

Environmental Assessment
**for the Westernport Communications
Facility, Westernport, Allegany County,
Maryland**

Lead Agency:

**Department of Commerce
National Telecommunications and Information
Administration**

Applicant:

**Maryland Department of Information
Technology (DoIT), Networks Division**

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**ENVIRONMENTAL ASSESSMENT (EA)
FOR THE WESTERNPORT COMMUNICATIONS FACILITY
WESTERNPORT, ALLEGANY COUNTY, MARYLAND**

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ABSTRACT:

This document constitutes an Environmental Assessment prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. Probable environmental impacts and mitigation measures have been identified and comments addressed for alternatives to the Westernport Communications Facility at the end of Mountain Top Road near Westernport Road Southwest, in Allegany County, Maryland. The project would consist of the construction of a 348-foot three-legged self-supporting lattice tower, and the installation of two 12 x 38-foot equipment shelters supported by a backup generator and associated liquid propane fuel tank contained within a 100 x 100-foot fenced compound. The planned undertaking will also involve the improvement of the access road from 22618 Mountain Top Road, SW.

Construction of the proposed project is analyzed in this EA. In addition, as required by NEPA, the No-Action Alternative is studied in detail.

FINDING:

This Environmental Assessment (EA) concludes that Westernport Communications Facility, Allegany County, Maryland, is not a major Federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared.

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1 INTRODUCTION

1.1 INTRODUCTION

An Environmental Assessment (EA) was prepared for the Department of Commerce, National Telecommunications and Information Administration (NTIA) analyzing the environmental impacts associated with the construction of the Westernport Communications Facility at the end of Mountain Top Road near Westernport Road Southwest, in Allegany County, Maryland. GPS coordinates are: 39-28-49.25 (N) 79-03-35.3 (W). The project is funded by the Public Safety Interoperable Communications (PSIC) Grant Program. The goal of the PSIC Grant Program is to improve nationwide interoperable communications among public safety agencies.

In February of 2009, the NTIA prepared a Programmatic Environmental Assessment (PEA) for the PSIC Grant Program. The PEA examines the direct, indirect, and cumulative environmental impacts associated with the proposed implementation of the PSIC Grant Program. A programmatic environmental document is prepared when an agency is proposing to carry out a broad action, program, or policy. The PEA examined the project types proposed for funding under the PSIC Grant Program, which were organized into the following five groups:

Transmission and Receiving Sites. Upgrade existing transmission and receiving sites and construct new sites to address all voice, data, video, and interoperability requirements. Projects will include the upgrade or new construction and installation of communications towers, equipment shelters, generators and backup power systems, repeaters, gateways, voice over internet protocol, microwave backhubs, fiber optic cable, antennae, and access roads to sites. This will also include equipment and activities associated with channel assignments and shared and mutual aid channels. Coordinating antenna interference reviews is also part of this activity. The average site is approximately 0.5 acres. Sites using guyed towers require additional land. New or retrofitted transmitting and receiving sites would be constructed or retrofitted to: update equipment to new frequencies that would improve and expand voice coverage; add data and video capabilities; and facilitate reliable interoperable communications among first responder organizations.

Operations and Response Centers. Construct, remodel, or retrofit existing fixed-structure dispatch centers or first-responder facilities to take advantage of new communications infrastructure to increase responder capacity. Centers potentially would be incorporated within an existing building with interior space for radio, telephone, and internet communications equipment, dispatch computer consoles, gateways, the transmitting and receiving of equipment and channels, backup power generators, and fuel storage. The centers would be served by utility lines. Centers can vary substantially in average size on the basis of a number of factors, including collocation of functions (i.e., multiple emergency operations functions housed in a single facility versus a single agency) and planned capacity of the center. Most sites would be expected to be approximately 1 acre in size, with some as large as 5 acres. Most projects for operations and response centers are expected to be upgrades (renovations) or expansions to current centers in existing buildings, which would: utilize new frequencies and sources; increase the volume of calls

that can be handled; expand the coverage area of emergency responders connected through the system.

Mobile Infrastructure. Acquire and deploy nonfixed infrastructure equipment and incident command equipment. This would include mobile command vehicles and trailers, cell-on-wheels (COW), cell-on-light-truck (COLT), and site-on-wheels (SOW) equipment, portable towers and antennae, mobile gateways, mobile data terminals, and very small aperture terminals (VSAT).

Mobile/Portable Equipment. Acquire and deploy subscriber units and similar equipment. This would include mobile and handheld radios and satellite phones, radio caches, and battery packs.

Planning, Training, and Exercises. Conduct single- and multi-event activities, including both classroom-based and field-based training, to prepare first responders and support personnel to use interoperability communications equipment in a coordinated and efficient manner.

The PEA determined that transmitting and receiving sites involving new towers 200 or more feet above the ground, guyed towers, and ground disturbances of one acre or more all require that a site-specific Environmental Assessment (EA) be prepared. The proposed Westernport Communications Facility falls within the category of Transmission and Receiving Sites involving a new tower of over 200 feet in height.

1.2 PURPOSE OF THE ACTION

The proposed action is to construct a communications facility including a 348-foot, three-legged self-supporting lattice tower and two 12 x 38-foot equipment shelters supported by one backup generator and associated LP fuel tank contained within a 100 x 100-foot fenced compound.

The proposed action is 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. This project will improve existing voice, data, video, and interoperability requirements by constructing a new transmitting and receiving site to improve and expand voice coverage; add data and video capabilities; and facilitate reliable interoperable communications among first responder organizations.

The planned action is part of a state-wide 700MHz communications system that will link several large 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 Department of the Environment, Department of Juvenile Services, and the Department of Public Safety and Correctional Services). The infrastructure will also be available to local jurisdictions.

Currently these agencies use a multiplicity of communications systems.

1.3 NEED FOR THE ACTION

Maryland is geographically diverse state with some high population density areas, which results in coverage and capacity challenges. As a result, Maryland's first responders are currently unable to use radio communications across all agencies and jurisdictions. The planned extension of the Public Safety Intranet (PSINET) will link first responders and local agencies to one another, and eliminate coverage gaps throughout the State. PSINET will allow local emergency management services (EMS) personnel to speak directly with physicians at emergency departments. The proposed facility will fill in local coverage gaps and to ensure PSINET connectivity in areas previously lacking adequate emergency communications coverage.

The project will serve the needs of several state and local agencies for emergency communication services, including the county police, county fire department and local Emergency Medical Services, as well as Maryland State Police, Statewide Emergency Medical Services Radio, Maryland State Highway Administration, and Department of Natural Resources Police.

1.4 SCOPING

The CEQ defines scoping as an early and open process for determining the significant issues related to the proposed action (40 CFR 1501.7). Scoping is usually the first direct contact between proponents of a proposed action and the public. It is an ongoing process that occurs during planning for preparation of an environmental document, which may consist of meetings, telephone conversations, and written comments. Scoping has the following specific, but limited objectives:

- to identify the affected public or agency concerns;
- to facilitate an efficient environmental document preparation process through assembling cooperating agencies, assigning data collection and analysis tasks, and scheduling appropriate reviews;
- to define the issues and alternatives that will be examined in detail in the environmental document while simultaneously devoting less attention and time to issues which cause no concern; and
- to save time in the overall process by helping to ensure that the environmental document adequately addresses relevant issues.

In accordance with NEPA, a scoping process was conducted to aid in determining the scope of issues to be addressed and to identify the significant issues related to this action.

