

Finding of No Significant Impact (FONSI) for the Route 439 Radio Tower Site, Maryland

Introduction

The State of Maryland proposes to construct a communications facility with a 340-foot three-legged self-supporting lattice tower. The Environmental Assessment (EA), Supplemental EA, and supporting documentation for the State of Maryland, Route 439 Radio Tower Site, Baltimore County (dated April 2008, November 2009, and July 2010, respectively) provide 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. The Supplemental EA covers the proposed Route 439 Radio Tower Site, which would support a multijurisdictional public safety radio communications system including microwave backhaul, portable radio based (P25) voice communications, and mobile data communications systems operating in both the 800 MHz and 700 MHz frequency bands. The site would link several agency users (e.g., Baltimore County, State of Maryland, and the Central Maryland Area Regional Communications System [CMARC]) while simultaneously accommodating various radio frequency (RF) communications formats to fill in local coverage gaps and ensure sufficient RF signal strength to public safety personnel and increased microwave backhaul reliability and route diversity.

Scope of the Environmental Assessment (EA)

The proposed Route 439 Radio 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 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 Route 439 Radio Tower Site is classified as a transmission and receiving site.

The proposed Route 439 Radio Tower project would allow for the following:

- Increased coverage area for emergency responders and multiple agencies 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 north central Maryland (Parkton, Baltimore County). The proposed project would include the construction of a 340-foot three-legged self-supporting lattice telecommunications tower to be placed within a 115-foot by 100-foot fenced equipment compound, including two 12-foot x 38-foot equipment shelters to house a backup 100 KW generator and diesel belly tank. In addition, a 12-foot by 160-foot access road and turnaround area would be constructed to connect the site with Old York Road to facilitate ingress/egress during facility construction and operation. The unpainted galvanized steel tower would use medium intensity white top mounted strobe for daytime marking and a red top mounted beacon and side red lights for nighttime lighting per Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements. The proposed site would be located on State-owned property along the intersection of Maryland (MD) Route 439 (Old York Road) and Interstate 83 (I-83) at 21144 Old York Road, Parkton, Maryland. The total ground disturbance would be approximately 13,100 square-feet (sq-ft) (0.30 acres). Power requirements for the proposed facility would be a maximum of 400 amps and would be supplied by the local utility service, Baltimore Gas and Electric Company (BGE), through a direct connection to a transformer located 10 feet outside of the equipment compound.

The EA analyses existing conditions and environmental consequences of the Proposed Action with 10 major resource areas, including natural and environmental features, cultural resources, rare, threatened and endangered species, socioeconomics, permitting, noise, air quality, water resources, infrastructure, and hazardous materials. Analysis of water resources includes surface water, floodplains, and wetlands. Wildlife, threatened and endangered species, and the Bald and Golden Eagle Protection and Migratory Bird Treaty Act are addressed under rare, threatened and endangered species. Analysis of historic and cultural resources includes the Area of Potential Effect (APE), archaeological resources and architectural resources. Infrastructure analysis includes utilities and transportation networks.

Alternatives Considered

Alternative 1 (Route 439 Old York Road) - Preferred Alternative). Under Alternative 1, the Maryland's Baltimore County Office of Information Technology proposes to construct and operate the Route 439 Radio Tower project on approximately 0.30 acres of State-owned land at 2114 Old York Road, Parkton, Maryland. Alternative 1 would be located within a wooded area 200 feet south of MD Route 439 (Old York Road) and 700 feet northeast of Interstate 83 (I-83) adjacent to an existing park-and-ride facility. Elevation at the proposed site is 800 feet above mean sea level. This alternative consists of a 340-foot three-legged self-supporting lattice tower, two 12-foot x 38-foot equipment shelters, a backup 100 KW generator, and a diesel belly tank within a 115-foot by 100-foot fenced equipment compound. In addition, a 12-foot by 160-foot access road and turnaround area would be constructed to connect the site with Old York Road to facilitate ingress/egress during facility construction and operation.

Power requirements for the proposed facility would be a maximum of 400 amps and would be supplied by the local utility service, Baltimore Gas and Electric Company (BGE), through a direct connection to a transformer located 10 feet outside of the equipment compound.

Alternative 2 (No Action Alternative). Under the No Action Alternative, the State of Maryland and Baltimore County would not utilize the Route 439 Radio Tower Site for the proposed communications facility. The existing property would remain as it presently exists as State-owned property along the intersection of MD Route 439 (Old York Road) and I-83. 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, property available to Baltimore County without purchase, a suitable location in-building RF signal strength operating inside typical constructed structures with up to a 6 decibel (dB) loss, and a location that provides microwave connectivity to the existing Baltimore County and State of Maryland transmission and receiver tower network. Two alternatives were initially considered, but eliminated from further study. The site at the Parkton Landfill would require a guyed tower at a height in excess of 600 feet and would not provide suitable RF coverage or microwave connectivity. Available land along Route 439 south of the Park-and-Ride facility would hinder the Maryland State Highway Administration's future development plans of the facility. Alternative 1 was selected for further study based on the initial screening efforts.

