DHS personnel on the north point of the Island near the former Fort Terry complex. Bald eagles are known to exhibit high nest fidelity and nesting territories are often used year after year (USFWS, 2007). Non-breeding eagles are typically social and establish communal roosts (areas where eagles gather and perch overnight). Communal roosts are typically positioned near major foraging areas (large bodies of water), which are isolated from human disturbance and contain sustainable substrate for roosting, protected from harsh weather, and have a clear movement corridor between the roost and primary foraging areas. Bald eagle nesting season can occur between January and March (CT DEEP, 2022a). Bald eagles typically nest in mature trees. No known bald eagle nesting sites have been observed at the Orient Point facility or in the vicinity (NYSNHP, 2016; The Center for Conservation Biology, 2022).

3.4.2 Environmental Consequences

A significant adverse effect to biological resources would occur if proposed activities result in substantial permanent loss or degradation of terrestrial or aquatic habitat; result in unpermitted "take" of special status species; or violate regulations concerning special status species.

3.4.2.1 Preferred Alternative

Vegetation: Proposed activities on Plum Island and Orient Point would impact approximately 26 acres consisting predominately of oldfield/developed and previously impacted upland forest vegetation communities (see **Figure 5**). Vegetation clearing would be limited to previously disturbed areas within the PIADC compound and on or in the immediate vicinity of the WMA/AOPC areas. Vegetation clearing under the Preferred Alternative would be anticipated

to facilitate rerouting of infrastructure to bypass B101 and the delineation and cleanup of the WMAs and AOPC. Rerouting systems around B101 to serve B100 would require limited ground disturbance and would clear previously maintained vegetated areas surrounding B101 and B100. Vegetation clearing would not extend outside of the PIADC research compound and would occur within the existing fence line. No natural vegetative communities would be impacted by the proposed vegetative clearing. Additionally, once system rerouting is complete, this area would revegetate passively over time.

Delineation and remediation of the WMAs and AOPC would also require some vegetation clearing to gain access to each site. Clearing would be restricted to locations on or immediately surrounding the WMA/AOPC, and be limited to only what would be required to facilitate these activities. The WMA/AOPC areas generally contain marginal vegetative habitat due to their previous disturbance. Clearing would primarily involve trimming tall grasses and removal of pioneer shrubs and limited side trimming of sapling trees to facilitate access for surveying and remediation. DHS does not anticipate clearing mature trees. No vegetation clearing would occur on or in marine environments, as no closure activities would occur on beaches, in marine or freshwater areas, or in tidal or freshwater wetlands (see **Section 3.3**).

Secondary effects associated with disturbances to vegetation could include increased potential for the introduction and establishment of invasive weedy species. However, to prevent the spread of invasive species, all heavy equipment would be inspected and thoroughly cleaned to remove any rhizomes and seeds prior to arrival on Plum Island, thereby minimizing potential dispersion of invasive species.

DHS concludes the Preferred Alternative would result in *short-term, less-than-significant adverse impacts* on vegetation. Once closure activities are complete, disturbed areas would passively revegetate with native species and would return to naturalized conditions over time. Therefore, *no long-term adverse impacts* on vegetation are anticipated.

Wildlife: The Preferred Alternative would temporarily impact common wildlife species in the Proposed Action area due to increased human presence, limited habitat removal, and noise associated with the proposed closure activities. Clearing of vegetation on previously disturbed WMA, AOPC, and UST areas would result in limited habitat destruction, and therefore delineation and remediation activities would minimally impact wildlife species. Mobile species such as birds would likely relocate to other nearby suitable habitat and avoid the LOD while closure activities are underway. The amount of habitat crossed represents only a small portion of the habitat available to wildlife throughout Plum Island. The limited disturbed habitat would revegetate naturally over time. Noise levels associated with closure activities would be similar to or less than current levels as it would be temporary in nature and located within or adjacent to existing operational facilities. Therefore, noise associated with closure activities is not anticipated to significantly impact wildlife in the LOD.

The PIADC research compound is completely fenced and provides negligible habitat to common wildlife, so ground-disturbing activities associated with rerouting systems to B100

would not impact wildlife. Given the minimal suitable habitat impacted by the Preferred Alternative, the abundance of similar habitat adjacent to and outside of existing facility fence lines, and the minimal disturbance associated with vegetative clearing of previously disturbed areas, DHS concludes, the Preferred Alternative would have a *short-term, less-than-significant adverse impact* on common wildlife species, primarily due to increased disturbance (from noise and human presence) at Plum Island and Orient Point while conducting closure activities and minor habitat destruction from vegetation removal at the WMAs/AOPC. Additionally, the Preferred Alternative would have *no long-term adverse impacts* on wildlife species or population-level effects on wildlife.

Special Status Species: DHS has determined, through consultation with NMFS, that the Preferred Alternative would have *no effect* on federally protected marine species or essential fish habitat, as the Preferred Alternative would not involve any in-water work, work on beaches, or an increase in marine vessel traffic. Furthermore, no essential fish habitat occurs in the Proposed Action area (see **Appendix D**). DHS also determined that the Preferred Alternative would have *no effect* on the federally listed red knot and seabeach amaranth, as these species are not likely to occur within the AOI.

As shown in **Table 5**, three federally listed species have the potential to occur within or near the AOI. These federally listed species include the piping plover, roseate tern, and Northern long -eared bat (NLEB). The piping plover and roseate tern, if present, would be expected to avoid areas where closure activities are taking place due to increased noise and human presence. No suitable habitat for either the piping plover or roseate tern are present within the LOD and the WMA/AOPC areas are unlikely to provide nesting habitat for piping plover or roseate tern; however, suitable habitat for these species could be located adjacent to areas of disturbance. Piping plovers and roseate terns are generally found in coastal habitats primarily on sandy beaches and tidal flats. The nearest known occurrence of piping plovers is south of B257. Roseate terns have been documented along most of the shoreline of Plum Island and congregate in the northern tip of the Island. Although no suitable habitat for either species is present within the LOD, should any nesting birds be observed on or near areas where heavy machinery would be operated, all work would immediately cease, and DHS's Environmental Manager would be contacted. The proposed AOI is not within critical habitat for these species (USFWS, 2022c). Additionally, DHS commits to conducting vegetative clearing between November and March, which is outside much of the piping plover (March through August) and roseate tern (April through August) nesting periods and timeframes of when these species are known to occur on Plum Island (see **Table 5**) (USFWS, 2022b; MDIFW, 2022; NYSNHP, 2016; CT DEEP, 2022b).

Given that there is no suitable habitat for the piping plover and roseate tern within the LOD and DHS commits to the measures listed above including vegetative timing restrictions, DHS concludes that the Preferred Alternative would have *no effect* on the piping plover and roseate tern or critical habitat.

The NLEBs are primarily forest-dependent insectivores (USFWS, 2022b). They utilize a diversity of forest habitats for roosting, foraging, and raising young. NLEBs generally utilize mature trees and trees large enough to have a cavity or that have shaggy loose bark for roosting or rearing young. Potential NLEB summer roosting habitat includes live or dead trees that are generally over 3 inches in diameter at breast height with cracked or exfoliating bark, broken limbs, cavities, or crevices. Bat surveys conducted in 2015 did not identify any NLEBs within the vicinity of Plum Island and no suitable habitat with these characteristics is present within the LOD. Although surveys identified four historic bunkers on Plum Island with characteristics for bat wintering hibernacula, no known occurrences of NLEB are documented on the Island. The Preferred Alternative LOD is not within 0.25 mile of known occurrences of NLEB or within 150 feet of known summer roost occurrences. NLEBs are known to occur on the nearby Long Island (1.5 miles away) and may travel to Plum Island for foraging; however, bats are nocturnal and forage during the night between dusk and dawn. Proposed vegetative clearing would occur during daylight hours, thereby avoiding any disturbance of potential foraging NLEB individuals. Additionally, all vegetative clearing would occur within previously disturbed areas that have either overgrown with shrubs, young trees, or tall grasses which are not suitable habitat for the NLEB. DHS does not propose to clear any potential roost trees under the Preferred Alternative. Furthermore, DHS commits to conducting vegetative clearing between November and March, which adheres to the voluntary time of year restrictions identified in the USFWS's 2016 NLEB Programmatic Biological Opinion by conducting all forest management activities (i.e., tree clearing) outside the bat's active season (April 1 through October 31) (USFWS, 2016), thereby avoiding any potential impacts on NLEB.

Given that there is no suitable summer roosting habitat within the LOD, the Preferred Alternative is not within 0.25 mile of known occurrences of NLEB or within 150 feet of known summer roost occurrences, and DHS commits to vegetative timing restrictions that avoid NLEB active season, DHS concludes that the Preferred Alternative would have *no effect* on the NLEB.

Pursuant to Section 7 of the ESA, if an action has a *no effect* on federally listed species, no formal consultation with the USFWS is necessary. However, DHS has notified USFWS of its *no effect* findings. No response has been received to date. The DHS's documentation of its effect determinations for federally listed species are provided in **Appendix D**.

Potential adverse impacts on state-protected species would be similar to those described for vegetation and wildlife: habitat loss, displacement, and disturbance. Overall, these impacts would be temporary and would cease once closure activities are complete. Most of the state-protected animal species are birds and are likely highly mobile and would avoid the AOI during implementation of the Proposed Action. These species would be further protected by the measures to protect migratory birds discussed below. Further, since most state-protected plant species that may occur on Plum Island are associated with aquatic habitats, and ground-disturbing activities would only occur in previously disturbed upland areas, the potential for

impacts on these species is minimal. Therefore, there would be *short-term, less-than-significant adverse impacts* and *no long-term adverse impacts* on state-protected species.

Potential impacts on migratory birds could include disturbance to breeding individuals, particularly if ground-disturbing or vegetation removal activities occurred during the nesting season and nests are located within or adjacent to the WMA/AOPC areas that would be excavated. DHS commits to conducting vegetation removal outside the nesting season for migratory birds (i.e., outside the June through August season). Should any nesting birds be observed on or near areas where heavy machinery would be operated, all work would immediately cease, and DHS's Environmental Manager would be contacted. Most birds would likely avoid areas where closure activities would occur and/or relocate to nearby habitats in the area. Therefore, the Preferred Alternative would have a *short-term, less-than-significant adverse impact* on migratory birds. The Preferred Alternative would have *no long-term adverse impacts* on migratory birds following completion of closure activities.

No suitable bald eagle habitat (such as mature trees) would be impacted by the Proposed Action. Should eagles happen to be present while closure activities are occurring, they would be expected to avoid the area due to increased noise and human presence. Vegetative clearing and ground-disturbing activities would primarily occur in the WMA/AOPC areas, which contain marginal vegetative habitat due to their previous disturbance. As shown in **Figure 1**, the nearest WMAs to the known bald eagle nest are WMA 14, 22, and 15, located over 1 mile from the northernmost point of Plum Island. DHS would conduct a pedestrian nest survey of the LOD and surrounding areas to avoid or minimize potential impacts on eagles prior to vegetative clearing activities. If nests are found within or near sites where closure activities would occur, DHS would coordinate with USFWS to avoid impacts on bald eagles and implement measures included in the USFWS's National Bald Eagle Management Guidelines such as establishing buffers around nesting sites or observing seasonal restrictions (USFWS, 2007). Therefore, DHS concludes that the Preferred Alternative would have *no effect* on the bald eagle.

3.4.2.2 No Action Alternative

Under the No Action Alternative, DHS would continue to conduct delineation and remediation activities at the WMAs and AOPC in coordination with the NYSDEC and Suffolk County Department of Health Services. Biological impacts resulting from these activities would be identical to those described under the Preferred Alternative, primarily resulting from minor vegetation removal and increased noise and human presence. Therefore, the No Action Alternative would have *short-term, less-than-significant adverse impacts* on biological resources and *no long-term adverse impacts*.

3.5 Cultural and Historic Resources

Cultural resources are historic properties as defined by Section 106 of the NHPA, archaeological resources as defined by the Archaeological Resources Protection Act, cultural

items as defined by the Native American Graves Protection and Repatriation Act of 1990, sacred sites as defined in EO 13007, *Indian Sacred Sites,* to which access is afforded under the American Indian Religious Freedom Act, and collections and associated records as defined in 36 CFR Part 79.

Historic properties covered by the NHPA include any prehistoric or historic district, site, building, structure, or object with known or potential significance with regard to pre- or post-American history, architecture, archaeology, engineering, or culture. Section 106 of the NHPA requires federal agencies to consider the effect an undertaking may have on historic properties. The Preferred Alternative is considered an undertaking and is required to comply with Section 106 including consultation with the New York State Historic Preservation Office (SHPO). All Section 106 correspondence is provided in **Appendix B**.

The AOI for cultural and historic resources includes the aboveground and belowground areas of potential effects (APE) as defined by the NHPA. The aboveground APE for the undertaking (36 CFR 800.16(d)) is comprised of three discontinuous areas that generally contain the PIADC historic district (B101, B102, B103), B13 (Fire Station) and B38 (Motor Pool), and the 9.5-acre Orient Point facility (see **Figure 6**). The belowground APE consists of all areas of proposed ground disturbance: existing WMAs/AOPC, the proposed utility rerouting in the PIADC research compound, and areas containing existing USTs and associated piping and equipment.

3.5.1 Affected Environment

Aboveground Historic Resources: Four historic resources are located within the aboveground APE, according to the New York SHPO's online Cultural Resources Information System (CRIS). These include the recommended eligible B101 at the PIADC research compound; the National Register of Historic Properties (NRHP)-eligible PIADC Historic District, comprised of three contributing resources (B101, B102, and B103) at the PIADC research compound; and two non-contributing buildings in the NRHP-listed Fort Terry Historic District (B13 and B38). Resources that fall within the APE are listed in **Table 7.**

Table 7: Cultural Resources Occurring in the APE

Historic Property	Date Built	NRHP Determination
B101	1954	Building Recommended Eligible [a]
PIADC Historic District (B101, B102, and B103)	1954-1956	Historic District Determined Eligible [b]
B13 (Fire Station)	1901	Non-Contributing to NRHP-listed Fort Terry Historic District [c]
B38 (Motor Pool)	1906	Non-Contributing to NRHP-listed Fort Terry Historic District [c]

Sources. a: (Mabbett & Associates, Inc., 2019); b: (Betsworth, 2022) c: (Koeppel, 2020)

The NRHP-eligible PIADC Historic District is comprised of three contributing resources, including B101 (Laboratory and Animal Isolation Unit Building), B102 (Decontamination Building), and B103 (Steam and Emergency Power Building); all of which were constructed between 1954 and 1956 for the United States Department of Agriculture's (USDA) FAD laboratory. In 2022, SHPO determined the historic district NRHP-eligible under Criterion A for its association with significant events. In its Resource Evaluation, SHPO also recommended that additional Fort Terry buildings be considered for significance relating to the PIADC Historic District (Betsworth, 2022), but later determined that the PIADC Historic District would not be expanded beyond B101, B102, and B103 (SHPO, 2022). It should be noted that while the 2019 intensive-level survey of buildings at PIADC by Mabbett & Associates recommended that B101 also qualifies for individual NRHP eligibility, SHPO did not concur with that recommendation. SHPO did not consider B101 for individual NRHP eligibility since B101 contributes to the PIADC Historic District (SHPO, 2022).

B13 is a single-story brick building that PIADC uses as a fire station and for emergency response purposes. It was originally constructed as the Tailor Shop circa 1901 and was converted to a functional fire station in 1954. The building has been substantially altered and no longer displays its original design or feeling (Koeppel, 2020). B38 was constructed circa 1906 as the Quarter Master's Workshop and has been modified since to function as a vehicle repair shop.

Archaeological Resources: No NRHP-listed or eligible archaeological sites have been previously recorded on Plum Island or within the PIADC facility at Orient Point. The below-ground APE for this Proposed Action includes all areas of proposed ground disturbance, which have all been previously disturbed. It is unlikely that any significant archaeological sites with integrity are present in the below-ground APE.

Figure 6: Cultural Resources in the Proposed Action Area

3.5.2 Environmental Consequences

A significant adverse cultural and historic resources impact would occur if proposed activities diminish the integrity of a historic property such that it would no longer be eligible for listing in the NRHP, if historic viewsheds were substantially altered, or if tribal concerns are inadequately resolved.

3.5.2.1 Preferred Alternative

In accordance with Section 106 of the NHPA, DHS initiated consultation with the SHPO on January 28, 2022. In February 2022, the SHPO responded requesting to be consulted on all aspects of the proposed project. Furthermore, in accordance with EO 13175, *Consultation and Coordination with Indian Tribal Governments*, DHS identified federally recognized American Indian tribes that may have ancestral ties to Plum Island and Orient Point. DHS initiated consultation with the Delaware Tribe of Indians and the Shinnecock Indian Nation, as well as the state-recognized Unkechaug Indian Nation and the Montaukett Indian Tribe, on January 28, 2022. To date, only the Montaukett Indian Tribe, an indigenous peoples from eastern Long Island, New York, responded to DHS's consultation invitation. DHS also initiated consultation with the Town of Southold, and over a dozen preservation and/or historical organizations via letter on January 28, 2022. The full list of Consulting Parties invited to participate is included in **Appendix B**.

Because DHS does not yet have enough information to fully evaluate the potential impacts on historic properties that could result from the Preferred Alternative, it is preparing a Programmatic Agreement (PA) with Consulting Parties to satisfy its Section 106 responsibilities at this point. The PA will establish an agreed-upon process by which DHS would identify, evaluate, and assess potential effects of the Preferred Alternative on aboveground and belowground historic resources as proposed closure activities are further refined in the future.

Additionally, as a stipulation of the PA, DHS is preparing a Historic Properties Management Plan (HPMP) for relevant property under DHS control on Plum Island and Orient Point. The HPMP will include a resource inventory, responsibilities, and procedures for managing NRHP-listed and eligible resources in compliance with applicable laws and regulations, and include recommendations for avoiding, minimizing, or mitigating potential adverse effects that could result from any operations and maintenance activities, and proposed closure activities.

Through compliance with the stipulations of the PA and the HPMP, it is anticipated that the Preferred Alternative would not diminish the integrity of any historic properties such that they would no longer be eligible for listing in the NRHP. All potential impacts on cultural resources would be minimized or mitigated. Correspondence with SHPO, a record of consultation with American Indian tribes, the PA, and the HPMP are included in **Appendix B**.

Aboveground Historic Resources: Decontamination and sampling activities could impact historic properties due to the removal of interior components of the buildings, which may result

in compromising aspects of the original 1954 construction, spatial organizations, and layout that distinguish B101 as a historically significant bio-secure contributing resource to the PIADC Historic District. Similarly, B102, a contributing resource to the PIADC Historic District, would also undergo decontamination and sampling activities that could impact the district. The layup of B13 and B38, the two non-contributing buildings at Fort Terry within the NRHP-listed Fort Terry Historic District, for long-term storage would not be anticipated to alter or impact these structures. All activities proposed to occur to historic properties would be conducted in accordance with the PA and HPMP. Therefore, the Preferred Alternative would have *short-term* and *long-term, less-than-significant adverse impacts* on aboveground historic resources.

Archaeological Resources: All areas of proposed ground disturbance under the Preferred Alternative are previously disturbed. As such, it is unlikely that any significant archaeological resources with integrity would be discovered, and the Preferred Alternative would be expected to have *no effect* on archaeological resources. However, in the event that unanticipated and previously unidentified archaeological resources are discovered during implementation of the Preferred Alternative, DHS would proceed as stipulated in the PA to ensure compliance with applicable regulations and consultation requirements.

3.5.2.2 No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented, and cultural and historic resources would remain as described in **Section 3.5.1**. No decontamination or sampling activities would take place within the historic properties. DHS would still maintain the biocontainment standards and safety levels in B101 as required by FSAP. DHS would also continue to conduct delineation and remediation activities at the WMAs and AOPC, including ground-disturbing activities; however, these areas are previously disturbed and unlikely to contain significant archaeological sites with integrity. In the event of an unanticipated discovery, all work would cease and DHS would coordinate with SHPO regarding next steps. Therefore, the No Action Alternative would have *no effect* on cultural resources within the APE.

3.6 Socioeconomics and Environmental Justice

Socioeconomics refers to the basic attributes and resources associated with the human environment, particularly the demographic and economic characteristics of an area and its population. A key mechanism for evaluating socioeconomic impacts is through the consideration of environmental justice (EJ), which analyzes potential impacts on low-income and minority populations when implementing a federal action. The US Census Bureau's American Community Survey provides a variety of demographic data, including population numbers, employment, labor characteristics, income, and race and ethnicity.

No laws or regulations exist that specifically address socioeconomic impacts, exclusive of potential EJ implications. EJ considerations are guided by EO 12898, *Federal Actions to*

Address Environmental Justice in Minority and Low-Income Populations, which requires federal agencies to identify and address EJ issues and impacts on minority communities and low-income communities. Additional guidance published by the CEQ and the US EPA Federal Interagency Working Group on Environmental Justice (EJ IWG; now the White House Environmental Justice Interagency Work Group or IAC) provides practical definitions of EJ communities and establishes a framework on how to appropriately identify such communities and assess potential impacts. According to the CEQ's guidance, minority populations exist if "(a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis" (CEQ, 1997). The CEQ also recommends the identification of low-income populations using annual statistical poverty thresholds, and the IAC suggests assessing "the proportion of individuals below the poverty level, households below the poverty level, and families with children below the poverty level" (EJ IWG, 2016).

Potential disproportionate impacts on EJ communities are caused by the presence and accumulation of other environmental impacts within the identified community. According to the CEQ guidance, these may manifest as either human health effects or environmental effects. To determine if such impacts are disproportionately high and adverse, agencies should consider whether the impacts on health or the natural and physical environment are significant and significantly impact an EJ population; whether such effects have impacts on EJ communities that exceed or are likely to exceed those on the general population; and whether health or environmental effects occur in an EJ community affected by cumulative or multiple adverse exposures (CEQ, 1997).

The AOI for socioeconomics includes those areas where PIADC personnel currently live, including Suffolk County, New York; and Middlesex and New London Counties, Connecticut. The Town of Southold, in which Plum Island and Orient Point are located, is within Suffolk County, and therefore is represented in the socioeconomic AOI as part of that county. The AOI for EJ consists of census tract 1702.06, block group 3, which contains both Plum Island and Orient Point, and is the area where impacts from the Proposed Action would be most directly felt, and where communities may receive a disproportionate share of those impacts. No other census block groups are located within a 3-mile radius of the Proposed Action area.

3.6.1 Affected Environment

Socioeconomics: Population trends are presented in **Table 8**. The population within the overall AOI has decreased between 2010 and 2020; however, the Town of Southold specifically has experienced a slight population increase. The states of New York and Connecticut are included for comparative purposes, to demonstrate larger population trends in the region. Although population in the AOI is declining, state populations are still increasing.

Table 8. Population in the Socioeconomic AOI

Location	2010 Population	2020 Population	Percent Change (%)
Town of Southold, NY	5,780	5,946	2.87
Suffolk County, NY	1,482,548	1,481,364	-0.07
Middlesex County, CT	164,774	162,742	-1.23
New London County, CT	272,360	266,868	-2.02
AOI Total[1]	**1,919,682**	**1,910,974**	**-0.45**
New York	19,229,752	19,514,849	1.48
Connecticut	3,545,837	3,570,549	0.69

1. The Town of Southold is located in Suffolk County, and thus its population is excluded from the AOI Total to avoid double-counting.

Source: (USCB, 2020e; USCB, 2010)

As shown in **Table 9**, a majority of the population over 16 years of age is employed within the civilian labor force in each of the counties within the AOI and within the Town of Southold. The employment rate numbers are comparable to those for the states of New York and Connecticut, and the unemployment rate at the county level is lower than the state. The same industry sector is the largest for each geography. While some government workers may be included within it, scientific and research jobs at PIADC would not be part of this sector.

Other socioeconomic factors, such as housing availability and community services, would have no potential to be significantly impacted by the Proposed Action. Approximately 100 employees (including federal and contract personnel) would remain at PIADC following the transfer of the science mission to NBAF and up to 200 additional contractors would be temporarily employed to assist with closure activities. These staff would remain employed to assist with implementation of closure activities, after which their employment would terminate. As most personnel would likely find other employment within the AOI and would remain living in the local area, the Proposed Action would not result in population decline within the socioeconomic AOI. As there would be no change in population, the Proposed Action would have no impact on housing availability nor on the availability of community or emergency services to the general population. Moreover, no public community services, such as schools, social services, recreational facilities, hospitals, and emergency response services, are located on Plum Island that may be impacted by its closure. In addition, Plum Island maintains its own fire protection services, so the availability of emergency response services to non-PIADC users would not change. Therefore, the socioeconomic sub-resources of housing availability and community services are dismissed from further analysis.

Table 9. Labor Force and Employment in the Socioeconomic AOI

Location	Total Number in Civilian Labor Force	Employment Rate (%)[1]	Unemployment Rate (%)	Largest Industry Sector	Government Workers (%)
Town of Southold, NY	2,889	56.2	3.4	Educational services, and health care and social assistance	20.0
Suffolk County, NY	788,599	62.3	4.5	Educational services, and health care and social assistance	18.3
Middlesex County, CT	91,297	63.3	4.3	Educational services, and health care and social assistance	13.8
New London County, CT	139,446	59.7	5.3	Educational services, and health care and social assistance	15.9
AOI Total[2]	1,019,342	--	--	--	--
New York	10,009,209	59.3	5.7	Educational services, and health care and social assistance	15.8
Connecticut	1,923,759	61.7	6.0	Educational services, and health care and social assistance	12.8

1. The employment rate is based on the percent of employed people within the civilian labor force. This total does not include those who are part of the Armed Forces.
2. The Town of Southold is located in Suffolk County, and thus its labor force is excluded from the AOI Total to avoid double-counting.

Source: (USCB, 2020d)

Environmental Justice: Plum Island is uninhabited due to its exclusive use as a DHS research facility. It is, however, included within the same census block group as Orient Point and other neighborhoods on that peninsula. In addition, due to the geographic location of Plum Island within Long Island Sound, no communities are located within a 2-mile radius. Small neighborhoods are located west of Orient Point on the same peninsula, but Orient Point is immediately surrounded by the Orient Point County Park and Long Island Sound. Minority population and income characteristics of the EJ AOI are presented in **Table 10**, along with data for the Town of Southold and Suffolk County, for comparative purposes.

Table 10. Minority Population and Income Characteristics of the EJ AOI

Location	Total Population	Non-Hispanic White Alone (%)	Minority Population (%)[1]	Low-Income Population (%)[2]
Census Tract 1702.06, Block Group 3	1,023	95.6	4.4	6.9
Town of Southold, NY	5,946	84.4	15.6	7.7
Suffolk County, NY	1,481,364	67.0	33.0	6.5

1. Minority population includes the following non-white races: Black or African-American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races. It also incorporates the population of Hispanic or Latino ethnicity.
2. In accordance with CEQ guidance, low-income population identifies the population living below annual poverty thresholds.

Source: (USCB, 2020a; USCB, 2020b; USCB, 2020c)

In accordance with the CEQ EJ guidance, the minority population within the AOI does not exceed 50 percent, and while some low-income populations have been identified, the rate is comparable to those of the Town of Southold and Suffolk County. As a result, the EJ AOI is not considered an EJ community of concern, and there would be no potential for disproportionate adverse impacts within the AOI. Therefore, EJ is dismissed from further analysis.

3.6.2 Environmental Consequences

A significant adverse impact to socioeconomics would occur if proposed activities result in substantial changes to employment, population, or housing availability of nearby communities; or if EJ communities were disproportionately adversely affected.

3.6.2.1 Preferred Alternative

The proposed closure of PIADC, including Orient Point, would result in a loss of approximately 100 jobs for those personnel currently employed by DHS at this facility. However, these 100 personnel would remain employed at PIADC until closure activities are complete; moreover, PIADC would employ up to 200 additional contractors temporarily to assist with closure activities. These additional contractors would likely be employed from the local population, and their employment would contribute to a temporary increase in local revenue from local expenditures and payments to the tax base within the AOI. Therefore, the employment of additional contractors would result in *short-term, beneficial impacts* on socioeconomic conditions.

Following the completion of closure activities, no personnel would be employed at PIADC. It is assumed all personnel involved in closure activities would remain within the AOI and find alternative employment locally which would result in no net loss of individuals within the local commuting area.

The loss of 100 jobs from the closure of Plum Island and Orient Point would not meaningfully change the overall labor force or employment conditions within the AOI. The total number of available jobs within the AOI would decrease, but this would not result in a large increase in the unemployment rate. Existing low unemployment rates within the AOI suggest that these 100 personnel would be able to find new positions. Slightly fewer government workers would be present within the AOI, and the largest industry sector would remain the same. Although the population, labor force, and employment characteristics would remain almost unchanged, due to the loss of local revenue and jobs for personnel who would remain in the AOI, the Proposed Action would result in *long-term, negligible adverse impacts* on socioeconomic conditions.

3.6.2.2 No Action Alternative

Under the No Action Alternative, the Plum Island and Orient Point facilities would not be closed. No job loss for PIADC support staff would occur, as personnel would be retained to continue facility upkeep, maintenance, and remediation activities. Therefore, the No Action Alternative would have *no effect* on socioeconomic conditions.

3.7 Hazardous and Toxic Materials and Waste

HTMW are generally defined as materials or substances that pose a risk to human health or the environment because of their physical, chemical, or infectious characteristics; quantity; concentration; or improper management (i.e., storage, disposal, treatment, or transport). Hazardous substances are identified by the Occupational Safety and Health Administration (OSHA) through federal laws and regulations. As defined in 40 CFR 261.3 and not otherwise excluded by 40 CFR 261.4, hazardous wastes are generally discarded solids or liquids that exhibit hazardous characteristics (i.e., ignitable, corrosive, reactive, or toxic) or those specifically identified within 40 CFR Part 261. Petroleum products are specifically exempted from 40 CFR Part 302 but are considered to be hazardous substances due to their physical characteristics and ability to impair natural resources. Non-hazardous solid waste is waste that is not hazardous in nature and typically includes items such as office and domestic waste, and recyclable materials (e.g., aluminum cans, paper, cardboard, glass, and plastic bottles). The Resource Conservation and Recovery Act of 1976 addresses the management of hazardous and non-hazardous municipal and industrial solid waste.

The AOI for HTMW includes solid or hazardous waste sites within or near the Proposed Action area.

3.7.1 Affected Environment

Buildings 101, 102, 111, and 257: These buildings have directly supported PIADC FAD research activities in some capacity since their construction. B101 and B111 are in active use for FAD research activities and contain biological pathogens as required for research purposes. DHS is in the process of decommissioning B102 as it has exceeded its useful life. B102 is currently being decontaminated utilizing approved, validated methods to eliminate biological

pathogens. B257 was decommissioned in 1997 by USDA. DHS would conduct sampling to determine if residual pathogens are present. If present, additional decontamination measures may be required.

WMAs/AOPC: Original PIADC policy prohibited any removal of waste material from Plum Island. Non-combustible materials such as glass, metal, and construction waste were disposed of in designated WMAs, while combustible materials were incinerated on Plum Island (DHS, 2018).

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in the 1990s, efforts began on Plum Island to evaluate the potential environmental impacts from 49 areas of concern, which included 21 WMAs, 15 AOPCs, and 13 former US Army structures historically used for storage and/or disposal of potentially harmful materials. While the investigation results indicated that Plum Island did not warrant listing on the National Priorities List and would not be regulated under CERCLA, USDA Agricultural Research Service continued using the "CERCLA Program" title for their continued voluntary characterization and remediation of these areas (ENTECH, 2002). Over the past three decades, DHS has been working closely with the NYSDEC and Suffolk County Department of Health Services to evaluate, delineate, and remediate WMAs and AOPCs present on Plum Island, including removing buried waste, capping contaminated areas, and conducting groundwater and soil monitoring. To date, 10 sites of concern needing further investigation remain (see **Figure 2** and **Table 1**). These sites were previously used to stage construction and demolition (C&D) materials and dispose of a variety of materials such as animal waste/bedding, non-burnable materials (i.e., insulation and C&D debris), treated regulated medical waste, auto parts, scrap rubber, and iron.

Subsurface Oil Delineation/Remediation: In 1996, a petroleum spill occurred north of B101 in the PIADC research compound (NYSDEC Spill Number 95-12713) that had localized impacts on the soil and groundwater[3]. A Light-Non-Aqueous Phase Liquid recovery system was installed in 2000 to remediate the spill and has removed over 10,000 gallons since its installation (GSA, 2013). The objective of this recovery system is to restore the subsurface to an acceptable condition as stipulated pursuant to Section 17-0303 of the New York Environmental Conservation Law and Section 176 of the New York Navigation Law.

Petroleum Storage Tanks: PIADC is part of the MOSF program as over 400,000 gallons of petroleum products are stored in USTs and ASTs on the property. Petroleum storage tanks range in size from 145 to 210,000 gallons. There are three USTs used on Plum Island: one tank stores gasoline, one tank stores diesel, and one tank stores Number 2 (No. 2) fuel oil. Gasoline is used for vehicles, diesel is used for heavy machinery and ferries, and No. 2 fuel oil is used for heating, hot water, emergency power, and incineration. Two No. 2 fuel oil USTs are located at Orient Point which are used to heat the buildings (GSA, 2013). There are eight ASTs on

[3] Due to the location of the petroleum spill, the potable water supply has not been affected.

Plum Island and one AST on the Orient Point property, which all store diesel and have secondary containment. In addition, there is an aboveground pipeline that runs from the Plum Island harbor to the PIADC research compound that facilitates the transfer of petroleum from a fuel barge to three large (210,000 gallon) ASTs (GSA, 2013). The MOSF on the property is regulated by NYSDEC and associated regulations which include New York Environmental Conservation Law Article 17, Title 10 and regulation 6 New York Codes, Rules, and Regulations (NYCRR) Parts 612-614 and 596-599.

Non-hazardous Solid Waste: Non-hazardous solid waste at Plum Island and Orient Point is generated, stored, managed, and disposed of in accordance with applicable federal, state, and local regulations. Solid waste generated includes office and domestic waste, recyclable materials (e.g., aluminum cans, paper, cardboard, glass, and plastic bottles), metal, decommissioning debris, and electronic waste. Solid waste is placed in appropriate receptables and routinely collected and sent to a permitted "waste to energy[4]" or recycling facility (DHS, 2008).

3.7.2 Environmental Consequences

A significant adverse HTMW impact would occur if proposed activities result in an exceedance of regulatory thresholds of the total amount of HTMW or solid waste generated; permanently increase the risk of contamination; or create a new or substantial human or environmental health risk (e.g., soil or groundwater contamination).

3.7.2.1 Preferred Alternative

Buildings 101, 102, 111, and 257: Under the Preferred Alternative, DHS would conduct biological decontamination of B101, B102, and B111. Biological decontamination of B257 may be required following the results of the microbial sampling and analysis. All biological decontamination would be conducted utilizing approved, validated methods such as manual scrubbing, liquid cleaning, thermal disinfection via autoclaves, chemical disinfection, and/or fumigation, to ensure excess property and buildings have been decontaminated in accordance with NYSDEC, FSAP, and any other applicable federal, state, and local regulations. Following decontamination activities, the buildings and equipment would be tested by a third-party to validate that no residual biological contamination exists.

The microbial sampling and analysis plan for B257 is not anticipated to generate HTMW. It is anticipated that approved, validated methods (e.g., use of paraformaldehyde) for effective biological decontamination may result in the generation of HTMW. Appropriate precautions for transport, storage, use, and disposal of HTMW would be maintained to ensure HTMW are not released into the environment. Additionally, as required to facilitate decontamination

[4] A facility that converts waste materials into usable heat, electricity, or fuel from thermal or combustion processes.

activities, asbestos-containing materials may be removed. All HTMW would be disposed of or recycled at permitted facilities in accordance with federal, state, and local regulations.

Soil testing of the areas beneath B101, B102, and B111, may be conducted to identify potential contaminants and contaminated soils (if present) could be exposed. If contaminated soils are identified, decontamination and removal would be conducted using approved, validated methods in accordance with federal, state, and local regulations.

The microbial sampling and decontamination of the research buildings would inform DHS on appropriate next steps and reduce existing contamination, respectively. Therefore, under the Preferred Alternative, there would be *short-term and long-term, beneficial impacts* on HTMW from decontamination activities associated with B101, B102, B111, and potentially B257.

WMAs/AOPC: The WMAs and AOPC would undergo a variety of activities as needed to determine the nature and extent of contamination at these remaining WMAs and AOPC and establish whether waste should be disposed of off-Island or capped in place (see **Table 1**). Since hazardous waste may be encountered at these sites, potential impacts would be minimized by decontaminating all equipment in-between work at each site, and constructing a decontamination pad for the decontamination of large equipment. Furthermore, all waste derived from WMA/AOPC investigations (i.e., soil samples, any excavated waste, personal protective equipment, purge water, and decontamination fluid) would be containerized in drums, labelled, characterized, and disposed of in accordance with federal, state, and local regulations. Therefore, under the Preferred Alternative, there would be *short-term and long-term, beneficial impacts* on HTMW from WMA/AOPC delineation and remediation activities as they aid in the reduction of contamination and waste present on Plum Island.

