FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR THE BETHUNE ELEMENTARY SCHOOL COMMUNICATIONS FACILITY, MARYLAND

Introduction

The State of Maryland proposes to construct a communications facility with a 348-foot self-supporting three-legged lattice tower. The Environmental Assessment (EA) for the State of Maryland, Bethune Elementary School Communications Facility, 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 Bethune Elementary School 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 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 Bethune Elementary School 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 Bethune Elementary School communications facility is classified as a transmission and receiving site.

The proposed Bethune Elementary School 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 southern Maryland (Bushwood, St. Mary's County). The proposed Bethune Elementary School communications facility would include the construction of a 348-foot self-supporting three-legged lattice telecommunications tower to be placed within a 7,500 square-foot fenced equipment compound, and includes two 12-foot x 38-foot equipment shelters supported by a backup generator and an associated liquid propane fuel tank. The proposed site would be located within the confines of an approximately 19.84-acre property under the jurisdiction of the St. Mary's County Board of Education that is used for the school's Information Technologies (IT) Department at 22975 Colton Point Road, Bushwood, St. Mary's County, Maryland. The Bethune Elementary School site does not regularly accommodate school children. The total ground disturbance would be approximately 12,000 square feet (sq-ft), or 0.28 acres. The proposed communications facility would tie into the existing utilities system through a pad mounted transformer at the facility entrance. Utility connections would be made by direct burial cable, extending from the school to the communications facility along a 450-foot trenched line. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the local utility service, Southern Maryland Electric Cooperative. A gravel access road (12-foot x 340-foot) would be constructed to allow access to the site originating from the Bethune School main building and extend through a grassy field along the northern tree line of the property.

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; geology, topography, and soils; 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 Bethune Elementary School site for the proposed communications facility. The existing Bethune Elementary School property would remain as it presently exists. 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 Bethune Elementary School communications facility in its entirety, consisting of a 348-foot self-supporting three-legged lattice tower, two 12-foot x 38-foot equipment shelters, a backup generator, and an associated liquid propane fuel tank within a 7,500 sq-ft fenced compound. The proposed facility would tie into the existing utilities system through a pad mounted transformer at the facility entrance. Utility connections would be made by direct burial cable, extending from the school to the communications facility along a 450-foot trenched line. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the

local utility service, Southern Maryland Electric Cooperative. The proposed 12-foot x 340-foot gravel access road would originate from the Bethune School main building and extend through a grassy field along the northern tree line of the property. Alternative 2 is located on an approximately 19.84-acre property under the jurisdiction of the St. Mary's County Board of Education and is used for the school's Information Technologies (IT) Department. The Bethune Elementary School site does not regularly accommodate school children.

Recommended Alternative

Alternative sites were initially screened through a review of area planning documents, property tax maps, and aerial photographs. Sites initially investigated but dismissed from further consideration were dismissed due to a number of reasons, including the potential for extensive vegetation removal, the existence of nearby wetlands, and site access issues. Alternative 2 was selected for further study based on the initial screening efforts and because the site had the advantage of already being under St. Mary's County ownership. Alternative 2 to implement the Bethune Elementary School 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. Alternative 1 (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 July 16, 2009 that, except for occasional transient individuals, no Federally-proposed or -listed threatened or endangered species occur within the proposed project area; therefore, no biological assessment (BA) or 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 DNR to determine the potential for impacts to State-listed rare, threatened or endangered species. In a letter from the Maryland DNR, dated September 2, 2009, it was determined that there were no records of State-listed rare, threatened or endangered species within the boundaries of the proposed site. However, the Maryland DNR identified Church Swamp, a Nontidal Wetland of Special State Concern (NTWSSC), across Colton Point Road from the proposed Bethune Elementary School site. This NTWSSC contains three rare and listed State vegetation species. As a result, the Maryland DNR encouraged strict adherence to all appropriate best management practices (BMPs) for sediment and erosion control

during all phases of work on the site to reduce the likelihood of adverse impacts to Church Swamp. The proposed 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. In addition, adherence to all appropriate best management practices during construction and operation of the communication facility would reduce potential adverse effects to species within Church Swamp, located across Colton Point Road from the site.

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 at the Maryland Historical Trust identified no properties that have been listed in or formally determined eligible for listing in the National Register of Historic Places within the Area of Potential Effect (APE), a 0.75 mile radius around the project site. The Maryland SHPO/Maryland Historic Trust reviewed and concurred in a letter dated May 30, 2008 with the determination that the proposed project was determined to have no effect on historic properties.

Findings and Conclusions

The proposed State of Maryland, Bethune Elementary School 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 self-supporting three-legged lattice tower with ground disturbance activities (totaling 12,000 sq-ft, or 0.28 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. In addition, adherence to all appropriate BMPs for sediment and erosion control during all phases of work on the site would reduce the likelihood of adverse impacts to State rare and listed vegetation species located in Church Swamp.

NTIA Review

NTIA determined that the June 2010 EA of the proposed Bethune Elementary School Communications Facility adequately assessed the potential individual and cumulative environmental impacts of the proposed telecommunication facility development, including a 348-foot 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 June 2010 EA for the Bethune Elementary School 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 9/21/10

Laura M. Pettus
Date

Responsible Program Manager
Department of Commerce, National Telecommunications and Information Administration

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Description of proposal: Bethune Elementary School Communications Facility

Proponent: Maryland Department of Information Technology (MDoIT)

Location of current proposal: Bushwood, St. Mary's County, Maryland

Title of document being adopted: Environmental Assessment for the State of Maryland, Bethune Elementary School Communications Facility

Agency that prepared document being adopted: MDoIT

Date adopted document was prepared: June 2010

Description of document (or portion) being adopted: The June 2010 EA of the Bethune Elementary School Communications Facility provides an analysis of the Proposed Action to construct a new transmission and receiving site in southern Maryland. The proposed Bethune Elementary School communications facility would consist of a 348-foot self-supporting three-legged lattice telecommunications tower to be placed within a 7,500 square-foot fenced equipment compound, and includes two 12-foot x 38-foot equipment shelters supported by a backup generator and an associated liquid propane fuel tank. Utility connections would be made by direct burial cable along a 450-foot trenched line. Power would be supplied by Southern Maryland Electric Cooperative. In addition, a 12-foot x 340-foot gravel access road would be constructed to allow access to the site. 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 NTIA's 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

Address: National Telecommunications and Information Administration

Room 4812, 1401 Constitution Avenue, NW, Washington, D.C., 20230

Please contact: Laura Pettus **Phone:** (202) 482-4509 or **Fax:** (202) 501-8013

e-mail: lpettus@ntia.doc.gov

Signed: **Date:**

Laura M. Pettus 9/21/10