Finding of No Significant Impact for Proposed Gray Tower

INTRODUCTION

The State of Maine Office of Information Technology (OIT) proposes to construct a 275-foot (ft) freestanding, self-support tower in Cumberland County, Maine. The Gray Tower Environmental Assessment (EA) 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, to construct this tower and associated equipment.

SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The proposed Gray tower project 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 megahertz (MHz) band. As a condition of the PSIC Grant Program, grantees must comply with all relevant Federal legislation, including the National Environmental Policy Act of 1969 (NEPA).

The NTIA has specified that PSIC grant funds must be used for projects that would improve communications in areas at high risk for natural disasters and 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 the installation of new large-scale infrastructure (e.g., communications towers) to the acquisition of mobile / portable handheld radios. As outlined in the PSIC Grant Program's Programmatic EA (February 2009) and Final Finding of No Significant Impact (FONSI) (April 2009), the proposed Gray tower project is classified as a transmission and receiving site.

The proposed Gray tower project would allow for the following:

- Provide reliable public safety voice communications throughout the State,
- Replace and consolidate outdated infrastructure,
- Reduce development and operating costs,
- Meet current and future Federal communications mandates, and
- Continue interoperability with local public safety agencies

Historically, Maine State agencies have communicated statewide using their own separate and distinct systems, resulting in system interoperability challenges, as well as problems with interagency coordination. To remedy this situation, on July 1, 2007, the OIT assumed ownership of the disparate communications systems once owned and operated independently by the Maine State Police, Maine Warden Service, Maine Forest Service, Maine Marine Patrol, and Maine Emergency Management Agency. These communication systems are currently being consolidated into a single interoperable voice and data communication system called the Maine State Communications Network (MSCommNet). The independent agencies now act as clients to OIT. An interagency agreement and access protocol has been developed to assure maximum participation and interagency coordination. MSCommNet is a statewide initiative to modernize and improve the State's radio communication system, including upgrades of the infrastructure sites, as well as updates to radio frequency (RF) radio equipment technology and microwave backhaul. Funded through State and Federal sources, the MSCommNet project will improve interoperability across statewide agencies, as well as providing a gateway for non-State public safety users to communicate on the network. Under MSCommNet, 42 radio communications sites across the State of Maine were identified for upgrades and improvements, including the Gray tower in southern Maine.

The EA examines the Proposed Action to construct the Gray tower project in Cumberland County, Maine. The proposed project would include the construction of 275-ft freestanding, self-support communications tower within a 100-ft by 100-ft fenced compound. All components would be contained within the fenced compound. The total area of disturbance associated with the proposed fenced compound and access drive is anticipated to total approximately 10,000-square feet (sq-ft) (0.23-acres).

The EA analyzes existing conditions and environmental consequences of the Proposed Action for 11 resource areas: noise, air quality, geology and soils, water resources, biological resources, historic and cultural resources, aesthetic and visual resources, land use, infrastructure, socioeconomic resources, and human health and safety.

ALTERNATIVES CONSIDERED

Alternative 1 (Preferred Alternative)

Alternative 1 (Preferred Alternative) is to implement the Gray tower project in its entirety, consisting of a 275-ft freestanding, self-support lattice tower that would be enclosed within a 100-ft by 100-ft fenced compound with associated equipment. The total ground-disturbance area is estimated at 10,000 sq-ft (0.23 acres). The proposed facility would be located in the Town of Gray in Cumberland County, ME directly adjacent to an existing Regional Communications Center and within 110-ft of an existing communications tower, which will remain at the site. The surrounding community is dominated by single-family residences in a rural agricultural and residential zone. The proposed site is located on State-owned property. The proposed project would include the construction of the tower with an associated foundation, a 12-ft by 36-ft pre-fabricated equipment building, and a 1,000 gallon liquid propane tank. The installation would be encircled by a 10-ft high chain-link fence to provide safety and security to the site. Existing buildings, roads, fencing, and utility lines were incorporated into the project design, as much as possible, to reduce impact and additional expense.