Potential adverse impacts may also occur if petroleum products or other hazardous liquids from heavy equipment associated with excavation activities were accidentally spilled or released. This impact would be minimized through adherence to BMPs, including adhering to the SPCCP. Therefore, under the Preferred Alternative there would be *short-term and long-term less-than-significant* impacts on HTMW due to the potential for an accidental spill or release of hazardous liquids.

Petroleum Storage Tanks: The possible closure of the MOSF creates the potential risk of contamination from No. 2 fuel, gasoline, and diesel fuel contained within the USTs and ASTs. All USTs, pipes, and ancillary equipment would be removed. The aboveground pipeline and all ASTs, associated piping, and ancillary equipment would undergo interior cleaning. USTs would be removed and disposed of in accordance with federal, state, and local regulations. A major release or multiple minor releases could have potential effects to the environment on Plum Island or at Orient Point. Releases could potentially lead to soil (see **Section 3.2**), surface water, and/or groundwater contamination (see **Section 3.3**) and could require some form of remediation. The potential for this type of impact would be minimized by BMPs, such as having spill containment materials on-site, adhering to the SPCCP, following the requirements for the closure of tanks permanently out of service outlined in 6 NYCRR 613.9(b), and other

applicable federal, state, and local regulations. Therefore, under the Preferred Alternative, there could be *short-term, less-than-significant adverse impacts* on HTMW from the closure of the MOSF. In the long-term, the reduction in HTMW contained on-site (i.e., from closure of the MOSF) would indirectly reduce the potential for future spills, resulting in a *long-term beneficial impact*.

Subsurface Oil Delineation/Remediation: The previously referenced petroleum spill of 1996 is in close proximity to B101, B102, and B103. The Proposed Action includes characterization and delineation of the oil spill, which would require investigating the soil beneath B101, B102, and B103 (see **Table 1**). Adherence to the NYSDEC Guidance for Petroleum Stipulation Agreement (NYSDEC, 2003) and the disposal of any generated waste in accordance with federal, state, and local regulations would ensure existing contamination does not spread. Under the Preferred Alternative, there would be *short-term and long-term beneficial impacts* on HTMW from the subsurface oil delineation and remediation activities.

Non-hazardous Solid Waste: Under the Preferred Alternative, all non-hazardous solid waste generated from closure activities would be disposed of according to federal, state, and local regulations, decontaminated using validated methods as needed, and sent to an appropriate permitted "waste to energy" or recycling center. Therefore, the Preferred Alternative would have *short-term, less-than-significant adverse impacts* on non-hazardous solid waste. The amount of waste generated would gradually decrease as closure activities cease. Therefore, the Preferred Alternative would have *long-term, beneficial impacts* on non-hazardous solid waste.

3.7.2.2 No Action Alternative

Under the No Action Alternative, WMA/AOPC and subsurface delineation activities would continue in compliance with appropriate federal, state, and local regulations. Therefore, the No Action Alternative would have *short-term, less-than-significant adverse and beneficial impacts on* HTMW similar to the Preferred Alternative. However, facility decontamination and sampling activities of B101, B102, B111, and B257 would not occur. Plum Island and Orient Point facilities would remain in an ongoing operational status and continue to meet biocontainment standards and safety levels as required by FSAP regulations. Therefore, the No Action Alternative would have *long-term, negligible adverse impacts* on HTMW.

3.8 Human Health and Safety

Human health and safety includes occupational hazards to workers as well as the exposure of the general public to conditions that would cause injury or health hazards. Potential hazards include toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. The Occupational Safety and Health Act (29 USC §651 et seq.) ensures worker and workplace safety and created the National Institute for Occupational Safety and Health to establish and enforce standards for workplace health and safety. In addition, other federal, state, and local regulations further protect people and the environment from hazards.

The AOI for human health and safety includes areas in which closure activities would be conducted, including adjacent environments.

3.8.1 Affected Environment

Operations on Plum Island are monitored and secured to ensure safety. PIADC first responders, including fire, emergency medical technicians, and security personnel, are located on the property. The Federal Protective Service and contracted security provide full-time law enforcement on Plum Island and Orient Point. The general public is not allowed on the property and security personnel verify contractors' and visitors' backgrounds prior to admittance onto the property. Eastern Long Island Hospital in the Village of Greenport is the closest hospital, approximately 15 miles away from Plum Island (GSA, 2013), and an ambulance and helipad are located on Plum Island to facilitate emergency evacuation if necessary.

Hazards on Plum Island that pose a threat to health and safety include potential residual sources of contamination present in WMAs/AOPC, USTs and ASTs, buildings associated with FAD research activities, and previous fuel oil spills. Furthermore, chemicals, equipment (including vehicles), and fuels that that are used to support operation and maintenance activities could pose a threat to health and safety. DHS maintains protocols, material safety data sheets, and standard operating procedures to ensure the safety of personnel working in biocontainment buildings and when using vehicles, equipment, and chemicals. DHS also works closely with NYSDEC and the FSAP and uses approved, validated methods appropriate for specific biological agents to ensure all waste and materials associated with FAD research is decontaminated properly.

3.8.2 Environmental Consequences

A significant adverse human health and safety impact would occur if proposed activities put the health and safety of the public at risk or violate applicable federal and/or state safety regulations.

3.8.2.1 Preferred Alternative

Under the Preferred Alternative, DHS would decontaminate existing facilities, delineate and remediate WMAs/AOPC and subsurface oil pollution, close the MOSF, and prepare assets for long-term storage/preservation (see **Table 1**). During these activities, personnel assisting with closure activities could be exposed to biological contaminants, HTMW, and machinery. In accordance with OSHA personnel safety requirements, DHS would ensure that all personnel are appropriately trained, adhere to project-specific health and safety plans, and wear appropriate personal protective equipment.

Through all components of the Preferred Alternative, DHS and its contractors would adhere to proper storage and handling procedures for HTMW (see **Section 3.7**), including UST and AST petroleum products; operate machinery, including assets to be laid up as well as heavy equipment, according to standard protocols; and comply with all applicable federal, state, and

local regulations. Therefore, the Preferred Alternative would have *short-term, negligible adverse impacts* and would have *no long-term adverse impacts* on human health and safety of personnel conducting the activities.

The general public is not permitted on Plum Island and would not be affected by Plum Island closure operations. Activities to occur at Orient Point would include the removal of two USTs and the clean out of one AST to facilitate the closure of the MOSF and asset preservation. All contractors and DHS personnel carrying out closure activities at Orient Point would adhere to proper storage and handling procedures of HTMW, follow standard protocols and the requirements to close tanks outlined in 6 NYCRR 613.9(b), and comply with all applicable federal, state, and local regulations. Therefore, there would be no potential for these activities to affect public receptors off-site. Therefore, the Preferred Alternative would have *no effect* on human health and safety of the general public.

3.8.2.2 No Action Alternative

Under the No Action Alternative, ongoing WMA/AOPC activities would continue and compliance with appropriate health and safety plans and federal, state, and local regulations would minimize impacts. In addition, Plum Island and Orient Point facilities would remain in an ongoing operational status and continue to meet biocontainment standards and safety levels as required by FSAP regulations. Therefore, the No Action Alternative would have *short-term and long-term, negligible adverse impacts* on health and safety.

3.9 Cumulative Impacts

CEQ and NEPA guidance sets forth a method for analyzing the impact to the human environment which results from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions. These cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time. Significant cumulative impacts would occur if impacts of the Proposed Action in combination with the effects of other past, present or reasonably foreseeable actions rise to the level of significance as defined by the resource-specific thresholds of significance (see **Table 3**).

The impacts on the environment that would result from the incremental impact of the Proposed Action, when added to other past, present, and reasonably foreseeable future actions, have been considered. No significant effects were identified to the resources discussed in **Section 3.0**.

The transfer of the DHS science mission to the new NBAF facility in Manhattan, Kansas is the only project that may result in cumulative impacts when viewed in combination with the Proposed Action due to the isolated nature of Plum Island and limited ground disturbance that would occur at the Orient Point facility. Transfer of the science mission would be taking place before and during some of the closure activities included in the Proposed Action. The science mission transfer would result in a small, long-term decrease in personnel at PIADC; approximately 300 employees associated with the science mission would relocate to NBAF.

This reduction in local jobs would be in combination with the approximately 100 PIADC staff whose employment would terminate following completion of closure activities under the Proposed Action. Due to the low unemployment rates in the AOI, the long-term cumulative socioeconomic effect of the Proposed Action in combination with the science mission transfer (i.e., loss of approximately 400 jobs in the AOI) would remain negligible. Additionally, the use of incinerators that make up the crematorium at PIADC would cease with the science mission transfer. Shut down of the crematorium, in combination with reduced emissions under the Proposed Action, would result in a long-term benefit on air quality and climate change. Furthermore, once the science mission transfers, HTMW generation would decrease due to reduced FAD research activities. Viewed in combination with waste removal and remediation activities included under the Proposed Action, this would result in a long-term beneficial impact on HTMW.

The science mission transfer does not include any physical impacts such as ground disturbance, vegetation clearing, construction, demolition, or modifications to buildings on Plum Island or at the Orient Point facility. Therefore, there would be no cumulative impacts from the science mission transfer when combined with the Proposed Action on earth resources, water resources, biological resources, cultural and historic resources, and human health and safety.

Under the No Action Alternative, the Proposed Action would not occur; therefore, there would be no significant cumulative effects.

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4.0 Conclusions

Pursuant to NEPA, the analysis presented in this EA finds that no significant adverse impact on the environment is anticipated from the Proposed Action. Implementation of the Proposed Action would allow DHS to conduct activities required to close PIADC.

As no adverse environmental impacts are potentially significant, no mitigation measures would be required for the Proposed Action. DHS would, however, adhere to the BMPs outlined in **Table 2** and satisfy all applicable regulatory requirements associated with the Proposed Action, including implementation of the PA and HPMP for cultural resources. Implementation of such BMPs and adherence to regulatory requirements would further ensure that potential adverse impacts resulting from the Proposed Action would be minimized to the maximum extent practicable.

The No Action Alternative would not enable DHS to conduct closure activities for the Plum Island asset following transfer of its operations to NBAF. Furthermore, the selection of the No Action Alternative would conflict with the requirements set forth in the Consolidated Appropriations Act of 2021, which mandates the disposal of the Plum Island asset.

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6.0 Persons and Agencies Contacted

Federal Level

Advisory Council on Historic Preservation POC: Odette Williams, Administrative Assistant
Email: owilliams@achp.gov

Centers for Disease Control and Prevention, Division of Select Agents & Toxins
Division of Agricultural Select Agents and Toxins
POC: N/A
Email: LRSAT@cdc.gov

The National Archives and Records Administration
8601 Adelphi Road, College Park, MD 20740-6001
POC: N/A

National Park Service
Region 1 Capitol Area
POC: Kym Hall, National Capital Area Director
Email: kym_hall@nps.gov

NOAA National Marine Fisheries
Greater Atlantic Regional Fisheries Office
POC: Karen E. Greene, Fishery Management Specialist
Email: nmfs.gar.garfo@noaa.gov

US Army Corps of Engineers
New York District
POC: Kathleen Cuzzolino, Project Manager
Email: Kathleen.Cuzzolino@usace.army.mil

US Environmental Protection Agency
Region 2
POC: Richard Balla, Environmental Engineer
Email: balla.richard@epa.gov

US Environmental Protection Agency
National Estuary Program
POC: Richard Balla, Environmental Engineer
Email: balla.richard@epa.gov

US Congress
New York 1st District
POC: Congressman Lee M. Zeldin
Email: mark.woolley@mail.house.gov

USDA Agricultural Research Service
POC: Luis Rodriguez, D.V.M., PhD, Foreign Animal Disease Research Leader
Email: luis.rodriguez@usda.gov

USDA, Agriculture Select Agent Service
Animal and Plant Health Inspection Service, Division of Agricultural Select Agents and Toxins
POC: N/A
Email: DASAT@usda.gov

USDA Animal and Plant Health Inspection Service
POC: Elizabeth Lautner, D.V.M., M.S., Associate Deputy Administrator
Email: elizabeth.a.lautner@usda.gov

US Department of Homeland Security
United States Coast Guard Atlantic Area Sector Long Island Sound
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US Department of Homeland Security Management Directorate
Office of the Chief Readiness Support Officer
POC: Jennifer Hass, Environmental Planning Program Manage
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US Department of Homeland Security Science & Technology
Component Acquisition Executive
POC: James Johnson, Director, Technology Centers
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US Department of Homeland Security Science & Technology
Office of Enterprise Services
POC: Glenn S. Podonsky, Executive Director
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US Department of Homeland Security Science & Technology
Office of Innovation & Collaboration
POC: Shannon Fox, PhD, Director, Julie S. Brewer, Executive Director
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US Department of Homeland Security Science & Technology
Office of National Laboratories
Plum Island Animal Disease Center
POC: Tod Companion, PhD, Acting Center Director
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US Department of Homeland Security Science & Technology
Plum Island Animal Disease Center
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US Fish and Wildlife Service
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Email. christine_eustis@fws.gov

US General Services Administration
POC: John L. A. Dugan, Office of Real Property Utilization & Disposal
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US Senators
New York
POC: Senator Kirsten E. Gillibrand
Senator Charles E. Schumer
Email:
kirsten_gillibrand@gillibrand.senate.gov
Scheduling_schumer@schumer.senate.gov

State Level

New Yok State Assembly
District 2
POC: Asembly woman Jodi Giglio
Email: giglioj2@nyassembly.gov

New York State Department of Environmental Conservation
POC: Connie Daniels, Eileen Murphy
Email: connie.daniels@dec.ny.gov, eileen.murphy@dec.ny.gov

New York State Department of Health
POC: N/A
Email: dohweb@health.ny.gov

New York State Department of Transportation
Region 10
Long Island Regional Office
POC: NA
Email: r10-rpic@dot.ny.gov

New York State Governor
1 State Capitol Building
Albany, NY 12224
POC: The Honorable Kathleen C. Hochul

New York State Office of Fire Prevention and Control
POC: N/A
Email: fire@dhses.ny.gov

New York State Parks
POC: Daniel Mackay, Nancy Herter, Director, State Preservation Bureau, State Archaeologist for Government Policy
Email: Daniel.Mackay@parks.ny.gov, nancy.herter@parks.ny.gov

New York State Senate
District 1
POC: Senator Anthony H. Palumbo
Email: palumbo@nysenate.gov

Local Level

Long Island Sound Study Citizens Advisory Committee
POC: Mark Tedesco, EPA Long Island Sound Office Director
Email: tedesco.mark@epa.gov

Southold Town
POC: Scott A. Russell, Town Supervisor
Email: scott.russell@town.southold.ny.us

Suffolk County Department of Health Services
Health Services
POC: N/A
Email: scdhsweb@suffolkcountyny.gov

Suffolk County Department of Health Services
Water and Wastewater
POC: Corey Humphrey, District Manager, Soil and Water Conservation District
Email:
corey.humphrey@suffolkcountyny.gov

Suffolk Legislative Representatives
POC: Amy Ellis, Clerk of the Legislature
Email: frank.tassone@suffolkcountyny.gov

Southold Town Representatives
POC: Michelle Tomaszewski, Administrative Assistant to Town Board
Email:
michelle.tomaszewski@town.southold.ny.us

Non-Governmental Organizations

Delaware Tribe of Indians (Federally Recognized)
Delaware Tribal Offices
POC: N/A
Email: tribe@delawaretribe.org

Shinnecock Indian Nation (Federally Recognized)
Shinnecock Indian Tribal Nation Tribal Office
Email: adminoffice@shinnecock.org

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7.0 List of Preparers

7.1 Department of Homeland Security

Name	Role
Jennifer Hass	Director, Environmental Planning & Historic Preservation Program
Sarah Koeppel	Senior Environmental Protection Specialist
Kimberly Poli	Senior Environmental Protection Specialist

7.2 AECOM

Name	Role	Degree	Years of Experience
Jennifer Warf	Project Manager, EA Review and Oversight	M.S. in Environmental Studies B.A in Zoology	20
Larry Neal	Deputy Project Manager	M.S. Biology B.S. Botany	47
Michael Busam	Quality Assurance/Quality Control (QA/QC) of the EA, Preparation of the EA	B.S. in Environmental Science and Policy	7
Kursten Anderson	Project Coordinator, Preparation of EA sections	Ph.D. in Environmental Toxicology B.S. in Marine Science	1
Benjamin Obenland	Preparation of EA Sections	B.S. in Environmental Science and Policy	3
Natalie Kisak	Preparation of EA Sections	B.A. in Environmental Studies, Public Policy	3
Allison Rachleff	Cultural Resources/Historic Architectural Resources	M.A. in Historic Preservation Planning B.A. in Comparative Literature	28
Heather Crowl, RPA	Cultural Resources/Archaeology	M.A. in Anthropology B.A. in Anthropology	26
Kathryn Clark	Preparation of maps, GIS	B.S. in Geology Certificate in Geospatial Technology	15

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Appendix A: Scoping and General Agency Consultation

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FINAL

PUBLIC SCOPING REPORT

Environmental Assessment for Plum Island Animal Disease Center Closure

DEPARTMENT OF HOMELAND SECURITY

May 2022

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Acronyms and Abbreviations

DHS	Department of Homeland Security
EA	Environmental Assessment
EPA	Environmental Protection Agency
GSA	General Services Administration
NBAF	National Bio and Agro-Defense Facility
NEPA	National Environmental Policy Act
NGO	Non-governmental Organization
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NYSDEC	New York State Department of Environmental Conservation
PIADC	Plum Island Animal Disease Center
U.S.	United States

Attachments

Attachment A: Newspaper Advertisements

Attachment B: DHS Website Notice of Intent

Attachment C: Public and Agency Comments

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1.0 Introduction

The United States (U.S.) Department of Homeland Security (DHS) conducted early public scoping between January 27 and March 11, 2022 for the Environmental Assessment (EA) for the closure of Plum Island Animal Disease Center (PIADC). The purpose of the early public scoping process was to identify potential environmental issues associated with Plum Island closure activities by DHS, to ensure that all interested and affected parties are aware of the Project, and to provide the public with an opportunity to participate in and provide input into the National Environmental Policy Act (NEPA) process.

1.1 Purpose of Scoping

Public participation is an integral component of the environmental review process for federal actions. The scoping process provides an opportunity for the public and other interested federal, state, tribal and local agencies to provide input on the range of issues to be addressed in the EA, a NEPA document. Scoping is conducted early in the NEPA process to guide the preparation of NEPA documents. DHS sought information, comments, and assistance from federal, state, and local agencies, tribes, and other individuals who may be interested in or affected by the proposed Project. Information received during scoping will be considered in preparing the Draft EA to facilitate the preparation of a comprehensive and sound document. This scoping report outlines the scoping process, provides background information regarding the proposed Project, and describes the scoping comments and where they would be addressed, as appropriate, in the EA.

1.2 Project Overview

Plum Island is owned by DHS and located 1.5 miles northeast of Orient Point in Suffolk County, New York. PIADC is operated by the DHS Science & Technology Directorate's Office of National Laboratories and is comprised of buildings (administrative and laboratory), industrial facilities, roadways, utilities, easements, and utility rights of way. DHS also owns and operates a ferry and a 9.5-acre facility at Orient Point, New York to support operations at PIADC. In addition to PIADC, Plum Island includes natural undeveloped land, the Plum Island Lighthouse complex, and buildings and structures associated with the former Fort Terry.

DHS proposes to conduct activities required to close PIADC, following the transfer of its mission to the National Bio- and Agro-Defense Facility (NBAF), and convey its Plum Island asset to the General Services Administration (GSA; Proposed Action). DHS has identified tasks that must be completed to facilitate this Proposed Action. These tasks include four primary components: 1) facilities decontamination and sampling activities, 2) waste management and subsurface oil delineation and remediation activities; 3) asset preservation and preparation for long-term storage; and 4) asset disposition and permit transfer.

The EA analyzes the potential environmental, cultural, and socioeconomic consequences associated with DHS's proposal to close operations at PIADC and convey all DHS property on Plum Island and Orient Point to GSA. Actions occurring following the completion of closure activities and conveyance through GSA (e.g., GSA's subsequent disposal of the Plum Island Asset) are not analyzed in the EA.

2.0 Public Scoping Process

DHS published a public notice in the *Suffolk Times* and the *Riverhead News Review* newspapers on January 27, initiating the EA scoping process (**Attachment A**). The public notice informed affected federal, state, and local agencies, Native American tribes, and other stakeholders of the Proposed Action and invited them to comment on the Proposed Action. In addition to the public notice, an announcement was also published on the DHS Headquarters website (https://www.dhs.gov/nepa) on January 28, 2022 (**Attachment B**). The public scoping period concluded on March 11, 2022.

3.0 Summary of Public Scoping Feedback

During the scoping period, 11 comments were received from 4 agencies, 4 non-governmental organizations (NGOs), and 3 private citizens. DHS received responses from the following agencies and NGOs: North Fork Audubon Society, North Fork Environmental Council, The Nature Conservancy, Save the Sound, Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), New York State Department of Environmental Conservation (NYSDEC), and the Suffolk County Legislature.

Comments received primarily focused on the scope of the Proposed Action, biological resources, cultural resources, and hazardous and toxic materials and waste.

- Comments regarding the Proposed Action focused on expanding the EA to include the entire island and all of its components.
- Comments regarding biological resources focused on impacts to federally threatened and endangered species and preserving the island for wildlife.
- Comments regarding cultural resources focused on the consideration of the island's cultural and historic assets in the EA.
- Comments regarding hazardous and toxic materials and waste focused on DHS' plans to remediate existing contamination on Plum Island, while minimizing the potential impact to Plum Island's natural resources.

Commenters also had concerns regarding the safe transport of viruses, vaccines, and other materials to the NBAF. This action was previously addressed in the 2008 *Final Environmental Impact Statement for the National Bio and Agro-Defense Facility*. In addition, multiple commenters raised concerns regarding future actions at Plum Island (e.g., future sale; potential listing as a National Monument). Future federal actions at Plum Island are outside the scope of the current EA and would be addressed by GSA under future NEPA analysis. A summary of the concerns raised by each commenter is presented in **Conclusion and** Next Steps

DHS has reviewed comments received during the EA scoping period and will incorporate relevant comments into the Draft EA, as appropriate. The public; other federal, state, and local agencies; and federally recognized tribes will have an additional opportunity to review and comment on the Proposed Action following the preparation of the Draft EA and Draft Decision Document. These documents will be made available for a 30-day public review in which comments are encouraged to support the NEPA process. DHS will initiate the public review period with the publication of a

Notice of Availability (NOA) in the *Suffolk Times* and *Riverhead News Review*. The NOA will be mailed to all stakeholders on the project mailing list concurrent with the newspaper publication. The Draft EA and supporting documents will also be published digitally on the project website at https://www.dhs.gov/national-environmental-policy-act, and made available in hard copy at the Floyd Memorial Library at 539 1st Street, Greenport, NY 11944, and the Southold Free Library at 53705 Main Road, Southold, NY 11971. Public comments, agency responses, and tribal responses will be addressed in the Final EA, as appropriate.

Table *1*. Full comments received during the scoping period are included in **Attachment C**.

4.0 Conclusion and Next Steps

DHS has reviewed comments received during the EA scoping period and will incorporate relevant comments into the Draft EA, as appropriate. The public; other federal, state, and local agencies; and federally recognized tribes will have an additional opportunity to review and comment on the Proposed Action following the preparation of the Draft EA and Draft Decision Document. These documents will be made available for a 30-day public review in which comments are encouraged to support the NEPA process. DHS will initiate the public review period with the publication of a Notice of Availability (NOA) in the *Suffolk Times* and *Riverhead News Review*. The NOA will be mailed to all stakeholders on the project mailing list concurrent with the newspaper publication. The Draft EA and supporting documents will also be published digitally on the project website at https://www.dhs.gov/national-environmental-policy-act, and made available in hard copy at the Floyd Memorial Library at 539 1st Street, Greenport, NY 11944, and the Southold Free Library at 53705 Main Road, Southold, NY 11971. Public comments, agency responses, and tribal responses will be addressed in the Final EA, as appropriate.

Table 1: Summary of Scoping Comments

Commenter	Proposed Action	Biological Resources	Cultural Resources	Hazardous and Toxic Materials and Waste
EPA	Makes recommendations pertaining to construction and demolition activities.	Requests that impacts to federally threatened and endangered species be analyzed in the EA.	--	--
NOAA	--	No further consultation necessary.	--	--
NYSDEC	--	--	Makes the recommendation to conduct archaeological investigations and architectural survey.	Makes recommendations regarding the EA's inclusion of DHS' testing, decontamination, and remediation plans.
Suffolk County Legislature	Asserts that the EA should consider impacts of PIADC closure on the entire island and Orient Point facility.	--	--	--
North Fork Audubon Society	Asserts that the EA should consider impacts of PIADC closure on the entire island.	Interested in seeing the island preserved for the wildlife it supports.	Asserts the EA should consider the island's cultural and historic assets.	--
North Fork Environmental Council	Asserts that the EA should consider impacts of PIADC closure on the entire island.	Interested in seeing the island preserved for the wildlife it supports.	Asserts the EA should consider the island's cultural and historic assets.	--

Commenter	Proposed Action	Biological Resources	Cultural Resources	Hazardous and Toxic Materials and Waste
The Nature Conservancy	Asserts that the EA should consider impacts of PIADC closure on the entire island.	--	--	Asks how final clean-up activities can be accomplished in ways that cause minimum adverse impacts to the greater Plum Island environment.
Save the Sound	Asserts that the EA should consider impacts of PIADC closure on the entire island. Requests plans for subsequent safe transport of viruses, vaccines, and other materials to NBAF.	Emphasizes the need to consult with appropriate federal agencies with respect to endangered species and coastal management.	--	Encourages a thorough evaluation of the cleanup and contamination issues associated with the closure of PIADC.
Public (3)	Recommends Plum Island be preserved and maintained. Two commentors write in support of Plum Island becoming a National Monument.	--	--	--

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Attachment A: Newspaper Advertisements

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PUBLIC NOTICE

Environmental Assessment for the Closure Activities of Plum Island, New York and Public Scoping

The U.S. Department of Homeland Security (DHS) intends to prepare an Environmental Assessment (EA) and requests receipt of public scoping comments. DHS currently operates a facility known as the Plum Island Animal Disease Center (PIADC) on Plum Island, New York. The PIADC mission is to protect U.S. livestock from accidental or intentional introduction of foreign animal diseases that seriously threaten United States (US) livestock industries, food security and economy. DHS proposes to cease operations and close the PIADC facility. Plum Island is an 840-acre island located approximately 1.5 miles off Orient Point and Long Island, New York. DHS also owns and operates transportation assets and a 9.5-acre facility to support PIADC at Orient Point, New York, which includes buildings, utilities, and ferry docking facilities.

Based on the DHS and U.S. Department of Agriculture (USDA) bio- and agro-defense mission requirements and facility limitations at Plum Island, the need was identified to enhance the U.S. government's current animal agricultural research capabilities through construction of the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. NBAF will replace the PIADC facility in New York and be operated by the USDA. NBAF will enhance the current research capabilities in the animal agricultural field. Upon the transfer of the mission to NBAF, DHS will no longer have any mission need for PIADC or the associated facilities on Plum Island. Plum Island and all PIADC Government assets, including real property, personal property, and transportation assets, will be conveyed as one entity by the General Services Administration as directed by the Federal Real Property and Administrative Services Act of 1949 (Property Act).

In accordance with the National Environmental Policy Act (NEPA), DHS Directive 023-01 Revision 01 and DHS Instruction 023-01-001-01 Revision 01, DHS is preparing an Environmental Assessment (EA) to analyze the potential environmental impacts associated with DHS actions to close operations at PIADC (Proposed Action). The EA will address the potential impacts to the environment by the Proposed Action that entails the activities associated with the closure of PIADC through the Plum Island Closure and Support (PICS) Program during and after the science mission transfer to the NBAF facility.

DHS is seeking comments from Federal, State, local agencies, Tribes, and individuals who may be interested in or affected by the Proposed Action. This input will be used in preparing the Draft EA. Please provide your comments by March 11, 2022.
Please reply to: Kursten Anderson at **kursten.anderson@aecom.com**. Email responses are preferred, although letter responses may be submitted to *Kursten Anderson, PIADC Closure, 10 Patewood Drive, Bldg 6, Suite 500, Greenville, South Carolina 29615*.

A Notice of Availability of the Draft EA will be published in the Suffolk Times and the Riverhead News Review. The Draft EA is anticipated to be available for public comment by the Summer of 2022. The Draft EA will also be made available for public viewing at:

- Floyd Memorial Library at 539 1st St, Greenport, NY 11944
- Southold Free Library at 53705 Main Rd, Southold, NY 11971.

After the comment period on the Draft EA ends, substantive comments will be addressed in the Final EA. A public notice announcing the availability of the Final EA will be published in the Suffolk Times and the Riverhead News Review.

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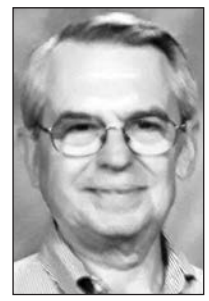
OBITUARIES...

CONTINUED FROM PREVIOUS PAGE

Robert David Pedersen

Robert David Pedersen of New York City and East Marion passed away on Jan. 16, 2022, from natural causes. He was 83 years old.


ROBERT DAVID PEDERSEN

He is survived by his wife of 36 years, Audre; his daughter, Elizabeth (Mark) Dally; granddaughter, Kathryn Dally; and sister, Ingrid Glassbrenner. He was predeceased by his son, David Pedersen, and his brother, John Pedersen.

Bob graduated from St. Joseph's University with a Bachelor of Arts degree. His career was in finance as the director of credit at Neuman Distributors and Kinray LLC. Bob enjoyed gardening, traveling, the beach, music, the arts and current events. Family and friends were very important to him.

He was a member of the board of Tudor City Greens Parks and a member of lrongate Chapter of New York, an affiliation of the Air Force Association in Garden City.

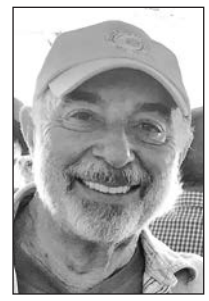
A memorial service will be held in the spring at First Presbyterian Church of Southold, N.Y.

In lieu of flowers, donations may be made in Bob's memory to: Special Olympics of Delaware, 619 South College Ave., Newark, DE 19716 (please note on the check that the donation is in memory of Robert Pedersen), 302-831-4653 or info@sode.org; or to North Fork Parish Outreach, P.O. Box 584, Greenport NY 11944 (631-477-6469).

Paid notice

Arthur 'Artie' Klein

Arthur "Artie" Klein of Greenport died Jan. 23, 2022. He was 79.


ARTHUR 'ARTIE' KLEIN

The family will receive visitors Thursday, Jan. 27, from 9:30 to 10:30 a.m. at Horton-Mathie Funeral Home in Greenport. A graveside service will follow at 12:30 p.m. at Wellwood Cemetery, with Rabbi Gadi Capela of Congregation Tifereth Israel, Greenport, officiating.

In lieu of flowers, memorial donations may be made to East End Hospice.

A complete obituary will appear in a future edition.

Diane Katherine Purcell

Greenport native Diane Katherine Purcell died Jan. 24, 2022.

Born in Greenport Nov. 24, 1953, to Ann Katherine and Patrick Gagen, she joined her older sister, Patricia.

Diane attended Greenport High School and was a member of the class of 1971. In 1973, she gave birth to her first daughter, Christine Diane Macros.

Diane worked at many jobs in Greenport. In the 1970s at W.T. Grant, where she met the love of her life, her second husband, Bernard Purcell; then at Arcade Department Store; and, until 2017, at Greenport IGA.

In December 1984, her first son, Ryan Daniel Purcell, was born.

On Dec. 8, 1985, Diane and Bernard Purcell married in the Arcade Department Store, where she was employed.

In January 1988, Ryan was joined by Brendan Kyle Purcell and, in June 1990, a daughter, Chelsa Leigh Purcell, was born.

Diane loved just about everyone, most of all her family.

She was predeceased by her parents and her sister Pat. She is survived by her husband of 36 years, Bernard, and her four children; her granddaughter, Marguerite Guerrero; and a grandson named Wyatt still in the making.

A memorial of Diane's life will be held Saturday, Feb. 5, from 2 to 5 p.m. at Horton-Mathie Funeral Home in Greenport.

Paid notice

In Memoriam

Geraldine "Jerry" Mellas

October 12, 1932-
January 31, 2020

Gone but not forgotten
Forever in our hearts.

Your
loving family.

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POLICE NEWS • SOUTHAMPTON

Southampton police arrested a Flanders man in Hampton Bays Friday for driving while intoxicated.

Police initially pulled over Eddy Carretocardona, 31, for driving slowly on the shoulder of the road after responding to a report of a reckless and erratic motorist. He told police he'd had two drinks, performed poorly on field sobriety tests and failed a pre-screening breath test.

Mr. Carretocardona was transported to police headquarters, where he was processed and held. He's been charged with a DWI and moving from a lane unsafely. Another charge indicated that Mr. Carretocardona had been driving with a learner's permit without an appropriate supervisor.

• A Medford man pulled over in Riverside on Saturday was arrested after police learned his license had been revoked in 2019 for leaving the scene of an accident, in addition to multiple suspensions.

Robert Mone, 53, also had an active bench warrant from June 2019 for failing to appear in court. He was arrested and transported to police headquarters, where he was held for morning arraignment.

Mr. Mone has been charged with second degree aggravated unlicensed operation of a motor vehicle and stopping or slowing without signaling. A police report notes the bench warrant was executed by the reporting officer, as authorized by court.

Those who are named in police reports have not been convicted of any crime or violation. The charges against them may later be reduced or withdrawn, or they may be found innocent.

BLACK SHEEP...

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Mr. Conlan said he's looking forward to building his own brand and expressed gratitude to the Goldbergs for more than a decade of support.

"They taught me everything I know about the business, everything I know about bagels," he said. "But as I get older, I realized that I wanted to build a legacy and start working on my own thing for my family," the father-of-three said.

He began working in their bagel shops nearly 13 years ago while enrolled in culinary school through Suffolk County Community College. Initially, Mr. Conlan planned to pursue baking, pastry and cake decorating.

The early morning baking demands scared him away, so it's a little ironic he ended up in the bagel biz, where shifts typically begin around 2 a.m. as the bagels are rolled, proofed, boiled and baked.

Most mornings, you can find Mr. Conlan behind the counter at his Jamesport shop, cheerily greeting customers.

"I wasn't a morning person at all — so it's funny how it all works out," he said.

tsmith@timesreview.com

PUBLIC NOTICE

Environmental Assessment for the Closure Activities of Plum Island, New York and Public Scoping

The U.S. Department of Homeland Security (DHS) intends to prepare an Environmental Assessment (EA) and requests receipt of public scoping comments. DHS currently operates a facility known as the Plum Island Animal Disease Center (PIADC) on Plum Island, New York. The PIADC mission is to protect U.S. livestock from accidental or intentional introduction of foreign animal diseases that seriously threaten United States (US) livestock industries, food security and economy. DHS proposes to cease operations and close the PIADC facility. Plum Island is an 840-acre island located approximately 1.5 miles off Orient Point and Long Island, New York. DHS also owns and operates transportation assets and a 9.5-acre facility to support PIADC at Orient Point, New York, which includes buildings, utilities, and ferry docking facilities.

Based on the DHS and U.S. Department of Agriculture (USDA) bio- and agro-defense mission requirements and facility limitations at Plum Island, the need was identified to enhance the U.S. government's current animal agricultural research capabilities through construction of the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. NBAF will replace the PIADC facility in New York and be operated by the USDA. NBAF will enhance the current research capabilities in the animal agricultural field. Upon the transfer of the mission to NBAF, DHS will no longer have any mission need for PIADC or the associated facilities on Plum Island. Plum Island and all PIADC Government assets, including real property, personal property, and transportation assets, will be conveyed as one entity by the General Services Administration as directed by the Federal Real Property and Administrative Services Act of 1949 (Property Act).

In accordance with the National Environmental Policy Act (NEPA), DHS Directive 023-01 Revision 01 and DHS Instruction 023-01-001-01 Revision 01, DHS is preparing an Environmental Assessment (EA) to analyze the potential environmental impacts associated with DHS actions to close operations at PIADC (Proposed Action). The EA will address the potential impacts to the environment by the Proposed Action that entails the activities associated with the closure of PIADC through the Plum Island Closure and Support (PICS) Program during and after the science mission transfer to the NBAF facility.

DHS is seeking comments from Federal, State, local agencies, Tribes, and individuals who may be interested in or affected by the Proposed Action. This input will be used in preparing the Draft EA. Please provide your comments by March 11, 2022.
Please reply to: Kursten Anderson at **kursten.anderson@aecom.com**. Email responses are preferred, although letter responses may be submitted to *Kursten Anderson, PIADC Closure, 10 Patewood Drive, Bldg 6, Suite 500, Greenville, South Carolina 29615*.