Scoping for this project involved discussions between DoIT and the project team to identify the key issues that might prove to be of concern to DoIT and all potential interested parties. Preliminary input from environmental and planning agencies aided in the selection of potential sites and the eventual selection of the two build alternatives. Areas of concern included the selection of feasible sites for the proposed communications facility, availability of the sites, potential impacts involved at each site, and potential concerns of interested parties. Alternatives for the proposed action were limited. There is no state or county property within the area. Nearly all nearby property is owned either by the mining company or a local paper company. The selected area was already disturbed by previous mining activities.

Online data from MERLIN determined that the currently proposed site was a reclaimed strip mine. MERLIN did not indicate any environmental problems at the site. Site surveys and coordination from USFWS and Maryland DNR also verified that no known threatened or endangered species were expected on the site.

1.5 ENVIRONMENTAL ASSESSMENT PROCESS, PROCEDURES, AND SCHEDULE

NEPA is intended to help public officials make decisions based on an understanding of environmental consequences, and to take actions that protect, restore, and enhance the environment. Decisions should be made based on accurate scientific analysis, expert agency comments, and public scrutiny of readily available environmental information. Federal agencies are obligated to follow the provisions of NEPA to identify and assess reasonable alternatives to the proposed action that will avoid or minimize any adverse effects upon the quality of the human environment before proceeding with the proposed action.

The preparation of this EA is required as a result of PSIC Grant funding through the NTIA. Communications tower construction and the operation of communications systems are regulated by the Federal Communications Commission (FCC). Under FCC rules implementing NEPA (47CFR 1.1301-1.1311) the proposed action would normally be categorically excluded from further environmental processing. However, despite the exemption from the EA requirement under FCC rules, PSIC funding requires the preparation of this EA.

In order to determine the level of NEPA analysis to be performed for the PSIC-funded facility, NTIA examined potential impacts on the natural and human environment. The impacts considered were based on reasonably foreseeable changes resulting from implementation of the proposed action. Issues that could affect the environment and/or the proposed project were identified, including:

- potential impacts to visual and aesthetic resources due to the height and location of the tower;
- potential impacts to the natural environment;

- potential visual impacts to historic resources within the Area of Potential Effects (APE);
- availability and capacity of utilities;

Based on a review of these issues and because significant impacts are not anticipated, NTIA elected to prepare an EA for the proposed communications facility project. This EA takes a hard look at the probable impacts based on the reasonably foreseeable consequences of the proposed action and recommends measures to mitigate impacts, as appropriate.

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2 ALTERNATIVES INCLUDING THE PROPOSED ACTION

This section describes alternatives for meeting the purpose and need of the proposed action. The existing environment associated with this site is described in **Chapter 3, Affected Environment**, and potential impacts associated with construction on the site are described in **Chapter 4, Environmental Consequences**.

2.1 DESCRIPTION OF THE PROPOSED ACTION

The location of the proposed communications facility is approximately 1,700 feet southwest of the intersection of Westernport Road SW and Grovemiller Road at the end of Mountaintop Road in Westernport, Allegany County, Maryland. GPS coordinates are: S: 39-28-49.25 (N) 79-03-35.3 (W) (Figure 2.1).

The proposed facility will consist of a 348-foot self-supporting, three-legged tower, two 12 x 38-foot equipment shelters and one backup generator and LP fuel tank all within a 100 x 100-foot fenced compound. The footprint of the planned communications facility is in a cleared area surrounded by undeveloped, wooded land. At the proposed facility location, there is an existing tower compound enclosed by chain-link fence. The tower has been damaged by a storm and the DoIT facility will replace the existing structure within the footprint of the existing compound. The original tower was a 150 foot, guyed tower that fell during a storm. No decommissioning of the present tower is necessary, as it is not in use and has previously fallen. An existing access road from Mountain Top Road that leads to the site across state-owned land will be improved to serve the proposed facility. No other construction-related activities are anticipated at this time (Appendix A: Site Plans).

Total ground disturbance including utility connections for the project is estimated to be under 14,000 square feet, or 0.32 acres, including trenching for utility lines and access road improvements. The existing road is a logging road that the owner of the property uses and maintains. It will require temporary modifications to bring in construction equipment. It will be a rough gravel road. The fenced-in area is estimated to be approximately 10,000 square feet, or about 0.23 acres. The generator will utilize LP fuel and will only be operated during power outages. Utility connections will be supplied by an existing transformer directly adjacent to the site. The trenching and utility runs should remain within the approved, disturbed areas approved by the Maryland Department of the Environment. Power requirements for the facility will be a maximum of 400 amps. Each equipment shelter will be supplied with a 200 amp service and the tower will consume a maximum of 20 amps for lighting. Radiated Radio Frequency Electromagnetic fields will be well within permissible limits as per FCC OET bulletin 65 of August 1997.

Construction activities at the site will include a crew of between five and ten construction workers. Project duration will be a maximum of 180 days, with a maximum of 40 days of heavy equipment use. Construction equipment used at the site will include an excavator, dump trucks, concrete trucks for concrete foundations, and a crane for erection of the tower after site work. There will be no staging area for this project. Contractors are required to

store all equipment and materials off-site. The subject property is located on an approximately 72.25-acre undeveloped property owned by the Moran Coal Company, Inc. used for strip mining. Therefore, due to previous ground disturbance, no significant ecological impacts are anticipated. DoIT does not anticipate the removal of any trees and a forest stand delineation will not be conducted. Topographically, the proposed site is at an approximate elevation of 1,540 feet amsl.

The surrounding area consists of a mixture of residential properties, undeveloped, wooded land and the towns of Luke and Westernport, Maryland. There are no known wetlands on this property (Photos 1-7).

2.2 ALTERNATIVES GIVEN DETAILED CONSIDERATION

Two alternatives are analyzed in detail in this EA: the No-Action Alternative and the Build Alternative – the Preferred Alternative.

2.2.1 ALTERNATIVE 1 – NO-ACTION ALTERNATIVE

Under the No-Action Alternative, the State of Maryland would not utilize the site studied in this EA for the proposed communications facility. The existing property would remain as it presently exists.

2.2.2 ALTERNATIVE 2 – PSIC-FUNDED COMMUNICATIONS FACILITY

Under Alternative 2, NTIA proposes to provide funding to the Maryland Department of Information Technology, Networks Division (DoIT) to construct a 348-foot three-legged self-supporting lattice tower, two 12 x 38-foot equipment shelters and one backup generator and associated LP fuel tank contained within a 100 x 100-foot fenced compound.

The subject property is located on an approximately 72.25-acre undeveloped property owned by the Moran Coal Company, Inc used for strip mining. At the proposed facility location, there is an existing tower compound. The tower has been damaged by a storm and the DoIT facility will replace the existing structure within the footprint of the existing compound. The damaged guyed tower has been on site for at least 30 years. It was installed as an air quality monitoring station for the local paper mill, but was abandoned. The tower site was also used for police and fire radio equipment before and after it was abandoned. It has had public safety radio on it for at least 25 years.

