

## **Finding of No Significant Impact (FONSI) for the State of Maryland Fruitland Communications Facility**

### **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 Fruitland Communications Facility, dated April 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 Fruitland 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 the Department of Natural Resources), as well as multiple smaller agencies (e.g., Maryland's 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 Fruitland 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 Fruitland Communications Facility is classified as a transmission and receiving site.

The proposed Fruitland 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 Draft EA examines the Proposed Action to develop a new communications facility in eastern Maryland (Fruitland, Wicomico County). The proposed Fruitland Communications Facility would include the construction of a 348' self-supporting three-legged lattice

telecommunications tower to be placed within a 120' x 120' fenced equipment compound, with two 12' x 38' equipment shelters supported by one backup generator and an associated liquid propane fuel tank. The proposed site would be located on State-owned property under the jurisdiction of the Maryland State Highway Administration (SHA) and at the southwest corner of US Route 13 (South Fruitland Boulevard) and Disharoon Road, Fruitland, Wicomico County, Maryland. The total ground disturbance would be approximately 14,000 square feet (sq-ft), or 0.32 acres. The proposed facility would tie into the existing utilities system located at a facility across Disharoon Road. Utility connections would be made by direct burial cable consisting of a trenched line approximately 250 feet in length. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the local utility service, Chesapeake Utilities Corporation. The site is currently accessible from Disharoon Road; a parking or pull-off area along Disharoon Road may be constructed in the future.

This EA analyzes 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 Fruitland site for the proposed communications facility. The existing Maryland SHA 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 (Preferred Alternative).** Alternative 2 is to implement the proposed Fruitland Communications Facility in its entirety, consisting of a 348' self-supporting three-legged lattice tower, two 12' x 38' equipment shelters, one backup generator, and an associated liquid propane fuel tank within a 10,000 sq-ft fenced compound. The total ground disturbance would be approximately 14,000 sq-ft, or 0.32 acres. The proposed facility would tie into the existing utilities system located at a facility across Disharoon Road. Utility connections would be made by direct burial cable, consisting of a trenched line approximately 250 feet in length. Power requirements for the facility would be a maximum of 400 amps and would be supplied by the local utility service, Chesapeake Utilities Corporation. Alternative 2 is located on an approximately 1.80-acre wooded lot currently under the jurisdiction of the Maryland SHA. The site is approximately 670 feet southwest of the intersection of Disharoon Road and South Camden Avenue. Disharoon Road provides access to the site; however, a parking or pull-off area may be constructed in the future.

### **Recommended Alternative**

Alternative 2 (Preferred Alternative) 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, it 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 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 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 with the USFWS 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 Department of Natural Resources (DNR) to determine the potential for impacts to State-listed rare, threatened or endangered species. It was determined that there were no records of State-listed rare, threatened, or endangered species within the boundaries of the proposed site. As a result, the Maryland DNR did not have specific comments or requirements for the proposed activities.

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 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. The construction of the proposed Fruitland Communications Facility may indirectly impact the viewshed of architectural resources in the area if it is not aesthetically compatible with the character of the historic surroundings. A desktop assessment was conducted to determine if any historic and cultural resources were listed in the area of potential effects (APE). A review of the archeological site files on record at the Maryland Historical Trust indicates that no previously recorded archeological sites occur within the APE for direct effects. In addition, the Maryland SHPO/Maryland Historical Trust reviewed and concurred with the determination that the proposed project was determined to have no effect on archeological resources and historic properties.

### **Findings and Conclusions**

The proposed State of Maryland Fruitland 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' self-supporting three-legged lattice tower with ground disturbance activities (totaling 14,000 sq-ft, or

0.32 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.

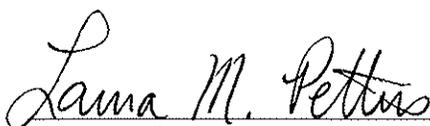
#### **NTIA Review**

NTIA determined that the April 2010 EA of the proposed Fruitland Communications Facility adequately assessed the potential individual and cumulative environmental impacts of the proposed communications facility development, including a 348' self-supporting three-legged lattice tower, shelters, and associated equipment, 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 April 2010 EA for the State of Maryland Fruitland 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.

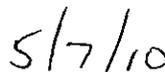
I have considered the information contained in the EA, which is the basis for this FONSI. Based on the information in the EA and this FONSI document, I agree that the Proposed Action as described above, and in the EA, would have no significant impact on the environment.



Laura M. Pettus

Responsible Program Manager

Department of Commerce, National Telecommunications and Information Administration



Date

**ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT**

**Description of proposal:** State of Maryland Fruitland Communications Facility

**Proponent:** Maryland Department of Information Technology (MDoIT)

**Location of current proposal:** Fruitland, Wicomico County, Maryland

**Title of document being adopted:** Environmental Assessment for the State of Maryland Fruitland Communications Facility

**Agency that prepared document being adopted:** MDoIT

**Date adopted document was prepared:** April 2010

**Description of document (or portion) being adopted:** The April 2010 EA of the State of Maryland Fruitland Communications Facility provides an analysis of the Proposed Action to construct a new transmission and receiving site in eastern Maryland. The proposed Fruitland Communications Facility would consist of a 348' self-supporting three-legged lattice telecommunications tower to be placed within a 10,000 sq-ft fenced equipment compound, with two 12' x 38' equipment shelters supported by one backup generator and an associated liquid propane fuel tank. The tower and site construction and equipment acquisition/installation for this Proposed Action does 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

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**DATE OF ISSUE:** April 28, 2010 **SIGNATURE:**

Signed:

Date:

Laura M. Pettus, RPM

5/7/10