A Notice of Availability of the Draft EA will be published in the Suffolk Times and the Riverhead News Review. The Draft EA is anticipated to be available for public comment by the Summer of 2022. The Draft EA will also be made available for public viewing at:

• Floyd Memorial Library at 539 1st St, Greenport, NY 11944
• Southold Free Library at 53705 Main Rd, Southold, NY 11971.

After the comment period on the Draft EA ends, substantive comments will be addressed in the Final EA. A public notice announcing the availability of the Final EA will be published in the Suffolk Times and the Riverhead News Review.

POLICE NEWS • RIVERHEAD

A Riverhead man faces a felony assault charge after getting into a physical altercation with another man at a West Main Street residence last Thursday night, according to Riverhead Town police.

Police received a report of a dispute at 9:18 p.m. and officers found a 39-year-old Riverhead man had suffered a laceration to his arm. He was transported to Peconic Bay Medical Center by members of the Riverhead Volunteer Ambulance Corps.

Detectives were notified and responded to the scene for further investigation, police said. That led to the arrest of Jason Melenciano, 40, for second-degree assault. He was held for arraignment Friday.

The victim was treated for his injury and released.

The investigation remains ongoing and anyone with information is asked to contact police at 631-727-4500.

• About $2,000 worth of merchandise was reported stolen from the Lowe's store on Route 58 last Tuesday night, according to police.

• About $756 worth of merchandise was reported stolen from the Coach store in Tanger Outlets last Thursday afternoon, according to police.

• Nada Klinovsky, 54, address unavailable, was charged with driving while intoxicated on Roanoke Avenue Monday night.

Those who are named in police reports have not been convicted of any crime or violation. The charges against them may later be reduced or withdrawn, or they may be found innocent.

WATERMARK...

CONTINUED FROM PAGE 5

torical Society to learn about it, and has an old menu from the restaurant he plans to showcase, and is looking for some photos from its heyday.

"Longevity is in the building's bones," said Parrella. "It's in its 'two-by-fours,' its rafters. You just gotta get the wheels on the track to get it going. And that's what I'm hoping to do."

Watermark of Wading River is set for an opening sometime this spring, with the Piazzas and Parrella currently aiming for April.

lmeyer@timesreview.com

AIRPORT...

CONTINUED FROM PREVIOUS PAGE

earth-threatening crisis," they said in a letter to the East Hampton Town Board.

The airport is a "designated Superfund site and place of extraordinary air and groundwater pollution," they said, charging groundwater contamination of the aquifer had resulted in "poisoning" of hundreds of residential wells.

Adam Irving, a member of the Southold Town Aircraft Noise Steering Committee who signed the letter, called the East Hampton action "a significant first step in recognizing the untenable situation at their airport and taking action to privatize the airport." Key to the decision is what restrictions East Hampton will place on the airport operation. Banning commercial operations would be "an excellent restriction," he said. Other members of the steering committee who signed the letter echoed similar sentiments.

Jack Malley, another member of the Southold Town Aircraft Steering Committee and former pilot who signed the letter, argued against the point that the change could impair emergency flights.

There are no major airports on the North Fork "and we manage with helicopters all the time. You can land on the causeway, you can land behind the East Marion Fire Department, they land near the Greenport High School," he said.

Barry Raebeck, co-founder and co-director of Say No to KHTO (the East Hampton Airport's location code) and co-founder of the Quiet Skies Coalition, said the growth of the East Hampton Airport poses an environmental danger and destroys the quality of life. He expressed concern about the potential for the decision to be reversed.

"As long as it's there, in its capacity, it's a danger, I think," he said. He also pointed out that with the current staff shortage, any former airport employees likely wouldn't be out of work.

bledda@timesreview.com

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Attachment B: Department of Homeland Security Website Notice of Intent

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Official website of the Department of Homeland Security

U.S. Department of
Homeland Security

Notice of Intent to Prepare an Environmental Assessment for Closure Activities at the Plum Island Animal Disease Center (PIADC) on Plum Island, NY.

The U.S. Department of Homeland Security (DHS) intends to prepare an Environmental Assessment (EA) and requests receipt of public scoping comments. DHS currently operates a facility known as the Plum Island Animal Disease Center (PIADC) on Plum Island, New York. The PIADC mission is to protect U.S. livestock from accidental or intentional introduction of foreign animal diseases that seriously threaten United States (US) livestock industries, food security and economy. DHS proposes to cease operations and close the PIADC facility. Plum Island is an 840-acre island located approximately 1.5 miles off Orient Point and Long Island, New York. DHS also owns and operates transportation assets and a 9.5-acre facility to support PIADC at Orient Point, New York, which includes buildings, utilities, and ferry docking facilities.

Based on the DHS and U.S. Department of Agriculture (USDA) bio- and agro-defense mission requirements and facility limitations at Plum Island, the need was identified to enhance the U.S. government's current animal agricultural research capabilities through construction of the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. NBAF will replace the PIADC facility in New York and be operated by the USDA. NBAF will enhance the current research capabilities in the animal agricultural field. Upon the transfer of the mission to NBAF, DHS will no longer have any mission need for PIADC or the associated facilities on Plum Island. Plum Island and all PIADC Government assets, including real property, personal property, and transportation assets, will be conveyed as one entity by the General Services Administration as directed by the Federal Real Property and Administrative Services Act of 1949 (Property Act).

In accordance with the National Environmental Policy Act (NEPA), DHS Directive 023-01 Revision 01 and DHS Instruction 023-01-001-01 Revision 01, DHS is preparing an Environmental Assessment (EA) to analyze the potential environmental impacts associated with DHS actions to close operations at PIADC (Proposed Action). The EA will address the potential impacts to the environment by the Proposed Action that entails the activities associated with the closure of PIADC through the Plum Island Closure and Support (PICS) Program during and after the science mission transfer to the NBAF facility.

DHS is seeking comments from Federal, State, local agencies, Tribes, and individuals who may be interested in or affected by the Proposed Action. This input will be used in preparing the Draft EA. **Please provide your comments by March 11, 2022**. Please reply to: Kursten Anderson at kursten.anderson@aecom.com (mailto:kursten.anderson@aecom.com) . Email responses are preferred, although letter responses may be submitted to *Kursten Anderson, PIADC Closure, 10 Patewood Drive, Bldg 6, Suite 500, Greenville, South Carolina 29615.*

A Notice of Availability of the Draft EA will be published in the Suffolk Times and the Riverhead News Review. The Draft EA is anticipated to be available for public comment by the Summer of 2022. The Draft EA will also be made available for public viewing at:

- Floyd Memorial Library at 539 1st St, Greenport, NY 11944
- Southold Free Library at 53705 Main Rd, Southold, NY 11971.

After the comment period on the Draft EA ends, substantive comments will be addressed in the Final EA. A public notice announcing the availability of the Final EA will be published in the Suffolk Times and the Riverhead News Review.

Last Published Date: January 28, 2022

Attachment C: Public and Agency Comments

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Anderson, Kursten

From:	Karen Greene - NOAA Federal [redacted]
Sent:	Tuesday, February 8, 2022 11:25 AM
To:	Anderson, Kursten
Cc:	Edith Carson-Supino; Jessie Murray - NOAA Federal; Timothy Cardiasmenos - NOAA Federal
Subject:	[EXTERNAL] NOAA Fisheries response to request from comments on PIADC closure
Attachments:	dhs plum island closure nmfs comments.pdf

Dear Kursten Anderson:

Attached please find our comments in response to the recent letter from John Searing regarding the Department of Homeland Security's plans to close and cease operations at the Plum Island Animal Disease Center in NY. If you have any questions or need additional information please contact Jessie Murray [redacted] for essential fish habitat questions or Edith Carson-Supine [redacted] for questions on federally listed species.

Also, please note that the incoming request was incorrectly addressed to Karen E. Greene within NOAA Fisheries Sustainable Fisheries Division in our Headquarters office. Consultation requests for activities within the Greater Atlantic Region should be direct to our regional office. For Endangered Species Act coordination, requests should be directed to: [redacted] For consultations and coordination under the Magnuson Stevens Act/Essential Fish Habitat or the Fish and Wildlife Coordination should be directed to me or to our New England Branch Chief, Christopher Boelke [redacted] depending upon the project's location.

Sincerely,

Karen Greene
Chief, Mid-Atlantic Branch
Habitat and Ecosystem Services Division
NOAA Fisheries, Greater Atlantic Region
cell: [redacted]

https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-consultations-greater-atlantic-region

All HESD staff are currently teleworking. Please send all correspondence to us electronically as we are unable to receive mail regularly. Thank you.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

February 8, 2022

Kursten Anderson
PIADC Closure
10 Patewood Drive, Bldg. 6, Suite 500
Greenville, SC 29615

Dear Kursten Anderson:

This responds to the recent letter from John Searing, Deputy Center Director of the Plum Island Disease Center (PIADC), requesting comments on the US Department of Homeland Security's (DHS) proposal to cease operations and close the PIADC on Plum Island located approximately 1.5 miles offshore of Orient Point and Long Island, NY. The DHS is preparing an Environmental Assessment (EA) to analyze the potential environmental impacts of the DHS actions to close the PIADC (the proposed action) including compliance with the National Environmental Policy Act, Endangered Species Act, and other applicable laws.

According to your letter, there will be no work on beaches, no in-water work in marine or freshwater areas, and no tidal or freshwater wetlands will be impacts by the Plum Island Closure and Support Program (PICSP) and the PIADC. Plum Island all PIADC government assets, including real property, personal property, and transportation assets, will be conveyed as one entity by the General Services Administration (GSA) as directed by the Federal Real Property and Administrative Service Act of 1949 (Property Act). It is not clear from the letter, if vessel traffic to and from the island will increase during closure activities.

There are three authorities under which DHS may need to consult with NOAA Fisheries for this action. The Magnuson Stevens Fishery Conservation and Management Act (MSA), the Fish and Wildlife Coordination Act (FWCA) and the Endangered Species Act (ESA). The MSA requires federal agencies to consult with NOAA Fisheries on any action or proposed action authorized, funded, or undertaken, by such agency that may adversely affect essential fish habitat (EFH) identified under the MSA. The FWCA requires that all federal agencies consult with NOAA Fisheries when proposed actions might result in modifications to a natural stream or body of water. It also requires that federal agencies consider effects that these actions would have on fish and wildlife. Under Section 7(a)(2) of the Endangered Species Act, federal agencies must consult with NOAA Fisheries when any project or action they take might affect an ESA-listed marine species or designated critical habitat.

To assist you in the development of the EA for the proposed action our comments relative to these authorities are as follows:

Magnuson Stevens Fishery Conservation and Management Act/Fish and Wildlife Coordination Act

Coordination and consultation under the MSA and FWCA is conducted through the Greater Atlantic Region's Habitat and Ecosystem Services Division. Because the proposed action does not involve and activities within aquatic habitats including areas designated as EFH, further consultation with us under these authorities is not necessary. Please note that coordination with us should be reinitiated pursuant to 50 CFR 600.920(j) of the MSA if new information becomes available or if the project is revised in such a manner that affects the basis of our determination above.

Additional information on EFH and consultations with us under the MSA and FWCA can be found on our website at https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-consultations-greater-atlantic-region. If you have any questions or need additional information, please contact Jessie Murray ((978) 675-2175; jessie.murray@noaa.gov).

Endangered Species Act

Coordination and consultation under the Endangered Species Act is conducted through the Greater Atlantic Region's Protected Resources Division. Although, no in-water work is proposed as part of the PISCP, if the activities proposed result in an increase in vessel traffic, the potential for interactions between vessels and federally listed species should be considered in the EA.

Atlantic Large Whales

Federally endangered North Atlantic right and fin whales occur year-round off the New York coast in Long Island Sound. Right whales are most likely to occur offshore between November and April. Right whales feed on copepods and could be foraging if suitable forage is present; right whales are also likely to be migrating along the Atlantic coast. Fin whale sightings off the eastern United States are centered along the 100m isobath, but fin whales are well spread out over shallower and deeper water, including submarine canyons along the shelf break.
Fin whales feed on small schooling fish, squid, and crustaceans, including krill.

Sea Turtles

Four species of Endangered Species Act (ESA) listed threatened or endangered sea turtles under our jurisdiction could be seasonally present in Long Island Sound and in its adjacent tributaries and bays: the threatened Northwest Atlantic Ocean distinct population segment (DPS) of loggerhead, North Atlantic DPS of green, and the endangered Kemp's ridley and leatherback sea turtles. Sea turtles typically occur along the coast from May to November, with the highest concentration of sea turtles present from June through October.

Atlantic Sturgeon

Adult and subadult Atlantic sturgeon could be present in Long Island Sound and its adjacent tributaries and bays. The New York Bight, Chesapeake Bay, Carolina, and South Atlantic DPS of Atlantic sturgeon are endangered; the Gulf of Maine DPS is threatened. Adult and subadult Atlantic sturgeon originating from any of these DPSs could occur in the proposed project area. As young remain in their natal river/estuary until approximately age 2, and early life stages are

not tolerant of saline waters, no spawning or early life stages of Atlantic sturgeon will occur within the waters of Long Island Sound and its adjacent tributaries and bays.

Depending on whether there is work that takes place in the water, listed species of sturgeon, sea turtles, and whales may occur within the vicinity of your proposed project. The federal action agency, in this case DHS, will be responsible for determining whether the proposed action may affect listed species. If you determine that the proposed action may affect listed, you should submit your effects determination, along with justification and a request for concurrence to the attention of the Section 7 Coordinator at nmfs.gar.esa.section7@noaa.gov. Please be aware that we have recently provided on our website guidance and tools to assist action agencies with their description of the action and analysis of effects to support their determination. See https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region. If you have any questions regarding these comments, please contact Edith Carson-Supino (978-282-8490; Edith.Carson-Supino@noaa.gov).

Thank you for the opportunity to provide comments on the PISCP. I hope that this response is responsive to your request. Please do not hesitate to contact me (978 559-9871; karen.greene@noaa.gov) or the Habitat and Ecosystem Services Division and Protected Resources Division staff listed above if you need additional information.

Sincerely,

GREENE.KAREN.M.1365830785 Digitally signed by GREENE.KAREN.M.1365830785 Date: 2022.02.08 11:03:30 -05'00'

Karen M. Greene
Mid-Atlantic Branch Chief
Habitat and Ecosystem Services Division

cc: GAR NEPA – T. Cardiasmenos
HESD –J. Murray
PRD – E. Carson-Supino

Anderson, Kursten

From:	Nyer, Samantha [redacted]
Sent:	Tuesday, March 8, 2022 6:20 PM
To:	Anderson, Kursten
Cc:	Austin, Mark
Subject:	[EXTERNAL] Plum Island Animal Disease Center Closure Scoping Comments
Attachments:	Plum Island Scoping Comments.pdf

To Whom It May Concern:

Please find attached scoping comments provided by EPA Region 2 pertaining to the Plum Island Animal Disease Center Closure. Please don't hesitate to contact me should you have any questions regarding this matter.

Thank you,
Samantha

Samantha Nyer, PhD
Physical Scientist, Environmental Reviews
Strategic Programs, Office of the Regional Administrator
U.S. Environmental Protection Agency - Region 2
[redacted]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

March 8, 2022

Ms. Kursten Anderson
AECOM
10 Platewood Drive
Building 6, Suite 500
Greenville, South Carolina 29615

RE: Plum Island Animal Disease Center Closure, Plum Island, New York

Dear Ms. Anderson:

The U.S. Environmental Protection Agency (EPA) has reviewed the information presented in the U.S. Department of Homeland Security's (DHS) January 27, 2022 Notice of Intent to prepare an Environmental Assessment (EA) for closure activities at the Plum Island Animal Disease Center (PIADC) located on Plum Island, NY.

The current mission of the PIADC is to protect U.S. livestock from accidental or intentional introduction of foreign animal diseases that seriously threaten livestock industry, food security and the economy. DHS is looking to enhance the current research capabilities through construction of a new facility located in Manhattan, Kansas which will replace the PIADC facility in New York. Upon transfer to the new facility, DHS will no longer have a mission need for the PIADC and is proposing to cease operations and close the current facility. Closure of the facility consists of decontaminating facilities as needed, ceasing operations, and withdrawing all assets from services. Impacts to beaches, marine and freshwater areas and tidal or freshwater wetlands are not anticipated as part of these activities.

Plum and Gull Islands are designated as one of thirty-three Long Island Sound Stewardship Areas. This designation highlights areas within Long Island Sound with rich recreational and ecological resources. In particular, Plum Island is an important refuge for wildlife and supports many significant waterbirds, some of which are classified as federally threatened and endangered species (including roseate tern). Direct impacts to these species resulting from the decontaminating and decommissioning of PIADC should be explored in the EA. Additionally, potential indirect impacts to beach and dune communities resulting from re-development of parcels of land on Plum Island should be considered.

In addition, EPA notes several other environmental concerns that should be considered in the development of the EA:

- EPA recommends that concerted efforts be made to restore the land back to the original condition. If backfill is required, consideration should be given to the quality of the

material used. In particular, soil should be free of contaminants and should have low clay content to facilitate infiltration.

- Attempts should be made to revegetate developed portions of land, which would serve as a protective barrier. This is particularly important given the vulnerability of Plum Island to sea level rise associated with climate change.
- EPA recommends the EA address what efforts are being made to ensure that demolition does not lead to site contamination (for example with lead, PCBs, mercury, asbestos etc.).
- Additionally, hazardous dust generated during the demolition process can pose public health concerns and may impact the surrounding environment. The EA should outline proper precautions to reduce and minimize the impacts due to hazardous dust.
- Furthermore, EPA would like to emphasize the reuse and recycling of construction and demolition debris. EPA recommends the EA investigate opportunities for recycling, salvage and building disassembly and materials reuse to the greatest extent practicable.

Thank you for the opportunity to provide scoping comments for this project. We believe the issues identified can be fully addressed in the NEPA process, and we are willing to work with your agency to develop a strategy to achieve that goal. Should you have any questions or wish to discuss our concerns, please contact Samantha Nyer, the project lead at (212) 637-3666 or nyer.samantha@epa.gov.

Sincerely,

Mark Austin

Mark Austin, Team Lead
Environmental Review Team

Anderson, Kursten

From:	Murphy, Eileen (DEC) [redacted]
Sent:	Friday, March 11, 2022 4:14 PM
To:	Anderson, Kursten
Cc:	Hisgen, Thomas P (DEC); Haas, Cathy (DEC); Fyfe, Andy (PARKS)
Subject:	[EXTERNAL] New York State Comments on Plum Island Closure NOI
Attachments:	Kursten Anderson ltr 3.11.2022[97].pdf

Attached please find comments from New York State.

Eileen Murphy
She/her/hers
Director of Federal Affairs
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

[redacted]

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

625 Broadway
Albany, New York 12233-0001
P: (518) 402-8044 | F: (518) 402-9036
www.dec.ny.gov

March 11, 2022

Kursten Anderson
PIADC Closure
10 Patewood Drive, Building 6
Suite 500
Greenville, SC 29615
kursten.anderson@aecom.com

Dear Kursten Anderson:

Below please find New York State's comments on the potential environmental impacts of the Department of Homeland Security's (DHS) proposed action to close the Plum Island Animal Disease Center (PIADC). The draft Environmental Assessment (EA) should address the following:

- Whether there are chemical or petroleum tanks, either Underground Storage tanks or aboveground storage tanks which will need to be properly closed.
- Whether hazardous substances have been released to the environment (e.g., soil, soil vapor or groundwater) and DHS plans to test for contaminants in the environment and address any unacceptable levels of contamination this is found.
- The potential for the Plum Island Light Station to have lead contamination in surficial soil because of chipping and painting. If the Light Station is included in the EA, the potential for lead contamination should be addressed.
- Implementation of the Federal Facilities Compliance Act, along with provisions of the other federal statutes evaluated in the draft EA.
- Identification of the buildings and WMAs that must be decontaminated, including but not limited to 101, 102, 111, and 257. A discussion of decommissioning and decontamination of the wastewater treatment system must also be included in the EA.
- Plans to secure the dangerous and crumbling battery areas.
- Information regarding the closure requirements of Part 750-2.11 of the SPDES permit.
- Any proposed impacts, along with required mitigation measures, to ecological resources on the Island as a result of the closure and decontamination activities. This would include an analysis of any impacts to endangered species.

With regards to the historic aspects of Plum Island's infrastructure, we recommend undertaking a Phase IA/IB archaeological investigation of the Area of Potential Effects to assist in the identification of archaeological sites and any Phase II archaeological investigations that are warranted. While most of Plum Island is listed on the National Register of Historic Places, including the Fort Terry Historic District and the Plum Island Light Station, there is no comprehensive architectural survey of the Plum Island Animal Detention Facility. We suggest

that the EA include a Plum Island Animal Detention Facility architectural survey to help clarify our understanding of the historic resources of Plum Island.

For example, the EA should provide an inventory and map identifying all remaining existing assets including those that will be decommissioned/decontaminated and those that will not, as well as any disposal locations or other locations that would inform future actions on the island. A similar inventory and map can show all remaining assets and/or features that were present on the island prior to DHS use, including any remaining military infrastructure, equipment, or training sites (i.e.: firing ranges). A baseline map of ecological conditions including location and extent of both native communities and invasive species, including species type where known, would be particularly helpful.

In response to the assessment of environmental conditions on Plum Island, and as a result of DHS's decommissioning activities, we anticipate that DHS will undertake the following actions as part of its decommissioning efforts:

- Post decontamination sampling to identify that the decontamination was successful.
- Removal from the island of all waste from decontamination and decommissioning of buildings and assets, and all solid and hazardous waste.
- Removal and appropriate disposal of all devices used in laboratories and buildings once decontaminated.
- Securing all buildings following decontamination and removal of assets and waste in order to prevent access by unauthorized visitors.
- Properly decommissioning all wells in accordance with DEC's Water Supply Well Decommissioning specifications.

NYSDEC staff stand ready to work with DHS on closure activities. Please feel free to contact Thomas Hisgen, Deputy Director of Federal Affairs, if you require any additional assistance or the name/contact information for NYSDEC staff who manage a specific program area.

Sincerely,

Katharine Petronis,
Deputy Commissioner

Dereth Glance,
Deputy Commissioner

cc: Thomas Hisgen
Cathy Haas

Anderson, Kursten

From:	Schroeder, Gwynn [redacted]
Sent:	Friday, March 11, 2022 4:40 PM
To:	Anderson, Kursten
Cc:	Krupski, Al; Stark, Catherine; Stype, John
Subject:	[EXTERNAL] Comments on the Pending Plum Island EA
Attachments:	220311_SC Leg Comments EA PI.pdf

Good Afternoon,

Please see the attached comments from the Suffolk County Legislature.

Best,

Gwynn Schroeder
Legislative Aide
Office of Al Krupski
Suffolk County Legislator
1st District
[redacted]

CONFIDENTIALITY NOTICE: This message contains information that is privileged or confidential and is the property of the Suffolk County Legislature. It is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are not authorized to read, print, retain, copy, disseminate, or use this message or any part thereof; and you must notify the sender immediately and delete all copies of the original message.

SUFFOLK COUNTY LEGISLATURE

Legislator Al Krupski

1st District

Committees
Public Works, Transportation & Energy
Environmental, Planning & Agriculture
Budget & Finance

Boards & Commissions
Agriculture & Farmland Protection Board
Farmland Committee
Environment Trust Review Board (ETRB)
Soil & Water Conservation District

VIA EMAIL

March 11, 2022

Kursten Anderson
PIADAC Closure
10 Patewood Drive
Building 6, Ste. 500
Greenville, SC 29615
kursten.anderson@aecom.com

Dear Ms. Anderson:

Thank you for the notice pertaining to the closure of the Plum Island Animal Disease Center (PIADC), which was received the Clerk of the Suffolk County Legislature.
The Suffolk County Legislature has a strong interest in being consulted regarding the future of Plum Island, and the preparation of an Environmental Assessment.

However, the notice is narrowly focused on the major lab buildings, two of the Fort Terry buildings not included in the PIADC Historic District, and the Orient Point facility, which is vital for the ferry connection to Plum Island from the Long Island mainland. Given the Suffolk County Legislature's interest in Plum Island concerns the entire island, including its tremendous biodiversity and wildlife habitats, as well as the island's rich cultural and historic assets, we believe the Environment Assessment should consider the impacts of the closure of PIADC to the entire island and all its components.

There is strong interest in the future of Plum Island among people and state/local/tribal governments throughout the Southern New England region. We hope that the Federal Government will clarify its processes and engage communities in a broader dialogue about the island's future than your notice implies. There are numerous aspects of Plum Island and its structures that need to be examined and discussed. The island is a unique treasure, the permanent preservation of which we fully support for a number of reasons, including benefits to the region's people, economy, and terrestrial and marine environments.

423 Griffing Ave – Suite2, Riverhead, New York 11901 – (631) 852-3200 – fax (631) 852-3203
Email: al.krupski@suffolkcountyny.org

The Suffolk County Legislature looks forward to further opportunities to provide input regarding Plum Island's future.

Sincerely,

Legislator Al Krupski, LD #1

Kevin J. McCaffrey, Presiding Officer
LD #14

Steven J. Flotteron, Deputy Presiding Officer
LD #11

Legislator Bridget Fleming, LD #2

Legislator James F. Mazzarella, LD #3

Legislator Nicholas J. Caracappa, LD #4

Legislator Kara Hahn, LD #5

Legislator Sarah S. Anker, LD #6

Legislator Dominick S. Thorne, LD #7

Legislator Anthony Piccirillo, LD #8

Legislator Samuel Gonzalez, LD #9

Legislator Trish Bergin, LD #10

Legislator Leslie Kennedy, LD #12

Legislator Robert Trotta, LD #13

Legislator Jason A. Richberg, LD #15

Legislator Manuel Esteban Sr., LD #16

Legislator Tom Donnelly, LD #17

Legislator Stephanie Bontempi, LD #18

423 Griffing Ave – Suite2, Riverhead, New York 11901 – (631) 852-3200 – fax (631) 852-3203
Email: al.krupski@suffolkcountyny.org

Anderson, Kursten

From: Gwynn Schroeder [redacted]
Sent: Wednesday, March 9, 2022 8:27 PM
To: Anderson, Kursten
Subject: [EXTERNAL] Plum Island Environmental Assessment.
Attachments: 220309_NFAS_PI EA_001.pdf

Ms. Anderson,

Please see the attached comments from North Fork Audubon Society.

Best,

Gwynn Schroeder
Vice President
North Fork Audubon Society

CELEBRATING 50 YEARS
North Fork
AUDUBON SOCIETY
PO Box 862, Greenport, NY 11944 • NorthForkAudubon.org

VIA EMAIL

March 9, 2022

Kursten Anderson
PIADAC Closure
10 Patewood Drive
Building 6, Ste. 500
Greenville, SC 29615
kursten.anderson@aecom.com

Dear Ms. Anderson:

On behalf of the North Fork Audubon Society, I write to express the organization's strong interest in being consulted regarding the future of Plum Island, and the preparation of an Environmental Assessment (EA).

NFAS a local chapter of National Audubon, headquartered in the Hamlet of Greenport in the Town of Southold, home to Plum Island. Our mission is "Connecting People with Nature".

We have read the notice for the EA that will be prepared for the decommissioning of Plum Island, and find it is narrowly focused on the major lab buildings, two of the Fort Terry buildings not included in the PIADC Historic District, and the Orient Point facility, which is vital for the ferry connection to Plum Island from the Long Island mainland.

Our interest in Plum Island concerns the entire island, including its tremendous biodiversity and wildlife habitats. We are particularly interested in seeing it preserved for the wildlife it supports, including the over 100 species of birds that have been documented on and around the island.

The island's rich cultural and historic assets, and we believe the EA should consider the impacts of the closure of PIADC to the entire island and all its components.

There is strong interest in the future of Plum Island among people and state/local/tribal governments throughout the Southern New England region. We hope that the Federal Government will clarify its processes and engage communities in a broader dialogue about the island's future than your notice implies. There are numerous aspects of Plum Island and its

structures that need to be examined and discussed. The island is a unique treasure, the permanent preservation of which we fully support for a number of reasons, including benefits to the region's people, economy, and terrestrial and marine environments.

North Fork Audubon Society looks forward to further opportunities to provide input regarding Plum Island's future.

Sincerely,

Peggy Lauber
President

Anderson, Kursten

From: [redacted]
Sent: Thursday, March 10, 2022 6:40 AM
To: Anderson, Kursten
Cc: [redacted]
Subject: [EXTERNAL] PIADC Closure

VIA EMAIL

March 10, 2022

Kursten Anderson
PIADAC Closure
10 Patewood Drive
Building 6, Ste. 500
Greenville, SC 29615
kursten.anderson@aecom.com

Dear Ms. Anderson:

On behalf of the North Fork Environmental Council, I write to express the organization's strong interest in being consulted regarding the future of Plum Island, and the preparation of an Environmental Assessment (EA).

Founded in 1972, North Fork Environmental Council is a non-profit organization located in Southold Town, home to Plum Island. .

We have read the notice for the EA that will be prepared for the decommissioning of Plum Island, and find it is narrowly focused on the major lab buildings, two of the Fort Terry buildings not included in the PIADC Historic District, and the Orient Point facility, which is vital for the ferry connection to Plum Island from the Long Island mainland.

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The Suffolk County Legislature looks forward to further opportunities to provide input regarding Plum Island's future.

Sincerely,
Susan MacKenzie
President

North Fork Environmental Council
Save What's Left!

Anderson, Kursten

From: Marian Lindberg [redacted]
Sent: Thursday, March 10, 2022 12:21 PM
To: Sale, Claire
Cc: Anderson, Kursten; Gregory Jacob
Subject: [EXTERNAL] Plum Island Environmental Assessment Scoping

Claire Sale
AECOM
2000 K Street, Suite 800, Washington, DC 20006
Via email: [redacted] cc: [redacted]

Dear Ms. Sale:

The Nature Conservancy submits these comments in response to the notice about an Environmental Assessment (EA) of the impending closure of the Plum Island Animal Disease Center (PIADC).

Since 2008, The Nature Conservancy has been studying the biodiversity, history, and restoration needs of Plum Island and advocating for the island's long-term preservation. With Save the Sound, the Conservancy sponsored two years of stakeholder meetings culminating in a 2020 report, *Envision Plum Island*, urging a mixture of post-PIADC uses, including wildlife preservation, historic preservation, commemoration of the use of the island by indigenous peoples, guided public access, and education/research. In 2019, the Conservancy commissioned an appraisal of the island and Orient Point parcel from LandVest, a firm with expertise in determining the market value of islands, which appraisal has been provided to the General Services Administration. The Conservancy also helped arrange for assessments of the biodiversity of the island by the New York Natural Heritage Program, such as this 2016 report. Our own analysis found that Plum Island ranks 99.48% in terrestrial physical variety within New York State.

Considering the above, it is difficult to focus solely on the aspects of Plum Island named in the notice: the major lab buildings, waste management areas (WMAs), two Fort Terry buildings not included in the PIADC Historic District, and the nine-acre Orient Point parcel. These features cannot reasonably be separated from the island as a whole, its 25 different natural communities, and the important habitat and water quality roles the island plays in a much larger coastal ecosystem consisting of islands, mainland coastal areas, and surrounding waterbodies (including two national estuaries).

Moreover, Congress and the General Services Administration have indicated their expectation that the Department of Homeland Security (DHS) Plum Island holdings will be transferred as one unit when the time comes, underscoring the need to evaluate closure activities as they affect the whole island, including transportation to and from the mainland.

Presumably the active lab buildings, WMAs, supporting Fort Terry buildings, and mainland ferry terminal are called out in the notice because they are the human-operated parts of the island the status of which will change when the PIADC closes and completes its move to Kansas. A logical scoping question is: how

can the final clean-up of the waste management areas and lab buildings, including any appropriate groundwater and soil monitoring, be accomplished in ways that cause minimum adverse impacts on the greater Plum Island environment? This should include a commitment by DHS to leave the island in a safe state suitable for public access.

We would like to point out that the two Fort Terry buildings, #13 and #38, may not have been included in the Historic District due to their alteration, but DHS's recent application for listing Fort Terry on the National Register of Historic Places states as follows: "Two of the buildings (Building 13, Tailor Shop and Building 38, Quarter Master's Workshop) have been in continuous use by the Departments of Agriculture and Homeland Security and are in the best physical condition." (page 28) (emphasis added)

Accordingly, the two buildings may prove useful in the future as field stations, classrooms, offices, or other types of storage or meeting spaces depending on the nature of the re-use of Plum Island. Any discussion of the impacts of retaining the two Fort Terry buildings versus demolishing them should include the question: Is there a likely future use for buildings 13 and 38 weighing in favor of their retention?

We also note that the Orient Point parcel, with its parking and docking areas, is a critical part of the Plum Island complex in order to maintain ferry service between Plum Island and the Long Island mainland. In the short-term, some management of invasive species (to maintain species diversity in the natural areas and preserve rare plants) and maintenance of buildings in the Historic District (especially the elimination of roof holes) are needed as soon as possible. In the long-term, the island will likely be opened to visitation by researchers, educators, and members of the public for recreation and educational purposes. Any discussion of the future of the Orient Point parcel should include consideration of the need for ferry access for both short-term and long-term reasons, especially given that the Connecticut docking area is leased by the federal government, not owned, and the lease will likely terminate in connection with the PIADC closure.

There is strong interest in the future of Plum Island among people, organizations, and state/local/tribal governments in New York and New England as demonstrated by the strength of the Preserve Plum Island Coalition, https://www.preserveplumisland.org/ The EA ought to acknowledge this interest and 14 years of advocacy to preserve the island following PIADC closure. The Nature Conservancy looks forward to further opportunities to provide input regarding this unique place.

Please address any correspondence to both me and my colleague, Gregory Jacob, gregory.jacob@tnc.org.

Sincerely,
Marian Lindberg

If you plan to print this email, please use paper from sustainably managed forests.

Marian E. Lindberg, J.D.
Conservation Specialist
mlindberg@tnc.org

The Nature Conservancy
New York
142 Sag Harbor Turnpike

[redacted]

PO Box 5125
East Hampton, NY 11937

nature.org

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Anderson, Kursten

From: Louise Harrison [redacted]
Sent: Tuesday, March 15, 2022 9:28 AM
To: Anderson, Kursten
Subject: [EXTERNAL] Fwd: Scoping Comments BOUNCED - EA for PIADC Closure Activities, Plum Island, New York

Louise Harrison
New York Natural Areas Coordinator

Save the Sound
P.O. Box 1851
Southold, NY 11971
[redacted]
www.savethesound.org

---------- Forwarded message ----------
From: Louise Harrison [redacted]
Date: Mar 14, 2022 9:12 AM
Subject: Scoping Comments BOUNCED - EA for PIADC Closure Activities, Plum Island, New York
To: kursten.anderson@aecomm.com
Cc:

Dear Ms. Anderson,

Save the Sound's comments on the scoping for the EA on the closure activities at Plum Island, New York, emailed to you on Friday, March 11, 2022, at 1:06 p.m., were not accepted by your server (please see notice, below). We wished you to receive our comments by the deadline shown in the Public Notice published in the *Suffolk Times* on January 27, 2022.

As the rejection by your organization's server was outside our control, we hope you will accept the comments today. Please advise.

Regards,
Louise Harrison

From: Microsoft Outlook
Sent: Saturday, March 12, 2022 1:10 PM
To: Louise Harrison
Subject: Undeliverable: Scoping Comments - EA for PIADC Closure Activities, Plum Island, New York

Delivery has failed to these recipients or groups:

kursten.anderson@aecomm.com (kursten.anderson@aecomm.com)
Your message wasn't delivered. Despite repeated attempts to deliver your message, the recipient's email system refused to accept a connection from your email system.

Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin that it appears that their email system is refusing connections from your email server. Give them the error details shown below. It's likely that the recipient's email admin is the only one who can fix this problem.

For Email Admins
No connection could be made because the target computer actively refused it. This usually results from trying to connect to a service that is inactive on the remote host - that is, one with no server application running. For more information and tips to fix this issue see this article: https://go.microsoft.com/fwlink/?LinkId=389361

Save the Sound®
Action for our region's environment.

March 11, 2022

Kursten Anderson
PIADC Closure
10 Patewood Drive, Bldg 6, Suite 500
Greenville, South Carolina 29615
Kursten.anderson@aecom.com

Dear Ms. Anderson:

We are writing in response to the "Public Notice of Environmental Assessment for the Closure Activities of Plum Island, New York, and Public Scoping," published in the *Suffolk Times* on January 27, 2022. We write to urge you to do a thorough evaluation of the cleanup and contamination issues associated with the closure of the Plum Island Animal Disease Center (PIADC) and to address the shortcomings of your previous EIS in addressing this subject. Save the Sound is concerned about the Department of Homeland Security's (DHS) decontamination procedure because, despite the fact that the Environmental Protection Agency (EPA) recommended they do so, DHS failed to specifically and adequately detail their plans to clean up contamination associated with the PIADC. DHS's vague assessment of the potential environmental impact of the departure from Plum Island leaves Save the Sound concerned about the future of the island and the many species that rely on it for their preservation. Save the Sound requests clarification on DHS's decontamination procedures so that there may be a more accurate analysis of the environmental impacts.