The proposed tower is designed with capacity beyond the initial required antenna loading to accommodate future antennas. The State would not permit commercial entities to co-locate at the facility; however, the State does support and encourage public safety entities to co-locate at their facilities and has designed a process for soliciting and coordinating infrastructure access across agencies. As part of a "public safety" network, the towers designed under the MSCommNet project are designed to a more stringent standard than typical commercial telecommunications structures. Under the TIA-222-G standard, the proposed Gray tower is classified as a Class III structure, used primarily for essential communications. This classification requires the tower be designed to resist higher wind and seismic load conditions than those towers in Class I and II. The proposed site would reduce and consolidate outdated infrastructure and provide reliable interoperable communications with local public safety agencies. The Gray site is a critical link in Maine's radio communications network, and current infrastructure is woefully inadequate. The proposed site is strategically located, providing service to the most heavily populated counties within Maine.

No Action Alternative

Under the No Action Alternative, the current emergency services radio system coverage would not be met causing serious limitation on emergency response, funding for interoperable communications and information systems infrastructure would not be released, and infrastructure would neither be developed nor enhanced. The No Action Alternative would not address the needs for Maine's State agencies. The Proposed Action would not move forward using PSIC grant funds or any alternate funding sources. The No Action Alternative served as the baseline for assessing the impacts of the alternatives in the EA.

Alternatives Considered But Not Carried Forward

One alternative examined was to modify and upgrade the existing tower at the Gray tower site. Successful retro-fitting of the existing tower would lessen both ground disturbance and visual impact of a second tower construction and would use existing infrastructure. However, structural analysis of the existing tower revealed such significant deficiencies that all upgrade options were ruled out. Failure to meet current code and the inability of the tower, even with major structural improvements, to meet load and regulatory requirements for modern public safety telecommunications made this alternative unfeasible and undesirable. Based on these concerns, the proposed alternative was not carried forward as a reasonable alternative to the Proposed Action.

Recommended Alternative
Alternative 1 (Preferred Alternative) to construct the proposed Gray tower project is recommended for implementation and best meets the purpose and the need to improve and facilitate reliable interoperable communications, significantly increase the RF coverage area for emergency first responders, and provide greater security and facility control. The No Action Alternative would not address the communications needs for State of Maine.

CONSULTATIONS
The proposed site is located in a wooded area containing mostly white pine trees that are typical of the region. Total ground disturbance was estimated at 10,000 sq-ft (0.23 acres). Coordination on fish and wildlife issues to meet the Section 7 requirements of the Endangered Species Act was accomplished through a preliminary review of protected species from the U.S. Fish and Wildlife Service (USFWS) Division of Endangered Species Web site to identify listed and proposed threatened and endangered species, as well as critical habitats that may be located on or near the proposed site. The USFWS Web site and correspondence with the USFWS Maine Field Office undertaken for the Maine Tactical Communications Modernization (60 tower sites including the Gray tower project) identified four listed species with presence in Maine. The following species were identified: the Canada lynx (*Lynx canadensis*), Atlantic salmon (*Salmo salar*), and Furbish's lousewort (*Pedicularis furbishiae*), and a candidate species, the New England cottontail rabbit (*Sylvilagus transitionalis*). Site surveys were conducted at the proposed site; no burrows, nests, wetlands, coastal areas or other signs of listed species and/or critical habitat were readily observable. According to the USFWS response dated March 21, 2011, based on the project descriptions, sizes, and locations, the Service concurred with the determination that the proposed projects, including the proposed Gray tower, are not likely to adversely affect these listed species or their critical habitats.