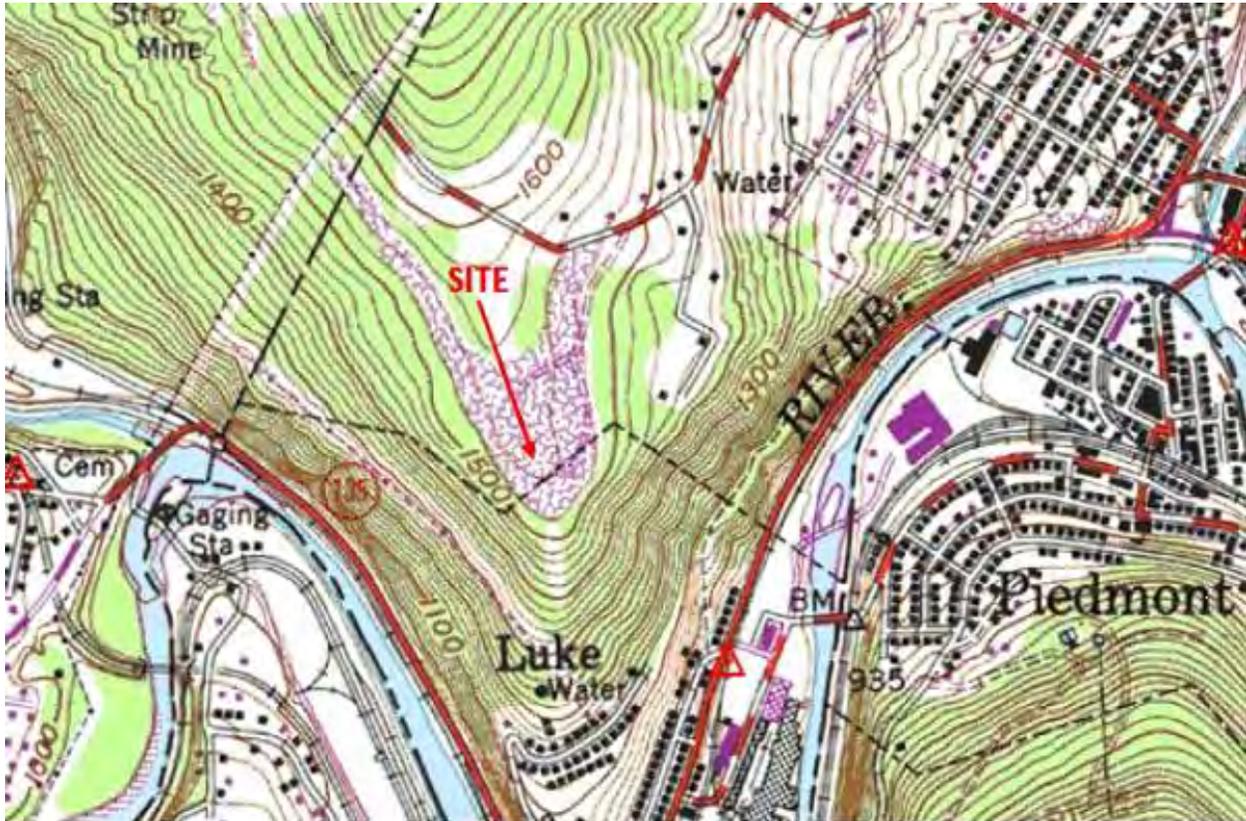
The property will be leased by the county from the landowner for 99 years. The state is entering into a Memorandum of Understanding with the county to locate the improvements on the property. The improvements are all owned by the state and will allow the state to provide space to state and county agencies.

Electrical power will be supplied by an existing transformer directly across from the site. Underground connections already exist at the tower site, but will need to be moved

in order to make room for the construction of the new tower and shelters. New lines and connections will be made by trenching lines in areas of previously disturbed soils. Fuel for backup electrical power generation will be provided from the proposed LP fuel tank that will be installed within the compound area. An existing access road from Mountain Top Road that leads to the site across state-owned land will be improved to serve the proposed facility. No other construction-related activities are anticipated. Although it is not known exactly when soil disturbance took place at the site, it was well over 30 years ago. Mining of the Georges Creek coal basin began in the 1880s and was in decline by the 1940s, almost ceasing in operation by the 1970s according to the county .

The construction of a new tower is proposed as there is no potential for the co-location of antennas on existing towers or other structures. The distance to the nearest telecommunications tower is approximately 2,800 feet to the northwest. There is a need for a specifically state-owned facility to contain the variety of antennas and equipment proposed for the enhancement of state-wide communications systems.

The tower will be constructed with sufficient capacity to accommodate additional future co-locations of equipment serving public communications networks. The Build Alternative is the alternative that meets the Project Need by facilitating the planned extension of the Public Safety Intranet (PSINET) which will link first responders and local agencies to one another, and eliminate coverage gaps throughout the State. The proposed facility is an essential element of the PSINET and will fill in coverage gaps to allow local emergency management services (EMS) personnel to speak directly with physicians at emergency departments.



SOURCE: USGS Westernport, Maryland Quadrangle

Figure 2-1: Proposed Westernport Communications Facility: Site Location Map



Photo 1: View of ground cover at the proposed site location.



Photo 2: View facing north from the subject site, toward wooded area.

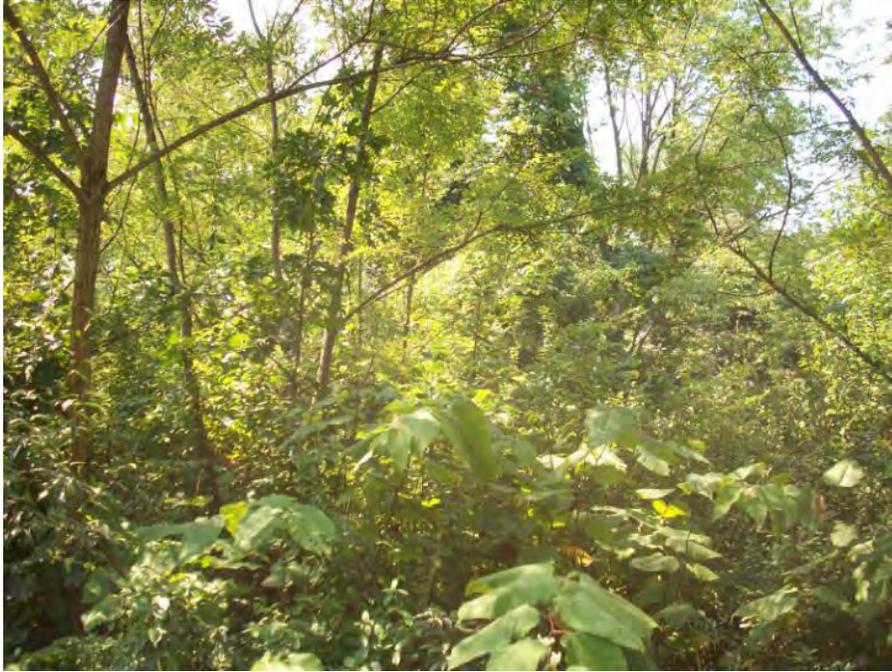


Photo 3: View facing south from the subject site, toward wooded area.



Photo 4: View facing east from the subject site, toward wooded area.



Photo 5: View facing west from the subject site, along the access road.



Photo 6: View of the general setting from a clearing at the top of a hill.



Photo 7: View of the access road from the subject site.



Photo 8: View of existing an abandoned fenced compound with temporary tower.