The EA's scope, as forecasted in the notices, limited to buildings and previously identified waste management areas, should be expanded. The potential effects of closure, decontamination, and withdrawal of assets from service addressed in the EA should not be confined only to those specific areas, but also should include impacts on other island areas, including those used for staging sites for equipment, transportation of waste and other materials over roadways, and areas potentially exposed not only to contaminants, but also to combustion by-products and other emissions affecting air, waterways, and habitats. As only one example, during cleanup, transportation routes across the island may receive more truck and heavy machinery traffic than has been experienced on Plum Island in many decades, potentially interfering with now-established breeding behavior and habitats of numerous species of conservation concern.

We respectfully request plans for the subsequent safe transport of viruses, vaccines, and other materials to the National Agro and Bio-Defense Facility in Manhattan, Kansas, to be outlined in sufficient detail to ensure clear understanding, while also protecting national security.

Plum Island serves as a biodiversity hub for an array of endangered and threatened species. Beyond its ecological value, Plum is a cultural and historical site that was available to

Indigenous people of the region, particularly the Montauketts, for thousands of years, and has served the United States as a coastal artillery post, the site of Fort Terry, established in 1897, and the location of world-class animal disease research and vaccine development. We urge DHS to expand its upcoming decommissioning and cleanup environmental impact evaluation to encompass the all activity/exposure areas of Plum Island and its surrounding waters.

In January 2009, the DHS decided to relocate PIADC to Manhattan, Kansas, and prepared an EIS in connection with an intended sale of the island. Save the Sound offered specific comments on the initial environmental impact statement. Our organization emphasized the important government interests in protecting endangered or threatened species, safeguarding habitats, and maintaining the island's role as both a historical site and as a Long Island Sound Stewardship site.

Plum Island contains one of the highest concentrations of rare plants in New York, is host to at least 111 species of greatest conservation need, is an offshore landmass where 228 bird species have been sighted, and is surrounded by pristine New York State waters hosting high marine biodiversity, including the presence of several federally listed threatened or endangered marine species. Save the Sound requests assurance that ecologically sensitive assets, such as rare plants, significant ecological communities, and wildlife will be considered in the process of decontamination and closure.

Save the Sound believed the earlier EIS was fundamentally flawed in at least six ways: (a) the statute was misinterpreted as requiring a sale of the entirety of the island to the single highest bidder; (b) it failed to consider important government interests and programs regarding Plum Island's wildlife and conservation; (c) there was not adequate consideration of alternatives, such as a conservation sale of part of Plum Island; **(d) there was a failure to consult and rely upon appropriate federal agencies with respect to endangered species, coastal management, and cleanup; (e) there was a failure to engage in consistency determinations with appropriate states under the CZMA;** and **(f) the decision was based on inadequate ecological data and failed to detail how the facility would be cleaned up.** Items **d** through **f** are relevant to the current scoping process.

The Government filed a motion to dismiss Save the Sound's case. On January 11, 2018, Judge Hurley of the Eastern District of New York denied the motion and ruled the case could proceed.

In August 2018, GSA filed a notice in the Federal Register announcing their intent to perform a Supplementary Environmental Impact Statement with respect to certain aspects of the sale. This included (a) a four seasons biological inventory, (b) USFWS activities, (c) the Town of Southold zoning of Plum Island, (d) completion by DHS of a Conseptual Site Model, a descriptive interpretation of Plum Island's environmental condition, **(e) ongoing environmental remediation and mission closure activities by DHS, (f) Army Corps activity undertaken under the Formerly Used Defense Site program, (g) progress by DHS under Section 110 of the National Historic Preservation Act** and (h) more definitive dates for the transfer of Plum Island. Items **e, f,** and **g** are relevant to the current scoping process.

After the notice was filed, the parties filed a motion with the court to suspend the case pending the new SEIS, provided that either party could re-open the case if, after the SEIS, there remained a dispute.

The first thing that the agency must do is to address the scope of the proposed EA. The notice states, "DHS is preparing an EA to analyze the potential environmental impacts associated with DHS actions to close operations at PIADC (proposed action). The EA will address the potential impacts to the environment by the Proposed Action that entails [sic] the activities associated with the closure of PIADC through the Plum Island Closure and Support (PICS) Program during and after the science mission transfer to the NBAF facility."

On its face, this language does not address the eventual transfer or sale of the island out of DHS's hands, which would be effectuated by GSA, but narrowly addresses the environmental impacts from closure. Thus, this would seem to implicate the issues raised by Save the Sound previously regarding the nature and extent of the cleanup.

Particularly, for the previous DEIS and EIS, the EPA, as cooperating agency, raised several concerns with the DEIS' failure to address "the clean-up process as it relates to the research facility and potential biological contamination." (Judith A. Enck and H. Curtis Spalding, Comment on DEIS, Environmental Protection Agency, at 5 (October 9, 2012).) The EPA stated: "there is a lack of detailed information pertaining to contamination associated with the historic uses of the island, including military activities and biological research." Id. The EPA "rated the DEIS 'EC-2- Environmental Concerns-Insufficient Information' in accordance with the EPA's national rating system." Id. EPA offered specific guidance for how [DHS and EPA] could remedy the deficient DEIS: "The FEIS should detail the specific components of the clean-up, what each component will achieve, and how the process will ensure the safety of future potential inhabitants of the island." Id. The EPA even offered to assist [DHS and GSA] in addressing these concerns: "As a cooperating agency for this project, EPA staff remain available to the extent our resources allow to help GSA as it works to respond to issues raised in our comments." Id. The new EA and EIS must thoroughly consider and address all of these issues.

Again, we understand the Notice to narrowly address the closure and the cleanup of specific buildings. To the extent that DHS intends to address issues above and beyond those narrow issues, such as the sale of the island, the potential conservation of the island, endangered species, coastal consistency, and ecological evaluations of fauna and flora, Save the Sound incorporates all of the previous concerns raised in the previous scoping, DEIS, and EIS processes, as addressed in our complaint (attached) and in their comments submitted in those proceedings.

As an additional matter, it appears Save the Sound was not specifically notified of the new scoping process regarding the PIADC closure. Indeed, all parties that commented in the original EIS should have had been sent specific notice of this new process as both involved the closure and cleanup (although the first involved considerably more). The August 2018 notice of intent to Prepare an SEIS stated, "When the scoping process is initiated, a notice will be posted in the Federal Register **and sent to interested parties including those who commented on the prior NEPA process that concluded with the issuance of the ROD dated August 29, 2013."** (Emphasis added). It seems Save the Sound got no such notice and we suspect other commenters failed to

get such notice as well. Our staff checks the Federal Register daily and has not seen the scoping notice posted either by DHS or GSA.

Save the Sound looks forward to further opportunities to provide input regarding Plum Island's future.

Sincerely,

Louise Harrison
New York Natural Areas Coordinator

Attachment: 2016 Connecticut Fund for the Environment, d/b/a/ Save the Sound, et al. Complaint

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CONNECTICUT FUND FOR THE ENVIRONMENT, INC., d/b/a SAVE THE SOUND, SOUNDKEEPER, INC., PECONIC BAYKEEPER, GROUP FOR THE EAST END, RUTH ANN BRAMSON, JOHN POTTER, JOHN TURNER, Plaintiffs, v. UINITED STATES GENERAL SERVICES ADMINISTRATION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, DENISE TURNER ROTH, in her official capacity as ADMINISTRATOR OF THE U.S. GENERAL SERVICES ADMINISTRATION, and JEH JOHNSON, in his official capacity as SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY, Defendants.	Case No. 16cv03791 **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs Save the Sound, a program of Connecticut Fund for the Environment ("Save the Sound"), Soundkeeper, Inc. ("Soundkeeper"), Peconic Baykeeper, Group for the East End, Ruth Ann Bramson, John Potter, and John Turner (collectively the "Plaintiffs") bring this action for declaratory and injunctive relief following the failure of the U.S. General Services Administration ("GSA") and the U.S Department of Homeland Security ("DHS") (collectively the "Joint Lead Agencies" or "Defendants") to comply with the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.* ("NEPA"), the Endangered Species Act, 16 U.S.C. 1531, *et seq.* ("ESA"), the Consolidated Security, Disaster, Assistance and Continuing Appropriations Act of 2009, Pub. L. No. 110-329, ("Appropriations Act"), the Consolidated Appropriations Act of

2012, Pub. L. No. 112-74, and the Coastal Zone Management Act, 16 U.S.C. 1451, *et seq.* ("CZMA), in recommending the unconditional sale of Plum Island.

INTRODUCTION

1. Plum Island, a small island off the coast of Long Island, New York, has been owned by the federal government since 1826. First operated as a coastal artillery post, from 1954 to the present it has been a research facility for animal diseases. Because of these federal research facility operations, access to Plum Island has been extremely limited, with human activity on the 840-acre island largely restricted to approximately 170 acres.

2. The remaining 670 acres has naturally developed into a unique and extraordinary de facto nature preserve that is home to several federal endangered species, has a critical ecological link to Long Island Sound and the marine species that inhabit it, and serves as habitat for over 200 species of birds. Plum Island's undisturbed habitat includes 196 acres of upland forest, 96 acres of freshwater wetlands, and 101 acres of a beach/dune system.

3. In January 2009, however, the DHS decided to relocate its animal disease research facilities, known as the Plum Island Animal Disease Center ("PIADC") to Manhattan, Kansas, and prepared to sell Plum Island. In preparation for this relocation, Defendant prepared an Environmental Impact Statement ("EIS") for the sale of the PIADC and Plum Island, and ultimately issued its final decision to move forward with an unfettered sale of the island to the highest bidder in a Record of Decision ("ROD").

4. The EIS process was fundamentally flawed in at least six ways. First, Defendants misconstrued their statutory directive, interpreting their authority to only permit a public auction of the entirety of Plum Island to the highest bidder, thereby necessarily excluding a conservation sale from their alternatives analysis. Second, Defendants violated NEPA by failing to consider

important government interests and programs in arriving at its decision, such as the protection of federally-listed and state-listed endangered and threatened species, compliance with New York and Connecticut coastal consistency determinations, and the adverse economic impacts of a potential sale of Plum Island. Third, Defendants violated NEPA by failing to adequately consider alternatives to a public auction to the highest bidder, such as a bifurcated sale of discrete parcels or a single unitary sale with conservation easements attached to the property or conservation of those parts not supporting the PIADC operations, even though such alternatives were repeatedly suggested to them. Fourth, Defendants violated NEPA by failing to consult with and rely upon the expertise of the appropriate federal agencies with respect to endangered species, coastal zone and environmental cleanup. Fifth, Defendants violated NEPA and the CZMA by failing to engage in consistency determinations with the appropriate state agencies. Sixth, Defendants violated NEPA by basing their decision on inadequate ecological data and failed to detail how they would clean up contamination associated with the PIADC.

5. Defendants issued this EIS notwithstanding the fact that they were made aware of each of these flaws through repeated comments from state agencies, other federal agencies and non-profit organizations.

6. Defendants' ill-considered decision to sell Plum Island, and the fundamentally-flawed EIS supporting that decision, threaten the continued existence of the endangered species that inhabit Plum Island, the ecology of the Long Island Sound, and violate numerous Federal laws.

7. In light of these violations, Plaintiffs respectfully request that this Court invalidate Defendants' decision to sell the entirety of Plum Island at public auction, as well as the EIS and ROD supporting that decision, and enjoin the Defendants from selling Plum Island.

THE PARTIES

8. Plaintiff Connecticut Fund for the Environment, Inc. ("CFE") d/b/a Save the Sound is a 501(c)(3) not-for-profit corporation founded in 1978 and incorporated under the laws of the State of Connecticut, with principal place of business at 142 Temple Street, Suite 305, New Haven, CT 06510, and a New York office located at 545 Tompkins Avenue, 3rd Floor, Mamaroneck, NY 10543.

9. Save the Sound was formed in 1972 as the Long Island Sound Taskforce to Preserve and Protect the Sound. In 2004, Save the Sound merged with, and is now a program of, CFE. CFE is registered to do business in Connecticut and New York State as Save the Sound.

10. Save the Sound's primary purpose is to conserve and enhance the biological integrity of Connecticut's and New York's air, land, and water resources, including Long Island Sound, its shores and its islands. Save the Sound's primary strategic goal is to protect and support wildlife, recreation and clean water in critical natural areas by, among other measures, (1) protecting our last, great open spaces from over-development, (2) preserving important coastal and island habitats, (3) ensuring that all residents are able to access and enjoy the Sound, and (4) preserving natural dunes and marshes to help protect shoreline communities from future storms and sea level rise.

11. Save the Sound uses legal and scientific expertise, advocacy, and education in furtherance of its purpose to achieve results that benefit the environment for current and future generations.

12. Save the Sound represents approximately 3,500 member households, many of whom use and enjoy Long Island Sound, its shores, and its islands—including Plum Island. Many of Save the Sound's members live on or near Long Island Sound, and enjoy, or recreate in

these waters, including but not limited to commercial or recreational fishing and boating, swimming, and other recreational and commercial activity. Save the Sound's members share a common concern about the quality of Long Island Sound, the surrounding waters and shores, and the wildlife that depends on both.

13. Plaintiff Soundkeeper, Inc. ("Soundkeeper") is a member-supported, not-for-profit organization, formed under the laws of the State of Connecticut, with its principal place of business at 7 Edgewater Place, Norwalk, CT 06855. Soundkeeper was founded in 1987 by the shellfishing and fisheries communities to combat the progressive pollution and destruction of habitat in the Sound. Soundkeeper is dedicated to the protection and enhancement of the biological, physical, and chemical integrity of Long Island Sound and its watershed. Soundkeeper's members use and enjoy the waters of Long Island Sound to fish, recreationally and commercially, sail, boat, kayak, swim, birdwatch, photograph, view wildlife and engage in nature study and scientific study, among other activities. Many of Soundkeeper's members live on or near the Long Island Sound.

14. Plaintiff Peconic Baykeeper is a 501(c)(3) not-for-profit organization with its principal place of business at 10 Old Country Road, Quogue, NY 11959. Peconic Baykeeper was founded in 1998 and is dedicated to conserving, protecting and restoring the Peconic Bay Estuary. Peconic Baykeeper works actively with civic groups, baymen, businesses, children, and the community at large to protect and restore water quality and Long Island's watershed ecosystems. Peconic Baykeeper's members live and work in the area around the Peconic Estuary. The sustainability of local watersheds like the Peconic Estuary depends in large part on the health of surrounding watersheds, like those surrounding Plum Island.

15. Plaintiff Group for the East End (the "Group") is a professionally staffed, member-supported, not-for-profit conservation advocacy and education organization formed under the laws of the State of New York, with its principal place of business at 54895 Main Road, Southold, New York 11971. Group for the East End was founded in 1972 by a diverse community of regional stakeholders including local residents, seasonal residents, farmers and baymen in response to an onslaught of development that threatened to destroy Eastern Long Island's rich natural and cultural heritage, as well as its local economy, which depends on the environmental health and renowned scenic beauty of the region. The Group's mission is to protect and restore the natural resources of Eastern Long Island and instill a conservation ethic in all those who visit and reside there. Its members live in the five easternmost towns of Long Island and frequently use the waters of the eastern Long Island Sound as well as the Peconic and Gardiner's Bays to fish (both recreationally and commercially), sail, boat, kayak, swim, birdwatch, photograph, paint, view wildlife and engage in natural and scientific study, among other activities. Group for the East End offers hundreds of classroom and field learning programs annually, both for the general public and the region's school districts, focused on instilling ecological principals through direct contact with the region's rich coastal environments.

16. Plaintiff Ruth Ann Bramson is a member of Save the Sound and resides in the Town of Southold, New York. Six generations of her family have lived on the North Fork of Long Island, owning homes there continuously since 1921. She first visited Plum Island in 2008, and since then has organized community tours of the island. During her visits, her tour groups observe and appreciate the wildlife and woodlands of Plum Island. She has delivered at least twenty lectures regarding the history of Plum Island, including the history of its natural resources

and wildlife. Plaintiff Bramson was the lead-author of *A World Unto Itself: The Remarkable History of Plum Island, New York*, which tracks the four-hundred years of Plum Island's history.

17. Plaintiff John Potter is a member of Save the Sound and the President of the Connecticut/Rhode Island Coastal Fly Fishers and resides in Groton, Connecticut. As an avid salt-water fly fisherman, he spends a significant amount of time fishing in the waters surrounding Plum Island, including Plum Gut on the western end and Sluice Way on the eastern end. These areas are considered destination fisheries to salt-water fly fisherman like John Potter and other members of the Connecticut/Rhode Island Coastal Fly Fishers.

18. Plaintiff John Turner is a member of Save the Sound and resides in Massapequa Park, New York. He is an environmental professional holding leadership positions at various government and environmental organizations, and has worked to safeguard Long Island's natural resources, water quality, wildlife, and coastal habitats. He is also a natural historian and author of a 270-page guide to Long Island's natural resources entitled "Exploring the Other Island: A Seasonal Nature Guide to Long Island." He has led several programs dedicated to the natural and cultural history of Plum Island. On a number of occasions he has birded on the waters surrounding and on Plum Island. He enjoys observing the hundreds of harbor and gray seals that form the largest seal haul-out site in southern New England.

19. Defendant United States General Services Administration ("GSA") is an administrative agency of the United States Government responsible for the procurement and sale of federal facilities and real estate. DHS acted as a joint lead agency in the decision to sell Plum Island.

20. Defendant U.S. Department of Homeland Security ("DHS") is an administrative agency of the United States Government responsible for protecting the United States from

terrorism and other threats, as well as securing and managing the borders of the United States. DHS is currently responsible for the safety and security of Plum Island and acted as a joint lead agency in the decision to sell Plum Island.

21. Defendant Denise Turner Roth is the Administrator of GSA and in that capacity has final responsibility for actions taken by GSA. Ms. Turner Roth is sued in her official capacity.

22. Defendant Jeh Johnson is the Secretary of DHS and in that capacity has final responsibility for actions taken by DHS. Mr. Johnson is sued in his official capacity.

STANDING

23. Plaintiffs' members live, work, and/or recreate in the communities and waters of Long Island Sound, including those surrounding Plum Island.

24. Among the activities that Plaintiffs' members engage in are: (a) sailing and boating around Plum Island; (b) bird-watching, including participation in bird-count activities on Plum Island; (c) fishing in the waters adjacent to Plum Island; (d) marine life watching, particularly seal and whale watching; and (e) studying the environmental and structural history of the grounds and buildings on Plum Island. All of these activities will be adversely impacted by the proposed sale and anticipated development of Plum Island.

25. Given the deep appreciation of its members, Save the Sound and its members have a direct interest in the preservation of Plum Island.

26. Save the Sound members have participated in conservation-based land purchases and have given money to support conservation-based land purchases. Its members have participated in fund-raising campaigns which have raised hundreds-of-thousands of dollars to preserve ecological and historical landmarks. If there was a conservation sale of Plum Island,

Save the Sound members would provide both monetary and non-monetary support for such a purchase.

27. Save the Sound members also regularly visit national parks and conserved lands and their vicinity to sail and boat, watch birds, including participating in bird counts, fish, watch marine life such as whales and seals, and study and appreciate architectural and historical structures and areas. If the option to preserve all or part of the island as a state or federal park were studied and adopted in full or in part, Save the Sound members would be able to engage in some or all of these activities in and around Plum Island.

28. Additionally, Save the Sound and its members have been actively involved in providing public input during the Scoping Process and preparation of the Draft Environmental Impact Statement ("DEIS") and the Final Environmental Impact Statement ("FEIS"). They filed extensive comments on the proposed sale and the Environmental Impact Statements issued by GSA and DHS, in addition to testifying at formal hearings, identifying data gaps and alternative scenarios that should have been evaluated pursuant to the requirements of NEPA, the APA, and the Appropriations Act.

29. While Plaintiffs would have considered working on a strategy towards a potential purchase of Plum Island in order to preserve this unique ecosystem, Defendants have foreclosed that option by misconstruing its legislative directive for a public sale to require an online auction to the highest bidder, rather than a full consideration of all available alternatives.

30. The lack of conservation alternatives will directly harm Ruth Ann Bramson's ability to appreciate Plum Island's uninhabited stretches of sandy beaches, hundreds of species or birds, seals, and other wildlife. Beyond the destruction of the island as a habitat for endangered species, the only access road to Plum Island runs directly past her home in Long Island. If the

entirety of Plum Island is sold to developers, the resulting increase in traffic would harm her and her family's quality of life.

31. The lack of conservation alternatives will directly harm Group for the East End's ability to continue offering educational programs that rely heavily on the use of the local environment as a living laboratory for students as well as deprive the Group's members of a significant source of recreational, aesthetic, and commercial enjoyment and satisfaction.

32. The lack of conservation alternatives will directly harm Peconic Baykeeper's ability to protect and enjoy local watersheds like the Peconic Estuary from the pollution and degradation that would flow from the development of Plum Island. Peconic Baykeeper's members would be deprived of a significant source of enjoyment and satisfaction.

33. The lack of conservation alternatives will directly harm John Turner's ability to appreciate the birds, seals, and other wildlife that occupy Plum Island. He would be deprived of a significant source of enjoyment and satisfaction.

34. The lack of conservation alternatives will directly harm John Potter's ability to fish in the waters surrounding Plum Island. The development of Plum Island—and attendant pollution and traffic—would harm the fisheries surrounding Plum Island, depriving John Potter of a significant source of personal enjoyment and satisfaction.

35. The aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests of Plaintiffs and their respective members have been, are being, and, unless the relief prayed for herein is granted, will continue to be adversely affected and irreparably injured by Defendants' failure to comply with federal law as described below.

JURISDICTION AND VENUE

36. This Court has original subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 in that this is a civil action involving claims arising under the laws of the United States.

37. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. § 1391(b)(2) and 28 U.S.C. § 1391(e) in that the property that is the subject of this action is located in this district and a substantial portion of the events or omissions giving rise to this action occurred in this district.

PLUM ISLAND

38. Plum Island is an 840-acre island located approximately 1.5 miles off the northeast tip of Orient Point, Long Island, New York. The island is cradled by Long Island Sound and Peconic Bay, both of which are federally-designated National Estuaries.

39. Plum Island is the former home of the U.S. Army's Fort Terry, which was established as a coastal artillery post in 1897 and utilized through World War II. In 1954, Plum Island was transferred to the U.S. Department of Agriculture ("USDA") to establish a research facility for foot-and-mouth disease. In 2003, it was transferred to the DHS, which now oversees the safety and security of Plum Island facility operations, while the USDA continues to use the Plum Island Animal Disease Center ("PIADC"). The PIADC is comprised of buildings, industrial facilities and equipment, roadways, utilities, a water treatment plant, and specialized facilities. The DHS also owns and operates transportation assets and a 9.5-acre facility to support PIADC at Orient Point, New York, which includes buildings, utilities, and ferry docking facilities.

40. The total developed and maintained area of Plum Island comprises approximately 170 acres. Human activity on Plum Island has largely been restricted to these 170 acres. This includes 35 acres associated with the PIADC and its transportation and support facilities and approximately 30 acres associated with the former Fort Terry.

41. Due to the nature of the PIADC's mission, access to Plum Island has been limited and highly regulated. This relative isolation and lack of human disturbance has allowed the resident flora and fauna to develop unmolested. As such, the vast undeveloped portion of the island has been left largely in its natural state.

42. Plum Island's undisturbed habitat includes 196 acres of upland forest, 96 acres of freshwater wetlands, and 101 acres of a beach/dune system.

FEDERAL RECOGNITION OF PLUM ISLAND'S ECOLOGICAL VALUE

43. In 2006, Plum Island was designated a Long Island Sound Stewardship site by the Long Island Sound Study, under the authority of the federal Clean Water Act, indicating a strong governmental and public interest in the conservation of the undeveloped natural resources of the island.

44. The Stewardship Initiative Atlas identifies Plum Island as "exemplary colonial waterbird habitat, including sites that are of national – if not international – significance." (Long Island Sound Stewardship Initative, *2006 Stewardship Atlas*, http://library.rpa.org/pdf/Long-Island-Sound-Stewardship-Initiative-Atlas.pdf, at 38 (last accessed February 22, 2016).)

45. Plum Island has also been recognized as an important coastal resource pursuant to the Coastal Barrier Resources Act, 16 U.S.C. 3501, *et seq*, and is included within the Coastal Barrier Resources System.

46. Based on its designation as a Coastal Barrier Resource Area, certain restrictions apply to Federal expenditures in relation to Plum Island. In particular, no new expenditures or financial assistance may be made available under Federal law for any purpose, including the construction of any structures or facilities, with limited exceptions. *See* 16 U.S.C. § 3504.

47. The ecological value of Plum Island's habitats and natural diversity was further acknowledged when the United States Fish and Wildlife Service ("USFWS") designated Plum Island as one of the Northeast Coastal Areas Study Significant Coastal Habitat sites. This designation identifies Plum Island as a habitat and area of natural diversity in need of protection in southern New England.

48. The National Oceanic and Atmospheric Administration ("NOAA"), through its National Marine Fisheries Service ("NMFS") program, has designated the Long Island Sound—which surrounds the northern, eastern and southern shores of Plum Island—as an "Essential Fish Habitat" for at least 45 species.

PLUM ISLAND'S PLANTS, WILDLIFE, BIRD AND MARINE SPECIES

49. Plum Island is home to a diverse array of plants and wildlife, many of which are classified as endangered and threatened species.

50. Plum Island contains one of the highest concentrations of rare plants—fourteen to twenty varieties—in New York, including several federally endangered and threatened species, such as sandplain gerardia, seabeach knotweed, seabeach amaranth, and small whorled pogonia.

51. Over 217 species of birds have been identified on Plum Island. This includes Roseate Terns, a federally endangered species that use the island for courting, raising their fledglings, foraging, and stopovers, and Piping Plovers, a federally threatened species that also use the shoreline habitat for breeding and foraging. Both species are susceptible to human

disturbance of their habitat, which adversely impacts both breeding and feeding success, as well as the survival rate of chicks.

52. Plum Island has been designated as critical bird habitat by Audubon New York's Important Bird Area Designation Program. It also hosts fifty-seven of New York State's species of greatest conservation need, as designated by the New York Department of Environmental Conservation ("NYDEC"), including osprey, American oystercatcher, Northern harrier, and common eider. Seven active osprey nests and an active colony of bank swallow, a declining bird species in New York, were identified in 2009. Several hundred common terns, a New York State threatened species, also make use of the island.

53. There are a number of federally listed or endangered marine species present in the waters surrounding Plum Island. These include Atlantic hawksbill sea turtle, Atlantic (Kemp's) Ridley sea turtle, green sea turtle, leatherback sea turtle, loggerhead sea turtle, and the Atlantic sturgeon.

54. NYDEC has designated the waters of Long Island Sound as critical habitat for the federally endangered Kemp's Ridley sea turtle.

55. Several other species, many of which are endangered, are also known to frequent the waters surrounding Plum Island, including but not limited to humpback whale, beluga whale, the federally endangered North Atlantic right whale and bottlenose dolphins.

56. Plum Island and its surrounding waters are used extensively by harbor and grey seals, and the island is one of the most important seal haul-out areas in southern New England.

THE PROPOSED SALE OF PLUM ISLAND

57. On September 30, 2008, the U.S. Congress passed Public Law 110-329, the "Consolidated Security, Disaster Assistance and Continuing Appropriations Act, 2009," which

among other provisions, directed the sale of the "real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements," if it should be determined that the PIADC should be moved to a new location. Pub. L. No. 110-329.

58. By its plain terms, the Appropriations Act limited any public sale to the property "which support Plum Island operations." Pub. L. No. 110-329

59. Similarly, the Appropriations Act expressly required that any sale be "subject to such terms and conditions as necessary to protect government interests and meet program requirements." Pub. L. No. 110-329

60. In January 2009, the DHS made a determination to construct and operate a new National Bio and Agro-Defense Facility ("NBAF") in Manhattan, Kansas, and to move the current operations from the PIADC at Plum Island to the NBAF in Kansas.

THE NEPA PROCESS

61. Pursuant to NEPA, all federal agencies are required to prepare a detailed statement in advance of major Federal actions significantly affecting the quality of the human environment. This statement must include: (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. *See* 40 C.F.R. 1502.16.

62. This detailed statement is known as an environmental impact statement or EIS.

63. Pursuant to 40 C.F.R. § 1502.14, the EIS must consider alternatives to the proposed action. NEPA requires that lead agencies: (a) rigorously explore and objectively evaluate all reasonable alternatives and, for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated; (b) devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits; (c) include reasonable alternatives not within the jurisdiction of the lead agency; (d) include the alternative of no action; (e) identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference; and (f) include appropriate mitigation measures not already included in the proposed action or alternatives.

64. As 40 C.F.R. § 1502.14 states: "This section is the heart of the environmental impact statement."

65. An EIS must also include an analysis on "the environmental impacts of the alternatives including the proposed action" and "any adverse environmental effects which cannot be avoided should the proposal be implemented." 40 C.F.R. § 1502.16.

66. NEPA's implementing regulations provide that a lead agency (or lead agencies) supervise the preparation of an EIS. *See* 40 C.F.R. § 1501.5.

67. GSA and DHS acted as joint lead agencies in preparing the EIS with regards to the sale of Plum Island.

68. NEPA's implementing regulations also provide lead agencies the ability to request that other federal agencies with either jurisdiction by law or "special expertise" regarding specific environmental issues act as cooperating agencies in preparation of the EIS. 40 C.F.R. §

1501.6. The U.S. Environmental Protection Agency ("EPA") and the U.S. Fish and Wildlife Service ("USFWS"), acted as cooperating agencies in the preparation of the EIS for the sale of Plum Island.

69. Pursuant to 40 C.F.R. § 1501.6(a)(2), the lead agencies shall "[u]se the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency."

COMMENTS DURING THE SCOPING PERIOD

70. As part of the preparation of the EIS, NEPA requires that Lead Agencies conduct "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." 40 C.F.R. § 1501.7. This process is known as "scoping."

71. Defendants initiated the public scoping process by publishing a notice of intent in the Federal Register on March 18, 2010.

72. Public Scoping Meetings were held to determine the scope of the proposed EIS on May 19, 2010 in Old Saybrook, Connecticut, and on May 20, 2010 in Greenport, New York.

73. Throughout the scoping period, a number of federal, state, and local government agencies and departments, including the EPA and USFWS as cooperating agencies, Governor Rell of Connecticut, the NYDEC, the Connecticut Department of Energy and Environmental Protection ("CTDEEP"), the Long Island Sound Study Citizens Advisory Council, and Plaintiff Save the Sound offered specific comments on important government interests to be taken into account when considering the final disposition of Plum Island.

74. The important government interests specifically highlighted for Defendants included: (i) the protection of federally-listed and state-listed endangered and threatened species

of flora and fauna (including the roseate tern, piping plover, common loon, common tern, osprey, northern harrier, red-shouldered hawk, Cooper's hawk, sharp-shinned hawk, northern goshawk, peregrine falcon, shortnose sturgeon, northern right whale, Atlantic hawksbill sea turtle, green sea turtle, Atlantic (Kemp's) Ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, sandplain gerardia, seabeach amaranth, small whorled pogonia, hop sedge, coastal sedge and spring ladies' tresses); (ii) the importance of Plum Island as a Long Island Sound Stewardship site under the Long Island Sound Stewardship Act; (iii) the value of Plum Island to many species of migratory birds, as recognized under the Migratory Bird Treaty Act; (iv) the importance of Plum Island under the Coastal Barriers Resources Act; (v) the importance of Plum Island to the protection of marine mammals (including whales, dolphins and seals) on and in the waters surrounding Plum Island pursuant to the Marine Mammals Protection Act; (vi) compliance with New York and Connecticut coastal consistency determinations (pursuant to the Connecticut Coastal Management Act and the New York State Coastal Management Program); (vii) the value of Fort Terry and the Plum Island Lighthouse as important historic sites pursuant to the National Historic Preservation Act and the National Historic Lighthouse Preservation Act; and (viii) the adverse economic impacts of a potential sale of Plum Island.

75. Governor Rell of Connecticut, in a June 1, 2010 letter to GSA, noted "there appear to be far too many unknowns that both limit [Connecticut's] ability to provide comments through this scoping process and forestall an accurate and complete assessment of the impacts and consequences the sale of Plum Island will have on the residents of Connecticut and our region's natural resources." (Governor M. Jodi Rell, *Comments on the Proposed Sale of Plum Island*, at 2 (June 1, 2010).) She further stressed the importance of additional studies with regard

to the wildlife of Plum Island, particularly the endangered species on and around the island. *See id.* at 5-6.

76. Governor Rell additionally warned that "to sell the island in its entirety to a single purchaser . . . would limit the pool of potential purchasers and would likely price Plum Island out of the reach of entities who would want to acquire it for conservation purposes." *Id.*at 8. Governor Rell suggested alternatives to a wholesale auction of the entirety of Plum Island, such as "offering for private sale only the portion(s) of the island presently developed and occupied (approximately 10%), while preserving the remaining, undeveloped acreage as natural habitat." *Id.*

77. The EPA stressed the need for further evaluation of "the ecological importance of this property through an inventory and assessment of its natural resource values and ecological functions" and recommended separate sales in order to permanently protect the undeveloped portion of Plum Island. (Judith A. Enck, *Comments to the EIS*, U.S. Envt'l Prot. Agency, at 2 (June 2, 2010).)

78. In a June 16, 2010 letter, USFWS, a cooperating agency, urged GSA "[to] undertake a detailed analysis of the impacts of its proposed action on the significant fish and wildlife resources and habitats that are found on and adjacent to Plum Island," particularly threatened and endangered species. (David A. Stilwell, *Comment on the GSA's Notice to Prepare an EIS*, U.S. Dep't of the Interior, at 1 (June 16, 2010).) USFWS also recommended that GSA include a conservation oriented, public ownership option in its EIS. *Id.*

79. Additionally, on March 31, 2010, CTDEEP informed Defendants that Plum Island's proximity to Connecticut and its maritime connection to Connecticut's shoreline communities, subjected the proposed sale to federal consistency review under the CZMA to

ensure compliance with Connecticut's Coastal Management Program. (David J. Fox, *CTDEEP Comment on the Proposed Sale of Plum Island*, CTDEEP (August 1, 2013).)

80. Non-profit organizations such as Audubon Connecticut specifically urged Defendants to conduct comprehensive ecological studies of Plum Island, including: "a complete ecological survey of the flora and fauna of the property," "[a] thorough inventory and assessment of the wildlife, biological and ecological functions, and potential restoration opportunities on the island and associated marine environment," "[a] comprehensive analysis of the level of appropriate public uses and development that could feasibly be supported by the island, while protecting critical environmental resources," and "[a]n economic analysis of the benefits of wildlife-related tourism and recreation." (Alexandra Breslin, *Comments to the EIS Public Scoping Process for the Proposed Sale of Plum Island*, Audubon Connecticut, at 1-3 (June 2, 2010).

81. In a June 2, 2010 letter, Plaintiff Save the Sound proposed additional ecological surveys, separate sales of the developed portion and undeveloped portions of Plum Island, and highlighted the government interests that Defendants should have considered under the Appropriations Act. (Curtis P. Johnson, *Scoping Comments regarding the EIS of a proposed Sale of Plum Island*, Connecticut Fund for the Environment (June 2, 2010).)

82. Following public scoping, but prior to publication of the DEIS, the USFWS, a cooperating agency, expressed concern with the process by which Defendants were preparing the EIS. In an October 19, 2010 letter, the USFWS stated: "we feel that the anticipated time-frames and the scope of analysis that have been provided to us thus far are inappropriately rushed and narrow. We believe that a fully considered alternative, which must be included in the EIS, is to have the island utilized as a wildlife refuge or sanctuary, without an increase in development or

intensification of human use above the current levels." (David A. Stilwell, *Comment on the GSA's Notice to Prepare an EIS*, U.S. Dep't of the Interior, at 1 (October 19, 2010).)

CONSULTATION UNDER THE ESA

83. Pursuant to Section 7 of the ESA, a federal agency must initiate formal consultation with the NMFS (which has jurisdiction over marine species) or USFWS (which has jurisdiction over terrestrial and freshwater species) whenever it undertakes an "action" that "may affect" a listed species or critical habitat.

84. On March 30, 2010, Defendant GSA notified USFWS and NMFS of their intention to conduct an EIS in connection with its intended sale of Plum Island by competitive auction. The GSA invited both the USFWS and NMFS to comment on the proposed auction.

85. In a letter dated June 16, 2010, the USFWS responded to the GSA and noted the presence of several federally endangered species on and around Plum Island, including Piping Plovers, Kemp's Ridley sea turtles, as well as "other Federally-protected sea turtle species." (David A. Stilwell, *Comment on the GSA's Notice to Prepare an EIS*, U.S. Dep't of the Interior (June 16, 2010).)