Coordination on historic and cultural resources issues was accomplished with the Maine State Historic Preservation Office (SHPO) to determine whether the construction of the 275-ft freestanding, self-support lattice tower may generate any short- or long-term indirect impacts to historic and cultural resources or may be located within the viewshed of any historic and cultural resources. No historic properties were identified within a 0.75 mile radius of the tower site. A consultation letter was submitted to the Maine SHPO related to any potential impacts to historical or archaeological resources within the area of potential effect (APE) of the site. The appropriate Tribal Historic Preservation Officers of the federally recognized Native American tribes with known ancestral rights in the area were consulted to determine the potential impact from the Proposed Action. The following tribes received letters requesting a review of the project: Aroostook Band of Micmacs, the Houlton Band of Mailseet Indians, the Passamaquoddy Tribe of Indians at Indian Point Reservation and Pleasant Point Reservation, the Penobscot Indian Nation, and the Keweenaw Bay Indian Community. To date, no comments were received. The Maine SHPO concurred in a letter dated September 10, 2010 with the findings that no cultural resources were located within the APE.

FINDINGS AND CONCLUSIONS
The proposed Gray tower project 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 275-ft freestanding, self-support lattice communications tower and associated equipment with ground disturbing activities (totaling 0.23 acres). In accordance with 47 Code of Federal Regulations Section 1.1307(a) (1) through (8), an evaluation was made to determine whether any of the listed Federal Communications Commission (FCC) special interest items would be significantly affected if a tower structure and associated equipment control cabinets were constructed at the proposed site location. No FCC special interest items were identified.

NTIA REVIEW

NTIA determined that the August 2011 Gray Tower EA accurately assessed the potential individual and cumulative environmental impacts of the proposed development including a 275-ft freestanding, self-support lattice communications tower and that the scope, alternatives considered, and content of the EA are adequate.

This FONSI is based on the attached EA which has been independently evaluated by the NTIA and determined to adequately and accurately discuss 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 August 2011 EA for the Gray Tower. The EA is available for public review at http://www.ntia.doc.gov/psic/NEPA_sub3.html. This FONSI has therefore been prepared and is being submitted to document environmental review and evaluation in compliance with NEPA. The decision documents for the environmental review of the Proposed Action are attached.

I have considered the information contained in the EA, and supporting documentation, 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 9/1/11

Laura M. Pettus
Responsible Program Manager
Department of Commerce, National Telecommunications and Information Administration

Date

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Title of document being adopted: Gray Tower Environmental Assessment

Proponent: Maine State Administrative Agency

Location of current proposal: Game Farm Road, Gray (Cumberland County), Maine

Agency that prepared document being adopted: Maine Office of Information Technology

Date adopted document was prepared: August 4, 2011

Description of document (or portion) being adopted: The proposed Gray tower project would include a 275-foot (ft) freestanding, self-support lattice tower with a 100-ft by 100-ft fenced compound with associated equipment. The total ground-disturbance area is estimated at 10,000 square feet (0.23 acres). The project site is directly adjacent to an existing Regional Communications Center and located within 110-ft of an existing communications tower, which will remain at the site. The proposed site is located on State-owned property. The proposed project would include the construction of the tower with an associated foundation, a 12-ft by 36-ft pre-fabricated equipment building, and a 1,000 gallon liquid propane tank. The installation would be encircled by a 10-ft high chain-link fence to provide safety and security to the site. Existing buildings, roads, fencing, and utility lines were incorporated into the project design as much as possible, to reduce impact and additional expense. The tower and site construction for this Proposed Action do not have any significant environmental impacts or extraordinary circumstances.

The document is available to be read at: http://www.ntia.doc.gov/psic/NEPA_sub3.html

The Department of Commerce has identified and adopted this document as being appropriate for National Telecommunications and Information Administration's (NTIA) purposes after independent review. The document meets its environmental review needs for approval under the PSIC Grant Program and will accompany the proposal to the decision maker.

Name of agency adopting the document: NTIA

Responsible Official: Laura M. Pettus

Position/Title: Responsible Program Manager

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Signed: Laura M. Pettus

Date: 9/1/11