

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
MASSACHUSETTS INSTITUTE OF TECHNOLOGY LINCOLN LABORATORY
MASTER LEASE AND BUILDING CONVEYANCE
HANSCOM AIR FORCE BASE, MASSACHUSETTS**

Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 United States Code (USC) Sections (§§) 4321 et seq.); the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations (CFR) §§1500–1508); and the U.S. Department of the Air Force (DAF) Environmental Impact Analysis Process (EIAP) (32 CFR §989), the Massachusetts Institute of Technology (MIT) in coordination with the DAF has prepared an Environmental Assessment (EA) to identify and assess the potential impacts on the natural and human environment associated with entering into a land lease agreement and a conveyance of facility ownership. While MIT Lincoln Laboratory (LL) is a Department of Defense (DoD) Federally Funded Research & Development Center (FFRDC), MIT LL is not a federal agency¹ per NEPA implementing regulations (40 CFR §1508.1(k)). Thus, for the purposes of NEPA analysis and review, DAF is the lead agency for the Proposed Action. The EA is incorporated by reference into this Finding of No Significant Impact (FONSI).

Purpose and Need for the Proposed Action (EA Section (§) 1.2, page 4): The purpose of the Proposed Action is to address a long-standing need, originally identified in 2007 during meetings with the Air Force Real Property Agency, and then formalized in the DoD 2014 MIT LL Comprehensive Review. As part of this review, the DoD indicated facilities modernization needed to be a priority to allow MIT to expeditiously address critical facility modernization needs. Within §2669 of the 2023 National Defense Authorization Act (NDAA), the Secretary of a military department is allowed to enter into a long-term lease, for no consideration, with a FFRDC to further the purposes of the FFRDC contract. Additionally, it provides for the conveyance, at no cost, of facilities and improvements on the leased land in furtherance of the FFRDC contract. Therefore, the purpose of this action would be to establish the conditions MIT LL needs in order to make facility modifications at their FFRDC facility complex on Hanscom Air Force Base (AFB) to support future DoD projects and actions. The action is needed because most of the buildings used by MIT LL have high risk of causing business disruptions due to potential facility systems failures. Air Force Instructions (AFIs) and related manuals and regulations have been interpreted to limit and restrict MIT LL from adequately addressing deteriorated facilities, obsolete design, operational safety risks, and inadequate utility capacity, thereby hindering MIT LL's ability to meet FFRDC contract demand.

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action (EA §2.1 and §2.4.2, pages 7-9): The 2023 NDAA created a new statute, 10 USC §2669, which explicitly provided for both a 50-year no cost lease agreement and a conveyance of facility ownership. The law allowed a covered FFRDC to obtain a 50-year no cost lease of its land, facilities, infrastructure, and improvements with a conveyance of ownership of the facilities and improvements.

The Proposed Action would involve establishing and implementing a lease agreement (Master Lease) between the DAF and MIT, as well as a separate conveyance via quitclaim deed of facility and improvement ownership from the DAF to MIT. This Proposed Action is only for the leasing of land and conveyance of buildings. It is a real estate transaction. MIT LL operations under the Proposed Action are expected to be the same as under current operations. The Proposed Action would establish the conditions MIT LL will need in the future to relocate some functions that have become highly compressed or fragmented. It would also allow MIT LL to temporarily vacate while demolishing antiquated, existing buildings in order to build new replacement facilities. As these actions are

¹ MIT is a Massachusetts non-profit educational corporation. MIT LL, which is part of MIT, is a DoD FFRDC operated and managed by MIT. As an FFRDC, MIT LL is sponsored by a government agency but is not itself a government agency.

not yet proposed and regardless would not occur in the next 5 years, they would be evaluated separately in accordance with the Air Force *EIAP*, 32 CFR Part 989, as projects are proposed.