Table 2-1: Comparison of Alternatives

Impact Topic	Alternative 1 – No Action Alternative	Alternative 2 – PSIC-Funded Communications Facility
Air Quality	No impacts would occur at the existing facility.	Construction on the site would have negligible short-term, long-term, and cumulative impacts.
Noise	No impacts would occur at the existing facility.	Construction on the site would result in minor, adverse, short-term, direct noise impacts. No indirect or cumulative impacts to noise levels would occur.
Threatened and Endangered Species	No impacts would occur at the existing facility.	The proposed location for the communications facility was reviewed by the USFWS and the Maryland DNR (see Appendix B: Agency Response Letters). The project reviews concluded that the proposed project is not expected to have any impact to threatened or endangered species. Therefore no, direct, indirect, or cumulative impacts would occur.
Vegetation and Wildlife	No impacts would occur at the existing facility.	The footprint of the Alternative 2 is located within a previously cleared area owned by the Moran Coal Company Inc. No deforestation will occur and DoIT will make efforts to reduce ecological impact. The proposed project will not have any impact on migratory bird populations. The proposed project is less than one acre in scale, and therefore, is not subject to the Forest Conservation Act. Therefore no, direct, indirect, or cumulative impacts would occur.
Human Health and Safety	Minor to moderate direct, indirect, or cumulative adverse impacts to human health and safety would occur.	Alternative 2 will fill in coverage gaps to allow local emergency management services (EMS) personnel to speak directly with physicians at emergency departments. This would result in long-term, direct, beneficial impacts to human health and safety. The cumulative effect of the combined PSIC Grant Program improvements will result in moderate, long-term, beneficial, cumulative impacts to human health and safety.
Community Facilities and Services	No impacts would occur at the existing facility.	The project will allow local Emergency Management Services (EMS) personnel to speak directly with physicians at emergency departments, therefore improving communications and response times for local emergency services. Therefore, moderate direct, short and long-term beneficial impacts to community facilities and services are expected. No indirect impacts are anticipated. The cumulative effect of the combined PSIC Grant Program improvements will result in moderate, long-term, beneficial, cumulative impacts to community facilities and services.

Impact Topic	Alternative 1 – No Action Alternative	Alternative 2 – PSIC-Funded Communications Facility
Land Use Planning and Zoning	No impacts would occur at the existing facility.	The proposed site is within the C – Conservation District. Permitted uses and special exceptions follow those for the Agricultural, or District A - Agriculture, Forestry and Mining District. This zoning includes a wide variety of uses including agricultural, residential, and commercial. Land use at the site would continue as a communications tower site. Therefore, there will be no impacts to land use planning and zoning.
Economy and Employment	No impacts would occur at the existing facility.	Alternative 2 would have minor, short-term, beneficial, direct impact on economy and employment. No indirect or cumulative impacts would occur.
Taxes and Revenue	No impact would occur at the existing facility.	Increased sales transactions for the purchase of materials and supplies would generate some additional revenues for local and state governments, which would have a beneficial impact on taxes and revenue. Construction workers employed for the construction period are assumed to be currently employed, and residing and paying taxes in the local Allegany County area. This would result in short-term, minor, beneficial impacts to taxes and revenue. No indirect or cumulative impacts would occur.
Aesthetics and Visual Resources	No impacts would occur at the existing facility.	Minor, adverse, long-term, direct impacts to aesthetics and visual resources would occur. No indirect or cumulative impacts would occur.
Archeological Resources	No impacts would occur at the existing facility.	The likelihood for archeological remains to exist within the proposed project APE is low. Therefore, no direct, indirect, or cumulative impacts will occur, resulting in a finding of “no historic properties affected” at the completion of the Section 106 review process (see Appendix B: Agency Response Letters).
Historic Resources	No impacts would occur at the existing facility.	Under the terms of the NPA, a letter was sent to the Maryland Historical Trust requesting concurrence with the determination that there were no historic properties affected as a result of the proposed action. The project review concluded that the proposed project will have no adverse effects on historic properties, and that no further consultation under Section 106 of the National Historic Preservation Act is required prior to project implementation. On October 28, 2009, the Maryland Historical Trust concurred with this finding (see Appendix B: Agency Response Letters).
Telecommunications	No impacts would occur at the existing facility.	There will be moderate to major, beneficial, long-term, cumulative impacts on public communications systems.

Impact Topic	Alternative 1 – No Action Alternative	Alternative 2 – PSIC-Funded Communications Facility
Electric Power and Gas	No impacts would occur at the existing facility.	Negligible, adverse, short –term, direct impacts to utilities are expected during construction. The increased demand for electrical power would have negligible, adverse, long-term, direct impacts.
Transportation	No impacts would occur at the existing facility.	No direct, indirect, or cumulative impacts to transportation will occur.
Waste Management	No impacts would occur at the existing facility.	A negligible, adverse, short-term, direct impact on county landfills would occur. No indirect impacts to waste management are anticipated. The proposed facility will not foster any new development and since it is unmanned, will not generate wastes. Therefore, no cumulative impacts are anticipated.

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3 AFFECTED ENVIRONMENT

Chapter 3, Affected Environment, provides a description of the current natural, social, economic, and cultural environments at the proposed location of the communications facility. The purpose of this section is to provide sufficient information on the existing conditions to evaluate the potential impact to the human environment from the proposed action.

This section is divided into two sections: 1) Impact Topics Dismissed from Further Analysis, and 2) Impact Topics Analyzed in Detail. Impact topics that have been dismissed from further consideration are topics that would either not be affected or would be affected negligibly by the alternatives evaluated in this document. Therefore, these topics are briefly discussed in this section of the EA and then dismissed from further consideration or evaluation. Negligible effects are effects that are localized and immeasurable at the lowest level of detection.

Impact topics analyzed in detail are divided into four sections:

- Section 3.2.1, Natural and Physical Environment
- Section 3.2.2, Social Environment
- Section 3.2.3, Cultural Environment
- Section 3.2.4, Infrastructure and Waste Management

3.1 IMPACT TOPICS DISMISSED FROM FURTHER ANALYSIS

The non-controversial topics listed below would have no effect, a negligible effect or in some specific cases, a minor effect for each alternative evaluated in this document. For specific definitions of negligible and minor, please refer to the Environmental Consequences Section; however, in general, negligible effects are effects that are localized and immeasurable. Topics that are readily apparent to have either no, negligible, or minor effect are briefly discussed in this section of the Environmental Assessment and then dismissed from further consideration or evaluation.

Water Resources

Water resources include groundwater and surface water. The proposed site is located on an open field at a damaged tower site. According to the National Wetland Inventory (NWI) map and the U.S. Geological Survey (USGS) map there are no wetlands or water resources within or adjacent to the project area. Based on the National Wetlands Inventory and the USGS topographic map, the nearest wetlands are at the meeting point of the Savage and Potomac Rivers, located approximately 2,200 feet to the west of the proposed site location. The proposed site location is approximately 1,400 feet northeast of the Potomac River. (Figure 3.1). The project is small in nature and is not expected to impact water resources. Best management practices will be developed and implemented, such as implementing an erosion and sedimentation control plan using silt fences or hay bales, re-vegetating

disturbed soils (e.g. part of proposed landscaping activities) to prevent soils from eroding and dispersing off-site. Therefore, Water Resources was dismissed as an impact topic (MERLIN 2009).

Floodplains

Executive Order 11988 requires federal agencies to evaluate the potential effects of any actions it may take in a floodplain and to ensure that plans consider flood hazards and floodplain management needs.

The floodplain of concern is usually the 100-year floodplain, which is defined as the area subject to a one percent or greater chance of flooding in any given year. For certain critical actions, which are those actions that even a slight chance of flooding would be too great, the 500-year floodplain is the area of concern. The 500-year floodplain is defined as an area subject to a 0.2 percent chance of flooding in a given year.

