

## **Finding of No Significant Impact (FONSI) for the Westernport Communications Facility, Maryland**

### **Introduction**

The State of Maryland proposes to construct a communications facility with a 348-foot (ft) three-legged self-supporting lattice tower. The Environmental Assessment (EA) for the State of Maryland, Westernport Communications Facility, Allegany County dated July 2010, provides an analysis of potential environmental impacts associated with the use of grant funds issued by the Public Safety Interoperable Communications (PSIC) Grant Program, administered by the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce. This EA covers the proposed Westernport Communications Facility, which would be part of a State-wide 700 MHz communications system linking several State agency users (e.g., Maryland State Police, Maryland Department of Transportation, Maryland Transportation Authority, and Maryland Department of Natural Resources [DNR]), as well as multiple smaller Maryland resource agencies (e.g., Department of the Environment, Department of Juvenile Services, and Department of Public Safety and Correctional Services) to fill in local coverage gaps and ensure the Public Safety Intranet (PSINET) connectivity in areas previously lacking adequate emergency coverage.

### **Scope of the Environmental Assessment (EA)**

The proposed Westernport Communications Facility would apply funds issued by the PSIC Grant Program. The PSIC Grant Program was developed to assist State, local, tribal, and non-governmental agencies in developing interoperable communications as they leverage the newly available spectrum in the 700 MHz band. As a condition of the PSIC Grant Program, grantees must comply with all relevant Federal legislation, including the National Environmental Policy Act (NEPA) of 1969.

The NTIA has specified that PSIC funds must be used for projects that would improve communications in areas at high risk for natural disasters, in urban and metropolitan areas at high risk for terrorism threats, and should include pre-positioning or securing of interoperable communications for immediate deployment during emergencies or major disasters. Investments receiving PSIC funds can range from installation of new large-scale infrastructure (i.e., towers) to the acquisition of mobile and portable radios. Under the categories outlined in the PSIC Grant Program's Programmatic EA and FONSI (April 2009), the proposed Westernport Communications Facility is classified as a transmission and receiving site.

The proposed Westernport Communications Facility would allow for the following:

- Increased coverage area for emergency responders connected through the system,
- Facilitate reliable interoperable communications among first responder organizations,
- Expansion of the 700 MHz communications system throughout the State, and
- Enhance simulcast coverage throughout the area.

This EA examines the Proposed Action to develop a new communications facility in western Maryland (Westernport, Allegany County). The proposed project would include the construction of a 348-ft self-supporting three-legged lattice telecommunications tower to be placed within a

10,000 square-foot (sq-ft) fenced equipment compound with two 12-ft x 38-ft equipment shelters supported by a backup generator and an associated liquid propane (LP) fuel tank. The new tower would replace the existing 150-ft guyed tower that fell during a storm. The proposed site would be located within the original tower footprint on 72.25-acres of undeveloped property owned by the Moran Coal Company, Inc. The proposed site located on privately-owned land is a former strip mine. Allegany County plans to enter into a 99-year lease with the landowner, and the State of Maryland would enter into a Memorandum of Understanding with the County for the proposed improvements on the property.

The proposed communications facility site is located approximately 1,700 feet southeast of the intersection of Westernport Road Southwest and Grovemiller Road (at the end of Mountaintop Road) in Westernport, Allegany County, Maryland (coordinates for the site are: 39-28-49.25N, 79-03-35.3W). Total ground disturbance would be approximately 14,000 sq-ft, or 0.32 acres. Utility connections already exist, but would require re-trenching in the existing tower footprint and previously disturbed area in order to move the lines to accommodate the new tower structure. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the local utility service, Allegheny Power. Additional gravel upgrades to an existing gravel access road (12-ft x 1,580-ft) would be included to improve access to the site originating from 22618 Mountain Top Road, Southwest.

The EA analyses existing conditions and environmental consequences of the Proposed Action with four major resource areas: natural and physical environment, social environment, cultural environment, and infrastructure and waste management. Natural and physical resource areas analyzed in detail included air quality; noise; threatened and endangered species with migratory birds; vegetation and wildlife; and human health and safety. Analysis of the social environment included community facilities and services, land use planning and zoning, economy and employment, taxes and revenue, and aesthetics and visual resources. The cultural environment included analysis of the Area of Potential Effects (APE), archeological resources, and historic resources. Infrastructure and waste management included the analysis of transportation, telecommunications, electrical power and gas, and waste management.

