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May 10, 2016

The Honorable Gene L. Dodaro
Comptroller General of the United States
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

I write to request a review of the U.S. Army Corps of Engineers (USACE) Final Environmental Impact Statement (FEIS) for the Next National Geospatial-Intelligence Agency (NGA) West Campus.

After reviewing the FEIS, it is clear that in publishing the final report the USACE ignored previously identified errors in their draft report, chose to follow specific regulations while ignoring others, and ranked the total cost of the project as the lowest priority.

Further, the NGA has a history of ignoring federal statutes and wasting taxpayer funds when relocating its facilities. Regarding the consolidation of the NGA East campus, a 2013 Department of Defense Inspector General report states:

“NGA did not comply with BRAC legislation... This occurred because instead of implementing BRAC legislation requirements, NGA officials developed a flawed rationale to justify continuing operations at the Newington site... NGA could have minimized or avoided \$11.4 million in total costs if they had incorporated the Newington site into the original plans for the NCE as required by BRAC legislation.”¹

To ensure similar errors are not repeated in the relocation of the new NGA West facility, I believe it is in the best interest of taxpayers that the following questions be answered:

1. NGA’s decision to relocate to a confined location differs greatly from the relocations of the National Security Agency, Defense Intelligence Agency, National Reconnaissance Office, and NGA East campus. Will NGA’s Agency Preferred Alternative (APA) require a waiver from the Department of Defense for the Unified Facilities Criteria 4-010-01?
2. The FEIS emphasizes Executive Orders 12072, 13693, 13062, and Promise Zones, while giving little attention to Department of Defense Instruction 4165.71, DOD Unified Facilities Criteria 4-010-01, and the Rural Development Act of 1972. Is it common for an FEIS to heed specific regulations while ignoring others?
3. The USACE references a NGA survey of 20 students who preferred St. Louis. Is this survey sufficient as an argument to be considered in the FEIS?

¹ <http://www.dodig.mil/pubs/documents/DODIG-2013-116.pdf>

4. The City of St. Louis has yet to acquire total ownership of its site and was recently forced to expand its ongoing eminent domain lawsuit from 31 properties to 44.² Will any federal tax dollars be spent directly or as reimbursement for the eminent domain lawsuit?
5. St. Clair County submitted phase one and two analyses of the environmental risks involved with their site³, however, no similar analyses were completed for the St. Louis City site. If discovered, who is responsible for the cost of the environmental cleanup?
6. The USACE published these errors in their final report:
 - a. "Paleontological resources have been discovered in the bed of the Osage River located in St. Clair County (Saunders, 1977)." This reference was to St. Clair County, Missouri.
 - b. "Development and operation of the proposed NGA infrastructure on the St. Clair County site would be required to comply with the stormwater requirements in the Northeastern Watersheds Management Plan administered by St. Clair County." This reference was to St. Clair County, Michigan.
7. Why did the USACE ignore public comments and retain these errors in their final report?
8. The FEIS identifies St. Louis as the site with "the greatest opportunity to create a strong aesthetic improvement to this area, remediate environmental contamination...". If that is an objective of the relocation, why was the Pruitt-Igoe property omitted from the St. Louis site?
9. Within the "Final Refining Criteria," the NGA ranks cost as their lowest priority when considering sites. Is it common for federal construction projects to identify cost as the lowest priority?

Before approving funding for construction of the new NGA West Campus, I need to be confident the tax dollars spent on this extensive report were used for their intended purpose and an unbiased and comparable level of detail was used when assessing all alternative sites. Therefore, I ask for your independent and factual review.

Thank you for your timely attention to this request. If you have any additional questions, please contact Patrick Magnuson at Patrick_Magnuson@appro.senate.gov or at (202) 224-5245.

Sincerely,



Mark Kirk
Chairman

Subcommittee on Military Construction,
Veterans Affairs and Related Agencies
Committee on Appropriations

² <http://news.stlpublicradio.org/post/city-s-eminent-domain-suit-nga-land-expanded>

³ <http://www.bnd.com/news/local/article74898712.html>