86. The NMFS also informed Defendants of the existence of other endangered and threatened species on and around Plum Island, including green and leatherback sea turtles, loggerhead turtles, Northern right whales, and humpback whales. (Mary A. Colligan, *Comment Re: Sale of Plum Island, Orient Point, NY*, NMFS (April 12, 2010.)) The NMFS specifically noted that a formal consultation pursuant to Section 7 of the ESA would be necessary "if GSA determines that the proposed sale may affect listed species." *Id.* at 3.

COMMENTS TO THE DEIS

87. Following the public scoping sessions, on July 20, 2012, Defendants, as Joint Lead Agencies, issued the DEIS. Written and oral comments on the DEIS were accepted until October 26, 2012.

88. While the Appropriations Act limited a public sale to that "real and related personal property and transportation assets which support Plum Island operations," Pub. L. No. 110-329, the DEIS proposed a sale of all 840 acres of Plum Island and the entire 9.5 acre parcel in Orient Point, New York. (*See* July 13, 2012 DEIS, ES-1.)

89. The DEIS did not consider transferring parts of the island that did not support the PIADC to the federal government and did not consider disposing of parts of the island through a public conservation sale.

90. While the Appropriations Act expressly required that any public sale be "subject to such terms and conditions as necessary to protect government interests and meet program requirements," Pub. L. No. 110-329, the DEIS failed to meaningfully consider numerous government interests and program requirements, including, but not limited to, conservation, endangered species protection, coastal zone management, environmental cleanup and historic preservation. (*See* July 13, 2012 DEIS.)

91. While the DEIS referenced a single conservation/preservation option, it did not consider it as an option to be pursued by Defendants, instead it was referenced as a potential course of action that might ultimately be taken by a private party after an auction of the entire site to the highest bidder. (*Id.* At ES-5-6.)

92. The DEIS ignored the reality that any conservation organization could not compete in an auction to the highest bidder for the entirety of Plum Island and Orient Point Facility.

93. The DEIS did not consider any conservation easements or other restrictions on development at the time of sale that would protect the natural resources of Plum Island and the government interest in protecting those natural resources. (*See* July 13, 2012 DEIS.)

94. Following the issuance of the DEIS, Defendants received more than one-hundred additional comments, including comments from federal, state, and local governmental agencies, as well as private citizens and non-profit organizations, urging Defendants to collect more natural resources data and to consider alternatives that would promote conservation of Plum Island's valuable natural resources.

95. For example, the Department of the Interior, noted its "incomplete understanding of all the resources that utilize the island due to a lack of surveys or environmental studies" and that "[m]any fish and wildlife populations on Plum Island have not been thoroughly inventoried." (Andrew Raddant, *Comments on DEIS for the Public Sale of PIADC*, U.S. Dep't of the Interior, at 3-4 (October 26, 2012).)

96. The Department of the Interior also informed Defendants that "indirect effects of residential development [at the anticipated densities] would likely create a measurable adverse impact to listed species resulting from human recreational disturbance and shoreline management activities." *Id.* It stated that because "the FEIS indicates that residential development would be likely to adversely affect listed species . . . formal Section 7 consultation would be necessary." *Id.*

97. In a September 18, 2012 letter, NYDEC criticized the DEIS' failure to adequately take into account Plum Island's wildlife. For example, the letter noted that the DEIS "makes a very tenuous assumption that the use of the property under private ownership would be sufficiently similar to the existing use as to result in no adverse impacts or even an improvement to the biological resources in the vicinity." (Sherri Aicher, *Comments on the DEIS for the Public Sale of Plum Island*, NYDEC (September 18, 2012).) The letter notes that surveys were not conducted to inventory Plum Island's herpitiles and bats, the latter of which "have become one of the greatest conservation concerns in the northeast U.S." *Id.*

98. George Jepsen, Attorney General of the State of Connecticut, commented: "The DEIS is deficient and should be revised." (George Jepsen, *Comments of the Attorney General of the State of Connecticut*, at 1 (October 26, 2012). Attorney General Jepsen criticized the DEIS for failing to conduct "a thorough review and careful evaluation of the impacts of a sale and subsequent development on the environment," and further noted that "the hypothetical development scenarios which may result from an unrestricted sale of Plum Island present troubling unknowns and the potential for incalculable and unacceptable detrimental impact to Plum Island as well as Long Island Sound." *Id.* at 1, 7-8.

99. In a September 25, 2012 letter, the Long Island Sound Study commented: "the Plum Island DEIS has not considered all available information describing the ecological significance of Plum Island in its description of the 'affected environment.' Therefore, the DEIS does not fully evaluate the potential impacts of the proposed sale of the property under any of the alternative property reuse scenarios." (Georgia Basso and David Kozak, *DEIS for Public Sale of Plum Island*, Long Island Sound Study (September 25, 2012).)

100. On October 9, 2012, CTDEEP reiterated its position that the proposed sale was subject to review for consistency with the state's Coastal Management Plan and directed that Defendants "must prepare and submit to [the Office of Long Island Sound Programs] a Federal Consistency Determination identifying reasonably foreseeable direct and/or indirect effects on Connecticut's coastal resources and uses." (David J. Fox, *CTDEEP Comment on the Sale of Plum Island*, CTDEEP, at 2 (October 9, 2012).)

101. The New York Department of State ("NYDOS") also advised Defendants of the need for any proposed action to comply with the coastal consistency determination of the CZMA and the availability of alternatives to the unfettered sale of the entirety of Plum Island. (FEIS C-182.)

102. On October 26, 2012, the NYDOS informed Defendants that early coordination would be necessary to ensure compliance with the requirements of the CZMA. *Id.* Additionally, the NYDOS directed that any consistency determination conducted as part of the EIS should be included as a separate section in the Final EIS and comply with the timing requirements of the CZMA. *Id.*

103. The NYDOS noted the limited references in the DEIS to potential impacts on New York's coastal resources, and stated that a "thorough analysis" of the impacts of the proposed sale on all of New York's coastal policies was necessary. *Id.*

104. Additionally, the EPA, as cooperating agency, raised several concerns with the DEIS' failure to address "the clean-up process as it relates to the research facility and potential biological contamination." (Judith A. Enck and H. Curtis Spalding, *Comment on DEIS*, Environmental Protection Agency, at 5 (October 9, 2012).) The EPA stated: "there is a lack of detailed information pertaining to contamination associated with the historic uses of the island,

including military activities and biological research." *Id.* The EPA "rated the DEIS 'EC-2-Environmental Concerns-Insufficient Information' in accordance with the EPA's national rating system." *Id.* EPA offered specific guidance for how Defendants could remedy the deficient DEIS: "The FEIS should detail the specific components of the clean-up, what each component will achieve, and how the process will ensure the safety of future potential inhabitants of the island." *Id.* The EPA even offered to assist Defendants in addressing these concerns: "As a cooperating agency for this project, EPA staff remain available to the extent our resources allow to help GSA as it works to respond to issues raised in our comments." *Id.*

105. In addition to comments from state and federal agencies, several non-profit groups with extensive conservation expertise, including Save the Sound, The Nature Conservancy, Audubon New York and Audubon Connecticut, recommended that detailed biological surveys should be taken to better inform the environmental impacts analysis required by NEPA.

106. In an October 18, 2012 letter to the GSA, The Nature Conservancy stated: "[t]he DEIS lacks and the Nature Conservancy and other members of the Preserve Plum Island Coalition have called for a four-season biological survey of the island's flora and fauna by on-site field biologists in order to make informed decisions about the natural resources and potential impacts to them from various future uses. To date such an inventory has not been undertaken by the federal owners or their consultants, nor have the owners of the island permitted field work to be performed by outside entities." (Randall Parsons, *Draft EIS for the Sale of Plum Island*, The Nature Conservancy, at 5 (October 18, 2012).)

THE FEIS

107. Defendants, as Joint Lead Agencies, issued the FEIS on June 25, 2013.

108. While the Appropriations Act limited a public sale to that "real and related personal property and transportation assets which support Plum Island operations," Pub. L. No. 110-329, the FEIS, like the DEIS, proposed a sale of all 840 acres of Plum Island and the entire 9.5 acre parcel in Orient Point, New York. (*See* June 25, 2013 FEIS, ES-1.)

109. The FEIS did not consider transferring parts of the island that did not support the PIADC to the federal government and did not consider disposing of parts of the island through a public conservation sale.

110. While the Appropriations Act expressly required that any public sale be "subject to such terms and conditions as necessary to protect government interests and meet program requirements," Pub. L. No. 110-329, the FEIS, like the DEIS, failed to meaningfully consider numerous government interests and program requirements, including, but not limited to, conservation, endangered species protection, coastal zone management, environmental cleanup and historic preservation. (*See* June 25, 2013 FEIS.)

111. The FEIS failed to address comments that it was based on insufficient ecological data, including studies regarding contamination. For example, in a September 30, 2013 letter, Governor Cuomo of New York wrote that: "The final EIS acknowledges that questions concerning possible contamination identified by DEC have never been fully investigated but fails to provide any details about when or even whether these issues will be resolved." (Governor Andrew Cuomo, *Sale of Plum Island*, Executive Chamber, State of New York, at 1 (September 30, 2013).) Governor Cuomo noted that "during inspections in 2011, DEC staff determined that PIADC is not properly managing solid waste and determined that PIADC's quality control procedures and testing procedures for laboratory waste . . . are deficient . . . , creat[ing] an unacceptable risk for the exposure during transportation off the island . . . ." *Id.* at 2.

112. While the FEIS, like the DEIS, referenced a single conservation/preservation option, it did not consider it as an option to be pursued by Defendants, instead it was referenced as a potential course of action that might ultimately be taken by a private party after an auction of the entire site to the highest bidder. (*See* June 25, 2013 FEIS at ES-3-4.)

113. The FEIS, like the DEIS, did not consider any conservation easements or other restrictions on development that would protect the natural resources of Plum Island and the government interest in protecting those natural resources. (*See* June 25, 2013 FEIS.)

114. The FEIS ignored the EPA's request that "[t]he FEIS should detail the specific components of the clean-up, what each component will achieve, and how the process will ensure the safety of future potential inhabitants of the island." (Judith A. Enck and H. Curtis Spalding, *Comment on DEIS*, Environmental Protection Agency, at 5 (October 9, 2012).)

115. In response to the FEIS, Defendants received additional comments from state and federal agencies, as well as interested stakeholders such as Plaintiffs and other non-profits which underscored the continued deficiencies in the EIS process.

116. For example, in an August 5, 2013 letter, the EPA commented that the FEIS failed to consider "an ordinance that would create a conservation area that would limit development and preserve much of the island," and failed to "offer mitigation options as EPA recommended in our comment letter on the DEIS." (Judith A. Enck, *Comments to the FEIS*, U.S. Envt'l Prot. Agency, at 1-3 (August 5, 2013).) The EPA noted that Defendants had ignored its previous request to "include a detailed explanation of the clean-up process as it relates to the research facility and potential biological contamination including a discussion of the components of the clean-up, what each component will achieve, and how the process will ensure the safety of future potential inhabitants of the island." *Id.* at *2. Ultimately, the EPA concluded that "the

FEIS is not significantly enhanced from the DEIS and does not provide a sufficiently detailed evaluation of the potential impacts of the sale of Plum Island." *Id*. at 3.

117. The Preserve Plum Island Coalition highlighted the comments to the DEIS that the FEIS failed to address, including: the failure to consider a sale of only portions of the entire island, the failure to conduct a four-season ecological inventory, failure to provide current information on the number of bird species on the island, and the failure to evaluate potential adverse impacts to wetlands areas. (John L. Turner, *Comments on the FEIS for the Public Sale of Plum Island*, Preserve Plum Island Coalition (August 3, 2013).)

118. Many groups and government agencies highlighted the fact that the manner of the proposed sale would limit opportunities for conservation groups to participate.

119. For example, in an August 5, 2013 Letter, the Trust for Public Land noted: "As a non-profit conservation organization that identifies opportunities for land conservation, we are concerned that the process of selling Plum Island by public auction, particularly if GSA moves forward with an outright, full sale of the entire island, may exclude interested conservation groups and organizations that may wish to protect and preserve the island or parts for the general public." (Mark Matsil, *Plum Island, New York*, Trust for Public Land, at 1 (August 5, 2013).)

120. Similarly, CTDEEP noted: "The Department continues to believe that sale of the island as a single parcel would limit the pool of potential purchasers and price the island out of the reach of entities who would want to acquire portions of it for conservation purposes. In contrast, acquisition of sensitive portions of the island for conservation would guarantee protection of its natural resources in perpetuity and not rely on subsequent regulatory mechanisms." (David J. Fox, *CTDEEP Comment on the FEIS*, CTDEEP, at 1 (August 1, 2013).)

121. The CT DEEP further noted that "[i]t is appropriate that a federal action of separate sales of development parcels and significant natural areas be employed to ensure continued protection of these critical biological and natural resources. Multiple sales would also comply with the mandate for sale specified in the Consolidated Security, Disaster Assistance and Continuing Appropriations Act." (*Id.* at 1-2)

THE RECORD OF DECISION

122. Two months after issuing the FEIS, Defendants, as Joint Lead Agencies, issued their ROD on August 29, 2013.

123. The ROD memorialized Defendants' decision to proceed with a public sale of the entirety of Plum Island, as well as the Orient Point assets, notwithstanding the extensive comments they received regarding the deficiencies of the FEIS, and their failure to respond to comments to the DEIS. (*See* August 29, 2013 ROD, at *1.)

124. While the Appropriations Act limited a public sale to that "real and related personal property and transportation assets which support Plum Island operations," Pub. L. No. 110-329, the ROD proposed a sale of all 840 acres of Plum Island and the entire 9.5 acre parcel in Orient Point, New York. (*See* August 29, 2013 ROD, at *1.)

125. The ROD did not consider transferring parts of the island that did not support the PIADC to the federal government and did not consider disposing of parts of the island through a public conservation sale.

126. While the Appropriations Act expressly required that any public sale be "subject to such terms and conditions as necessary to protect government interests and meet program requirements," Pub. L. No. 110-329, the ROD failed to meaningfully consider numerous government interests and program requirements, including, but not limited to, conservation,

endangered species protection, coastal zone management, environmental cleanup and historic preservation. (*See* August 29, 2013 ROD.)

127. While the ROD referenced a single conservation/preservation option, it did not consider it as an option to be pursued by Defendants, instead it was referenced as a potential course of action that might ultimately be taken by a private party after an auction of the entire site to the highest bidder. (*See Id.* at *1.)

128. The ROD did not consider any conservation easements or other restrictions on development that would protect the natural resources of Plum Island and the government interest in protecting those natural resources. (*See* August 29, 2013 ROD.)

129. The ROD did not address the EPA's repeated requests that Defendants specifically detail their plans for cleaning up potential contamination associated with the PIADC, even though the EPA was a cooperating agency.

130. The ROD did not address the USFWS' request that Defendants include a conservation-oriented, public ownership option, even though the EPA was a cooperating agency.

131. While the ROD recognized "the flora, fauna, and marine resources" as well as the "historic properties" on Plum Island, the ROD determined that the impact of development on these ecological and historical resources would be "minor to moderate." (August 29, 2013 ROD at *3-4.)

132. This determination was based on incomplete and inadequate ecological surveys, and no studies regarding the potential for contamination.

133. Further, underscoring the lack of critical analysis regarding potential environmental impacts, the ROD failed to discuss or identify any environmentally preferable alternatives to the proposed action.

FIRST CAUSE OF ACTION

Violation of NEPA, Appropriations Act, and APA for failure to adequately consider conservation or a bifurcated sale

134. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

135. The Appropriations Act authorizes the "public sale [of] all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements." Pub. L. No. 110-329

136. Notwithstanding the Appropriations Act's explicit restriction of any sale to "[that] real and related personal property and transportation assets which support [the] Plum Island operations," *id.*, Defendants interpreted the Act to require a public sale of all 840 acres of Plum Island and 9.5 acres of the Orient Point New York facility.

137. Properly read, this restriction would limit the sale to only those assets that directly support the PIADC, such as the PIADC facility, as well as the adjoining structures and transportation infrastructure necessary to carry out the mission of the PIADC.

138. Instead, while only 170 acres of Plum Island have been utilized to support the Plum Island operations, Defendants interpreted the Act to require the sale of an additional 680 acres of land that currently is either (1) undeveloped and unimproved, (2) associated with the Fort Terry historic site, or (3) associated with the Plum Island lighthouse.

139. By misconstruing the Appropriations Act, Defendants violated NEPA by failing to conduct an adequate analysis of reasonable alternatives.

140. An adequate analysis of reasonable alternatives would include a bifurcated sale or conservation of that portion of the property not directly related to PIADC operations.

141. Defendants were made aware of such an alternative through public comments before they issued the FEIS.

142. Defendants failure to adequately consider reasonable alternatives was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706 and contrary to the statutory authority conveyed by the Appropriations Act, in violation of 5 U.S.C § 706(2)(C).

143. As a direct result of Defendants failure to consider reasonable alternatives, Plaintiffs will suffer immediate and actual harm.

144. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to participate in the purchase of all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

SECOND CAUSE OF ACTION

Violation of NEPA, Appropriations Act, and APA for failure to adequately consider government interests and programs

145. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

146. The Appropriations Act authorizes the "public sale [of] all real and related personal property and transportation assets which support Plum Island operations, subject to such

terms and conditions as necessary to protect government interests and meet program requirements." Pub. L. No. 110-329.

147. Notwithstanding the Appropriations Act's explicit requirement that any sale be "subject to such terms and conditions as necessary to protect government interests," *id.*, Defendants failed to consider numerous government interests and program requirements in their proposed sale.

148. Throughout the EIS process, public and private agencies and entities at the local, state, and federal level identified a number of government interests that would be implicated by the sale of Plum Island and recommended specific measures to protect those interests.

149. Those government interests included the protection of threatened and endangered species pursuant to the ESA, minimizing the damage to fish, wildlife, and other natural resources associated with coastal barriers pursuant to the Coastal Barriers Resource Act, preserving the nation's historic resources pursuant to the National Historic Preservation Act and National Historic Lighthouse Preservation Act, and minimizing the degradation of wetlands pursuant to the Long Island Sound Stewardship Initiative and the CZMA.

150. Defendants, through their DEIS, FEIS, and ROD, provided absolutely no analysis of how their proposed sale would impact the important government interests expressed in these Federal statutes and highlighted by public comment.

151. Defendants' failure to consider these government interests, as required by the Appropriations Act, resulted in their failure to consider reasonable alternatives as required by NEPA.

152. Defendants' refusal to consider relevant government interests was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the

Administrative Procedure Act, 5 U.S.C. § 706 and contrary to the statutory authority conveyed by the Appropriations Act, in violation of 5 U.S.C § 706(2)(C).

153. As a direct result of Defendants failure to consider government interests, Plaintiffs will suffer immediate and actual harm.

154. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to participate in the purchase of all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

THIRD CAUSE OF ACTION

Violation of NEPA, Appropriations Act, and APA for failure to adequately consider alternatives to an auction sale

155. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

156. The Appropriations Act authorizes the "public sale [of] all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements." Pub. L. No. 110-329.

157. While "public sale" is not defined in the Appropriations Act, Defendants misconstrued "public sale" to mean public auction to the highest bidder.

158. Despite numerous and repeated comments urging Defendants to consider alternatives to an auction, they failed to acknowledge any reasonable alternative to a public auction to the highest bidder.

159. Defendants refused to consider any of the feasible and practical alternatives suggested to them, such as a sale or transfer of all or part of Plum Island to another agency such as USFWS pursuant to the Federal Land Policy and Management Act of 1976 or Transfer of Certain Real Property for Wildlife Conservation Purposes Act of 1948, a bifurcated process involving multiple sales of discrete parcels that would accommodate both commercial and conservation purchasers, or a single unitary sale with conservation easements attached to the property.

160. Defendants' interpretation of public sale to preclude any sale other than a public auction to the highest bidder necessarily excluded any potential conservation purchasers.

161. By narrowly and erroneously construing the term public sale, Defendants predetermined the outcome of the EIS process to exclude reasonable conservation alternatives.

162. Defendants' refusal to consider reasonable alternatives was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706 and contrary to the statutory authority conveyed by the Appropriations Act, in violation of 5 U.S.C § 706(2)(C).

163. As a direct result of Defendants failure to consider reasonable alternatives, Plaintiffs will suffer immediate and actual harm.

164. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to participate in the purchase of all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

FOURTH CAUSE OF ACTION

Violation of NEPA and APA for failure to adequately specify any alternatives considered to be environmentally preferable

165. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

166. Under NEPA, 40 CFR § 1505.2(b), an agency must specify in its Record of Decision any alternatives considered to be environmentally preferable.

167. Notwithstanding the many comments Defendants received proposing reasonable alternatives that were environmentally preferable to a public auction of the entirety of Plum Island to the highest bidder, Defendants failed to specify a single alternative that was considered to be environmentally preferable to their proposed sale.

168. Defendants' failure to specify a single reasonable alternative was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706 and contrary to the statutory authority conveyed by the Appropriations Act, in violation of 5 U.S.C § 706(2)(C).

169. As a direct result of Defendants failure to specify reasonable alternatives, Plaintiffs will suffer immediate and actual harm.

170. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to participate in the purchase of all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

FIFTH CAUSE OF ACTION

Violation of NEPA, APA, and ESA for failure to formally consult under the ESA

171. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

172. Pursuant to the ESA, 50 CFR § 402.14(a), a federal agency must initiate a formal consultation with the NMFS or USFWS whenever it undertakes an "action" that "may affect" a listed species or critical habitat.

173. Further, in the event that the NMFS and USFWS do not concur with an agency's determination that the proposed action is "not likely to adversely affect" a listed species or critical habitat, the agencies must engage in "formal consultation."

174. The USFWS, among many other commenters, expressly informed Defendants, on multiple occasions, that their proposed action would have an adverse effect on federally endangered and threatened species.

175. In response, instead of engaging in formal consultation as required by Section 7 of the ESA, Defendants completed the FEIS and ROD and ignored the USFWS' recommendations entirely.

176. Defendants failure to engage in formal consultation as required by Section 7 of the ESA and to incorporate the guidance of the USFWS into the FEIS was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706.

177. As a direct result of Defendants failure to engage in formal consultation and incorporate the results of that consultation into the FEIS and ROD, Plaintiffs will suffer immediate and actual harm.

178. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to purchase all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

SIXTH CAUSE OF ACTION

Violation of NEPA, APA, and Failure to Use Analysis of Cooperating Agencies

179. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

180. NEPA requires that lead agencies "use the environmental analysis and proposals of cooperating agencies with jurisdiction by law of special expertise, to the maximum extent possible consistent with its responsibility as lead agency." 40 C.F.R. § 1501.6(a)(2).

181. Both the EPA and the USFWS acted as a cooperating agencies in the preparation of the EIS.

182. Notwithstanding the EPA's and USFWS' role as cooperating agencies, Defendants ignored their repeated comments that the DEIS and FEIS were deficient.

183. Defendants ignored the EPA's environmental analysis and proposal that Defendants consider a conservation ordinance, mitigating conservation options, and specifically detail their plans to clean up contamination associated with the PIADC.

184. Defendants ignored the USFWS' environmental analysis and proposal that Defendants include a conservation-oriented, public ownership option.

185. In ignoring its consultation requirements under the ESA, Defendants violated NEPA's requirement that it use the EPA's and USFWS,' as cooperating agencies, environmental analysis and proposals "to the maximum extent possible." *Id*.

186. Defendants failure to rely on the expertise of their cooperating agencies as required by Section 7 of the ESA, and failure to incorporate the guidance of the EPA and USFWS into the FEIS was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706.

187. As a direct result of Defendants failure to cooperate with the EPA and USFWS, Plaintiffs will suffer immediate and actual harm.

188. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to purchase all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

SEVENTH CAUSE OF ACTION

Violation of NEPA, APA, and CZMA for Failure to Perform Consistency Determination

189. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

190. Under the CZMA, Federal agencies are required to review any of their activities to ensure that they are undertaken, to the extent possible, in a manner consistent with the enforceable policies of approved state coastal management programs. *See* 15 CFR § 930.36.

191. This "consistency determination" must be provided to the relevant state agency "at the earliest practicable time" in the planning or reassessment of an activity. *Id.*

192. A consistency determination should be prepared following the development of sufficient information to reasonably determine the consistency of the activity with the management program, but before the Federal agency reaches a significant point of decision making in its review process, i.e., while the Federal agency has the ability to modify the activity. *Id.*

193. Additionally, "[t]he consistency determination shall be provided to State agencies at least 90 days before final approval of the Federal agency activity unless both the Federal agency and the State agency agree to an alternative notification schedule." 15 C.F.R. § 930.36.

194. NEPA expressly incorporates this requirement: "To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." 40 C.F.R. § 1506.2 (d).

195. Throughout the EIS process, state agencies in both New York and Connecticut raised concerns about consistency with their respective coastal management plans and attempted to provide Defendants with guidance regarding compliance with the CZMA.

196. Despite repeated comments from CTDEEP and the NYDOS, Defendants approved of the sale of Plum Island without any determination that the sale would be consistent with the coastal zone management programs of either New York or Connecticut.

197. While the FEIS contemplates that impacts to coastal zones will be evaluated as part of some later federal consistency determination, Defendants fail to provide any timeline for

when that determination will take place, except to state that it anticipates providing that determination "as the conveyance of the Property nears." (June 25, 2013 FEIS, ES-10.)

198. This prospective hypothetical is contrary not only to the stated direction of the Connecticut and New York implementing agencies, but also to the clear directive of the CZMA that such a determination be made "before the Federal agency reaches a significant point of decisionmaking in its review process, i.e., while the Federal agency has the ability to modify the activity." *See* 15 CFR § 930.36 (b)(1).

199. Further, the failure to incorporate any consistency determination violates NEPA's requirement that "[environmental impact] statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned)." 40 C.F.R. § 1506.2 (d).

200. Defendants' failure to engage in any consistency determination whatsoever violates the CZMA, NEPA, and Defendants' FEIS is therefore arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706.

201. As a direct result of Defendants failure to engage in a consistency determination, Plaintiffs will suffer immediate and actual harm.

202. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to participate in the purchase of all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

EIGHTH CAUSE OF ACTION

Violation of NEPA and APA for a final action based on inadequate ecological and environmental cleanup data

203. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 131 as if fully set forth herein.

204. Under NEPA, an EIS must also include an analysis on "the environmental impact of the proposed action" and "any adverse environmental effects which cannot be avoided should the proposal be implemented." See 42 U.S.C.A. § 4332 (C).

205. Assessing the potential impact of any proposed action on the environment is not possible without comprehensive and current data on the ecology of a proposed action site.

206. Assessing the potential impact of any proposed action is not possible without the results of consultation under the ESA to determine whether the proposed action may affect a listed species or critical habitat.

207. Assessing the potential impact of any proposed action is not possible without the results of a consultation under the CZMA to determine whether the proposed action is consistent with state coastal management programs.

208. Throughout the EIS process, numerous federal and state agencies as well as non-profit organizations requested that Defendants engage in comprehensive surveys of the biology of Plum Island and its surrounding waters.

209. Further, federal and state agencies repeatedly request that Defendants engage in the consultation required by the ESA and CZMA.

210. Defendants never engaged in a comprehensive survey of the biology of Plum Island and its surrounding waters.

211. Defendants never engaged in the consultation required by the ESA and CZMA.

212. Because of Defendants' failure to engage in a comprehensive survey of the biology of Plum Island, they could not and did not adequately assess the potential impact of their proposed sale on Plum Island.

213. Despite the fact that EPA recommended they do so, Defendants failed to specifically and adequately detail their plans to clean up contamination associated with the PIADC.

214. Defendants' failure to assess the potential environmental impact of the sale violated NEPA and was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law in violation of 5 U.S.C § 706.

215. As a direct result of Defendants failure to assess the potential environmental impact of the sale, Plaintiffs will suffer immediate and actual harm.

216. In particular, the sale of Plum Island as proposed by Defendants will foreclose the ability of Plaintiffs and others to participate in the purchase of all or part of Plum Island for conservation purposes or to otherwise conserve the land and natural resources and adversely affect and irreparably harm the Plaintiffs and their respective members' aesthetic, conservation, recreational, economic, scientific, informational, and procedural interests.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

217. Declare that Defendants have violated NEPA by failing to adequately consider alternatives, failing to consider the full environmental effects of the proposed action and related actions, prejudging the final decision, failing to conduct a coastal consistency determination, and failing to base the final decision on adequate environmental analysis;

218. Declare that Defendants' actions pursuant to the Appropriations Act are in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

219. Enjoin Defendants from completing the FEIS and selling Plum Island until an adequate EIS process has been completed;

220. Enjoin Defendants from completing the FEIS and selling Plum Island until an appropriate consistency determination has been made consistent with the CZMA;

221. Award Plaintiffs their reasonable costs and attorneys' fees; and

222. Grant such other relief as the Court deems just and proper.

Dated: July 7, 2016

MORRISON & FOERSTER LLP

s/ Carl H. Loewenson, Jr.

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Attorneys for Plaintiffs

Anderson, Kursten

From: Mary Morgan [redacted]
Sent: Sunday, February 20, 2022 2:31 PM
To: Anderson, Kursten
Subject: [EXTERNAL] We support Plum Is NY becoming a National Monument

Dear Department of Homeland Security

We live in Orient, NY, and are writing in support of Plum Island becoming a National Monument. It is

essential to our biodiversity goals, that support all life on earth, that
this Island be protected from development.

- Largest seal haul-out in New York
- Habitat for 220 bird species—nearly one out of four bird species found in North America!
- Significant ecological communities, including sea turtles, marine eelgrass beds, and rich fish populations

It's historical significance includes Site of Fort Terry, in use from the Spanish American War until after World War II as well as native American significance. It is an important navigational aid: Plum Island Light, a National Register Historic Site

Thank you for your consideration.
Mary and Tom Morgan
PO Box 511
855. S. View Dr.
Orient, NY 11957

--
Mary Foster Morgan
Co-founder
DrawdownEastEnd.org
Local solutions to reverse global warming
[redacted]

Regeneration is the unifying vision
for individuals, communities and business
to repair Earth and drawdown carbon

Anderson, Kursten

From: JR Victor [redacted]
Sent: Wednesday, February 23, 2022 11:55 AM
To: Anderson, Kursten
Subject: [EXTERNAL] Plum Island Preservation

I would like to submit my opinion that Plum Island, once decommissioned as a Federal Research Facility be preserved and maintained as a Natural Resource to be open to the public and enjoyed as a location to enjoy passive activities such as walking, biking, birdwatching, photography, and other similar activities. While Governors Island off nyc has created a fantastic destination and playground for the public I would encourage Plum Island to follow a less developed path and remain basically wild and undisturbed presenting itself to the public in a more natural state. Clearly some infrastructure will be needed to support such a mission and need not be in conflict with maintaining this beautiful Island.

Thank you,

Jeffrey Victor
[redacted]

[redacted]

[redacted]

As a professional Cinematographer with 40+ years in production I would be more than thrilled to offer my services filming the Island; highlighting the natural beauty and infrastructure with the purpose of helping create protections for Plum Island.

Anderson, Kursten

From: Peggy Dickerson [redacted]
Sent: Wednesday, March 2, 2022 10:01 AM
To: Anderson, Kursten
Subject: [EXTERNAL] Preserve Plum Island

Please read or have this correspondence read at the public meeting.

What if President Theodore Roosevelt hadn't had the foresight to preserve the immense lands for our national parks for everyone to enjoy.

What if the 843 acres of Central Park in MYC hadn't been set aside for everyone to enjoy.

I could go on, but the vision is clear in our history…land is being built upon at warp speed! Won't generations to come be grateful for a unique island like Plum Island to be conserved and utilized for educational purposes?

As an environmentalist and educator, I believe this is a rare opportunity to save a valuable ecosystem in our community, our state and in our country.

Thank you for listening and considering my words,
Peggy Dickerson
Mattituck Cutchogue School District Teacher (30 years)
Southold Town Trustee (8 years)
Environmental Educator (every chance I get)

Sent from Mail for Windows

Appendix B: Section 106 Consultation, Consultation with American Indian Tribes, and Historic Properties Management Plan and Programmatic Agreement

[The final Historic Properties Management Plan will be inserted into this Appendix, once available]

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Sample Section 106 Consultation Letter

Subject: Plum Island Animal Disease Center Closure, Plum Island, Suffolk County, New York

The U.S. Department of Homeland Security (DHS) proposes to cease operations and close the facility known as Plum Island Animal Disease Center (PIADC) on Plum Island, Suffolk County, New York. Plum Island is an 840-acre island located approximately 1.5 miles off Orient Point and Long Island, New York which is home to the PIADC (Attachment 1). DHS is inviting you to participate as a consulting party for the project, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966 (NHPA).

In accordance with the National Environmental Policy Act (NEPA), DHS is preparing an Environmental Assessment (EA) to analyze the potential environmental impacts associated with DHS actions to close operations at PIADC (Proposed Action). DHS intends to coordinate Section 106 consultation and NEPA review concurrently per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFR 800.3(e).

The current mission of PIADC is to protect U.S. livestock from accidental or intentional introduction of foreign animal diseases that seriously threaten livestock industries, food security and economy. Plum Island is home of the Plum Island Light Station and the former U.S. Army's Fort Terry, which were listed on the National Register of Historic Places in 2011 and 2020 respectively. DHS also owns and operates transportation assets and a 9.5-acre facility to support PIADC at Orient Point, New York that includes buildings, utilities, and ferry docking facilities (Attachment 2).

Based on the DHS and U.S. Department of Agriculture (USDA) bio- and agro-defense mission requirements and facility limitations at Plum Island, the need was identified to enhance the U.S. government's current animal agricultural research capabilities through construction of the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. NBAF will replace the PIADC facility in New York and be operated by the USDA. NBAF will enhance the current research capabilities in the animal agricultural field. Upon the transfer of the mission to NBAF, DHS will no longer have a mission need for PIADC or the associated facilities on Plum Island or Orient Point.

PIADC closure would consist of decontaminating facilities as needed, ceasing operations, and withdrawing all assets from service. Potential impact areas from closure activities would be within the footprint of PIADC facilities undergoing decontamination and decommissioning and Plum Island waste management areas (WMAs). Plum Island and all PIADC Government assets, including real property, personal property, and transportation assets, would be conveyed as one entity by the General Services Administration (GSA) as directed by the Federal Real Property and Administrative Services Act of 1949 (Property Act).

The historic architectural Area of Potential Effects (APE) for closure activities is defined as facilities used for the PIADC mission and is comprised of three discontiguous areas featured in Attachment 3. These areas include the following:

- National Register-eligible Buildings 101 at PIADC on Plum Island, and adjacent Buildings 102 and 103, which are not individually National Register-eligible, but together with Building 101, form the National Register-eligible PIADC Historic District.
- Buildings 13 and 38 at Fort Terry, which have been altered over time and are classified as non-contributing resources to the National Register-listed Fort Terry Historic District; and are also considered non-contributing resources to the PIADC Historic District because they lack integrity.
- PIADC's Orient Point facility.

Because no subsurface work would be conducted in previously undisturbed areas outside the facilities footprints and existing waste management areas, no separate APE for archaeological resources is identified.

DHS intends to draft a Programmatic Agreement (PA) for the consideration and appropriate management of effects on historic properties resulting from closure activities in accordance with Section 106 and Section 110 of the NHPA. The PA will stipulate the preparation of a Historic Properties Management Plan (HPMP) to assist with ongoing operations and the efficient implementation of closure-related activities. It is anticipated that the draft PA and draft HPMP will be provided to the New York SHPO and interested consulting parties for review and comment in the coming months. The list of invited consulting parties is included in Attachment 4.

If you would like to consult on this project or have any questions, please do not hesitate to contact Claire Sale at claire.sale@aecom.com. Due to the current circumstances, email responses are preferred, although letter responses may be submitted to *Claire Sale, PIADC Closure, c/o AECOM, 2000 K Street, Suite 800, Washington, DC 20006*.

Attachments:
1. Plum Island Project Location

2. PIADC Facility and Orient Point Layouts

3. Historic Architectural Areas of Potential Effects

4. List of Invited Consulting Parties

Attachment 1. Plum Island Project Location

Attachment 2. PIADC Facility and Orient Point (map inset) Layouts

Attachment 3. Historic Architectural Areas of Potential Effects

Attachment 4. List of Invited Consulting Parties

U.S. Department of Agriculture

U.S. General Services Administration

Delaware Tribe

Shinnecock Indian Nation

Unkechaug Tribe (*not federally recognized*)

Montaukett Tribe (*not federally recognized*)

Town of Southold, New York

Southold Historical Society

Southold Indian Museum

East End Seaport Museum

U.S. Lighthouse Society—Long Island Chapter

Preserve Plum Island Coalition

Group for the East End

Oysterponds Historical Society

Orient Association

Preservation Long Island

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

February 25, 2022

Sarah Koeppel
Dept. of Homeland Security
7th and D
Washington, DC 20001

Re: DHS
Plum Island Animal Disease Center (PIADC) Closure, Plum Island, Suffolk County
22PR00614

Dear Sarah Koeppel:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation 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 other 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).