### **Alternatives Considered**

**Alternative 1 (No Action Alternative).** Under the No Action Alternative, the State of Maryland would not utilize the Westernport site for the proposed communications facility. The existing Westernport property would remain as it presently exists, privately-owned land on a former strip mine. The Proposed Action would not move forward with PSIC funds or any alternate funding sources. The No Action Alternative served as the baseline for assessing the impacts of the alternatives.

**Alternative 2 (PSIC-Funded Communications Facility).** Alternative 2 is to implement the Westernport Communications Facility in its entirety, consisting of a 348-ft self-supporting three-legged lattice tower, two 12-ft x 38-ft equipment shelters, a backup generator, and an associated liquid propane fuel tank within a 10,000 sq-ft fenced compound. The new tower would replace an original 150-ft guyed tower that was damaged during a storm. The proposed communications facility would continue to use existing utility connections, but would re-trench the previously

disturbed area around the original tower to move existing lines in order to accommodate the placement of the new tower. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the local utility service, Allegheny Power. The existing 12-ft x 1,580-ft gravel access road that extends onto the property directly from Mountain Top Road would be upgraded with rough gravel to support ingress and egress of the tower construction equipment. This Alternative is located on strip mine land within approximately 72.25-acres of undeveloped property owned by the Moran Coal Company, Inc. The proposed tower would replace an existing, but damaged 150-ft guyed tower and would be sited within the original tower footprint. Allegany County plans to enter into a 99-year lease with the landowner, and the State of Maryland would enter into a Memorandum of Understanding with the County for the proposed improvements on the property.

#### **Alternatives Considered But Not Carried Forward**

Alternative sites were initially screened through input from environmental and planning agencies, including DoIT and interested parties. Screening included identification of feasible sites for the proposed communications facility, potential site availability, potential impacts involved at each site, and potential concerns of interested parties. Alternatives in addition to those proposed were limited in the area due to the lack of state or county property.

#### **Recommended Alternative**

Alternative 2 to implement the Westernport Communications Facility is recommended for implementation and best meets the purpose and the need of the State of Maryland to strengthen the overall local and regional communications capabilities by providing adequate connectivity and duplicity of communications over the local, regional, and State-wide area. In addition, Alternative 2 allows the planned extension of the PSINET to link first responders and local agencies to one another, and eliminate coverage gaps throughout the State. This alternative would facilitate greater security, reliable interoperable communications, and significant increased simulcast capability for emergency responders. The No Action Alternative would not address the need for the State of Maryland as existing deficiencies would remain, and vital links with first responders and local agencies would not be provided thereby posing a greater risk to public safety in the event of an emergency or natural disaster.

#### **Consultations**

Coordination on fish and wildlife issues to meet the Section 7 requirements of the Endangered Species Act (ESA) was accomplished through correspondence with the U.S. Fish and Wildlife Service (USFWS). The USFWS indicated in a letter dated September 30, 2009 that, except for occasional transient individuals, no Federally-listed threatened or endangered species occur within the proposed project area; therefore no further Section 7 coordination would be required. The USFWS also noted concerns regarding the potential impact of the tower on migratory birds and recommended guidelines for lighting and marking to minimize bird strike fatalities. Lighting and marking would be conducted in a manner as to comply with the USFWS recommendations. Coordination was also conducted with the Maryland Department of Natural Resources (DNR) to determine the potential for impacts to State-listed rare, threatened or endangered species. In a letter from the Maryland DNR, dated October 19, 2009, it was determined that there were no records of State-listed rare, threatened or endangered species within the boundaries of the proposed project site. However, the Maryland DNR identified

forested area on the site contains Forest Interior Dwelling Bird Species (FIDS) habitat within the vicinity of the proposed Westernport communications facility site. FIDS species are declining in Maryland and throughout the eastern United States (U.S.). As a result, the Maryland DNR strongly encouraged conservation of FIDS habitat and provided guidelines to incorporate in the site design to help minimize project impacts to FIDS and other native forest plant and wildlife. All proposed project activities for this action would take place within an existing tower footprint in un-forested areas and no disturbance, isolation, or elimination of forest canopy cover is anticipated. Coordination with appropriate Federal and State fish and wildlife agencies concluded that there were no potential direct adverse impacts to threatened or endangered species. Potential impacts to migratory birds would be addressed through recommended mitigation regarding lighting and tower marking. In addition, the absence of any tree removal during construction on the proposed communications facility site adheres to guidance provided regarding FIDS habitat, including limiting disturbance to non-forested areas, minimizing forest isolation, and maintaining forest canopy closure over roads.