According to the FEMA Flood Insurance Rate Map (FIRM) for Allegany County, (Panel Number 2401140001D) and MERLIN maps, the proposed communications facility is located entirely within Flood Zone C, and is not located within a 100 or 500-year floodplain (Figure 3.2). Zone C refers to areas of minimal flooding (FEMA, 1985). Therefore, Floodplains was dismissed from further consideration.

Geology, Topography, and Soils

At the site location, soils are Cedar Creek channery loam with 15 to 25 percent slopes. The soil is not hydric (Figure 3.3). The Moran Coal Company, Inc., property contains approximately 72.25 acres on the slope of a mountain. Soils at the site have been previously disturbed by strip mining activities. There are no known wetlands on this property.

Although area soils would likely be disturbed during construction, disturbances are expected to be minor and minimal soil loss would occur from disturbance or indirectly via wind or water. Best management practices will be developed and implemented, such as implementing an erosion and sedimentation control plan using silt fences or hay bales, re-vegetating disturbed soils (e.g. part of proposed landscaping activities) to prevent soils from eroding and dispersing off-site. Therefore, Geology, Topography, and Soils was dismissed from further consideration.

Hazardous Waste

The nature of the project, which is the construction and operation of an unmanned communications facility, will not generate any hazardous wastes. Such general wastes as those generated during construction of the project are not regulated or defined as hazardous, special, or potentially dangerous and do not require special handling and disposal due to potential hazards it possesses to either personnel or the environment. The demolition and removal of the existing tower equipment will not involve the removal of any hazardous waste. Therefore, Hazardous Waste was dismissed from further consideration.

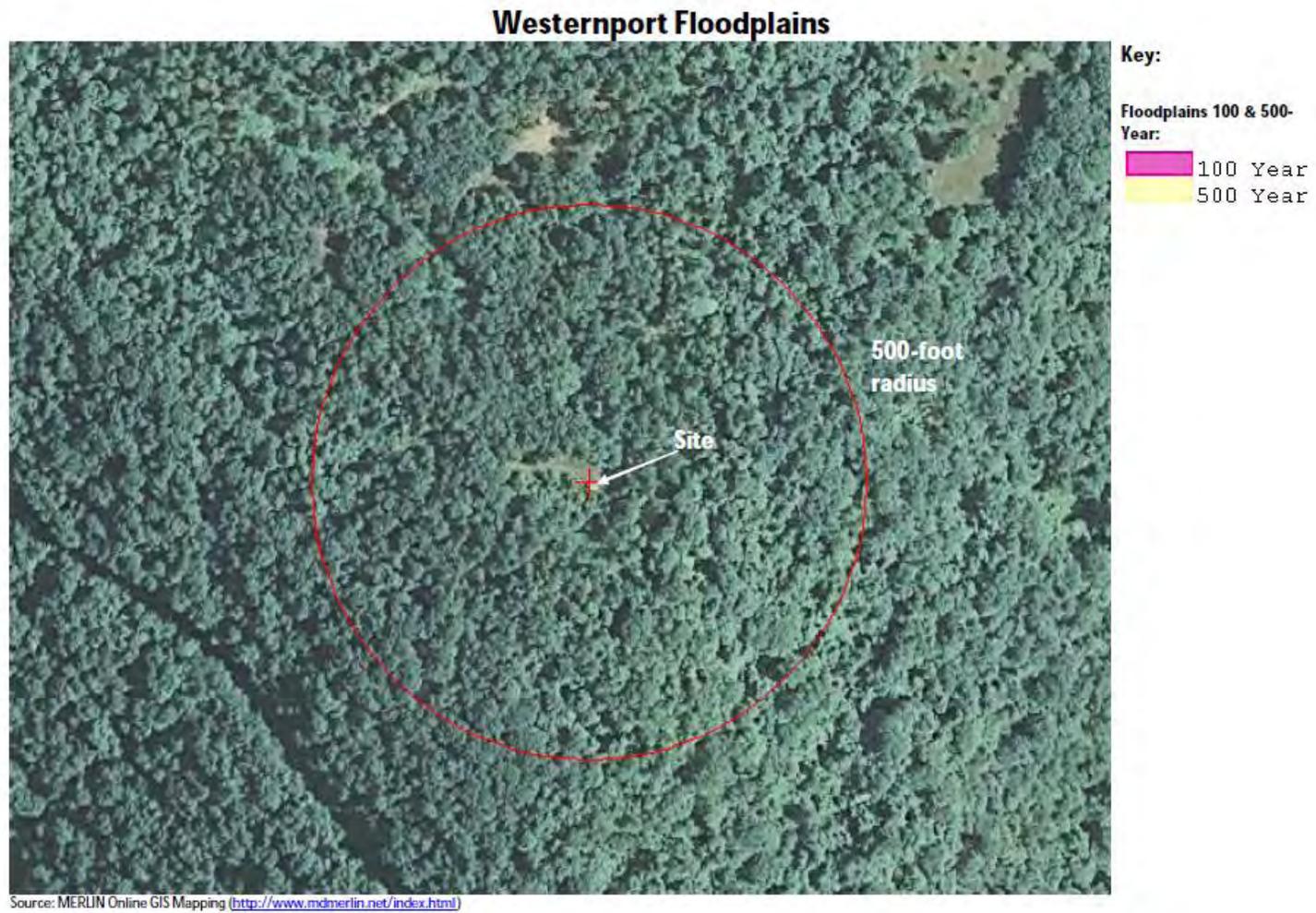
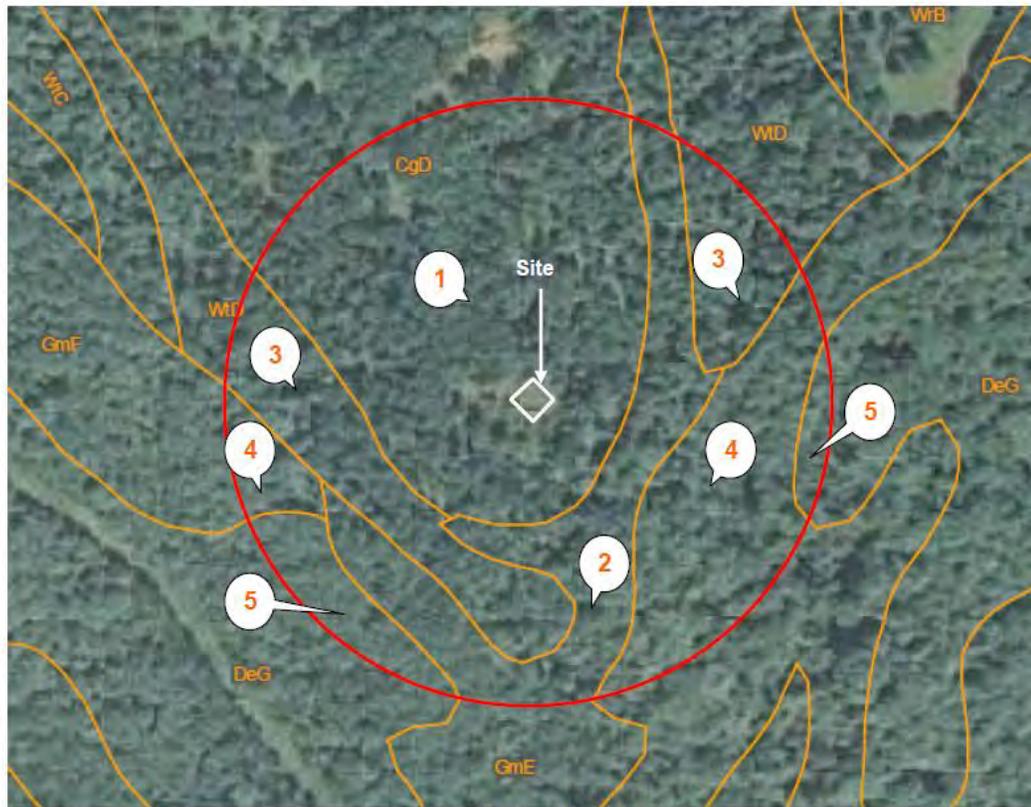