Alternative 1, construction and operation of the Route 439 Radio Tower Site, 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.

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 July 25, 2008 that, except for occasional transient individuals, the only Federally-listed threatened or endangered species that might occur within the proposed project site is the Federally-threatened bog turtle (*Clemmys muhlenbergii*) and recommended further contact with Maryland Department of Natural Resources (DNR), Wildlife and Heritage Division to determine the need for a survey of the bog turtle. Per the USFWS request, Maryland DNR was contacted (by telephone) on July 28, 2008 and verified that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site, and confirmed that a survey for the bog turtle was not necessary. Therefore, no further Section 7 coordination would be required.

The USFWS also noted concerns regarding the potential impact of the tower on wetlands and bald eagles and recommended compliance with the Bald and Golden Eagle Protection Act, Lacey Act, and the Migratory Bird Treaty Act. The USFWS referred to the use of the "National Bald Eagle Management Guidelines" (May 2007) if the tower project caused disturbance to the bald

eagle and provided contact information for the Chesapeake Bay Ecological Field Office for further technical assistance. Further coordination was also conducted with the Maryland DNR to determine the potential for impacts to State-listed rare, threatened or endangered species, and fisheries resources, including anadromous fish. In a letter from the Maryland DNR, dated June 24, 2008, it was determined that there were no records of Federal or State-listed rare, threatened or endangered species within the boundaries of the proposed project site. In addition, in a July 23, 2008 letter from the Maryland DNR, it was determined that there were no aquatic resource concerns related to the project based on the type of structure, expected work, and upland area locations. Review of the National Wetlands Inventory (NWI) map for New Freedom (Maryland Quadrangle) determined that no wetlands are present on the proposed project site.

The proposed site 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, including the Federally-threatened bog turtle. Potential disturbance to bald eagles would be addressed through recommended compliance with "National Bald Eagle Management Guidelines" (May 2007).

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 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 desktop assessment and field study of existing buildings and structures previously inventoried by the Maryland Historical Trust identified no listed properties in the National Register of Historic Places (NRHP) within the APE, a 0.75 mile radius around the project site. On May 14, 2008, an archeological field check of the APE uncovered four fragments of fire-cracked rock in one of three shovel test pits. These artifacts were determined not to be particularly significant. In addition, the Archeological Society of Maryland noted that due to the project's small footprint, it is unlikely that the project would affect archeological resources. The Maryland SHPO/Maryland Historical Trust reviewed and concurred in a letter on June 23, 2008 that the proposed project site was determined to have no effect on historic properties.

Findings and Conclusions

The proposed Route 439 Radio Tower Site 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 340-foot three-legged self-supporting lattice tower and associate equipment with ground disturbance activities (totaling 13,100 sq-ft, or 0.30 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 NEPA Documentation Package (August 2009) and the updated Supplemental July 2010 EA of the proposed Route 439 Radio Tower Site adequately assessed the potential individual and cumulative environmental impacts of the proposed telecommunication facility development, including a 340-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 Finding of No Significant Impact (FONSI) is based on the attached NEPA Documentation Package (August 2009) and Supplemental EA (July 2010) which have been independently evaluated by the NTIA. The NTIA determined that the Supplemental 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 Supplemental EA for the State of Maryland, Route 439 Radio Tower Site. 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 Supplemental EA, and supporting documentation, which is the basis for this FONSI. Based on the information in the Supplemental EA and this FONSI document, I agree that the Proposed Action as described above, and in the Supplemental EA, would have no significant impact on the environment.

Laura M. Pettus

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Responsible Program Manager

Department of Commerce, National Telecommunications and Information Administration

2/28/11

Date

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Title of Document being Adopted: Supplemental Environmental Assessment for the State of Maryland, Route 439 Radio Tower Site

Proponent: Baltimore County, Maryland

Location of current proposal: 2114 Old York Road, Parkton, Baltimore County, Maryland

Agency that prepared document being adopted: Baltimore County Office of Information Technology

Date adopted document was prepared: July 2010

Description of document (or portion) being adopted: The July 2010 Supplemental EA of the State of Maryland, Route 439 Radio Tower Site provides an analysis of the Proposed Action to construct a new transmission and receiving site in central Maryland. The proposed project would consist of a 340-foot three-legged self-supporting lattice telecommunications tower to be placed within 115-foot by 100-foot fenced equipment compound, including two 12-foot x 38-foot equipment shelters to house a backup 100 KW generator and diesel belly tank. Power would be supplied by the local utility service, through a direct connection to a transformer located 10 feet outside of the equipment compound. In addition, a 12-foot by 160-foot access road and turnaround area would be constructed to connect the site with Old York Road to facilitate ingress/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 (NTIA's) purposes after independent review. The document meets its environmental review needs for approval under the Public Safety Interoperable Communications (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:

Laura M. Pettus

2/28/11