

Finding of No Significant Impact for the New Market Communications Facility, Maryland

Introduction

The State of Maryland proposes to construct a communications facility with a 348-foot three-legged self-supporting lattice tower. The Environmental Assessment (EA) for the State of Maryland, New Market Communications Facility, Frederick 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 New Market communications facility, which would be part of a Statewide 700 MHz communications system linking several State agency users (e.g., Maryland State Police, Maryland State Highway Association, Maryland Emergency Medical Services, and Maryland Department of Natural Resources [DNR] Police, Maryland Military Department, and other government radio systems) to fill in local coverage gaps and ensure Public Safety Intranet (PSINET) connectivity in areas previously lacking adequate emergency coverage.

Scope of the Environmental Assessment

The proposed New Market 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., communication towers) to the acquisition of mobile and portable radios. Under the categories outlined in the PSIC Grant Program's Programmatic EA (February 2009) and Finding of No Significant Impact (FONSI) (April 2009), the proposed New Market communications facility is classified as a transmission and receiving site.

The proposed New Market 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
- Enhanced simulcast coverage throughout the area.

This EA examines the Proposed Action to develop a new communications facility in central Maryland (New Market, Frederick County). The proposed New Market communications facility would include the construction of a 348-foot three-legged self-supporting lattice telecommunications tower to be placed within a 10,000 square-foot (sq-ft) fenced equipment

compound, and includes two 12-foot x 38-foot x 10-foot equipment shelters supported by a backup generator and a 1,000 gallon liquid propane fuel tank. In addition, a 1,400 sq-ft access road would be constructed to connect the site with the Interstate ramp and provide improvements to facilitate ingress and egress during facility construction and operation. The New Market communications facility would use a standard Federal Aviation Administration (FAA)-approved E1 lighting system, including a medium intensity white strobe during the day and a red beacon with red-side markers at night. The proposed site would be located in the southeast quadrant of the Route 40/Interstate 70 (I-70) and Maryland Route 75 (MD 75, Green Valley Road) interchange on State-owned property. The total ground disturbance would be approximately 11,400 sq-ft, or 0.26 acres. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the local utility service, Allegheny Power, through a direct connection to power lines.

The EA analyses existing conditions and environmental consequences of the Proposed Action with 11 major resource areas, including 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. Analysis of water resources includes surface water, ground water, floodplains, and wetlands. Vegetation, wildlife, threatened and endangered species, and the Migratory Bird Treaty Act are addressed under biological resources. Analysis of historic and cultural resources includes the Area of Potential Effect (APE), archaeological resources and architectural resources. Infrastructure analysis includes utilities, emergency services, and transportation network. Analysis of human health and safety includes hazards of electromagnetic radiation, communications tower failure, and hazardous materials.

Alternatives Considered

Alternative 1 (Southeast Quadrant of Interchange - Preferred Alternative). Under Alternative 1, the State of Maryland's Department of Information Technology (DoIT) proposes to construct and operate the New Market communications facility on approximately 0.26 acres of State-owned land within the southeast quadrant of the Route 40/I-70 and MD 75 (Green Valley Road) interchange. Latitude and longitude coordinates for the site are 39-22-50.54N and 77-15-30.33W. Alternative 1 would be located within a partially vegetated area consisting of a small area of trees in the central and western portion of the site. The southwestern portion of the site consisted of a mowed, grassy area that also contains a few ornamental plantings of trees and shrubs. Elevation at the proposed site is 525 feet above mean sea level. Alternative 1 consists of a 348-foot three-legged self-supporting lattice tower, two 12-foot x 38-foot x 10-foot equipment shelters, a backup generator, and a 1,000 gallon liquid propane fuel tank within a 10,000 sq-ft fenced compound. In addition, a 1,400 sq-ft access road would be constructed to improve ingress and egress at the site. The local utility service, Allegheny Power, would provide the facility's maximum 400 amps power requirement through a direct connection to power lines.

Alternative 2 (Northeast Quadrant of Interchange). Alternative 2 would include the construction and operation of the New Market communications facility in its entirety, consisting of a 348-foot three-legged self-supporting lattice tower, two 12-foot x 38-foot x 10-foot equipment shelters, a backup generator, and a 1,000 gallon liquid propane fuel tank within a 10,000 sq-ft fenced compound within the northeast quadrant of the Route 40/I-70 and MD 75

(Green Valley Road) interchange. Latitude and longitude coordinates for the site are: 39-22-58.4N and 77-15-31.2W. The proposed access road construction and power requirements would be the same as Alternative 1. Alternative 2 would be located within a densely vegetated area with a slightly higher elevation of 10 feet more than Alternative 1.

Alternative 3 (No Action Alternative). Under the No Action Alternative, the State of Maryland would not utilize the New Market site for the proposed communications facility. The existing property would remain as it presently exists as State-owned land within the southeast quadrant of the Route 40/I-70 and MD 75 (Green Valley Road) interchange. 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.