Figure 3-2: Floodplains in the Site Vicinity



Soil Map –Allegany County, MD
including a 500-foot radius from the center of the proposed tower location

1. CgD – Cedar creek channery loam, 15 to 25 percent slopes – not hydric
2. GmE – Gilpin very stony-Macove very rubbly complex, 25 to 45 percent slopes – not hydric
3. WID – Wharton channery silt loam, 15 to 25 percent slopes – not hydric
4. GmF – Gilpin very stony-Macove very rubbly complex, 45 to 65 percent slopes – not hydric
5. DeG – Dekalb-Rock outcrop complex, 65 to 80 percent slopes, rubbly – not hydric

Source: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Figure 3-3: USDA, Natural Resources Conservation Service Soils Map

Population and Housing

As of 2009, Westernport, Maryland has a population of 1,966 people. Since 2000, it has had a population growth of -5.66 percent. Minority populations in Allegany County are about 7.0 percent, and are concentrated in Cumberland, Maryland. The median home cost in Westernport is \$73,130. Home appreciation the last year has been 0.40 percent (<http://www.bestplaces.net>). The project area is located in a rural area with woodlands predominant in the surrounding area. The nearest residence is approximately 1,000 feet to the northeast, and the nearest concentration of residential development is over 0.25 miles to the northeast. The town of Westernport lies about half a mile to the northeast. The proposed communications facility will have no impact to populations or housing. Therefore, Population and Housing was dismissed from further consideration.

Water & Sewer

The proposed project will have no impacts to Water and Sewer. This topic was dismissed from further consideration.

Meteorology/Climate

Draft guidelines provided by the Council on Environmental Quality (CEQ) suggest that the following two aspects of global climate change should be considered in the preparation of environmental documents:

- The potential for the federal actions that impact global climatic change, e.g., increased emissions of chlorofluorocarbons (CFCs), halons, or greenhouse gases; and
- The potential for global climatic change to affect federal actions, e.g., feasibility of coastal projects in light of projected sea level changes.

Based upon the design and utilization of the proposed project as addressed by this environmental document, the proposed action is not expected to result in the significant emission of CFCs, halons, or greenhouse gases.

The National Academy of Sciences estimates that a doubling of carbon dioxide concentration which could occur by the middle of this century, would lead to global warming of 1.5 to 4.5 degrees Celsius (3 to 8 degrees Fahrenheit). The proposed action is expected to be unaffected by a potential climatic change in this range. Studies by the U.S. Environmental Protection Agency and others have estimated that along the Gulf and Atlantic coasts, a one foot rise in sea level is likely by 2050 and could occur as soon as 2025. Within the next century, a two foot rise is most likely, but a four foot rise is possible. The proposed action would occur on land situated approximately 40 feet above msl and would not be affected by sea level rise in this range.

The proposed action will have no measurable impacts on, and will not be affected by, the climatology of the area or have any significant impact on neighboring properties. Therefore, this topic was dismissed from further consideration.

3.2 IMPACT TOPICS ANALYZED IN DETAIL

3.2.1 NATURAL AND PHYSICAL ENVIRONMENT

3.2.1.1 Air Quality

Air quality became a national concern in the mid-1960s, leading to the passage of the Air Quality Act in 1967. The Act (now referred to as the Clean Air Act) and subsequent amendments have established procedures for improving conditions, including a set of National Ambient Air Quality Standards (NAAQS).

The U.S. Environmental Protection Agency is directed to set levels for pollutants in order to protect the public's health. The NAAQS have been adopted for six pollutants: carbon monoxide, nitrogen dioxide, sulfur dioxide, ozone, particulate matter, and lead. A system of monitoring stations has been established across the country to measure progress in meeting these goals. If an area is found to exceed the allowable concentrations, local officials are required to develop a plan for achieving air quality that meets the standards.

Federal actions, including the construction of the communications facility, must be in conformity with the provisions of the Clean Air Act. General conformity requirements are applied to certain Federal actions within air quality non-attainment and maintenance areas. The General Conformity rule can be considered to contain three major parts: applicability, procedure, and determination. According to EPA, the proposed operations are of greater significance in areas of non-attainment for particulates, which does not include Allegany County. Based on the following evaluation, it has been determined that the anticipated emissions would be sufficiently small that no further action is required.

In the case of ozone, the precursor emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) are considered. Once these emissions have been evaluated, a determination can be made with respect to the applicability of the rules. If the total emissions are below *de minimis* levels, the rules are not applicable.

In October 2009, the air quality in the Western Maryland Forecast Region (WMFR) was entirely Good. Thus far in 2009, there have been no Unhealthy for Sensitive Groups (USG) days. This is the only year that air quality achieved this range for the entire year within the past 18 years (MDE 2009).

3.2.1.2 Noise

Noise is traditionally defined as any unwanted sound. Magnitudes of noise whether wanted or unwanted, are usually described by sound, i.e., a dynamic variation in atmospheric pressure. The human auditory system is sensitive to fluctuations in air pressure above and below the barometric static pressure. These fluctuations are

defined as sound when the human ear is able to detect pressure changes within the audible frequency range.

Noise regulations have been established at all levels of government, from local municipalities to Federal agencies. Although, there is great variation in the controls established by different municipalities, the Federal guidelines provide widely accepted standards, which are reasonably consistent among the various agencies.

Congress passed the Noise Control Act in 1972, specifically authorizing EPA to promulgate regulations establishing maximum permissible noise characteristics for products manufactured for interstate commerce. In addition, EPA was directed to publish information about the kind and extent of effects of different qualities and quantities of noise, and to define acceptable levels under various conditions to protect public health and welfare. This information was then used by other Federal agencies in establishing criteria applicable to their programs.

Currently the primary source of noise in the project area is from the B&O railroad line located approximately ¼ mile south of the project site. Impacts from noise are expected to be primarily from construction activities associated with the proposed project. The surrounding area consists of a mixture of residential properties, undeveloped, wooded land and the towns of Luke and Westernport, Maryland. The nearest sensitive receptors for noise are residential properties located 1,000 feet northeast of the project site. Dense forest separates the site from all receptors.

3.2.1.3 Threatened and Endangered Species

The footprint of the planned communications facility is in a cleared area on a tract owned by the Moran Coal Company, Inc. The footprint currently contains a tower that was damaged by a storm; therefore, due to previous ground disturbance, no significant ecological impacts are expected. The proposed location for the communications facility at the Westernport site was reviewed by the USFWS and the Maryland DNR (see Appendix B: Agency Response Letters).

The USFWS stated that “except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further Section 7 coordination with the U.S. Fish and Wildlife Service is required”. This review also addressed potential issues with migratory bird collisions. The project reviews concluded that the proposed project is not expected to have any impact to threatened or endangered species. The Maryland DNR stated that “the Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present”. DoIT has applied for stormwater and erosion/sediment control permits for the site.

3.2.1.4 Vegetation and Wildlife

The footprint of the proposed site is located within a cleared lot within land owned by the Moran Coal Company, Inc. DoIT does not anticipate the removal of any trees and a forest stand delineation will not be conducted. The proposed project is less than one acre in scale, and therefore, is not subject to the Forest Conservation Act. The proposed tower meets the criteria established in the *Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommission* (USFWS 2000) and will not pose a threat to migratory birds or other wildlife.

