

Finding of No Significant Impact for Fairground Road 340-foot Self-Support Communications Tower

Introduction

The North Carolina Highway Patrol – Department of Crime and Public Safety proposes to develop a new communications site by acquiring and installing a 340-foot self-support tower in central Rutherford County, North Carolina. The Draft Fairground Road 340-foot Self-Support Communications 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 build this facility and associated equipment.

Scope of the Environmental Assessment

The proposed Fairground Road communications site 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 (NEPA) of 1969.

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 Fairground Road communications site is classified as a transmission and receiving site.

The proposed Fairground Road communications site would allow for the following:

- Increased radio frequency (RF) coverage area for Federal, State, and local emergency first responders connected through the State Voice Interoperability Plan for Emergency Responders (VIPER) network,
- Updated equipment to support new frequencies to improve and expand voice and data coverage,
- Reliable interoperable communications among first responder organizations, and
- Enhanced security and facility control.

The Draft EA examines the Proposed Action to develop a new communications facility at 351 Fairground Road in Spindale, Rutherford County, North Carolina. The proposed project would include the construction of a 340-foot self-support lattice communications tower, a 12' by 24' equipment shelter, and a stand alone 40 kilowatt (kW) diesel powered emergency generator mounted on a 5.5' by 9.5' concrete pad contained within a 60' by 45' fenced compound with associated equipment. The total ground disturbance would be 0.083 acres. The area surrounding the proposed site consists of light industrial, commercial, agricultural, and municipal land uses in central Rutherford County. The parent property is primarily occupied by the North Carolina National Guard Armory. Existing utilities for electrical power are present to allow the new equipment to connect with existing infrastructure. An existing access drive would be used for construction and operational maintenance site access and would proceed south from Fairground Road for approximately 55-ft until reaching the proposed tower compound, located within an undeveloped forested portion of the parent property, to the northwest of the National Guard Armory. The Draft 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 Fairground Road communications site in its entirety, consisting of a 340-foot self-support communications tower, a 12' by 24' equipment shelter, and a stand alone 40 kW diesel powered emergency generator mounted on a 5.5' by 9.5' concrete foundation pad contained within a 60' by 45' fenced compound. The proposed Fairground Road communications site would meet current RF coverage needs of the North Carolina Highway Patrol in Rutherford County and surrounding counties within North Carolina. Due to the elevation of the proposed site, and the topographic features of the surrounding area, the proposed site would provide RF coverage for central Rutherford County as well as increased interoperability network opportunities for similar sites in the region. The proposed site would provide reliable interoperable communications and a significantly increased coverage area for emergency first responders. The elevation and topography of the proposed site provides a natural height advantage, resulting in enhanced coverage with the proposed 340-foot self-support communications tower. The proposed site is strategically located, expanding the coverage radius for Rutherford County as well as portions of the surrounding counties within North Carolina.

No Action Alternative. Under the No Action Alternative, the current emergency services radio system coverage would not be met putting serious limitations on emergency response; funding for interoperable communications and information systems infrastructure would not be released; and infrastructure would neither be developed nor enhanced. Ongoing maintenance activities would continue using the current funding sources; however, no new activities would be funded with PSIC grant funds. 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 Draft EA.

Alternatives Considered But Not Carried Forward

One alternative site was examined to determine the range of reasonable alternatives to implement the Proposed Action. The alternate site was located within a 24.82-acre property, reportedly owned by the Rutherford County Board of Education. The property was partially occupied by Rutherford-Spindale Middle School located at 382 West Main Street in Rutherfordton. The alternative site was located within an undeveloped forested portion of the western portion of the property, west of the existing middle school. The Proposed Action was initially approved by the Rutherford County Board of Education, however, due to the existing ground elevation (~1,088 feet above mean sea level), topography, and proximity to the Rutherford County Airport (~3.85 miles), the tower height was restricted by the Federal Aviation Administration to a point that the Proposed Action tower height requirements could not be met. Due to the proximity of the airport, this proposed alternative was not carried forward as a reasonable alternative to the Proposed Action.

Additionally, existing towers in the vicinity of the Rutherfordton-Spindale-Forest City area were examined to determine the collocation potential for the VIPER System antennas, microwave dishes, and associated equipment. Analyses of the existing towers determined that these towers were structurally incapable of accommodating the proposed antenna and microwave dish load for the Proposed Action. Additionally, the potential collocation towers did not meet the Proposed Action tower height requirements for VIPER.

Recommended Alternative

Alternative 1 (Preferred Alternative) to construct the proposed Fairground Road communications site is recommended for implementation and best meets the purpose and the need of central Rutherford County and the North Carolina Highway Patrol to improve and facilitate reliable interoperable communications,

significantly increase the RF coverage area for emergency first responders through the State VIPER network, and provide greater security and facility control. The No Action Alternative would not address the communications needs for central Rutherford County.