We concur that Fort Terry Historic District and Plum Island Lighthouse are listed in the State and National Registers of Historic Places (S/NRHP). We further concur that Buildings 101, 102 and 103 are eligible for listing in the S/NRHP as the PIADC Historic District. We have reviewed the recently provided information, including the Plum Island Animal Disease Facility Closure Proposal. We request to consult on all aspects of the proposed project including the decommissioning, any potential ownership transfer of the Island, the development of a draft Programmatic Agreement (PA) and preparation of an Historic Properties Management Plan (HPMP).

Our office looks forward to continuing the consultation process and understands that DHS intends to coordinate Section 106 consultation and NEPA concurrently. A copy of all NEPA and/or 106 documents and consulting parties notices should be provided to our office.

Additional information can be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/SHPO/online-tools/ To submit, log into CRIS as a guest and choose "submit" at the very top of the menu. Go to "Other Options" and choose "submit new information for an existing project." If you have any questions, I can be reached at (518) 268-2181.

Sincerely,

Beth Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: A. Rachleff, K. Anderson – aecom J. Searing, M. Friess - PIADC

Anderson, Kursten

From: John Dugan - PIB [redacted]
Sent: Monday, March 7, 2022 5:47 PM
To: Koeppel, Sarah
Cc: Anderson, Kursten; Anthony Barbati - 1PZS; Hass, Jennifer; John Kelly; [redacted]
Subject: [EXTERNAL] Re: Notice of Intent to Prepare an Environmental Assessment for Closure Activities at the Plum Island Animal Disease Center on Plum Island, NY

Sarah,

I thought I responded to this already, but to make it official. GSA wishes to be a consulting party for this exercise.

Thanks
John

On Fri, Jan 28, 2022 at 3:14 PM Koeppel, Sarah [redacted] wrote:

> Afternoon, John.
>
> The U.S. Department of Homeland Security (DHS) proposes to cease operations and close the facility known as Plum Island Animal Disease Center (PIADC) on Plum Island, Suffolk County, New York. Plum Island is an 840-acre island located approximately 1.5 miles off Orient Point and Long Island, New York which is home to the PIADC (Attachment 1). DHS is inviting you to participate as a consulting party for the project, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966 (NHPA).
>
> In accordance with the National Environmental Policy Act (NEPA), DHS is preparing an Environmental Assessment (EA) to analyze the potential environmental impacts associated with DHS actions to close operations at PIADC (Proposed Action). DHS intends to coordinate Section 106 consultation and NEPA review concurrently per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFR 800.3(e).

The current mission of PIADC is to protect U.S. livestock from accidental or intentional introduction of foreign animal diseases that seriously threaten livestock industries, food security and economy. Plum Island is home of the Plum Island Light Station and the former U.S. Army's Fort Terry, which were listed on the National Register of Historic Places in 2011 and 2020 respectively. DHS also owns and operates transportation assets and a 9.5-acre facility to support PIADC at Orient Point, New York that includes buildings, utilities, and ferry docking facilities (Attachment 2).

Based on the DHS and U.S. Department of Agriculture (USDA) bio- and agro-defense mission requirements and facility limitations at Plum Island, the need was identified to enhance the U.S. government's current animal agricultural research capabilities through construction of the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. NBAF will replace the PIADC facility in New York and be operated by the USDA. NBAF will enhance the current research capabilities in the animal agricultural field. Upon the transfer of the mission to NBAF, DHS will no longer have a mission need for PIADC or the associated facilities on Plum Island or Orient Point.

PIADC closure would consist of decontaminating facilities as needed, ceasing operations, and withdrawing all assets from service. Potential impact areas from closure activities would be within the footprint of PIADC facilities undergoing decontamination and decommissioning and Plum Island waste management areas (WMAs). Plum Island and all PIADC Government assets, including real property, personal property, and transportation assets, would be conveyed as one entity by the General Services Administration (GSA) as directed by the Federal Real Property and Administrative Services Act of 1949 (Property Act).

The historic architectural Area of Potential Effects (APE) for closure activities is defined as facilities used for the PIADC mission and is comprised of three discontiguous areas featured in Attachment 3. These areas include the following:

- National Register-eligible Buildings 101 at PIADC on Plum Island, and adjacent Buildings 102 and 103, which are not individually National Register-eligible, but together with Building 101, form the National Register-eligible PIADC Historic District.

- Buildings 13 and 38 at Fort Terry, which have been altered over time and are classified as non-contributing resources to the National Register-listed Fort Terry Historic District; and are also considered non-contributing resources to the PIADC Historic District because they lack integrity.

- PIADC's Orient Point facility.

Because no subsurface work would be conducted in previously undisturbed areas outside the facilities footprints and existing waste management areas, no separate APE for archaeological resources is identified.

DHS intends to draft a Programmatic Agreement (PA) for the consideration and appropriate management of effects on historic properties resulting from closure activities in accordance with Section 106 and Section 110 of the NHPA. The PA will stipulate the preparation of a Historic Properties Management Plan (HPMP) to assist with ongoing operations and the efficient implementation of closure-related activities. It is anticipated that the draft PA and draft HPMP will be provided to the New York SHPO and interested consulting parties for review and comment in the coming months. The list of invited consulting parties is included in Attachment 4.

If you would like to consult on this project or have any questions, please do not hesitate to contact Claire Sale at [redacted] Due to the current circumstances, email responses are preferred by March 11, 2022, although letter responses may be submitted to *Claire Sale, PIADC Closure, c/o AECOM, 2000 K Street, Suite 800, Washington, DC 20006*.

Sincerely,
Sarah Koeppel

Sarah Koeppel, MA, RPA

Deputy Federal Preservation Officer/

Senior Environmental Protection Specialist

Environmental Planning & Historic Preservation Program

Office of the Chief Readiness Support Officer

Department of Homeland Security

Phone: [redacted]

[redacted]

--

John L. A. Dugan
Real Property Utilization & Disposal
Public Buildings Service
US General Services Administration
Phone: [redacted]

Anderson, Kursten

From: Koeppel, Sarah [redacted]
Sent: Tuesday, March 29, 2022 4:00 PM
To: Anderson, Kursten; Rachleff, Allison; Crowl, Heather; Abbot, Martin
Cc: Dwyer, Thomas R.
Subject: [EXTERNAL] FW: Notice of Intent to Prepare an Environmental Assessment for Closure Activities at the Plum Island Animal Disease Center on Plum Island, NY

[redacted]

Sarah Koeppel, MA, RPA
Deputy Federal Preservation Officer/
Senior Environmental Protection Specialist
Environmental Planning & Historic Preservation Program
Office of the Chief Readiness Support Officer
Department of Homeland Security
Phone: [redacted]
[redacted]

From: Wurzberger, Linda [redacted]
Sent: Tuesday, March 29, 2022 3:12 PM
To: Koeppel, Sarah [redacted]
Subject: RE: Notice of Intent to Prepare an Environmental Assessment for Closure Activities at the Plum Island Animal Disease Center on Plum Island, NY

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Good afternoon,

Thank you for the notice. No ARS does not have any comment and we do need to participate.

Dr. Linda B. Wurzberger
Chief, RPMB
[redacted]

USDA

Agricultural Research Service,
Administrative and Financial Management
5601 Sunnyside Ave | Beltsville, MD 20705

From: Koeppel, Sarah [redacted]
Sent: Tuesday, March 29, 2022 2:37 PM
To: Wurzberger, Linda [redacted]
Subject: FW: Notice of Intent to Prepare an Environmental Assessment for Closure Activities at the Plum Island Animal Disease Center on Plum Island, NY

Hello, Ms. Wurzberger.

The Advisory Council on Historic Preservation has you listed as the Federal Preservation Officer for ARS. I am reaching out today to see if USDA would like to be a consulting party on Section 106 of the National Historic Preservation Act compliance for the DHS closure activities out at Plum Island.

Please let me know if you have any questions and whether or not USDA would like to participate.

Thanks,
Sarah

Sarah Koeppel, MA, RPA
Deputy Federal Preservation Officer/
Senior Environmental Protection Specialist
Environmental Planning & Historic Preservation Program
Office of the Chief Readiness Support Officer
Department of Homeland Security
Phone: [redacted]
[redacted]

From: Koeppel, Sarah
Sent: Friday, January 28, 2022 3:13 PM
To: [redacted]
Cc: Hass, Jennifer [redacted]; [redacted]; Anderson, Kursten
[redacted]
Subject: Notice of Intent to Prepare an Environmental Assessment for Closure Activities at the Plum Island Animal Disease Center on Plum Island, NY

Afternoon.

The U.S. Department of Homeland Security (DHS) proposes to cease operations and close the facility known as Plum Island Animal Disease Center (PIADC) on Plum Island, Suffolk County, New York. Plum Island is an 840-acre island located approximately 1.5 miles off Orient Point and Long Island, New York which is home to the PIADC (Attachment 1). DHS is inviting you to participate as a consulting party for the project, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966 (NHPA).

In accordance with the National Environmental Policy Act (NEPA), DHS is preparing an Environmental Assessment (EA) to analyze the potential environmental impacts associated with DHS actions to close operations at PIADC (Proposed Action). DHS intends to coordinate Section 106 consultation and NEPA review concurrently per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFR 800.3(e).

The current mission of PIADC is to protect U.S. livestock from accidental or intentional introduction of foreign animal diseases that seriously threaten livestock industries, food security and economy. Plum Island is home of the Plum Island Light Station and the former U.S. Army's Fort Terry, which were listed on the National Register of Historic Places in 2011 and 2020 respectively. DHS also owns and operates transportation assets and a 9.5-acre facility to support PIADC at Orient Point, New York that includes buildings, utilities, and ferry docking facilities (Attachment 2).

Based on the DHS and U.S. Department of Agriculture (USDA) bio- and agro-defense mission requirements and facility limitations at Plum Island, the need was identified to enhance the U.S. government's current animal agricultural research capabilities through construction of the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. NBAF will replace the PIADC facility in New York and be operated by the USDA. NBAF will enhance the current research capabilities in the animal agricultural field. Upon the transfer of the mission to NBAF, DHS will no longer have a mission need for PIADC or the associated facilities on Plum Island or Orient Point.

PIADC closure would consist of decontaminating facilities as needed, ceasing operations, and withdrawing all assets from service. Potential impact areas from closure activities would be within the footprint of PIADC facilities undergoing decontamination and decommissioning and Plum Island waste management areas (WMAs). Plum Island and all PIADC Government assets, including real property, personal property, and transportation assets, would be conveyed as one entity by the General Services Administration (GSA) as directed by the Federal Real Property and Administrative Services Act of 1949 (Property Act).

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- National Register-eligible Buildings 101 at PIADC on Plum Island, and adjacent Buildings 102 and 103, which are not individually National Register-eligible, but together with Building 101, form the National Register-eligible PIADC Historic District.
- Buildings 13 and 38 at Fort Terry, which have been altered over time and are classified as non-contributing resources to the National Register-listed Fort Terry Historic District; and are also considered non-contributing resources to the PIADC Historic District because they lack integrity.
- PIADC's Orient Point facility.

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If you would like to consult on this project or have any questions, please do not hesitate to contact Claire Sale at [redacted] Due to the current circumstances, email responses are preferred by March 11, 2022, although letter responses may be submitted to *Claire Sale, PIADC Closure, c/o AECOM, 2000 K Street, Suite 800, Washington, DC 20006*.

Sincerely,
Sarah Koeppel

Sarah Koeppel, MA, RPA
Deputy Federal Preservation Officer/
Senior Environmental Protection Specialist
Environmental Planning & Historic Preservation Program
Office of the Chief Readiness Support Officer
Department of Homeland Security
Phone: [redacted]
[redacted]

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Anderson, Kursten

From: Katie Comeau [redacted]
Sent: Sunday, February 13, 2022 2:11 PM
To: Sale, Claire
Subject: [EXTERNAL] Plum Island Animal Disease Center

Dear Ms. Sale,

The Preservation League of NYS would like to be added to the list of consulting parties for the PIADC closure project. I can be the contact person [redacted] Thank you for the invitation and I look forward to learning more about this project.

Katie Eggers Comeau *(she/her)*
Vice President for Policy and Preservation
Preservation League of New York State
So Our Past Has a Future
[redacted] | www.preservenys.org
44 Central Avenue | Albany, NY 12206

The League staff is working remotely at this time – but we're still here for you.
If you value the work we do, please consider making a gift today.

Anderson, Kursten

From: GORDON BLISS [redacted]
Sent: Saturday, February 12, 2022 7:16 PM
To: Sale, Claire
Cc: Chris Zeeman
Subject: [EXTERNAL] Re: Notice of Intent to Prepare an Environmental Assessment for Closure Activities at the Plum Island Animal Disease Center on Plum Island, NY

In response to the email from Sarah Koeppel on January 28 concerning the closure activities on Plum Island, NY; as preservation officer of the Coast Defense Study Group (CDSG), I am requesting that the CDSG be designated a Section 106 Consulting Party, as described in Part 800.2(c)(5) and Part 800.3(f)(3) of the Section 106 regulations, National Historic Preservation Act, on the proposed closure activities of the Plum Island Animal Disease Center.

The CDSG is an organization dedicated to the study of seacoast defenses. Among its primary goals are the preservation and documentation of coast defense and related sites for current and future generations. Further information on our organization can be found on our website at www.cdsg.org .

Thank You and Regards,
Gordon Bliss
Preservation Officer
Coast Defense Study Group
[redacted]

To support this EA, the DHS consulted on a government-to-government basis with Tribes that are federally recognized or have demonstrated a previous interest in Plum Island, NY. Tribes were formally requested to participate in the Section 106 process on 28 January 2022. The list of Tribes contacted, and summary responses are included in **Table B-1**. Copies of all correspondence are included in the Administrative Record.

Table B-1: Record of Tribal Outreach

Tribe	Section 106 Letter Sent	Follow-up Correspondence	Summary Response
Delaware Tribe	1/28/2022		
Shinnecock Indian Nation	1/28/2022		
Unkechaug Tribe	1/28/2022		
Montaukett Tribe	1/28/2022	Response received. Upon receipt, DHS contacted Tribe via phone. Gave confirmation for continued consultation.	Accepted invitation to consult. Concerns related to boundaries for the area of potential effects and potential affects and impacts on their Native American historic territory, culture, and artifacts.

FINAL

PROGRAMMATIC AGREEMENT
BY AND AMONG
THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY—
OFFICE OF THE CHIEF READINESS SUPPORT OFFICER AND
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE
REGARDING PLUM ISLAND
PLUM ISLAND ANIMAL DISEASE CENTER CLOSURE
PLUM ISLAND AND ORIENT POINT, NEW YORK

August 24, 2022

WHEREAS, this Programmatic Agreement ("PA") is made as of this 24th day of August 2022, by and among the United States Department of Homeland Security—Office of the Chief Readiness Support Officer ("DHS"), and the New York State Historic Preservation Office ("SHPO"), (referred to collectively herein as the "Parties" or "Signatories" or individually as a "Party" or "Signatory") pursuant to Section 106 of the National Historic Preservation Act ("NHPA"), 54 United States Code ("USC") § 306108 and its implementing regulations 36 Code of Federal Regulations ("CFR") part 800; and Section 110 of the NHPA, 54 USC § 306107; and

WHEREAS, in 1954, the United States Department of Agriculture ("USDA") established the Plum Island Animal Disease Center ("PIADC") research facility on Plum Island in the Town of Southold, Suffolk County, New York within Long Island Sound in response to outbreaks of foreign animal diseases ("FADs"), including foot-and-mouth disease ("FMD"); and DHS, in cooperation with USDA currently operates PIADC, whose mission is to protect United States ("US") livestock from accidental or intentional introduction of FADs that seriously threaten US livestock industries, food security and economy; and PIADC is comprised of buildings, infrastructure, and undeveloped land on the 840-acre Plum Island, and two parcels at Orient Point on Long Island in the Town of Southold, Suffolk County, New York, approximately 1.5 miles from Plum Island The first, a 9.5-acre site, which houses parking, storage facilities, administrative space, , and a ferry landing. The second, a 0.5-acre parcel of land at Orient Point County Park, houses the utility transfer station which is enclosed by a chain-link fence, and provides electrical power to Plum Island via an underwater cable.

WHEREAS, based on the DHS and USDA bio- and agro-defense mission requirements and facility limitations at Plum Island, the need was identified to enhance the US government's current animal agricultural research capabilities through construction of the National Bio and Agro-Defense Facility ("NBAF") in Manhattan, Kansas. NBAF will replace the PIADC facility in New York and be operated by the USDA. NBAF will enhance the current research capabilities in the animal agricultural field. Upon the transfer of the mission to NBAF, DHS will no longer have a mission need for PIADC or the associated facilities on Plum Island or Orient Point, and DHS must prepare to vacate the 'Plum Island asset,' which consists of all real property, personal

property, and transportation assets located on Plum Island, as well as the real property and personal property located at the Orient Point support facility; and

WHEREAS, the DHS has initiated the PIADC closure, which entails the closure of the PIADC and its facilities at Plum Island and Orient Point, New York (see Location Map Figure in Attachment A); and

WHEREAS, the DHS has determined that PIADC closure activities constitute an "undertaking" as defined in 36 C.F.R § 800.16(y) and are subject to review under Section 106 of the NHPA, specifically to take into account the potential effects of the undertaking on historic properties; and

WHEREAS, DHS is the lead Federal agency for purposes of ensuring that the undertaking complies with Section 106, and as potential effects on historic properties are as yet unknown, DHS intends to use this PA, developed pursuant to 36 CFR § 800.14(b), to satisfy its responsibilities under Section 106; and

WHEREAS, DHS is coordinating Section 106 compliance with the National Environmental Policy Act ("NEPA") process for the undertaking, in accordance with 36 CFR § 800.8(a); and

WHEREAS, DHS, as the lead agency for preparing the Environmental Assessment ("EA") pursuant to NEPA, analyzed an Action Alternative and a No Action Alternative; and

WHEREAS, DHS has established the undertaking's areas of potential effects ("APE"), defined at 36 CFR § 800.16(d), to include the buildings and structures operated by DHS as part of PIADC mission at Plum Island and Orient Point (see APE Figure in Attachment B); and

WHEREAS, the below-ground APE includes all areas of proposed ground disturbance, which have all been previously disturbed, and thus, it is unlikely that any significant archaeological sites with integrity are present in the below-ground APE; and

WHEREAS, DHS conducted a comprehensive literature review and intensive background research as part of the identification of historic properties in the APE; and

WHEREAS, in accordance with 36 CFR § 800.4 and as the result of historic architectural surveys conducted on behalf of DHS on Plum Island between 2018 and 2019, DHS identified the following known historic properties in the APE:

1. The PIADC Historic District consists of three contributing resources: Building 101 (Laboratory and Animal Isolation Unit Building), Building 102 (Former Decontamination Building), and Building 103 (Former Steam and Emergency Power Building). These three buildings were constructed between 1954 and 1956 for the USDA's foreign animal disease laboratory. On May 26, 2022, SHPO concurred that the PIADC Historic District is eligible for listing in the National Register of Historic Places ("NRHP") under Criterion A. The district possesses a concentration of three functionally related buildings where government-funded research into FADs, including FMD, took place.

2. Two (2) resources utilized by the PIADC are associated with the historic Fort Terry complex; Building 38 (Motor Pool) and Building 13 (Fire Station), are within the APE. Both buildings are classified as non-contributing resources to the NRHP-listed Fort Terry Historic District.

WHEREAS, DHS has determined that the potential effects of PIADC closure activities on historic properties in the APE cannot be fully evaluated at this stage, but some activities are anticipated to have an adverse effect; and

WHEREAS, the DHS has invited USDA and the US General Services Administration ("GSA") to sign this PA as Signatories ("Invited Signatories") and USDA and GSA are assuming responsibilities under this PA as Invited Signatories, per 36 C.F.R. 800.6(c)(2); and

WHEREAS, DHS initiated consultation on January 28, 2022 with the SHPO and ACHP pursuant to 36 C.F.R. 800.6(a); and

WHEREAS, SHPO, in a response letter dated February 25, 2022, elected to participate in the Section 106 consultation, and

WHEREAS, the ACHP, in a response dated June 24, 2022 did not elect to participate in the Section 106 consultation; and

WHEREAS, through consultation with the SHPO, DHS identified Consulting/Concurring Parties including Federal, state, regional or local agencies, and local organizations with a demonstrated interest in PIADC closure activities pursuant to 36 CFR § 800.2(c) (listed in Attachment C). These agencies and organizations were invited by DHS to participate in consultation for this PA on January 28, 2022, and to sign this PA; and

WHEREAS, on January 31, 2022, the Montaukett Indian Tribe, an indigenous peoples from eastern Long Island in New York, responded and accepted the DHS's invitation to consult in the Section 106 process, and DHS has determined that they will be Invited Signatories; and

WHEREAS on February 12, 2022, the Coast Defense Study Group ("CDSG") indicated that their organization has a vested interest in PIADC closure activities, and requested to consult in the Section 106 process, and DHS concurred, and determined that CDSG will be a Concurring Party; and

WHEREAS on February 13, 2022, the Preservation League of New York State ("Preserve NYS") indicated that their organization has a vested interest in PIADC closure activities, and requested to consult in the Section 106 process, and DHS concurred, and determined that Preserve NYS will be a Concurring Party; and

WHEREAS, in letters dated January 28, 2022, DHS invited the federally recognized Shinnecock Indian Nation and Delaware Tribe to participate in this PA because these sovereign Indian Nations have a government-to-government relationship with the United States (collectively

referred to as "Native American tribes"), and an interest in the areas affected by the undertaking; and

WHEREAS, the Shinnecock Indian National and Delaware Tribe did not respond; and

WHEREAS, to date, DHS has made the Draft PA available to the public for review and comment by appending it to the EA, and DHS will take into account any comments received by the public when finalizing the PA; and

NOW, THEREFORE, the Signatories, including DHS and SHPO agree that PIADC closure activities shall be implemented in accordance with the following stipulations in order to consider the effects of the undertaking on historic properties and that these stipulations will govern compliance of the undertaking with Section 106 of the NHPA.

STIPULATIONS

DHS shall ensure that the following measures are carried out:

A. QUALIFICATIONS

1. DHS will ensure that all historic preservation work performed by DHS or on its behalf pursuant to this PA will be accomplished by or under the direct supervision of a person or persons who meet(s) or exceed(s) the pertinent qualifications in the Secretary of the Interior's Standards and Guidelines, as amended and annotated, in those areas in which the qualifications are applicable for the specific work performed. Qualifications are available at https://www.nps.gov/articles/sec-standards-prof-quals.htm

2. DHS shall provide information to Signatories regarding the names and qualifications of those persons providing the qualified professional services, upon request.

B. HISTORIC PROPERTIES MANAGEMENT PLAN

1. Because it may not be possible to determine all the effects resulting from PIADC closure activities, DHS shall develop and implement a Historic Properties Management Plan (HPMP) for relevant property under DHS control on Plum Island and Orient Point. Through an approved HPMP, DHS can require consideration and appropriate management of effects on historic properties, and in so doing meet the requirements of NHPA Sections 106/110 for its undertaking(s).

2. The HPMP shall include the following:
    a. A brief prehistoric and historic context.
    b. A description of archaeological and historic architectural resources surveys and/or inventories that have been completed on Plum Island, with maps and other graphics, as needed.

c. A description of known archaeological resources and NRHP-eligible and listed historic architectural resources, with a discussion of their historic integrity, areas of significance, and period(s) of significance.

d. A description of planned operations and maintenance activities, and PIADC closure activities that may affect archaeological resources, and NRHP-eligible and listed historic architectural resources.

e. A description of recommendations to avoid, minimize or mitigate potential adverse effects.

f. A description of roles and responsibilities.

g. Standard Operating Procedures Appendix

h. Correspondence Appendix

C. IDENTIFICATION, EVALUATION AND ASSESSMENT OF EFFECTS ON ABOVE-GROUND RESOURCES

As PIADC closure activities are implemented, it may become necessary for DHS to identify and evaluate above-ground resources over 50 years old and operated by DHS as part of the PIADC mission, that have not yet been surveyed prior to implementation of this PA, in accordance with 36 CFR § 800.4.

1. DHS ,may conduct field surveys and evaluation of all portions of the historic architectural APE to identify/evaluate relevant above-ground resources and record them according to standards promulgated by SHPO.
2. DHS may propose NRHP eligibility determinations to SHPO according to standards promulgated by SHPO.
3. If SHPO disagrees with a determination of eligibility within thirty (30) days, DHS may further consult and provide additional information to SHPO in an effort to reach a consensus. If consensus cannot be reached, DHS may agree to assume a historic property is eligible for purposes of this project or may obtain a determination of eligibility from the Keeper of the NRHP pursuant to 36 CFR § 800.4(c)(2).
4. DHS may notify Invited Signatories and Concurring Parties about newly identified NRHP-eligible above-ground resources within thirty (30) days.
5. DHS may assess effects on newly identified above-ground resources in accordance with 36 CFR Part 800 and provide documentation to SHPO.
6. DHS may propose a no historic properties affected finding consistent with 36 CFR § 800.4(d)(1) or a no adverse effect finding consistent with 36 CFR § 800.5(b), and provide the requisite documentation to SHPO.
7. If DHS and SHPO determine that a historic property will be adversely affected within thirty (30) days, DHS may make a reasonable and good faith effort to first avoid adverse effects through implementation of avoidance measures, and/or minimization measures as described in Stipulation D.

FINAL

8. If adverse effects cannot be avoided, mitigation may be implemented as described in Stipulation E.
9. DHS may notify Invited Signatories and Concurring Parties regarding effect findings within thirty (30) days.

D. AVOIDANCE AND MINIMIZATION

As PIADC closure activities are implemented, DHS shall consult with SHPO to identify measures to avoid and/or minimize adverse effects. Such consultation may include, but not be limited to written correspondence provided through the SHPO's on-line Cultural Resource Information System ("CRIS"), conference calls, meetings, or site visits. DHS will document the avoidance and/or minimization measures identified through the consultation, and distribute them with an amendment to this agreement, or a new agreement, to the Signatories for a thirty (30)-day review and comment period.

Measures to avoid and/or minimize adverse effects on historic properties in the APE will include the following, as applicable:

1. Avoidance of effects on historic properties through project redesign in conformance with the Secretary of the Interior's Standards for Treatment of Historic Properties available at: https://www.nps.gov/tps/standards.htm
2. Minimization of effects on historic properties through project redesign in a manner that protects a resource's historic character-defining features in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties.

E. MITIGATION

As PIADC closure activities are implemented, if DHS determines a new adverse effect may result or a known adverse effect on a historic property would be intensified and could not be avoided or minimized, DHS shall consult with SHPO to identify measures to mitigate the adverse effects. Such consultation may include, but not be limited to written correspondence, conference calls, meetings, or site visits. DHS will document the mitigation measures identified through the consultation and distribute them with an amendment to this agreement, or a new agreement, to the Signatories for a thirty (30)-day review and comment period.

Mitigation measures to resolve adverse effects may include the following, as appropriate:

1. Recordation
    a. Per Section 110(b) of the NHPA (54 USC 306103), prior to any substantial alteration or demolition of a non-archeological historic property, Historic American Building Survey ("HABS"), Historic American Engineering Record ("HAER"), and/or Historic American Landscapes Survey ("HALS") documentation will be utilized to resolve adverse effects on individual historic properties that are significant at the National, State and/or Local level. The documentation shall be prepared to HABS/HAER/HALS standards (Level I, II, or III) as defined in the SOI Standards and Guidelines for Archeology and Historic Preservation for Architectural and Engineering Documentation, further described

in the National Park Service ("NPS") guidelines available at https://www.nps.gov/hdp/standards/guidelines.htm
Upon completion, HABS/HAER/HALS documentation will first be submitted to DHS for review and approval with a digital copy provided to SHPO via the SHPO's on-line CRIS. Once approved, DHS will submit the documentation to NPS, which shall submit the documentation to the Library of Congress, as well as to State or Local historical societies, archives, and/or libraries for permanent retention.

2. Public Interpretation

   a. A public interpretation plan is appropriate to resolve adverse effects on historic properties significant at the National, State or Local level. DHS will work with the Signatories, Invited Signatories, and Concurring Parties as appropriate to design an educational interpretive plan including actions to implement the plan. The plan may include an oral history made available through a website, educational pamphlets (brochure or booklet), GIS story maps, public lectures, or other similar mechanisms to educate the public on historic properties within the local community, state, or region. The public interpretation plan must receive concurrence from SHPO prior to implementation.

F. ARCHAEOLOGY: POST-REVIEW DISCOVERY AND MITIGATION OF EFFECTS

1. In the event that unanticipated and previously unidentified archaeological resources are discovered during implementation of PIADC closure activities, DHS shall consult with the SHPO, Invited Signatories, and other Concurring Parties, as appropriate, to review the previous archeological surveys of the area to determine if adequate information exists to assess project effects. If DHS determines in consultation with the SHPO, Invited Signatories, and other Concurring Parties that further identification efforts are needed, DHS shall ensure that an archeological survey program for identification of archeological sites is developed. The DHS shall develop a testing program of sufficient intensity to provide an evaluation of eligibility for the NRHP in consultation with SHPO, Invited Signatories, and other Concurring Parties, following the regulations outlined in 36 C.F.R. § 800.4(c).
2. All investigations will follow all applicable SHPO guidelines as well as the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (1983) and will be conducted under the direct supervision of an archaeologist who meets or exceeds the pertinent qualifications in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-39).
3. If, as a result of the testing and evaluation program, archaeological sites are identified that are not eligible for the NRHP, DHS shall submit a report of findings to SHPO, Invited Signatories, and other Concurring Parties, as appropriate, for a thirty (30)-day review and comment period. Once SHPO concurs with the not eligible determination, the Section 106 process will conclude with no further investigation or consultation.

4. If, as a result of the testing and evaluation program, archaeological sites identified within the APE are determined eligible for the NRHP, the sites shall be avoided (see stipulation 5 if avoidance is not possible). DHS will visibly protect avoided sites during activities with flagging or temporary fencing and communicate the requirement to avoid the site to construction crews.
5. If, as a result of the testing and evaluation program, archeological sites identified within the APE are determined eligible for the NRHP, and avoidance is not possible, DHS shall develop a plan for mitigation in the form of recovery of information in consultation with the SHPO, Invited Signatories, and other Concurring Parties. Prior to implementation, the plan shall be submitted to the SHPO, Invited Signatories, and other Concurring Parties for a thirty (30)-day review and comment period starting upon receipt.
6. All archaeological data recovery plans prepared under the terms of this PA shall include the following elements:
    a. Information on the archeological property or properties where data recovery is to be carried out, and the context in which such properties are eligible for the NRHP.
    b. Information on any NRHP property, properties, or portions of properties that will be destroyed without data recovery.
    c. Discussion of the research questions to be addressed through the data recovery with an explanation / justification of their relevance and importance.
    d. Description of the recovery methods to be used, with an explanation of their pertinence to the research questions.
    e. Information on arrangements for any regular progress reports or meetings to keep the SHPO, Invited Signatories, and other Concurring Parties up to date on the course of the work. The plan should contain the expected timetable for excavation, analysis, and preparation of the final report.
    f. A plan for public dissemination of the information.
    g. A treatment plan or data recovery plan to be implemented prior to those project activities that could affect the archeological property or properties.
7. DHS shall notify the SHPO, Invited Signatories, and the other Concurring Parties in writing once the fieldwork portion of the treatment plan or data recovery plan is complete and provide a brief management summary so that a site visit may be scheduled, if requested. DHS may proceed with implementation of construction or construction related ground disturbing activities in the area and within the boundary of the affected archeological site(s) while the technical report is in preparation.
8. DHS shall submit for a thirty (30)-day review and comment period a draft of all archeological reports, treatment plans, and other documentation to the SHPO through the SHPO's on-line CRIS in Adobe® Portable Document Format (as appropriate and per the requirements of protecting sensitive site information as noted in Section 304 of the NHPA and in the Archeological Resources Protection Act ["ARPA"]). Section 304 of the NHPA protects certain sensitive information about historic properties from

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disclosure to the public when such disclosure could result in significant invasion of privacy, damage to historic property, or impede the use of a traditional religious site by practitioners. ARPA provides authority to limit information on the "nature and location" of archeological resources.

9. If no comments are received from the SHPO within the thirty (30)-day review period, DHS may assume concurrence, distribute a summary to Invited Signatories and Concurring Parties and conclude the Section 106 process.

10. DHS shall include conditions for PIADC operation managers for the treatment of unanticipated archaeological discoveries, including human remains, during excavation, construction, or other ground-disturbing activities, should any be required. In the event of an unanticipated discovery, the following stipulations shall occur:

    a. If a previously unidentified archeological resource is discovered during activities in the APE, DHS shall immediately halt all ground-disturbing activities in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur.

    b. DHS shall notify the SHPO and interested Native American Tribes by email and by telephone regarding the previously unidentified archaeological resources; the notification will be within 48 hours of discovery, in the absence of extenuating circumstances. DHS, or its representatives, shall visit the site within 48 hours of such notification, inspect the work site, and determine the nature and extent of the affected archeological site(s) and establish a resource area. Construction may then continue outside the newly established boundaries of the resource area.

    c. Within three (3) working days of the original notification of discovery, DHS, in consultation with the SHPO shall determine whether the resource is eligible for listing on the NRHP.

    d. DHS, in consultation with the SHPO, shall ensure compliance with 36 C.F.R. § 800.13. Work in the resource area shall not proceed until either: (a) the development and implementation of appropriate data recovery or other recommended mitigation procedures; or (b) the determination is made that the located archaeological remains are not eligible for inclusion in the NRHP.

    e. DHS shall ensure that all investigations are conducted under the direct supervision of an archeologist who meets or exceeds the pertinent qualifications in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-39).

    f. All associated reports will meet contemporary professional standards, according to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79), and will also meet the standards as set out in the SHPO's guidelines, as appropriate.

11. DHS shall make all reasonable efforts to avoid disturbing gravesites and associated funerary objects. DHS shall treat all human remains in a manner consistent with the ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains

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and Funerary Objects" (February 23, 2007; www.achp.gov/docs/hrpolicy0207.pdf) or ACHP policy in effect at the time remains and funerary objects are handled.

a. DHS shall contact law enforcement and emergency personnel in the appropriate jurisdiction where the human remains are discovered. DHS shall immediately notify the SHPO of the discovery of human remains. DHS shall ensure that all ground-disturbing activities in the immediate area of the discovery ceases immediately.

b. DHS shall notify the Montaukett Indian Tribe and appropriate federally recognized Native American tribes when burials, human skeletal remains, or funerary objects are encountered on the project.

c. If the remains are determined by DHS to be of Native American origin through tribal consultation, DHS shall comply with the written direction provided though tribal consultation and the provisions of the Native American Graves Protection and Repatriation Act, 25 USC § 3001 et seq. and the accompanying regulations at 43 C.F.R. Part 10. If the remains appear to be of historic, but not Native American in origin, the DHS will consult with SHPO, Invited Signatories, and other Concurring Parties as appropriate on the appropriate treatment.

d. The DHS shall use reasonable efforts to ensure that the public is excluded from viewing any burial site or associated funerary objects. Subject to applicable law, the SHPO, Invited Signatories, and the Concurring Parties to this PA shall release no photographs or images of any burial site or associated funerary objects to anyone, including the press and the public. If they do release such photographs or images, accidentally, voluntarily, or pursuant to applicable law, they shall notify DHS, SHPO, Invited Signatories, and the other Concurring Parties as soon as possible.

G. EMERGENCIES AND UNANTICIPATED ADVERSE EFFECTS

1. Emergencies: Emergency actions are those actions deemed necessary by DHS as an immediate and direct response to a disaster or other situation declared by the President or Governor to be an Emergency, or to immediate threats to life or property. Emergency actions under this PA are only those implemented within thirty (30)-days from the initiation of the emergency.

   a. If the emergency action has the potential to affect historic properties, DHS shall notify the SHPO prior to undertaking the action, when feasible. As part of the notification, DHS shall provide a plan to address the emergency. The SHPO shall have seven (7) days to review and comment on the plan to address the emergency. If the SHPO does not comment or object to the plan within the review period, DHS shall implement the proposed plan.

   b. If DHS is unable to consult with the SHPO prior to carrying out emergency actions, DHS shall notify the SHPO within 48 hours after the initiation of the emergency action. This notification shall include a description of the emergency action taken, the effects of the action(s) on historic properties, and, where appropriate, any further proposed measures to avoid, minimize, or mitigate

potential adverse effects on historic properties. The SHPO shall have seven (7)-days to review and comment on the proposal where further action is required to address the emergency. If the SHPO does not comment or object to the plan within the review period, DHS shall implement the proposed plan.