The Maryland DNR correspondence included information about Forest Interior Dwelling Bird Habitat and related minimization and mitigation measures. Measures germane to the project included limiting disturbance to non-forested areas, minimizing forest isolation, and maintaining forest canopy closure over roads. All proposed activities will take place in un-forested areas and no disturbance, isolation, or elimination of forest canopy cover is anticipated.

3.2.1.5 Human Health and Safety

Human Health and Safety is closely related to all aspects of the environment and is the primary reason for any environmental study. This impact topic is intended to cover any impacts to the human health and safety that may not have been addressed or fully examined by other impact topics in this EA. It is expected that the proposed communications facility will have a beneficial impact on human health and safety as it would increase communications and improve response times for emergency services.

3.2.2 SOCIAL ENVIRONMENT

3.2.2.1 Community Facilities and Services

The following section describes community facilities and services in the vicinity of Westernport site.

Parks, Recreation, Community Facilities, and Open Space

There are no parks, recreational, or community facilities located within the project area.

Churches

There are no churches within the vicinity of the project. Various denominations may be found in the cities of Westernport, Luke and Bloomington.

Schools

Westernport Elementary School – 0.75 miles away
172 Church St,
Westernport, MD

Bloomington Elementary School
334 N Branch Ave, Bloomington, MD

Emergency Services

Fire and EMS Stations

Potomac Fire Co Number 2
1 Main St,
Westernport, MD 21562
(301) 359-3701

Police Stations

Westernport Police Department
107 Washington St.
Westernport, MD
(301) 359-3522

Luke City Police Department
510 Grant St.
Luke, MD
(301) 359-3023

Medical Care Facilities

Potomac Valley Hospital
167 S Mineral St, Keyser, WV
304-597-1100

Neighborhood Associations

There are no neighborhood associations within the vicinity of the project area.

3.2.2.2 Land Use Planning and Zoning

The proposed site is within the C – Conservation District. Permitted uses and special exceptions follow those for the Agricultural, or District A - Agriculture, Forestry and Mining District. This zoning includes a wide variety of uses including agricultural, residential, and commercial. (<http://www.gov.allconet.org>).

3.2.2.3 Economy and Employment

The unemployment rate in Allegany County, MD was 9.6 – percent during 2009. Per capita income in 2009 was \$19,546. Median household income was \$34,712 for Allegany County as opposed to \$44,684 for the State of Maryland. Persons below the poverty line stood at 12.9 – percent in 2007 as opposed to 8.3 – percent for the State. The average home cost in 2009 was \$97,700, representing an increase of 0.40 percent for the year. (<http://www.bestplaces.net/county/Allegany-Maryland.aspx>).

3.2.2.4 Taxes and Revenue

Allegany County, Maryland sales tax rate is 5.00%. Income tax is 7.45%.in Allegany County, the Board real property tax is \$0.9829 per \$100 of assessed value. The state’s property tax rate is \$.112 per \$100 of assessed value. Personal income tax in Allegany County is assessed at 2.4573 –percent. (Maryland State Department of Assessments and Taxation; Comptroller of the Treasury <http://www.dat.state.md.us/sdatweb/taxrate.html>).

3.2.2.5 Aesthetics and Visual Resources

The subject property is located on an approximately 72.25-acre undeveloped property owned by the Moran Coal Company, Inc used for strip mining. At the proposed facility location, there is an existing tower compound. The tower has been damaged by a storm and the DoIT facility will replace the existing structure within the footprint of the existing compound The proposed site is located on relatively flat land in the middle of a wooded area. The surrounding area consists of woodland.

3.2.3 CULTURAL ENVIRONMENT

Tower construction is regulated by the Federal Communications Commission. On October 5, 2004, the Federal Communications Commission released a Report and Order, FCC 04-222, adopting the Nationwide Programmatic Agreement (NPA) regarding the Section 106 National Historic Preservation Act Review Process, signed by the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO) and amending Section 1.1307(a)(4) of the Commission’s rules, 47 C.F.R. §1.1307(a)(4).

3.2.3.1 Area of Potential Effects

Area of Potential Effects for Direct Effects

The APE for direct effects consists of the area directly impacted by the construction of the communications facility. The APE for direct effects is confined to the area(s) of ground disturbance (including the footprint of the facility, construction staging areas, utility connections and access easements) with respect to the potential impact to archeological resources, and to the subject property with respect to above-ground resources.

Area of Potential Effects for Visual Effects

The NPA governing new tower construction indicates that, unless otherwise established through consultation with the SHPO/THPO, the presumed APE for visual effects relative to the construction of new facilities is a) 0.5-mile radius for towers 200 feet or less in overall height, b) 0.75-mile radius for towers greater than 200 but no more than 400 feet in overall height; or, c) 1.5-mile radius for towers greater than 400 feet in overall height. Based on the proposed structure height of 348 feet above ground surface for the communications tower, a 0.75-mile radius was used for purposes of project review established by the NPA (Figure 3-4).

3.2.3.2 Archeological Resources

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. The project area has not been previously subjected to archeological survey. The *Maryland Historical Trust Guidelines and Resources for FCC Applicants Section 106 Submittals, March 2005* notes that in general, the Trust holds the opinion that archeological field survey is not likely to be warranted for the majority of undertakings in Maryland covered by the NPA. Due to the project's scale, it is not considered to be a significant threat to archeological resources. Such sites are not generally reviewed by the Maryland Historical Trust. The two proposed locations for the communications facility at the Westernport site were reviewed by the Maryland Historical Trust. The project review concluded that the proposed project will have no effect on archeological resources (Appendix B: Agency Response Letters).

3.2.3.3 Historic Resources

Section 101(b)(4) of the National Environmental Policy Act of 1969 (P.L. 91-190), as amended, requires the Federal government to coordinate and plan its actions to, among other goals, "preserve important historic, cultural and natural aspects of our national heritage..." Council of Environmental Quality (CEQ) implementing regulations require that Federal impacts to historic and cultural resources be included as part of the NEPA process.

The *Maryland Historical Trust Guidelines and Resources for FCC Applicants Section 106 Submittals, March 2005*, and the NPA define historic properties as:

- Properties listed in the National Register of Historic Places;
- Properties formally determined eligible for listing by the Keeper of the National Register;
- Properties that the SHPO certifies are in the process of being nominated to the National Register;

- Properties previously determined eligible for listing as part of a consensus determination of eligibility between the SHPO and the Federal Agency;
- Properties listed in the Maryland Inventory of Historic Properties that the Trust has previously evaluated and determined to be eligible for the National Register.

The methodology for the identification and evaluation of historic resources included a field survey of existing buildings and structures within the Area of Potential Effects (APE) that were previously inventoried by the Maryland Historical Trust. Properties that are listed as “undetermined” are those that have been surveyed but have not been determined eligible for the National or State historic registers. The file review at the Maryland Historical Trust Library identified the following properties within the 0.75-mile APE.