Under the Proposed Action, MIT LL would lease approximately 66.58 acres divided into five parcels (EA Figure 2-1, page 11). This would include 22 existing buildings totaling an approximate gross square footage of 1,183,260 and the accompanying utility lines (EA Table 2-1, page 12). The Master Lease area does not include the Compound Semiconductor Laboratory – Microelectronics Integration Facility (CSL-MIF) and the Engineering and Prototyping Facility (EPF). These are two MILCON project sites that are currently leased to MIT by the DAF pursuant to the MIT Federal Credit Union Lease or the South Lab Land Lease, which also includes the encompassing parking garage and the entire South Lab complex. In the future, the Master Lease may be adjusted to add these MILCON projects when construction is completed as well as to add the area encompassing the South Lab Land Lease. However, the credit union is a separate entity, independent of MIT, and has a standalone lease in accordance with the applicable AFIs.

Selection Standards and Criteria (EA §2.2, Page 8): The following selection standards, which were based on the purpose and need, were used to screen each alternative:

1. Provide the ability for MIT to make modifications to existing buildings.
2. Provide the ability for MIT to construct new buildings and demolish existing buildings as necessary.
3. Provide the ability for MIT to budget and schedule DoD projects within a three-to-five-year timeframe instead of competing within the military construction (MILCON) funding process, which can take five years or more to received congressional approval.

Alternatives Eliminated from Further Analysis (EA §2.3, pages 8-9): The alternative of a lease without building and facilities conveyance was carefully examined. After consideration of this alternative, it was determined that a building conveyance concurrent with the lease was required, and specific statutory authority for the conveyance was drafted by the DAF and enacted in Public Law. The recommendation for this legal entitlement for a conveyance was made by the Deputy Assistant Secretary of the Air Force for Environment, Safety, and Infrastructure, maintaining that if there was a lease with no building conveyance, MIT would still need to go through the MILCON funding and approval processes. A second reason was to allow MIT the ability to enter into various energy grants to improve overall efficiencies. These types of grants require MIT as the applicant to be the building owner. Lastly, the foundational determination was premised on the fact that MIT did not want to renew a contract for the FFRDC with buildings that could not be improved. For these reasons, leasing just the land without facilities conveyance was eliminated from further review.

No Action Alternative (EA §2.4.1, page 9): Under the No Action Alternative, there would be no lease of land nor conveyance of buildings or facilities, and operations and maintenance would continue under the current Hanscom AFB Base Support Agreement. MIT would not be able to build new replacement facilities nor perform unspecified minor construction within the timeline that would meet DoD project requirements and schedules. Under the No Action Alternative, the majority of operations would remain in the current configuration within the existing buildings and facilities with major improvements being deferred. The No Action Alternative is the baseline for the rest of the analysis and helps determine the extent to which the Proposed Action would impact the environment. While the No Action alternative does not fulfill the purpose and need, it is carried forwards for further review in accordance with 40 CFR §§1500 – 1508 and 32 CFR §989.8(a).

ENVIRONMENTAL CONSEQUENCES

Based on the analyses contained within this EA, the Proposed Action would have no significant direct, indirect, and cumulative impacts to topography, geology/soils; land use, water resources, air quality, noise, infrastructure,

transportation, solid/hazardous waste and materials, safety and occupational health, aesthetics, socioeconomics, and environmental justice. As stated above, the Proposed Action is the DAF preparing and implementing a Master Lease and conveyance of buildings with MIT LL, a real estate transaction. At this time there is no physical construction and/or earth moving activity associated with this action. The only environmental resource area potentially impacted are biological resources and cultural resources.

Biological Resources (EA §3.4, pages 24-25): There is a potential for the northern long-eared bat (NLEB), a federally listed endangered species, to inhabit the forested areas within the Proposed Action. In October 2018, Hanscom completed a bat acoustic study to determine the presence of the NLEB within the boundaries of the installation. Results determined there were no NLEB at Hanscom AFB. This determination was effective for a period of five years. In the summer of 2023, Hanscom did an in-house bat acoustic study. These results will not be available until January of 2024. Because the action is occurring during the NLEB hibernation period (October 31st until April 1st), there is no potential for bats to be present on or within the vicinity of Hanscom AFB. On September 29, 2023, the Hanscom Natural Resource Manager extended the no affect determination until March 31, 2024, pending updated survey results. Because no construction and/or earth moving activities would occur as part of signing the Master Lease, impacts to biological resources are insignificant. In the future, MIT LL will need to ensure any physical action proposed will take the March 2023 bat acoustic study into consideration.