Recommended Alternative

Alternative sites were initially screened based on the need for a feasible location for the proposed communications facility on State-owned land, a site elevation at a minimum of 500 feet, a slope between 0-15 percent, ease of site access, and a site location that is well-drained. The use of existing communications tower infrastructure was considered, but dismissed because it did not meet the purpose and need. Initially, all four intersection quadrants of the Route 40/I-70 and MD 75 (Green Valley Road) interchange were screened. A review of data from the Maryland DNR GeoSpatial Data Center identified wetland areas in the northwestern and southwestern quadrants of the Route 40/I-70 and MD 75 (Green Valley Road) interchange. Subsequently, both the northwestern and southwestern quadrants were dismissed from further study. Alternatives 1 and 2 were selected for further study based on the initial screening efforts. Analysis of Alternative 2 resulted in the potential for an adverse effect on historic resources in the APE, including the New Market Historic District and the Peace and Plenty Rural Historic Landscape.

Alternative 1, construction and operation of the New Market 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 1 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. Alternative 2, although similar to Alternative 1, would have potential adverse effects on historical and cultural resources, particularly on the New Market Historic District and the Peace and Plenty Rural Historic Landscape. Alternative 3 (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 was accomplished through correspondence with the U.S. Fish and Wildlife Service (USFWS). The USFWS indicated in letters dated October 27, 2009 and May 19, 2010 that, except for occasional transient individuals, no Federally-listed threatened or endangered species

occur within the proposed project site; 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. The communications tower would use a standard FAA-approved EI lighting system, including a medium intensity white strobe during the day and a red beacon with red-side markers at night. Coordination was also conducted with the Maryland DNR to determine the potential for impacts to State-listed rare, threatened or endangered species. In letters from the Maryland DNR dated November 2, 2009 and May 10, 2010, it was determined that there were no records of State-listed rare, threatened or endangered species within the boundaries of the proposed project site. Review of Natural Resources Conservation Service (NRCS) soil surveys and a field survey conducted on April 12, 2010 determined that no wetlands are present on the proposed project site. The proposed New Market communications facility is not likely to result in significant environmental impacts. 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.

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 New Market 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 the Maryland Historical Trust identified no listed properties in the National Register of Historic Places within the APE, a 0.75 mile radius around the project site. In 2004, a Phase I archaeological survey indicated previous disturbance to the area in the western quadrants of the I-70/MD 75 interchange. Section 106 documentation was submitted to the SHPO/Maryland Historical Trust on October 22, 2009, and additional information was provided for the proposed project on April 23, 2010. There are no known federally-recognized tribes in the State of Maryland. The Maryland SHPO/Maryland Historical Trust reviewed and concurred in a letter on May 24, 2010 that the proposed project site was determined to have no effect on historic properties.

The proposed project site is located in Frederick County, Maryland, an area designated as a maintenance area for carbon monoxide (CO) and in a nonattainment status for ozone and particulate matter pollutants. An air conformity analysis was conducted according to the U.S. Environmental Protection Agency (USEPA) General Conformity Rule (40 Code of Federal Regulations Part 51, Subpart W) and determined that construction-related activities would not exceed any of the applicable *de minimus* standards. In addition, operation of the communications facility would not result in significant emission-generating sources or significantly increase or alter the existing ambient air quality levels.

The FAA conducted an aeronautical study on the proposed tower (2010-AEA-2591-OE, issued in 2010) concluding that the structure does not exceed obstruction standards and would not be a hazard to air navigation.

Findings and Conclusions

The proposed New Market 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-foot three-legged self-supporting lattice tower with ground disturbance activities (totaling 11,400 sq-ft, or 0.26 acres), 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.

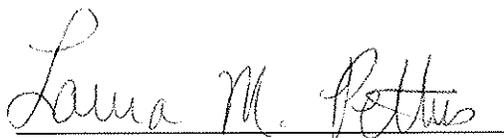
NTIA Review

NTIA determined that the June 2010 EA of the proposed New Market communications facility adequately assessed the potential individual and cumulative environmental impacts of the proposed telecommunication facility development, including a 348-foot three-legged self-supporting lattice tower, shelters, associated equipment, and access road, 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. 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, New Market 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.

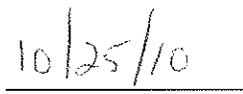
I have considered the information contained in the EA, which is the basis for this FONSI. Based on the information in the EA and this FONSI document, I agree that the Proposed Action as described above, and in the EA, would have no significant impact on the environment.



Laura M. Pettus

Responsible Program Manager

Department of Commerce, National Telecommunications and Information Administration



Date

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Title of Document being Adopted: Environmental Assessment for the State of Maryland, New Market Communications Facility

Proponent: Maryland Department of Information Technology (MDoIT)

Location of current proposal: New Market, Frederick County, Maryland

Agency that prepared document being adopted: Maryland DoIT

Date adopted document was prepared: July 2010

Description of document (or portion) being adopted: The June 2010 EA of the State of Maryland, New Market Communications Facility provides an analysis of the Proposed Action to construct a new transmission and receiving site in central Maryland. The proposed New Market communications facility would consist of a 348-foot three-legged self-supporting lattice telecommunications tower to be placed within a 10,000 square-foot fenced equipment compound, and includes two 12-foot x 38-foot x 10-foot equipment shelters supported by a backup generator and a 1,000 gallon liquid propane fuel tank. Power would be supplied by Allegheny Power through a direct connection to existing power lines. In addition, a 1,400 sq-ft access road would be constructed to connect the site with the interstate ramp and provide improvements to facilitate ingress and egress during facility construction and operation. The tower and site construction and equipment acquisition and installation for this Proposed Action do not have any significant environmental impacts or extraordinary circumstances.

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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DATE OF ISSUE: SIGNATURE:

Signed:

Date:



