

## **Finding of No Significant Impact (FONSI) for the Barton 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, Barton Communications Facility, Garrett County (dated June 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 Barton Communications Facility, which would be part of a State-wide 700 megahertz (MHz) communications system linking several State agency users (e.g., Maryland State Police, Maryland Department of Natural Resources [DNR]), statewide Emergency Medical Services, state and local law enforcement agencies, and fire departments) 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 Barton 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 Barton Communications Facility is classified as a transmission and receiving site.

The proposed Barton 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 (Barton, Garrett County). The proposed Barton Communications Facility 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, and includes two 12-ft x 38-ft equipment shelters supported by a backup generator and an associated liquid propane (LP) fuel tank. The proposed site is located on privately-owned land on part of an active strip mine. Garrett County plans to enter into a lease with the landowner, Tri Star Mining, Inc.

The proposed site is located approximately 1,400 ft northeast of Russell Road in Barton, Garrett County, Maryland. Total ground disturbance would be approximately 150,000 sq-ft (3.44 acres) includes the communications facility footprint and existing access road upgrades (0.74 acres), and installation of a new stormwater system including swales, check dams, and a pocket pond/wetland along the access road (2.70 acres) to improve site drainage and alleviate runoff to the Georges Creek watershed. Utility connections already exist at Russell Road; additional trenching along the existing access road would be needed to tie into the new communications facility. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the local utility service, Allegheny Power. Upgrades to the existing gravel access road (16-ft x 1,400-ft) would be included to improve access to the site originating from Russell Road.

The EA analyses existing conditions and environmental consequences of the Proposed Action with 10 resource areas: noise, air quality, geology and soils, water resources, biological resources, historic and cultural resources, land use and zoning, infrastructure, socioeconomic resources, and human health and safety. Water resources provided baseline information and analysis of effects on surface water, groundwater, coastal zone, floodplains, and wild and scenic rivers. Biological resources provided baseline information and analysis of effects on wildlife, vegetation, threatened and endangered species, and wetlands. Analysis of the social environment included demographics, environmental justice, economics, aesthetic and visual resources, and emergency services.

### **Alternatives Considered**

**Alternative 1 – No Build (No Action Alternative).** Under the No Action Alternative, the State of Maryland would not utilize the Barton site for the proposed communications facility. The existing Barton property would remain as it presently exists, privately-owned land on an active 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 – Preferred Alternative (PSIC-funded Communications Facility).** Alternative 2 is to implement the Barton 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 LP fuel tank within a 10,000 sq-ft fenced compound. The proposed site would tie into existing utility connections at Russell Road, and provide power to the communications facility through direct burial cable along the existing access road to the site. The project would

also include the development of a new stormwater system along the access road to improve site drainage and alleviate runoff to the Georges Creek watershed. 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 16-ft x 1,400-ft gravel access road that extends onto the property directly from Russell Road would be upgraded with geo-grid gravel. Alternative 2 is located on an active strip mine within previously disturbed land presently covered by gravel hardstand. Garrett County plans to enter into lease with the landowner, Tri Star Mining, Inc.

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

Alternative sites were initially screened through input from environmental and planning agencies, including MDoIT and interested parties. Screening included identification of feasible sites for the proposed communications facility, potential site availability and impacts associated with each site, and interested parties concerns. Alternatives considered included additional site locations within the strip mine area; these sites were dismissed from further review because they were deemed unacceptable due to topography and the vicinity of existing mining operations. Other alternatives considered beyond the existing strip mine property were dismissed due to the lack of availability of State or county property.

### **Recommended Alternative**

Alternative 2 to implement the Barton 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 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 October 6, 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 wetlands and 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 November 2, 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. Coordination with appropriate Federal and State fish and wildlife agencies concluded that there were no potential direct adverse impacts to threatened or endangered species. No wetlands are present on the proposed site. In addition, the proposed installation of a stormwater management system would reduce the potential for indirect effects on off-site wetlands. Potential impacts to migratory birds would be addressed through recommended mitigation regarding lighting and tower marking.

Coordination on historic and cultural resources issues was accomplished through an informal consultation with the Maryland State Historic Preservation Office (SHPO)/Maryland Historical Trust (MHT) to determine whether the construction of the proposed communications facility 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 field survey of existing buildings and structures previously inventoried by MHT identified no listed National Register of Historic Places properties within the Area of Potential Effect (APE), a 0.75 mile radius around the project site. In addition, a review of data from the MHT relevant to recorded archeological sites on or near the subject property was conducted. Based on the analysis of recent land use, the project site is highly disturbed by activities related to strip mining and subsequent rehabilitation. Because of the past disturbance at the site, it was determined that any archeological deposits that may have existed previously within the study area would not have survived or retained any integrity of deposition considering the recent land alteration. The Maryland SHPO/MHT reviewed and concurred in a letter dated November 19, 2009 with the determination that the proposed project would have no adverse effect on historic properties.

### **Findings and Conclusions**

The proposed Barton 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 require construction of a new transmitting and receiving 348-ft self-supporting three-legged lattice tower, utility connections, access road upgrades, and installation of a stormwater management system with ground disturbance activities totaling 150,000 sq-ft (3.44 acres). The new communications facility would be sited in a previously disturbed open field 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.

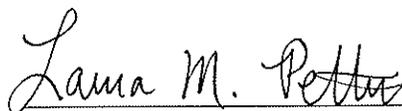
## NTIA Review

NTIA determined that the June 2010 EA of the proposed Barton 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, utility connections, and installation of a stormwater system along the existing 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 June 2010 EA for the State of Maryland, Barton 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.

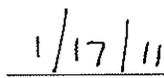
I have considered the information contained in the EA, which is the basis for this FONSI. Based on the information in the EA and this FONSI document, I agree that the Proposed Action as described above, and in the EA, would have no significant impact on the environment.

  
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Laura M. Pettus

Responsible Program Manager

Department of Commerce, National Telecommunications and Information Administration

  
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Date