Coordination on historic and cultural resources issues was accomplished through an informal consultation with the Maryland State Historic Preservation Office (SHPO)/Maryland Historical Trust to determine whether the construction of the proposed communications facility site may generate any short- or long-term indirect impacts to historic and cultural resources and may be located within the viewshed of any historic and cultural resources. A file review and a field survey of existing buildings and structures previously inventoried by the Maryland Historical Trust identified two properties, "Borderside" (G-I-E-007/NR 339) and the Bloomington Viaduct (G-I-E-110/NR-412) that have been listed in the National Register of Historic Places within the Area of Potential Effect (APE), a 0.75 mile radius around the project site. The "Borderside" site is no longer standing and the Bloomington Viaduct is listed on the National Register for its significance under Criteria A and C for its contributions to transportation and engineering. Although the proposed tower would be visible from the Bloomington Viaduct, the design, materials, and workmanship of the site would not be adversely affected. Three resources that are eligible for listing on the National Register were also identified and included Bridge 11018 (G-I-E-199), Hammond's Addition Historic District (AL-VI-D-307), and Luke Historic District (AL-VI-D-306). Bridge 11018 is eligible for the National Register (under Criterion C) as one of the few remaining examples of a concrete rigid frame bridge. The proposed tower would be visible from the bridge, but would not adversely affect the design, workmanship, and materials associated with Bridge 11018. Hammond's Addition Historic District and Luke Historic District are both eligible for the National Register under Criterion A and C. Tree cover and associated topography of the area would limit visibility of the proposed tower site and would limit the impact on the integrity of setting, feeling and association within the Hammond's Addition Historic District and Luke Historic District. The Maryland SHPO/Maryland Historical Trust reviewed and concurred in a letter on October 28, 2009 with the determination that the proposed project was determined to have no adverse effect on historic properties.

### **Findings and Conclusions**

The proposed Westernport Communications Facility is not likely to result in any environmental impacts and does not involve any unusual risks or impacts to sensitive areas. The Proposed Action would result in the replacement of a damaged 150-ft guyed tower and would require construction of a new transmitting and receiving 348-foot self-supporting three-legged lattice

tower with ground disturbance activities totaling 14,000 sq-ft (0.32 acres). The new communications facility would be sited within the original tower footprint and was found to have no significant impacts to any resource impacts examined. Coordination with appropriate Federal and State agencies concluded that there were no potential adverse impacts to threatened or endangered species, or archeological or historic resources. Potential impacts to migratory birds would be addressed through recommended mitigation regarding lighting and tower marking. In addition, no trees would be removed to accommodate this project, which follows Maryland DNR guidance on reducing or eliminating effects to FIDS habitat.

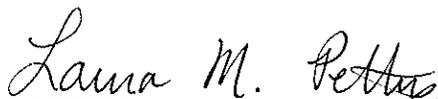
**NTIA Review**

NTIA determined that the July 2010 EA of the proposed Westernport Communications Facility adequately assessed the potential individual and cumulative environmental impacts of the proposed telecommunication facility development, including a 348-ft self-supporting three-legged lattice tower, shelters, associated equipment, and access road, and that the scope, alternatives considered, and content of the EA are adequate.

This Finding of No Significant Impact (FONSI) is based on the attached EA which has been independently evaluated by the NTIA. The NTIA determined that the EA adequately and accurately addresses the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining that an environmental impact statement is not required.

Based on the best available information and NTIA's independent review, NTIA has decided to adopt the July 2010 EA for the State of Maryland, Westernport Communications Facility. This FONSI has therefore been prepared and is being submitted to document environmental review and evaluation in compliance with the NEPA of 1969. The decision documents for the environmental review of the Proposed Action are attached.

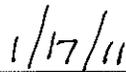
I have considered the information contained in the EA, which is the basis for this FONSI. Based on the information in the EA and this FONSI document, I agree that the Proposed Action as described above, and in the EA, would have no significant impact on the environment.



Laura M. Pettus

Responsible Program Manager

Department of Commerce, National Telecommunications and Information Administration



Date