Where possible, DHS shall ensure that such emergency actions be undertaken in a manner that does not foreclose future preservation or restoration of historic properties. Where such emergency actions may affect historic buildings, they shall be undertaken in a manner that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties available at: https://www.nps.gov/tps/standards.htm In addition, where possible, DHS will ensure that such actions be done with on-site monitoring by the appropriate preservation professional who meets, at a minimum, the Professional Qualifications Standards in the appropriate field of expertise.

c. Where the SHPO has reason to believe that a historic property may be adversely affected by an emergency action, SHPO may submit a request to DHS to review and comment on that action. DHS shall have seven (7) days to respond, and notify the SHPO about proposed next steps. The SHPO shall have seven (7) days to review and concur with next steps.

d. Immediate rescue and salvage operations conducted to preserve life or property are exempt from these and all other provisions of this PA.

2. Unanticipated Adverse Effects: If DHS determines that the undertaking or changes to the undertaking scope have caused or may result in unanticipated adverse effects on the Property prior to completion of the undertaking, DHS will ensure that the SHPO and the ACHP are notified of such unanticipated adverse effects within five (5) days of DHS's learning of such unanticipated adverse effects and will comply with 36 C.F.R. § 800.13(b).

H. DISPUTE RESOLUTION

Objections: Should any Signatory or Invited Signatory to this PA object to any action carried out or proposed by DHS with respect to the implementation of this PA, DHS will consult with the objecting Signatory to attempt resolution of the objection.

1. If, after initiating such consultation, DHS determines that the objection cannot be resolved through consultation, DHS will forward all documentation including without limit, documentation of DHS's responses to the objections, as submitted by the Party or Parties relevant to the objection, to the ACHP. Within thirty (30) days after receipt of documentation, the ACHP will exercise one of the following options:

   a. Upon receipt of documentation from DHS, the ACHP will review and advise DHS on the resolution of the objection. DHS will reach a final decision regarding the dispute after taking into account any timely advice provided by the ACHP, and all timely comments from the Parties to the PA, and providing a written response to such advice and comments.

b. If the ACHP does not provide written advice to DHS regarding the dispute within thirty (30) days after receipt of adequate documentation, DHS may proceed to render a final decision regarding the dispute. In reaching its decision, DHS will consider all timely comments regarding the dispute from the Parties to this PA. Prior to reaching a final decision on the dispute, DHS will prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP and any Signatory or Signatories, and provide them with a written response, DHS will then proceed according to its final decision.

2. DHS's responsibility to carry out all other actions subject to the terms of this PA that are not subject to the dispute, remain unchanged.

I. PA AMENDMENTS

1. If DHS or SHPO determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that Party will immediately consult to discuss an amendment to the PA for a thirty (30)-day review and adjudication period. The amendment will be effective on the date a copy signed by DHS and SHPO, and is filed with the ACHP, but no later than sixty (60) days following the initial notification of the proposed amendment(s).
2. This PA may be amended when such an amendment is agreed to in writing by the DHS and SHPO. The amendment will be effective on the date a fully signed copy is filed with the ACHP.

J. PA TERMINATION

If DHS or the SHPO determine that the terms of the PA cannot be carried out, that Party shall so notify the other Signatories, Invited Signatories, and Concurring Parties in writing and consult with them to seek resolution or Amendment of the PA. If within sixty (60) days a resolution or Amendment cannot be reached between DHS and the SHPO, either Signatory may terminate the PA upon written notification to the other, the Invited Signatories, and Concurring Parties. Once the PA is terminated, and prior to work continuing on PIADC closure activities, DHS must either execute a new PA or request, take into account, and respond to the comments of the ACHP per 36 C.F.R. § 800.7. DHS is not required to select the same option recommended by the ACHP. DHS will notify the Signatories, Invited Signatories, and Concurring Parties as to the course of action it will pursue.

In the event that this PA is terminated, DHS shall submit to the SHPO, Invited Signatories, and Concurring Parties a technical report with the results of any surveys or treatment measures that have been implemented to date, up to and including the date of termination.

K. ADMINISTRATION

1. Annual Reports. By January 31 of each year during which this PA remains in effect, DHS shall update the Signatories, Invited Signatories, and Concurring Parties on the actions taken to implement the terms of this PA. The update will take the form of a Report submitted on an annual basis. The Annual Report shall include information

regarding activities undertaken pursuant to this PA and information on the overall status of PIADC closure activities.

2. Thirty (30)-day Review Period. The SHPO, and Invited Signatories, agree to respond to all requests for review from DHS within a thirty (30)-day review and comment period unless otherwise specified in this PA. If the SHPO or Invited Signatories do not respond within the thirty (30)-day review period, DHS may move forward with the project in accordance with its determination and/or proposed plans.

3. Duration. This PA shall be valid until PIADC's closure which is anticipated to occur in 2028. At any time in the 6-month period prior to closure, DHS may request the SHPO to consider an extension or modification of this PA. No extension or modification shall be effective unless all Signatories have agreed to it in writing.

4. Electronic Copies. Within one (1) week of the last signature on this PA, the DHS shall provide each Signatory, Invited Signatory, and Concurring Party with one legible, color, electronic copy of this fully executed PA and all of it attachments. Internet links shall not be used to provide copies of attachments because web-based information often changes. If the electronic copy is too large to send by email, DHS shall provide a copy of this PA on a compact disc.

5. Completion. Upon the completion of all stipulations to this PA, DHS shall provide to the Signatories, Invited Signatories, and Concurring Parties a signed memorandum documenting that DHS has fulfilled all its responsibilities under this PA.

L. SUGGESTED TIME FRAMES FOR DOCUMENT REVIEWS

If suggested time frames for document reviews noted in the stipulations cannot be met, reviews should be undertaken and completed as soon as reasonably possible.

M. ANTI-DEFICIENCY ACT NOTICE

The obligations of federal agencies under this PA are pursuant to 31 USC § 1341(a)(1); therefore, nothing in this PA shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose, or to involve the United States in any contract or obligation for the further expenditure of money in excess of such appropriations.

Execution of this PA by DHS and the SHPO, and implementation of its terms, evidences that DHS has taken into account the potential effects of PIADC closure activities on historic properties.

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SIGNATORIES:

US DEPARTMENT OF HOMELAND SECURITY

Dr. Teresa Pohlman Date
Executive Director, Sustainability and Environmental Programs

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NEW YORK STATE HISTORIC PRESERVATION OFFICE

_____

R. Daniel Mackay, Deputy Commissioner for Historic Preservation Date
NY State Office of Parks, Recreation & Historic Preservation
Division for Historic Preservation

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INVITED SIGNATORIES:

US GENERAL SERVICES ADMINISTRATION

_____

Glenn C. Rotondo Date
Regional Commissioner
Public Building Service

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US DEPARTMENT OF AGRICULTURE

Linda Wurzberger Date
Federal Preservation Officer
Agriculture Research Service

FINAL

MONTAUKETT INDIAN TRIBE

Sandi Brewster-Walker Date
Executive Director & Government Affairs Officer

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CONCURRING PARTIES:

PRESERVATION LEAGUE OF NEW YORK STATE

_____

Katie Eggers Comeau Date
Vice President for Policy and Preservation

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COAST DEFENSE STUDY GROUP

Gordon Bliss Date
Preservation Officer

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ATTACHMENTS

Attachment A: Location Map Figure
Attachment B: Areas of Potential Effects Figure
Attachment C: Status of Section 106 Consulting/Concurring Parties

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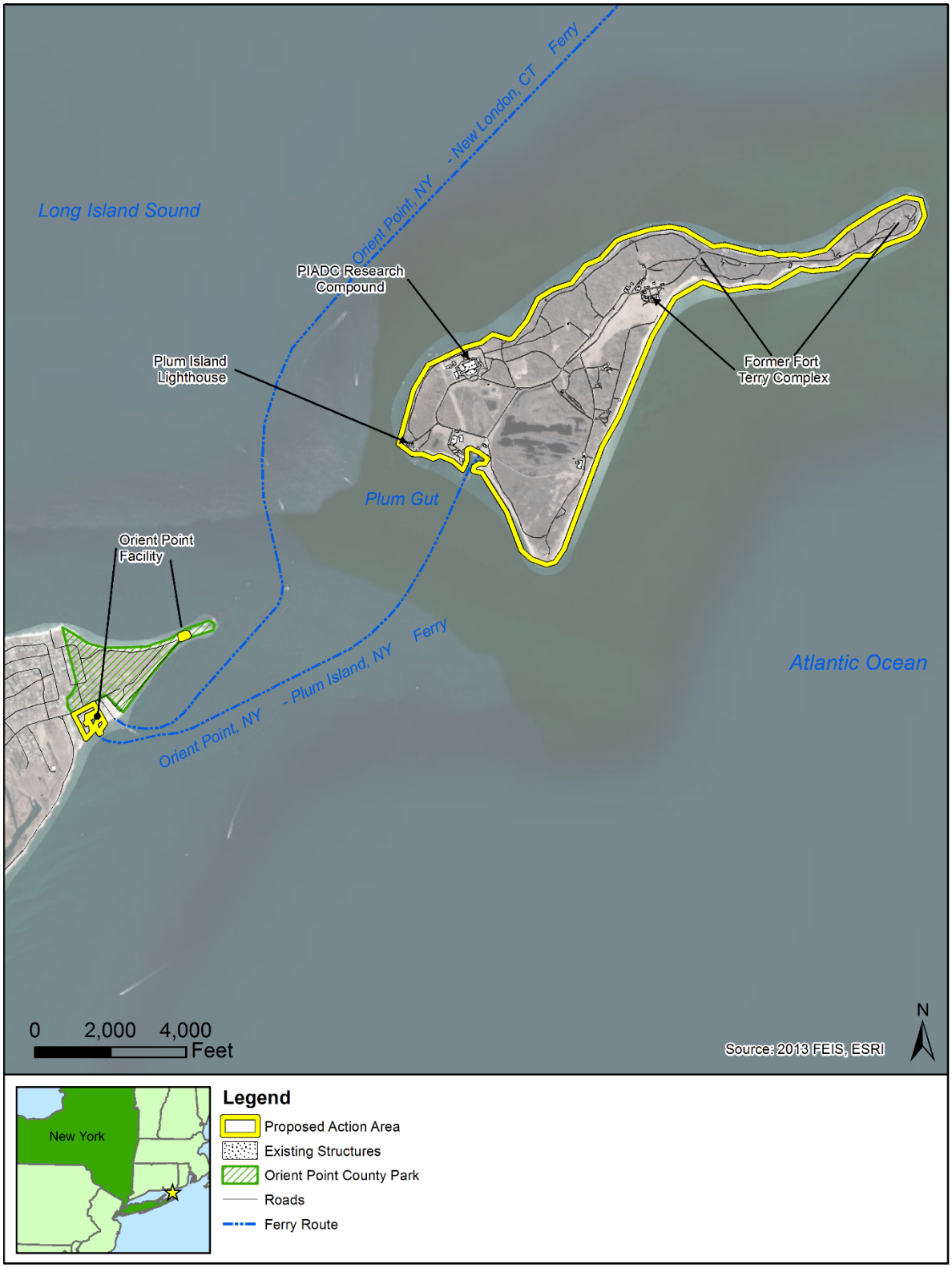
Attachment A: Location Map Figure



Attachment B: Areas of Potential Effects Figure

Attachment C: Status of Section 106 Consulting/Concurring Parties

Delaware Tribe (*federally recognized*)	Invited to Consult; No Response
Shinnecock Indian National (*federally recognized*)	Invited to Consult; No Response
Unkechaug Tribe (*not federally recognized*)	Invited to Consult; No Response
Montaukett Indian Tribe (*not federally recognized*)	Invited to Consult; Accepted Invitation
Town of Southold, New York	Invited to Consult; No Response
Southold Historical Society	Invited to Consult; No Response
Southold Indian Museum	Invited to Consult; No Response
East End Seaport Museum	Invited to Consult; No Response
U.S. Lighthouse Society—Long Island Chapter	Invited to Consult; No Response
Preserve Plum Island Coalition	Invited to Consult; No Response
Group for the East End	Invited to Consult; No Response
Oysterponds Historical Society	Invited to Consult; No Response
Orient Association	Invited to Consult; No Response
Preservation Long Island	Invited to Consult; No Response
Preservation League of New York State	Requested to Consult; Accepted by DHS
Coast Defense Study Group	Requested to Consult; Accepted by DHS

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Appendix C: Coastal Zone Management Act Federal Consistency Determination

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U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 25, 2022

Consistency Review Unit
New York State Department of State
Office of Planning, Development & Community Infrastructure
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231
CR@dos.ny.gov

To whom it may concern,

The US Department of Homeland Security (DHS) is submitting the enclosed Federal Consistency Determination for the proposed closure of the Plum Island Animal Disease Center (PIADC) in Southold, Suffolk County, New York (Proposed Action) in accordance with the Coastal Zone Management Act (CZMA) and New York's Coastal Management Program (CMP).

The scope of work for the Proposed Action includes facilities decontamination and efficacy validation; waste management delineation and remediation; subsurface oil delineation and remediation; asset preservation and preparation for long-term storage; and asset disposition and permit transfer. The Proposed Action would allow DHS to close the PIADC facilities to prepare for the Congressionally mandated conveyance of PIADC through the General Services Administration (GSA) following its mission transfer to the new National Bio- and Agro-Defense Facility (NBAF). Following mission transfer, DHS will no longer have a mission need for Plum Island.

Enclosed for your review and concurrence is the DHS consistency determination that the Proposed Action would be consistent to the maximum extent practicable with the enforceable policies of the New York State CMP. DHS respectfully requests your response within **60 days** from the receipt of this document, pursuant to 15 CFR Section 930.41, concurring or objecting to this consistency determination, or requesting an extension under Section 930.41(b). Your concurrence will be presumed if a response is not received by DHS on the 60th day from receipt of this determination. DHS has contracted AECOM to facilitate the CMP and CZMA processes. Please direct your response or requests for additional information to Kursten Anderson at kursten.anderson@aecom.com.

Sincerely,

John M. Searing, PE, PMP
Deputy Center Director
Plum Island Animal Disease Center
Office of National Laboratories
Science and Technology Directorate

Enclosure: Federal Consistency Determination

FEDERAL CONSISTENCY DETERMINATION
PLUM ISLAND ANIMAL DISEASE CENTER CLOSURE
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
SOUTHOLD, ORIENT POINT, SUFFOLK COUNTY, NEW YORK

Introduction

The United States (US) Department of Homeland Security (DHS) is proposing to conduct activities required to close the Plum Island Animal Disease Center (PIADC), following transfer of its mission to the National Bio- and Agro-Defense Facility (NBAF) (Proposed Action). Plum Island is located within New York State's designated coastal zone. Although Plum Island, as a federally owned property, is statutorily exempt from the State's coastal zone, the Proposed Action could have reasonably foreseeable effects on coastal zone resources and enforceable policies of New York's federally approved Coastal Management Program (CMP). Therefore, DHS has prepared this Federal Consistency Determination in accordance with Section 307(d) of the Coastal Zone Management Act of 1972 (CZMA) and 15 Code of Federal Regulations (CFR) Part 930, Subpart C to evaluate the Proposed Action's effects on those resources and enforceable policies. DHS has determined that the Proposed Action would be consistent to the maximum extent practicable with the enforceable policies of New York State's CMP.

The analysis presented here is drawn from the more detailed analyses presented in the Environmental Assessment (EA), which will be available on the project website at https://www.dhs.gov/national-environmental-policy-act, that DHS has prepared to analyze the Proposed Action's potential impacts in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [USC] §§ 4321 et seq.); the President's Council on Environmental Quality (CEQ) *Regulations Implementing the Procedural Provisions of NEPA* (40 CFR Parts 1500-1508); DHS Management Directive 023-01, *Implementation of NEPA*; and DHS Instruction 023-01-002-01 rev. 01, *Implementation of the NEPA.*

Project Background

Plum Island is an 840-acre island owned by DHS and is located approximately 1.5 miles northeast of Orient Point in Southold, Suffolk County, New York within Long Island Sound (**Figure 1**). PIADC is operated by the DHS Science & Technology Directorate's Office of National Laboratories and is comprised of the PIADC research compound and supporting infrastructure, including an effluent decontamination system (EDS), a wastewater treatment plant, storage facilities, roadways, utilities, and DHS-owned transportation assets. DHS also owns the Orient Point facility at Orient Point, which consists of two parcels of land that support DHS operations on Plum Island.

The mission of PIADC is to defend the US against accidental or intentional introduction of foreign animal diseases (FADs) that threaten US livestock, industries, food security, and the economy. In 2008, Congress recognized the growing need for veterinary countermeasures to protect the US's agricultural sector and the limitations posed by the current PIADC facility. Following completion of an Environmental Impact Statement (EIS) in 2008, DHS announced in a Record of Decision (ROD) their intent to construct the new NBAF in Manhattan, Kansas, with construction anticipated to be completed in 2022. Once NBAF is operational, DHS's mission at PIADC will be transferred to NBAF in accordance with DHS's prior EIS/ROD.

Purpose and Need

The *purpose* of the Proposed Action is to effectively and efficiently close PIADC facilities and infrastructure following mission transfer to NBAF. The Proposed Action is needed to prepare for the Congressionally mandated conveyance of Plum Island to the General Services Administration (GSA). Following transfer of DHS's science mission from PIADC to NBAF, DHS will no longer have a mission need for Plum Island.

Proposed Action

The Proposed Action consists of five primary components: 1) facilities decontamination and efficacy validation; 2) waste management delineation and remediation; 3) subsurface oil delineation and remediation; 4) asset preservation and preparation for long-term storage; and 5) asset disposition and permit transfer. No facility construction or demolition is included in the Proposed Action; physical assets on Plum Island would be put into long-term storage (i.e., "laid up"). Actions associated with the cessation of science mission activities at PIADC and relocation of personnel were previously analyzed and are therefore not discussed further in the EA.

Facilities Decontamination and Efficacy Validation. PIADC biocontainment facilities must be decontaminated. Biological decontamination would be carried out using approved, validated methods. Prior to decontamination, asbestos-containing materials may be removed from buildings, as necessary, and the soil beneath some buildings may be tested to identify any potential organic, petroleum, or metal pollutants.

Waste Management Delineation and Remediation. Ten sites of concern on Plum Island (nine Waste Management Areas [WMA] and one Area of Potential Concern [AOPC]) require further investigation to obtain regulatory closure (**Figure 2**). DHS would determine the nature and extent of contamination at these 10 sites through geophysical investigation, soil sampling, groundwater sampling, and as appropriate, remove waste for off-Island disposal or cap the site(s) for long-term monitoring. Some vegetation clearing would be required to facilitate delineation/cleanup of the WMAs/AOPC.

Subsurface Oil Delineation and Remediation. DHS would conduct testing to determine the nature and extent of subsurface oil contamination near three buildings in the PIADC research compound (Building [B] 101, B102, and B103).

Asset Preservation and Preparation for Long-term Storage. Some of DHS's physical assets on Plum Island, including emergency generators, boilers, chillers, and buildings, would be put into long-term storage (i.e., "laid up") to preserve their value. B100, which serves as the administration building for PIADC, would be maintained in an ongoing operational status until conveyance of Plum Island. Several utility systems serving B100 currently route through B101; these systems may be impacted during decontamination activities at B101 and would be rerouted around B101 to continue serving B100 prior to the start of decontamination activities. Additionally, DHS may conduct activities to remove five underground storage tanks (USTs), associated pipes, and ancillary equipment; and interior cleaning of nine aboveground storage tanks (AST), associated pipes, and ancillary equipment; and interior cleaning of the aboveground pipeline that runs between Plum Island harbor and the PIADC research compound to facilitate the closure of the Major Oil Storage Facility (MOSF). All ground disturbance associated with utility rerouting and fuel tank closure activities would occur on previously developed land.

Asset Disposition and Permit Transfer. Under the Proposed Action, all DHS accountable personal property, records, and information technology (IT) assets would be inventoried and transferred in accordance with federal government guidance/procedures. Personal property would be inventoried and managed by DHS until the time of PIADC's closure, and records would be inventoried and either transferred or destroyed. IT assets would be wiped of sensitive information, inventoried, and either transferred, disposed of, or kept on-site. Operating permits would be closed or maintained at current levels for future transfer to a new owner, and DHS would clean out the Plum Island wastewater treatment plant to prepare it for future transfer, with the associated state pollution discharge elimination system (SPDES) permit (subject to the approval of the New York State Department of Environmental Conservation [NYSDEC]), to a new owner.

Alternatives

DHS has determined that the Preferred Alternative, which would implement the Proposed Action as described above, is the only reasonable alternative for this Proposed Action. No other alternatives would meet the purpose and need of the Proposed Action.

Enforceable Policies

New York State's federally approved CMP is administered by the New York State Department of State (DOS) Coastal Management Program. The DOS manages and implements the CMP and administers Federal Consistency Determinations as required under the CZMA. Federal agency actions that may impact coastal zone resources must be consistent to the maximum extent practicable with the enforceable policies of the New York State CMP. These policies are located within the New York State CMP and Final Environmental Impact Statement (EIS), which was published and approved in 1982, and updated in 1983, 2001, and 2017. In addition, the Town of Southold has an approved Local Waterfront Revitalization Program (LWRP), which has been incorporated into the New York State CMP. The Southold LWRP contains its own set of enforceable policies with which federal consistency must also be determined. An analysis of the Proposed Action's consistency with applicable policies of New York State's CMP and the Southold LWRP, and review of potential impacts to other coastal resources, is presented below. **Table 1** provides a summary of applicable and non-applicable enforceable policies of the New York State CMP, and **Table 2** provides a summary of applicable and non-applicable enforceable policies of the Town of Southold LWRP. The applicable New York State CMP and the Town of Southold LWRP enforceable policies are listed and addressed in greater detail below.

<u>New York State CMP Enforceable Policies</u>

<u>Fish and Wildlife Policies</u>

Policy 7: ***Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*** Plum Island is an important terrestrial habitat, as it supports populations of threatened and endangered species and is used as a stopover habitat for migrating birds (Audubon, 2022). Plum Gut, the expanse of water between the southwestern coast of Plum Island and Orient Point, has been designated by the DOS as a significant coastal fish and wildlife habitat. Much of Plum Island is in a reclaimed natural state, so many habitat areas are present outside of the immediate areas surrounding DHS's facilities and other infrastructure present on Plum Island. Closure of PIADC and associated activities, such as clearing and vegetation removal, would be limited to previously developed areas (i.e., WMAs/AOPC, the research compound, and areas containing existing USTs). Clearing would not occur in undisturbed areas or around coastal areas and surface water bodies, including wetlands. No

mature trees, which provide potential nesting and roost habitat, would be removed. Generally, vegetation removal can result in increased erosion and stormwater discharges to surrounding areas; however, vegetation clearing for the Proposed Action would not result in increased runoff due to the high infiltration rates of non-homogeneous stratified upper Pleistocene glacial deposits that make up the island's fresh groundwater aquifer (Crandell, 1962). Although runoff and stormwater discharges to the waters surrounding Plum Island are unlikely, DHS would adhere to applicable permits and plans, such as the National Pollutant Discharge Elimination System (NPDES) General Permit and PIADC Stormwater Pollution Prevention Plan (SWPPP) to identify erosion controls and manage any potential discharges associated with the Proposed Action. Following implementation of the Proposed Action, cleared areas would be allowed to passively revegetate with native species to return to naturalized conditions and ensure the maintenance and restoration of habitats on Plum Island. No new development would occur that would reduce the availability of terrestrial habitat, or which would result in new impervious surfaces that could increase runoff to Plum Gut. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 8: ***Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.*** Original PIADC policy prohibited the removal of waste material from Plum Island; as such, wastewater decontamination occurred on-site, waste was incinerated, and non-combustible waste was disposed of in designated WMAs. Under the Proposed Action, hazardous materials or wastes may be generated during biological decontamination activities at B101, B102, and B111; accidental releases from heavy equipment used for excavation activities at the WMAs/AOPC; and MOSF closure activities. These activities would occur in accordance with approved methods and applicable federal, state, and local regulations. Wastes generated or collected during investigations and contaminated soil/groundwater encountered would be disposed of at licensed facilities. Additionally, DHS would ensure that standard best management practices (BMPs) are adhered to, such as decontaminating equipment in between uses at different locations, employing the PIADC Spill Prevention, Control, and Countermeasure Plan (SPCCP), and maintaining spill containment and response equipment on-site. Adherence to these regulations and other controls would minimize the potential for hazardous wastes to enter the environment and affect fish and wildlife resources. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

<u>Flooding and Erosion Hazards Policies</u>

Policy 14: ***Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.*** Activities occurring under the Proposed Action would involve work within the 100-year floodplain designated by the Federal Emergency Management Agency (FEMA). Actions occurring in the floodplain would include preparing existing buildings for long-term storage and delineating and remediating known contaminated areas. These proposed activities primarily involve modifications to existing buildings and minor ground disturbance (with no net fill) on previously disturbed land (e.g., the WMAs/AOPC and UST locations). They would not alter or interfere with the function of the floodplain or result in an increased potential for erosion or flooding at Plum Island. DHS would also obtain and adhere to a NPDES General Permit that identifies the erosion and sediment control measures necessary to minimize potential construction-related erosion impacts. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

General Policy

Policy 18: ***To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.*** While buildings and infrastructure are present on Plum Island, much of the land has returned to its natural, undeveloped state that provides wildlife habitat. Closure activities occurring under the Proposed Action would not result in additional development on Plum Island but would retain existing developed areas and continue to address the presence of buried wastes. Proposed activities would be limited to existing disturbed areas, and BMPs and adherence to applicable regulations would ensure that coastal waters are not impaired. The protection of and minimization of potential impacts to coastal waters would protect this natural resource, as well as other economic and social interests dependent on it. While the Proposed Action would result in the loss of approximately 100 support staff jobs at Plum Island, the surrounding communities (i.e., Suffolk County, New York, and Middlesex and New London Counties, Connecticut) have relatively low unemployment rates and the personnel would be assumed to find alternative employment locally. Overall, local socioeconomic conditions (i.e., population and employment trends) would not meaningfully change. Utilizing U.S. Census block data, DHS has also determined that no environmental justice communities, with respect to race or income level, are present near Plum Island or Orient Point, and thus none would be affected. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Historic and Scenic Resources Policies

Policy 23: ***Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.*** Plum Island contains aboveground historic resources within the aboveground Area of Potential Effect (APE) for the Proposed Action. The PIADC Historic District, which contains B101, B102, and B103, is eligible for listing in the National Register of Historic Places (NRHP). Two PIADC buildings, B13 and B38, are part of the NRHP-listed Fort Terry Historic District, although these buildings are non-contributing resources to the historic district due to the alterations and use by PIADC. The belowground APE has been entirely previously disturbed; as such, it is unlikely any archaeological resources would be discovered, and no effects would be expected. DHS is consulting with the New York State Historic Preservation Office (SHPO), Native American tribes, and other Consulting Parties in accordance with Section 106 of the National Historic Preservation Act (NHPA) regarding the Proposed Action. Because DHS does not yet have enough information to fully evaluate the potential impacts on historic properties that could result from the Proposed Action, it is preparing a Programmatic Agreement (PA) with Consulting Parties to satisfy its Section 106 responsibilities at this point. The PA will establish an agreed-upon process by which DHS would identify, evaluate, and assess potential effects of the Proposed Action on aboveground and belowground historic resources as proposed closure activities are further refined in the future. Additionally, as a stipulation of the PA, DHS is preparing a Historic Properties Management Plan (HPMP) for relevant property under DHS control on Plum Island and Orient Point. The HPMP will include recommendations for avoiding, minimizing, or mitigating potential adverse effects that could result from proposed closure activities. Compliance with the stipulations of the PA and HPMP would ensure that the integrity of historic properties is not diminished such that they would no longer be eligible for listing in the NRHP. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 25: ***Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.*** Plum Island does not contain scenic resources of statewide significance; however, it may still contribute to the overall scenic quality of the coastal area. Some clearing and vegetation removal would occur under the Proposed Action to allow for rerouting of infrastructure and WMA/AOPC site delineation and cleanup activities; however, no mature trees are anticipated to be cleared. Additionally, no clearing would occur near, on or within marine environments. Vegetation clearing would only be noticeable in the immediate vicinity of the work. After work is complete, these areas would be allowed to passively revegetate with native species following the completion of these activities and would not result in a permanent degradation of the scenic quality of Plum Island. No new development or construction would occur under the Proposed Action that would introduce visually incongruous elements to the landscape. No natural landforms would be modified under the Proposed Action. No activities would occur that would impede visual access to coastal waters. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

<u>Water and Air Resources Policies</u>

Policy 33: ***Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.*** General closure activities would not create new impervious surfaces nor generate new, permanent stormwater discharges to Long Island Sound. However, due to ground disturbance that would occur from rerouting of infrastructure, WMA/AOPC delineation and cleanup, and UST removal activities, DHS would obtain a NPDES General Permit to manage stormwater discharges resulting from ground disturbance. In addition, DHS would adhere to the current SWPPP, and following disturbance activities, DHS would restore the hydrology of the site to the maximum extent technically feasible. No structural measures to control stormwater runoff would be constructed under the Proposed Action, and no changes would be made to sewer infrastructure. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 36: ***Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.*** Under the Proposed Action, hazardous materials may be generated during biological decontamination activities, WMA/AOPC site investigations and MOSF closure activities. Additionally, subsurface oil delineation and remediation of a historic spill in PIADC would occur to restore the subsurface to an acceptable condition and may generate hazardous materials. All hazardous materials and wastes would be disposed of at off-island permitted facilities in accordance with the federal, state, and local regulations. Depending on the results of the WMA/AOPC delineations, they may either be capped, or wastes may be removed and disposed of off Plum Island. Should any inadvertent spills occur, DHS would implement clean-up and containment procedures. Adherence to applicable regulations and other BMPs (e.g., a SPCCP and maintaining spill containment and response equipment on-site) regarding safe storage and disposal would minimize the potential for spills or releases into coastal waters. In the long-term, the reduction in hazardous and toxic materials and waste (HTMW) contained on-site (i.e., from remediation of WMAs/AOPC and closure of the MOSF) would indirectly reduce the potential for future spills or spread of existing contamination. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 37: ***Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.*** Some ground disturbance associated with WMA/AOPC delineation activities, utility rerouting, and UST excavation would occur under the Proposed Action that could result in non-point discharges of eroded soils and sedimentation into coastal waters. BMPs addressing stormwater runoff would also be applicable to managing erosion and sedimentation, including adherence to a NPDES General Permit and the PIADC SWPPP. If non-point discharges of eroded soils occur; they would cease following the completion of ground disturbing activities. Disturbed areas would be allowed to revegetate consistent with native vegetation to prevent additional erosion and sedimentation into the surrounding waters. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 38: ***The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.*** No streams are located on Plum Island. Some freshwater ponds and wetlands are located in the south-central portion of Plum Island. No ponds or freshwater wetlands are located within or directly adjacent to the PIADC research compound or within areas where WMAs/AOPC or USTs are located. A small glacial kettle-lake is present near the Plum Island lighthouse. The Orient Point facility and one WMA border estuarine marine wetlands, and the utility transfer station at Orient Point County Park occurs entirely within an estuarine marine wetland. Ground-disturbing activities would take place entirely outside of wetland areas and would not involve any direct impacts to wetlands. DHS would utilize erosion control measures specified in the NPDES General Permit and the PIADC SWPPP to minimize indirect impacts on nearby wetlands. With implementation of these erosion control measures, the Proposed Action would have minor impacts on wetlands at Plum Island and Orient Point, and would have no effect on Long Island Sound. Plum Island and Orient Point are underlain by freshwater aquifers, which may be susceptible to contamination from activities occurring under the Proposed Action such as accidental spill of petroleum products. However, these impacts would be minimized through adherence to BMPs, such as performing routine inspections of equipment and maintaining spill containment materials on-site. Groundwater monitoring wells would be installed at WMA/AOPC sites, which would not meaningfully affect groundwater quantity or quality, and would be used to ensure that potential contaminants from remediation are not entering groundwater supplies. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 39: ***The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.*** Non-hazardous solid wastes from Plum Island and Orient Point are routinely stored, managed, and disposed of in accordance with applicable regulations at a permitted facility; these wastes are routinely collected and sent to a "waste to energy" or recycling facility. Solid wastes generated because of the Proposed Action would be handled in a similar fashion and disposed of at an appropriate permitted facility. Hazardous wastes would be handled and disposed of at permitted facilities off Plum Island in accordance with federal and state regulations. Adherence to waste management procedures and regulations would minimize the potential for inadvertent releases into groundwater, surface water, and wildlife habitats. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 41: ***Land use or development in the coastal area will not cause national or State air quality standards to be violated.*** PIADC currently operates under an Air State Facility Permit. Site closure activities would result in emissions from removal of personal property, asbestos abatement, boiler-powered autoclave use, soil excavation, vegetation removal, general excavation, site grading, building alterations, removal of USTs and associated piping and equipment, and rerouting infrastructure. Such activities are anticipated to result in a temporary, inconsequential increase in emissions from heavy equipment and would not cause an exceedance of regulatory thresholds. Following the completion of these activities, overall emissions from Plum Island and Orient Point would decrease, as equipment would no longer be operational and transportation assets would likely be used less frequently. Throughout the course of the Proposed Action, national and state air quality standards would not be violated. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Wetlands Policy

Policy 44: ***Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*** Proposed closure activities occurring under the Proposed Action would not involve any direct impacts to wetlands on Plum Island or Orient Point. Ground-disturbing activities would occur entirely outside of wetland areas, and no freshwater wetlands are located within or adjacent to the PIADC research compound or where WMAS/AOPC or USTs are located. One WMA on Plum Island borders an estuarine marine wetland. DHS would adhere to applicable permits, such as the NPDES General Permit and associated SWPPP to minimize any potential impacts on wetlands. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Town of Southold LWRP Enforceable Policies

Developed Coast Policies

Policy 2: ***Preserve historic resources of the Town of Southold***. The Area of Potential effect for proposed work on Plum Island contains aboveground historic resources, including the NRHP-listed Fort Terry Historic District and the NRHP-eligible PIADC Historic District. As described above, DHS is preparing a PA to satisfy Section 106 responsibilities, which also includes development of an HPMP to minimize potential adverse effects to NRHP listed or eligible properties. In addition, two historic lighthouses identified by the Town of Southold are located at Plum Island and Orient Point: the Teapot Lighthouse at Orient Point (not on DHS property or ownership), and the Plum Island Lighthouse (also listed on the National Register of Historic Places). Neither of these locally significant lighthouses would be impacted by closure or site remediation activities occurring under the Proposed Action. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 23.

Policy 3: ***Enhance visual quality and protect scenic resources throughout the Town of Southold***. Local scenic resources and surrounding visual quality would not be impacted by the Proposed Action. No construction or demolition would occur that could block or modify scenic views from local roads, public parks, or other spaces. Areas on Plum Island requiring revegetation would be restored and allowed to passively revegetate consistent with existing vegetation following the completion of these activities and no modifications to landforms or the shoreline would occur. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed

Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 25.

Natural Coast Policies

Policy 4: ***Minimize loss of life, structures, and natural resources from flooding and erosion***. No shoreline hardening, construction of erosion control structures, or other development activities would occur. Undeveloped portions of the shoreline at Plum Island and Orient Point would remain in their undeveloped state under the Proposed Action, no natural protective features would be degraded, and there would be no loss of public trust lands. The function of the floodplain would not be altered, and potential impacts from erosion would be minimized through adherence to a NPDES General Permit. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 14.

Policy 5: ***Protect and improve water quality and supply in the Town of Southold.*** No point source, sanitary sewer, or industrial discharges into surface waters would occur because of closure or site remediation activities. Any non-point source discharges, such as from stormwater runoff, would be managed through adherence to a NPDES General Permit and the PIADC SWPPP. No activities would occur within surface waters nor would surface waters, including coastal waters, be disturbed by closure or remediation. In addition, no new development would occur within the watershed under the Proposed Action. The Town of Southold relies on groundwater as its sole source of drinking and irrigation water; this aquifer does not extend to Plum Island, although it does underlie Orient Point. Proposed activities at Plum Island would have no potential to impact the water supply in the Town of Southold, and groundwater monitoring would occur at Orient Point to ensure that the quality, quantity, and potability of groundwater is not affected. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policies 33, 37, 38, and 44.

Policy 6: ***Protect and restore the quality and function of the Town of Southold ecosystem***. Plum Island is an important terrestrial habitat for some threatened and endangered species and migratory birds, and Plum Gut has also been designated as a significant coastal fish and wildlife habitat. Freshwater and estuarine wetlands are also present in the south-central portion of Plum Island and along the shoreline and estuarine wetlands are present at the Orient Point facility. Much of Plum Island is in a reclaimed natural state, and the Proposed Action would not result in any re-development of these areas, thereby leaving existing ecosystems undisturbed. Some vegetation removal to accommodate utility rerouting, WMAs/AOPC delineation, and UST excavation would occur, but those areas would be passively revegetated with native species. Stormwater discharges that may occur would be minimized through adherence to permits and applicable BMPs to protect and minimize adverse indirect impacts to Plum Gut and wetlands. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policies 7 and 44.