Consultations

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. Based on a review of the USFWS Web site and correspondence with the USFWS Asheville Field Office, five endangered species were identified for Rutherford County, North Carolina including the Indiana Bat (*Myotis sodalis*), Dwarf-flowered Heartleaf (*Hexastylis naniflora*), Small Whorled Pogonia (*Isotria medeoloides*), White Irisette (*Sisyrinchium dichotomum*) and Rock Gnome Lichen (*Gymnoderma lineare*). Habitats for these species were compared to the habitat present at the proposed site; the species' habitats were not identified as having a potential to be present on the proposed site. The USFWS Asheville Field Office concurred with the determination on April 23, 2009 that the Proposed Action is not likely to adversely affect any federally listed species.

Coordination on historic and cultural resources issues was accomplished with the North Carolina State Historic Preservation Office and the North Carolina Office of State Archeology to determine whether the construction of the proposed site 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. An archaeological evaluation was conducted to assess the potential direct effects the Proposed Action may have on archaeological resources. The archaeological evaluation concluded that no archaeological resources eligible for inclusion in the National Register of Historic Places would be affected by the Proposed Action. A response letter was received from the North Carolina Department of Cultural Resources-Environmental Review Coordinator and the North Carolina Department of Cultural Resources: Office of State Archaeology-Project Registrar regarding the Proposed Action on March 19, 2009 for Federal Communications Committee (FCC) requirements that included a 0.75 mile area of potential effect (APE). However, the APE was determined to be a 2.0 mile radius around the proposed tower centerline. An additional concurrence for the increased 2.0 mile APE was received from the North Carolina Department of Cultural Resources-Environmental Review Coordinator and the North Carolina Department of Cultural Resources: Office of State Archaeology-Project Registrar on February 25, 2010. The review determined that the proposed tower would not adversely affect the one National Register-listed James Dexter Ledbetter House (RF277) located within 0.75 miles of the proposed tower. The 2.0 mile APE included two additional historic properties (National Register-listed West Main Street Historic District in Forest City and the study-listed Stone Cutter Mills in Spindale). Given that only a small portion of the West Main Street Historic District falls within the new APE and that the Stone Cutter Mills is located almost two miles from the tower site on the opposite side of Spindale, concurrence was received that these sites would not be adversely affected by the proposed tower. The North Carolina Department of Cultural Resources-Environmental Review Coordinator and the North Carolina Department of Cultural Resources: Office of State Archaeology-Project Registrar both concurred with the EA that the Proposed Action would not adversely affect historic properties.

In addition, appropriate Tribal Historic Preservation Officers of Federally-recognized Native American Tribes with known ancestral rights to Rutherford County were consulted to determine the potential effect from the Proposed Action. Concurrence from all appropriate Native American Tribes was received regarding the Proposed Action. No public or agency comments were received.

Findings and Conclusions

The proposed Fairground Road communications 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 self-support communications tower and associated equipment with ground disturbance activities (totaling 0.083 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 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.

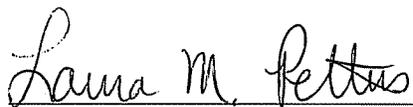
NTIA Review

NTIA determined that the April 2010 Fairground Road 340-ft Self-Support Communications Tower Draft EA accurately assessed the potential individual and cumulative environmental impacts of the proposed development including a 340-foot self-support communications tower and that the scope, alternatives considered, and content of the EA are adequate.

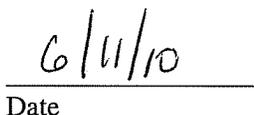
This Finding of No Significant Impact (FONSI) is based on the attached Draft EA which has been independently evaluated by the NTIA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining 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 April 2010 Fairground Road 340-foot Self-Support Communications Tower Draft EA. The Draft 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 Draft EA, which is the basis for this FONSI. Based on the information in the Draft EA and this FONSI document, I agree that the Proposed Action as described above, and in the Draft EA, will 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: Fairground Road 340-foot Self-Support Communications Tower Facility

Proponent: North Carolina State Administrative Agency

Location of current proposal: 351 Fairground Road, Spindale, Rutherford County, North Carolina

Title of document being adopted: Fairground Road 340-foot Self-Support Communications Tower

Agency that prepared document being adopted: North Carolina Highway Patrol – Department of Crime and Public Safety

Date adopted document was prepared: April 26, 2010

Description of document (or portion) being adopted: The proposed Fairground Road project would include the construction of a 340-foot self-support lattice communications tower, a 12' by 24' equipment shelter, and a stand alone 40 kilowatt diesel powered emergency generator mounted on a 5.5' by 9.5' concrete pad contained within a 60' by 45' fenced compound with associated equipment. The total ground disturbance would be 0.083 acres. The area surrounding the proposed site consists of light industrial, commercial, agricultural, and municipal land uses in central Rutherford County. The parent property is primarily occupied by the North Carolina National Guard Armory. Existing utilities for electrical power are present to allow the new equipment to connect with existing infrastructure. An existing access drive would be used for construction and operational maintenance site access and would proceed south from Fairground Road for approximately 55-ft until reaching the proposed tower compound northwest of the National Guard Armory. The tower and site construction for this Proposed Action does 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 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: National Telecommunications and Information Administration (NTIA)

Contact person if other than responsible official: N/A

Responsible Official: Laura M. Pettus

Position/Title: Responsible Program Manager

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DATE OF ISSUE: June 11, 2010

SIGNATURE:

Signed:

Laura M. Pettus, RPM

Date:

6/11/10