Cultural Resource (EA §3.5, pages 27-31): As part of the Proposed Action, two historic buildings individually eligible for listing on the National Register of Historic Places (NRHP) would be conveyed to MIT LL: Building F and the Flight Facility. Building F supported the Semi-Automatic Ground Environment Air Defense System (SAGE) project; the nation's first air defense system, which was the impetus for the establishment of Lincoln Laboratory. The Flight Facility, also eligible for listing on the NRHP, has been identified as a Kuljian "Double Cantilever" type airplane hangar. In addition, the Proposed Action falls within Air Force Cambridge Research Laboratories (AFCRL) Historic District. To provide for the preservation of these historic properties after transfer, the legal documents of the Master Lease transaction, including the title and lease of property, shall include language ensuring future actions undertaken by MIT LL will be reviewed for any impacts to historic properties, including the requirement, where applicable, to resolve any potentially identified adverse effects. As part of this language, both MIT LL and the DAF shall comply with Section 106 requirements in consultation with Massachusetts State Historic Preservation Officer (MA SHPO) as well the three federally recognized tribes affiliated with Hanscom (Narragansett Indian Tribe, Mashpee Wampanoag Tribe, Wampanoag Tribe of Gay Head (Aquinnah)). These provisions shall survive any subsequent title transfer in perpetuity.

On August 15, 2023, Hanscom Cultural Resources Manager submitted a letter to Massachusetts Historical Commission (MHC), also known as the MA SHPO, informing them of the proposed Master Lease and building conveyance. The DAF determined the proposed undertaking is "limited to the execution of the lease and conveyance of property" and there would be *No Adverse Effect* to historic properties insofar as the lease and title transfer would include the appropriate preservation language. The MA SHPO concurred with the no adverse effect determination on September 22, 2023. Concerning tribal consultations, no correspondence has been received from the three federally recognized tribes contacted to date. Based on this analysis, there would be no significant direct, indirect, and/or cumulative impacts to cultural resources with implementation of the Proposed Action.

Intergovernmental Coordination, Public and Agency Participation (EA §1.5, page 6 and EA §5.2, page 54; and Appendix A): Besides the MHC and the three federally recognized tribes, Hanscom also consulted with the Minute Man National Historical Park since this national park runs adjacent to the installation. Appendix A includes copies of the consultation letters. In addition, MIT LL coordinated with and is on the November 27, 2023 agenda of the Town of Lexington Select Board to describe the intent of the proposed Master Lease and building conveyance.

A public notice was published in the *Lexington Minuteman* and the *Concord Journal* on November 23, 2023. Copies of the Draft MIT Lincoln Lab Master Lease EA and FONSI were made available for agencies and public review at the following internet link:

<https://www.hanscom.af.mil/About-Us/Fact-Sheets/Display/Article/379486/civil-engineering/>

Agencies and the public were offered a 30-day period to comment on this EA. The public comment period will end on December 23, 2023.

FINDING OF NO SIGNIFICANT IMPACT

Based upon my review of the facts and analyses contained within the EA and as summarized above, I find implementation of the Proposed Action involving the DAF entering into a long-term lease with MIT LL of approximately 66.58 acres as well as conveying the facilities as identified within Table 2-1 on page 12 of the EA will not have a significant impact on the human environment. Therefore, an environmental impact statement is not required. While no physical actions are being taken as part of the Proposed Action, the DAF anticipates MIT LL will be initiating future, follow-on projects relating to demolition, construction, and/or renovation activities, which are yet unknown. As such, MIT LL will be required to evaluate these actions separately in accordance with the NEPA; however, the analysis for this action fulfills the requirements of NEPA, the Council on Environmental Quality regulations 40 CFR Parts 1500 – 1508, and the Air Force EIAP regulations 32 CFR Part 989.

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