Policy 7: ***Protect and improve air quality in the Town of Southold.*** The Proposed Action would not result in the introduction of heavy industry, expansion of power plants, or a permanent increase in automobile traffic. Increased air emissions during site closure activities would be temporary and would not exceed applicable regulatory standards. Once PIADC and Orient Point are closed, there would be an overall decrease in emissions in the Town of Southold. Therefore, the Proposed Action is consistent to the

maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 41.

Policy 8: ***Minimize environmental degradation in Town of Southold from solid waste and hazardous substances and wastes***. PIADC is a state-licensed MOSF and is the only such facility within the Town of Southold. PIADC operates in accordance with the applicable state permit and regulations, and DHS may close the petroleum storage and transfer facilities as part of the Proposed Action. Removal of associated USTs and pipes, cleaning of ASTs and pipes, remediation of a prior subsurface oil spill, as well as other activities to address WMAs/AOPC could result in the generation of hazardous substances and the potential for an inadvertent release. DHS would dispose of wastes at permitted facilities, and would implement containment and clean-up procedures should a spill occur. DHS would restore the subsurface to an acceptable condition and the closure activities would reduce the amount of hazardous materials present on site. In the long term, the reduction in hazardous materials contained on site (i.e., fuel contained within USTs and ASTs) would indirectly reduce the potential for future spills and the potential for the spread of contamination. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policies 36 and 39.

Conclusion

Table 1 and **Table 2** summarize the Proposed Action's consistency with or applicability to the enforceable policies of the New York State CMP and the Town of Southold LWRP. DHS has determined that the Proposed Action, which would be implemented in accordance with applicable BMPs and minimization measures, would be consistent to the maximum extent practicable with the enforceable policies and coastal resources of New York State's federally approved CMP, including the Town of Southold's LWRP, pursuant to the Coastal Zone Management Act of 1972, as amended, and in accordance with 15 CFR Part 930, Subpart C.

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency[1]
Development Policies	
Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreations, and other compatible uses.	**N/A**
Policy 2: Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.	**N/A**
Policy 3: Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.	**N/A**
Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.	**N/A**
Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.	**N/A**
Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	**N/A**
Fish and Wildlife Policies	
Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.	**Consistent**
Policy 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.	**Consistent**
Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.	**N/A**
Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.	**N/A**
Flooding and Erosion Hazards Policies	
Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.	**N/A**
Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.	**N/A**

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency[1]
Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.	**N/A**
Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.	**Consistent**
Policy 15: Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.	**N/A**
Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.	**N/A**
Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.	**N/A**
General Policy	
Policy 18: To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.	**Consistent**
Public Access Policies	
Policy 19: Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.	**N/A**
Policy 20: Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.	**N/A**
Recreation Policies	
Policy 21: Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.	**N/A**
Policy 22: Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.	**N/A**

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency[1]
Historic and Scenic Resources Policies	
Policy 23: Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.	**Consistent**
Policy 24: Prevent impairment of scenic resources of statewide significance.	**N/A**
Policy 25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.	**Consistent**
Agricultural Lands Policies	
Policy 26: Conserve and protect agricultural lands in the State's coastal area.	**N/A**
Energy and Ice Management Policies	
Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.	**N/A**
Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitat, or increase shoreline erosion or flooding.	**N/A**
Policy 29: The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.	**N/A**
Water and Air Resources Policies	
Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.	**N/A**
Policy 31: State coastal area policies and management objectives of approved local Waterfront Revitalization Program will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.	**N/A**
Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.	**N/A**
Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.	**Consistent**
Policy 34: Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.	**N/A**

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency[1]
Policy 35: Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.	**N/A**
Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.	**Consistent**
Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	**Consistent**
Policy 38: The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.	**Consistent**
Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.	**Consistent**
Policy 40: Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.	**N/A**
Policy 41: Land use or development in the coastal area will not cause national or State air quality standards to be violated.	**Consistent**
Policy 42: Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.	**N/A**
Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.	**N/A**
Wetlands Policy	
Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	**Consistent**

Note:

1. Consistent, to the maximum extent practicable.

Source: *New York State Coastal Management Program and Final Environmental Impact Statement*, 1982.

Table 2. Consistency or Applicability of the Proposed Action to the Town of Southold LWRP Policies

Policy	Applicability or Consistency[1]
Developed Coast Policies	
Policy 1: Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.	**N/A**
Policy 2: Preserve historic resources of the Town of Southold.	**Consistent**
Policy 3: Enhance visual quality and protect scenic resources throughout the Town of Southold.	**Consistent**
Natural Coast Policies	
Policy 4: Minimize loss of life, structures, and natural resources from flooding and erosion.	**Consistent**
Policy 5: Protect and improve water quality and supply in the Town of Southold.	**Consistent**
Policy 6: Protect and restore the quality and function of the Town of Southold's ecosystem.	**Consistent**
Policy 7: Protect and improve air quality in the Town of Southold.	**Consistent**
Policy 8: Minimize environmental degradation in the Town of Southold from solid waste and hazardous substances and wastes.	**Consistent**
Public Coast Policies	
Policy 9: Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold.	**N/A**
Working Coast Policies	
Policy 10: Protect the Town of Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations.	**N/A**
Policy 11: Promote sustainable use of living marine resources in the Town of Southold.	**N/A**
Policy 12: Protect agricultural lands in the Town of Southold.	**N/A**
Policy 13: Promote appropriate use and development of energy and mineral resources.	**N/A**

Note:

1. Consistent, to the maximum extent practicable.

Source: *Town of Southold Local Waterfront Revitalization Program*, 2004.

FIGURES

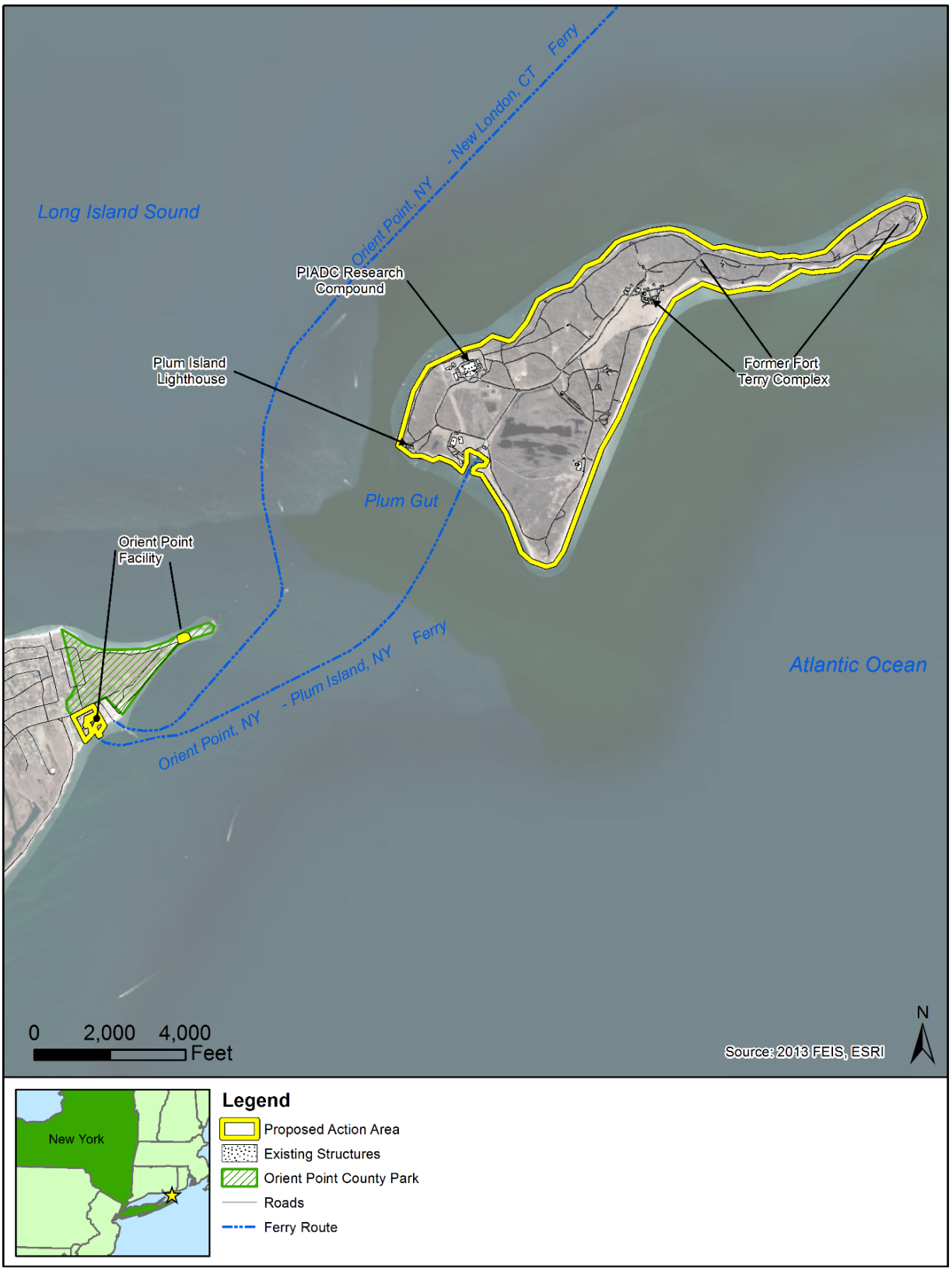

Figure 1: Proposed Action Area Location

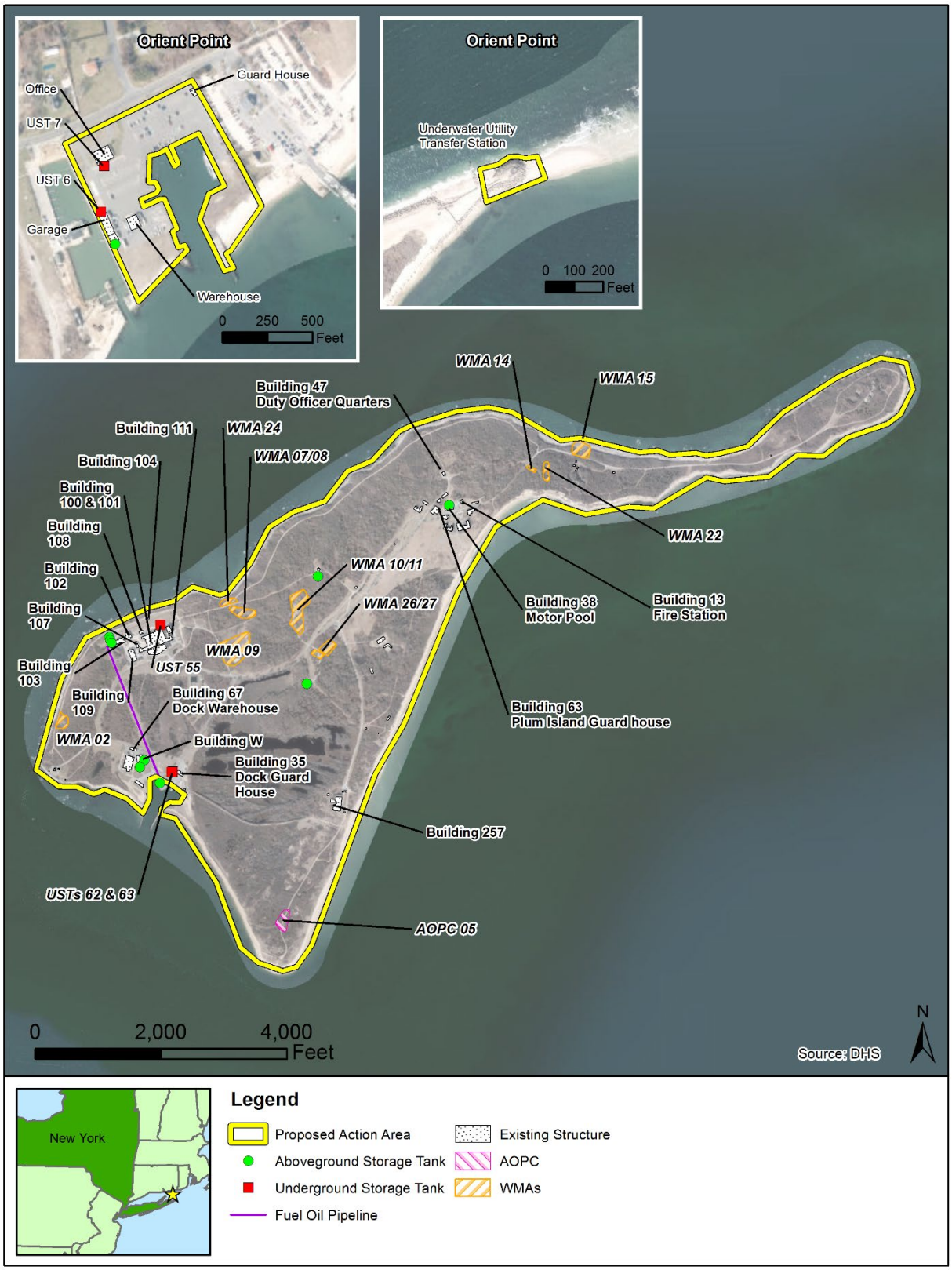

Figure 2: Existing Structures and WMAs/AOPC

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Appendix D: Endangered Species Act Section 7 Consultation

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U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 25, 2022

U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967

Re:Online Project Review Request, Plum Island Animal Disease Center (PIADC) Closure, Suffolk County, New York, Project Code 2022-0027795

On July 27, 2022, the United States (US) Department of Homeland Security (DHS) reviewed the referenced project using the Long Island Field Office's online project review process to identify federally listed threatened and endangered species and critical habitat. Please consider the enclosed project information package in accordance with the instructions for further review.

Plum Island is owned by DHS and located 1.5 miles northeast of Orient Point in Suffolk County, New York. PIADC is operated by the DHS Science & Technology Directorate's Office of National Laboratories and is comprised of administrative and laboratory buildings as well as supporting infrastructure including an effluent decontamination system, a wastewater treatment plant, storage facilities, roadways, utilities, and DHS-owned transportation assets. DHS also owns and maintains a 9.5-acre facility at Orient Point, New York, which houses parking, storage facilities, administrative space, and a ferry landing to support operations at PIADC (Attachment 1a). In addition to PIADC, Plum Island includes natural undeveloped land, the Plum Island Lighthouse, and buildings and structures associated with the former Fort Terry.

DHS is preparing an Environmental Assessment (EA) to evaluate the potential environmental impacts resulting from conducting activities required to close PIADC (Proposed Action), following the transfer of its mission to the National Bio- and Agro-Defense Facility (NBAF). DHS has identified tasks that must be completed to facilitate this Proposed Action. These tasks include five primary components: 1) facilities decontamination and efficacy validation, 2) waste management delineation and remediation activities; 3) subsurface oil delineation and remediation activities; 4) asset preservation and preparation for long-term storage (i.e., asset lay-up); and 5) asset disposition and permit transfer. Closure activities, including rerouting utility systems within the PIADC research compound, excavating and removing up to five underground storage tanks (UST), and delineation and remediation of previously identified waste management areas (WMA) and one area of potential concern (AOPC), would require limited vegetation removal and ground disturbance (Attachment 1b). Proposed activities on Plum Island and Orient Point would impact approximately 26 acres. Vegetation clearing would occur entirely within previously disturbed areas and primarily consist of trimming tall grasses, removal of pioneer shrubs, and side trimming of sapling trees. DHS does not anticipate clearing mature trees, and no activities would occur on beaches, in marine or freshwater areas, or in tidal or freshwater wetlands. Additionally, DHS commits to vegetative clearing timing restrictions as indicated in Attachment 3. The Proposed Action is expected to be complete by 2028.

DHS has determined the proposed Project would have *no effect* on all federally listed species identified within the Project area. DHS understands that under Section 7 of the Endangered Species Act (ESA),

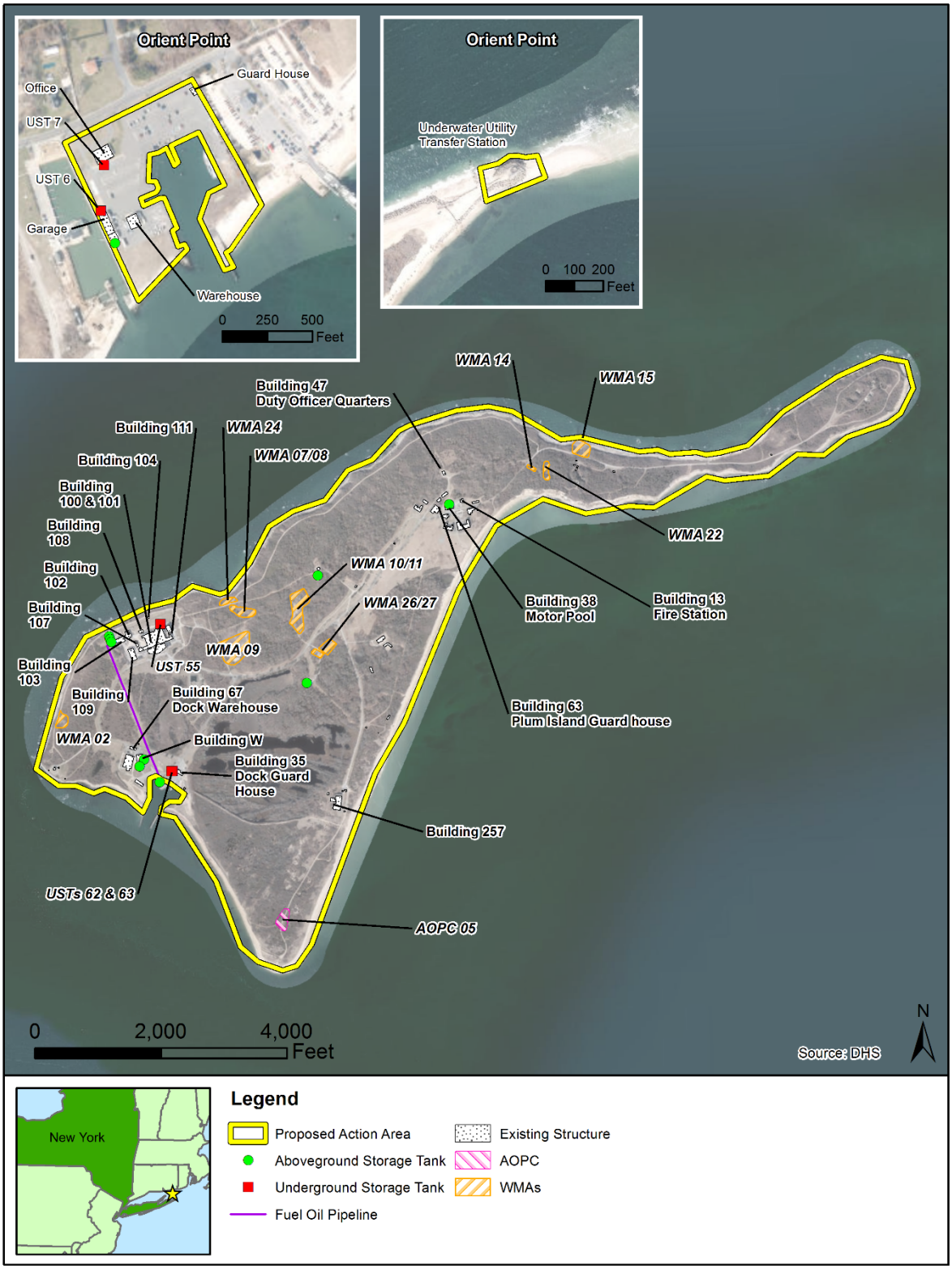
federal agencies are not required to contact the Service if a proposed action will have no effect on listed species, and that concurrence with a no effect determination is not required under the ESA and may not be provided. However, DHS is providing this package for informational purposes as part of our administrative record and as notification of our no effect determination. The enclosed project information package provides information about listed species, critical habitat, and bald eagles considered in our review, and the species conclusions table included in the package identifies our determinations. For additional information, please contact Kursten Anderson at kursten.anderson@aecom.com Email responses are preferred, although letter responses may be submitted to *Kursten Anderson, PIADC Closure, 10 Patewood Drive, Bldg 6, Suite 500, Greenville, South Carolina 29615.*

Sincerely,

John M. Searing, PE, PMP
Deputy Center Director
Plum Island Animal Disease Center
Office of National Laboratories
Science and Technology Directorate

Attachments:
1a. Proposed Action Location
1b. Existing Structures and WMAs/AOPC
2. Official Species List
3. Species Conclusions Table
4. References

Attachment 1a: Proposed Action Location



Attachment 1b: Existing Structures and WMAs/AOPC

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To: July 27, 2022
Project Code: 2022-0027795
Project Name: Plum Island Closure

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Coastal Barriers

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

Project Summary

Project Code: 2022-0027795
Project Name: Plum Island Closure
Project Type: Disposal / Transfer
Project Description: Plum Island Animal Disease Center is closing and undergoing decontamination and remediation activities. Project activities will take place at the Orient Point Support Facility and on Plum Island, NY.
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.17771355,-72.20040485249517,14z

Counties: Suffolk County, New York

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Piping Plover *Charadrius melodus* Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot *Calidris canutus rufa* There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern *Sterna dougallii dougallii* Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Flowering Plants

NAME	STATUS
Seabeach Amaranth *Amaranthus pumilus*	Threatened

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/8549

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Coastal Barriers

Projects within the John H. Chafee Coastal Barrier Resources System (CBRS) may be subject to the restrictions on federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local Ecological Services Field Office or visit the CBRA Consultations website. The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

System Unit (SU)

Most new federal expenditures and financial assistance, including federal flood insurance, are prohibited within System Units. ***Federally-funded projects within System Units require consultation with the Service.*** *Consultation is not required for projects using private, state, or local funds.*

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
NY-24	Plum Island	SU	11/16/1990	11/16/1990

IPaC User Contact Information

Agency:	AECOM
Name:	Kursten Anderson
Address:	10 Patewood Drive
Address Line 2:	Building 6, Suite 500
City:	Greenville
State:	SC
Zip:	29615
Email	kursten.anderson@aecom.com
Phone:	5402227352

Lead Agency Contact Information

Lead Agency: Department of Homeland Security

Attachment 3: Species Conclusions Table

Species Common Name	Potential Habitat Present?	Species Present?	Habitat Description	Effect Analysis
Northern long-eared bat (*Myotis septentrionalis)*	Yes	No	This species overwinters in caves and mines and lives in forested habitat the remainder of the year. During the summer, this species roosts underneath bark, in cavities or crevices of both live and dead trees. It has also been found roosting in structures such as barns and sheds (USFWS, 2022a). Northern long-eared bats (NLEB) have been found in every county of New York, although bat surveys conducted in 2015 did not identify any on Plum Island (NYSDEC, 2022a). However, these surveys did identify historic bunkers on Plum Island that have suitable characteristics for bat hibernacula., one of which is located approximately 0.1 mile east of WMA 22 where clearing of pioneer trees and shrubs would occur. Although no NLEB were identified during bat surveys, due to the species' presence on nearby Long Island, they may travel to Plum Island for foraging. Furthermore, the historic bunkers represent potential hibernacula for this species (NYNHP, 2016).	DHS has determined that the Preferred Alternative would have **no effect.** Although surveys indicated four historic bunkers on Plum Island with characteristics for bat wintering hibernacula, there are no known occurrences of NLEB on the Island. Furthermore, the Preferred Alternative is not within 0.25 mile of known occurrences of NLEB or within 150 feet of known summer roost occurrences. NLEB are known to occur on nearby Long Island and may travel to Plum Island for foraging; however, bats are nocturnal and forage during the night between dusk and dawn. Proposed vegetative clearing would occur during daylight hours, thereby avoiding any disturbance of potential foraging NLEB individuals. Additionally, the Preferred Alternative is not anticipated to clear any potential roost trees or interfere with potential hibernacula. To further minimize any potential impacts, DHS would adhere to the voluntary time of year restrictions identified in the USFWS's 2016 NLEB Programmatic Biological Opinion by conducting all forest management activities outside the bat's active season (April 1 through October 31) (USFWS, 2016). DHS commits to conducting vegetative clearing for the Proposed Action between November and March, thereby avoiding the active NLEB season. Furthermore, vegetative clearing would be limited to tall grasses, shrubs, and sapling trees that have overgrown previously disturbed areas, which is not consistent with potential suitable habitat for the NLEB.
Piping plover (*Charadrius melodus)*[1]	Yes	Yes	This species is found in coastal habitats, primarily on sandy beaches and tidal flats, typically nesting in open sandy areas near water (National Audubon Society, 2022a). Piping plover have been documented at Plum Island and confirmed breeding pairs have been observed. This species is commonly found on Plum Island between June and August (NYNHP, 2016). This species is rarely seen in the Spring (April – May) and Fall (September- October), and no occurrences have been documented between November and March (NYNHP, 2016).	The Proposed Action would have **no effect** on the piping plover. Proposed vegetative clearing and ground disturbance would occur outside of suitable habitat for the piping plover. No ground disturbance is anticipated in coastal habitats, sandy beaches, or tidal flats. The nearest known occurrences of piping plovers to the Project areas are found south of B257. The LOD is not within critical habitat for this species. Furthermore, it is unlikely areas where ground disturbance would occur (e.g., previously disturbed upland areas) would provide suitable nesting habitat for this species. If any nesting piping plovers are observed on or near areas where heavy machinery would be operated, all work would immediately cease, and DHS's Environmental Manager would be contacted. Additionally, DHS commits to conducting vegetative clearing between November and March, which is outside much of the piping plover nesting period (March through June) and known occurrence timeframe (June through August) of when this species is present on the Island (USFWS, 2022b; NYNHP, 2016; CT DEEP, 2022).
Roseate tern (*Sterna dougallii dougallii)*	Yes	Yes	This species occurs in coastal environments, including salt bays and estuaries. Nests are usually found on sandy or rocky islands with some low plant cover and close to shallow waters for feeding (National Audubon Society, 2022c). Roseate terns have been documented on Plum Island (NYNHP, 2016). This species occurs along most of the shoreline of Plum Island, but most commonly occurs in the northern tip of the Island. It has been observed between the months of April and August. This species has not been observed on Plum Island between September and March (NYNHP, 2016).	The Proposed Action would have **no effect** on the roseate tern. Proposed vegetative clearing and ground disturbance would occur outside of suitable habitat for the roseate tern. No ground disturbance is anticipated in coastal habitats, including salt bays and estuaries. Although there are known occurrences of the roseate tern on Plum Island, they are most commonly found on the northern tip of the Island. It is unlikely areas where ground disturbance would occur (e.g., previously disturbed upland areas) would provide suitable nesting habitat for this species. If any nesting roseate terns are observed on or near areas where heavy machinery would be operated, all work would immediately cease, and DHS's Environmental Manager would be contacted. Additionally, DHS commits to conducting vegetative clearing between November and March, which is outside of the roseate tern nesting period (May 15 through August 31) and timeframes when this species has historically been observed on the Island (April through August) (MDIFW, 2022; NYNHP, 2016).
Red knot (*Calidris canutus rufa)*	Yes	Yes	This species nests in inland tundra habitat near water in the summer, and uses coastal mudflats and tidal shores as stopover habitat during migration (National Audubon Society, 2022b). Red knot has been observed on Plum Island between September and October, but this observation is considered an accidental occurrence, as it was recorded only once between 2011 and 2015 (NYNHP, 2016).	Red knot are not likely present on Plum Island, and any vagrants would be expected to avoid areas where closure activities are occurring due to increased noise and human presence. Therefore, the Proposed Action would have **no effect** on the red knot.
Seabeach amaranth (*Amaranthus pumilus)*	Yes	No	This species is found on Atlantic coast sand dunes, primarily those located on barrier islands. It typically occurs in upper beaches and overwash areas, where little other vegetation is present (NPS, 2021). Seabeach amaranth has not been observed on Plum Island (NYNHP, 2016).	Seabeach amaranth have not been observed on Plum Island. Furthermore, no beach disturbance would occur under the Proposed Action. Therefore, the Proposed Action would have **no effect** on this species.

Species Common Name	Potential Habitat Present?	Species Present?	Habitat Description	Effect Analysis
Bald eagle (*Haliaeetus leucocephalus*)	Yes	Yes	Bald eagles exhibit high nest fidelity and nesting territories are often used year after year. Bald eagles nest in large mature trees with clear view of shoreline foraging areas (USFWS, 2007). Historically, bald eagles were rarely observed on Plum Island; however, DHS staff have observed more frequent sightings of bald eagles near Fort Terry on the north point of the Island. It is unknown if this nest is currently active. No bald eagle nesting sites have been observed at the Orient Point facility or in the vicinity (NYNHP, 2016; The Center for Conservation Biology, 2022).	The Proposed Action would have **no effect** on the bald eagle. Should eagles happen to be present while closure activities are occurring, they would be expected to avoid the area due to increased noise and human presence. While bald eagles are occasionally observed and a nest site is present on the north point of the Island, this is approximately 1 mile away from the nearest WMAs. DHS does not anticipate clearing mature trees to facilitate delineation/cleanup activities. Furthermore, DHS would conduct a pedestrian nest survey of areas where vegetative clearing is to be conducted. If nests are found within or near areas where closure activities would occur, DHS would coordinate with USFWS to avoid impacts on bald eagles and implement measures included in the USFWS's National Bald Eagle Management Guidelines such as establishing buffers around nesting sites or observing seasonal restrictions (USFWS, 2007).

[1]No Piping Plover critical habitat is present in the Proposed Action area.

Attachment 4: References

CT DEEP. (2022). *Piping Plover*. Retrieved July 25, 2022, from State Threatened Species: https://portal.ct.gov/DEEP/Wildlife/Fact-Sheets/Piping-Plover#:~:text=Life%20History%3A%20Piping%20plovers%20arrive,the%20surface%20are%20usually%20laid.

MDIFW. (2022). *Roseate Tern Nesting Sites*. Retrieved July 15, 2022, from Maine Department of Inland Fisheries & Wildlife: https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/roseate-tern-nests.html

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NPS. (2021). *Resource Brief -- Seabeach Amaranth*. Retrieved from Assateague Island: https://www.nps.gov/asis/learn/nature/resource-brief-seabeach-amaranth.htm

NYNHP. (2016). *Plum Island Biodiversity Inventory.* Retrieved from https://www.nynhp.org/documents/140/plum_island_inventory.pdf

NYSDEC. (2022a). *Northern Long-eared Bat*. Retrieved from https://www.dec.ny.gov/animals/106713.html

NYSDEC. (2022b). *Northern Long-eared Bat*. Retrieved April 14, 2022, from New York State Department of Environmental Conservation: https://www.dec.ny.gov/animals/106713.html

The Center for Conservation Biology. (2022). *CCB Mapping Portal - Eagle Roosts*. Retrieved May 16, 2022, from https://ccbbirds.org/maps/#eagleroststopo

USFWS. (2007). *National Bald Eagle Management Guidelines.* Retrieved June 6, 2022, from https://www.fws.gov/pacific/ecoservices/documents/NationalBaldEagleManagementGuidelines.pdf

USFWS. (2016). *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions.* Retrieved from https://www.fws.gov/sites/default/files/documents/BOnlebFinal4d.pdf

USFWS. (2022a). *Myotis septentrionalis*. Retrieved from https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis

USFWS. (2022b). *Piping Plover*. Retrieved July 15, 2022, from https://www.fws.gov/species/piping-plover-charadrius-melodus

Appendix E: New York State Department of Environmental Conservation Environmental Assessment Form Mapper Results

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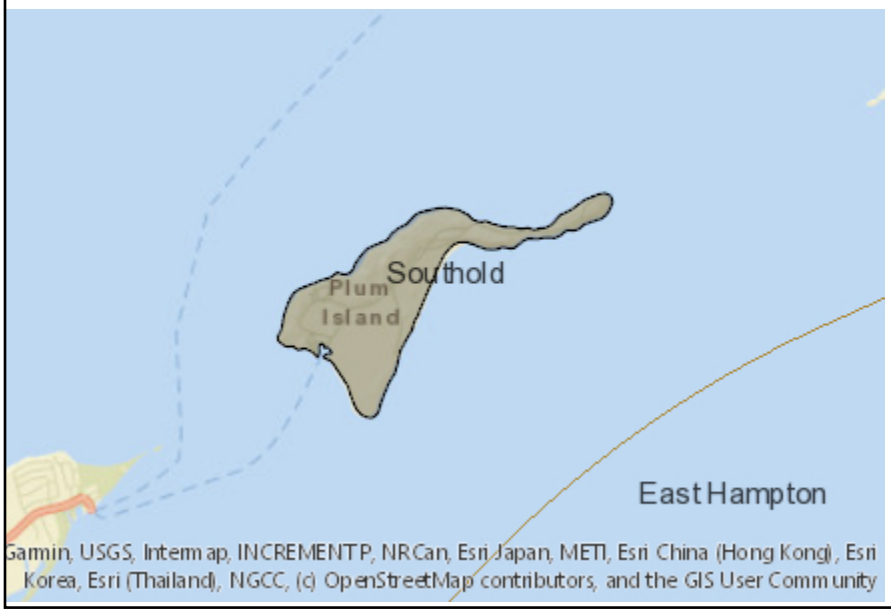
EAF Mapper Summary Report

Monday, May 16, 2022 12:18 PM



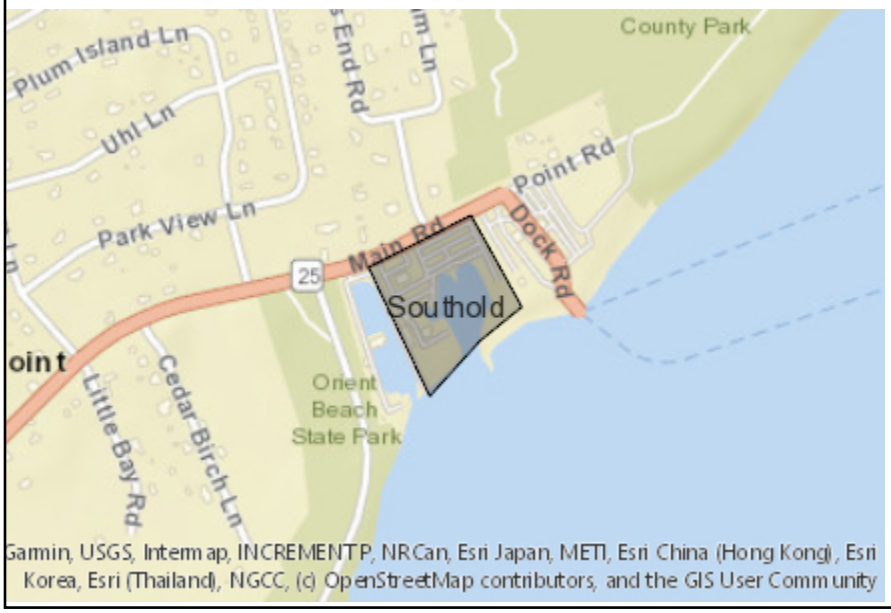
Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:LI North Shore Heritage Area
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Lake/Pond Name]	924-1, 924-16, 924-180
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	SA
E.2.h.iv [Surface Water Features - Wetlands Name]	Tidal Wetlands, Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):2.9, NYS Wetland (in acres):11.2, NYS Wetland (in acres):11.6, NYS Wetland (in acres):76.3, NYS Wetland (in acres):1.4, NYS Wetland (in acres):1.0

E.2.h.iv [Surface Water Features - DEC Wetlands Number]	PL-5, PL-4, PL-1, PL-2, PL-6, PL-7, PL-8
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Marine Eelgrass Meadow, Maritime Dunes, Marine Intertidal Gravel/Sand Beach, Maritime Beach, Marine Rocky Intertidal, Maritime Bluff
E.2.n.i [Natural Communities - Acres]	9.5, 63.0, 28.47, 32.84, 39.25, 11.8
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Harrier, Many-spiked Flat Sedge, Oakes' Evening Primrose, Annual Saltmarsh Aster, Marsh Straw Sedge, Reflexed Flat Sedge, Velvet Rosette Grass, Cut-leaved Water Milfoil, Single-glumed Spike Rush, Great Plains Flat Sedge, Dwarf Umbrella Sedge, Piping Plover, Wild Pink, Listed Plant – contact NY Natural Heritage, Scotch Lovage, Coastal Fireweed
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Seabeach Knotweed
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Peconic Bay and Environs
E.3.d.ii [Critical Environmental Area - Reason]	Protect public health, water, vegetation, & scenic beauty
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Suffolk County, Date:7-12-88
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Buildings 101, 102 and 103, Plum Island Light Station
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Wednesday, June 8, 2022 8:10 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:LI North Shore Heritage Area
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Lake/Pond Name]	924-16
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	SA
E.2.h.iv [Surface Water Features - Wetlands Name]	Tidal Wetlands, Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Maritime Beach, Marine Intertidal Gravel/Sand Beach, Marine Eelgrass Meadow, High Salt Marsh, Marine Back-barrier Lagoon
E.2.n.i [Natural Communities - Acres]	75.63, 170.02, 110.46, 88.0, 643.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Piping Plover
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Peconic Bay and Environs, Orient Point
E.3.d.ii [Critical Environmental Area - Reason]	Protect public health, water, vegetation, & scenic beauty, Benefit to human health & protect drinking water
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Suffolk County, Date:7-12-88, Date:2-10-88
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No