Table 3.1: Historic Resources within APE

Map Key	Property	Distance	NR Status	Effects Determination
1	Borderside, site (Brydon Mansion) G-I-E-007/NR-339	0.75 Miles	NR Listed	No Effect (Demolished)
2	Bloomington Viaduct (B&O Railroad Viaduct) G-I-E-011/NR-412	0.5 Miles	NR Listed	No Adverse Effect
3	Bloomington Survey District G-I-E-195	0.64 Miles	Undetermined	N/A
4	Lot 88 G-I-E-201	0.67 Miles	Not Eligible	N/A
5	George Pattison House G-I-E-196	0.58 Miles	Undetermined	N/A
6	Bridge 11018 G-I-E-199	0.47 Miles	Eligible	No Adverse Effect
7	Wilson Log Cabin AL-VI-D-212	0.58 Miles	Undetermined	N/A (Demolished)
8	Hammonds Addition Historic District AL-VI-D-307	0.42 Miles	Eligible	No Adverse Effect
9	Westernport Bridge AL-VI-D-227	0.72 Miles	Undetermined	N/A (Demolished)
10	Luke Frame House AL-VI-D-218	0.4 Miles	Undetermined	N/A

Map Key	Property	Distance	NR Status	Effects Determination
11	Luke Annex House AL-VI-D-217	0.41 Miles	Undetermined	N/A (Demolished)
12	Allen Luke House AL-VI-D-216	0.43 Miles	Undetermined	N/A
13	Luke Historic District AL-VI-D-306	0.23 Miles	Eligible	No Adverse Effect

NR Listed Properties

There are two resources within the APE for visual effects that are listed on the National Register, “Borderside” (G-I-E-007/NR 339) and the Bloomington Viaduct (G-I-E-011/ NR-412). Borderside is no longer standing; therefore there will be no effect to this resource. The Bloomington Viaduct is listed on the National Register for its significance under Criteria A and C for its contributions to transportation and engineering. Built in 1851 for use by the Baltimore & Ohio Railroad, this sandstone bridge has three full center arches each with a 56-foot span and a 28-foot rise. The bridge was widened and reinforced in 1916 to allow for more tracks. Although the proposed facility will be visible from the Bloomington Viaduct, this will not impact the significant aspects of the viaduct, which are its design, materials, and workmanship. The proposed facility will have no adverse effects to the Bloomington Viaduct.

NR Eligible Properties

There are three resources within the APE for visual effects that have been formally determined eligible for listing on the National Register, Bridge 11018 (G-I-E-199), Hammond’s Addition Historic District (AL-VI-D-307), and Luke Historic District (AL-VI-D-306). Bridge 11018 is eligible for the National Register under Criterion C, as one of the few remaining examples of a concrete rigid frame bridge. Constructed in 1937 as a part of the Good Roads Movement, the bridge provided a crossing for Route 135 over the Savage River. Given the height of the proposed facility, the local tree cover and topography, the facility will be visible from the bridge, however, the significant aspects of the bridge, its design, workmanship and materials will not be impacted. As a result, the undertaking will result in no adverse effects to Bridge 11018. Hammond’s Addition Historic District is eligible for the National Register for its significance under Criteria A and C. This urban, residential district includes 320 buildings in a terraced, grid pattern centered around Rock Street in Westernport. The dwellings in the mountainside coal and railroad town are comprised of late 19th and early 20th century styles, including Italianate, Victorian, and Bungalow styles. Based on the tree cover and topography in the area, the facility will be visible from limited vantage points within the district, and therefore will have a limited impact the integrity of setting, feeling and association within the district. As a result, the proposed undertaking will have no adverse effects to the Hammond’s Addition Historic District. The Luke Historic District is eligible for

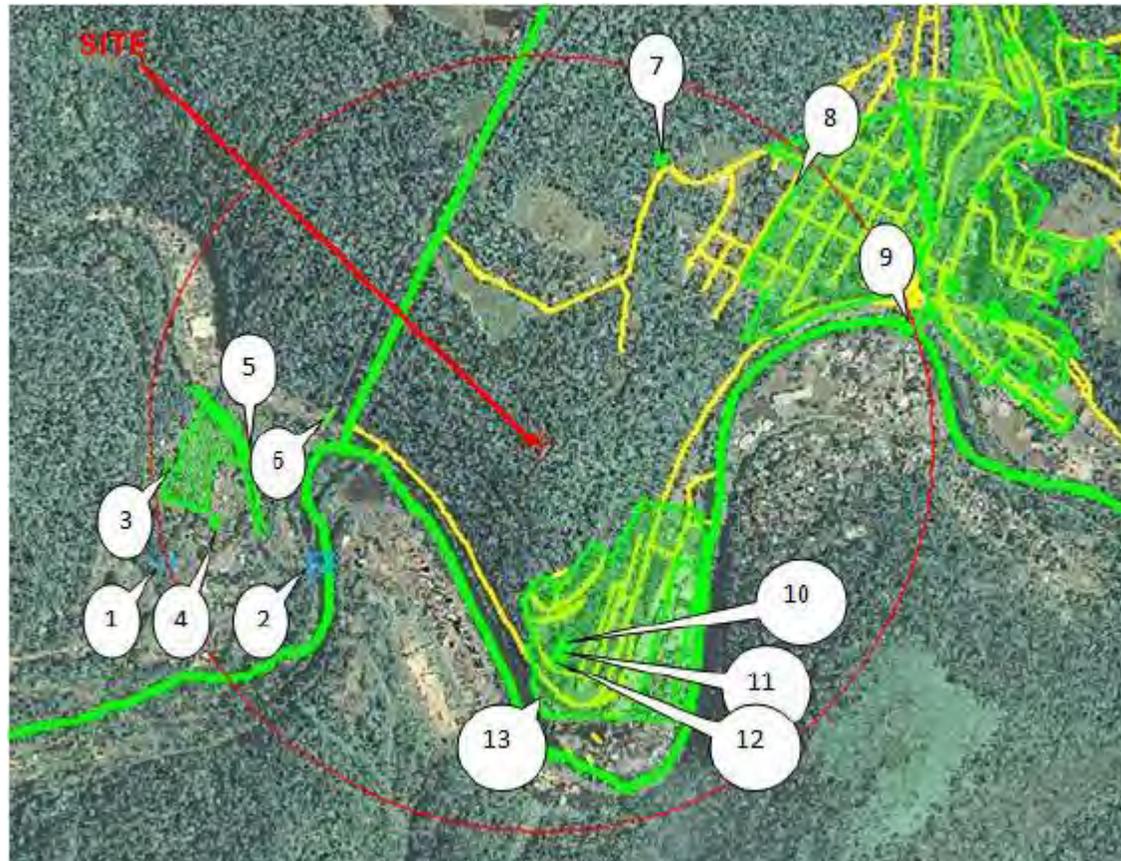


Figure 3-4: Aerial Photo Depicting the Location of the Planned Undertaking and Historic Resources within the 0.75-mile APE

- 1- Borderside, site (Brydon Mansion), G-I-E-007/NR 339
- 2- Bloomington Viaduct (B&O Railroad Viaduct), G-I-E-011/ NR-412
- 3- Bloomington Survey District, G-I-E-195
- 4- Lot 88, G-I-E-201
- 5- George Pattison House, G-I-E-196
- 6- Bridge 11018, G-I-E-199
- 7- Wilson Log Cabin, AL-VI-D-212

- 8- Hammond's Addition Historic District, AL-VI-D-307
- 9- Westernport Bridge, AL-VI-D-227
- 10- Luke Frame House, AL-VI-D-218
- 11- Luke Annex House, AL-VI-D-217
- 12- Allen Luke House, AL-VI-D-216
- 13- Luke Historic District, AL-VI-D-306

listing on the National Register under Criteria A and C. The residential and industrial district is situated in the narrow valley at the turn of the Potomac River. The district is comprised of approximately 93 buildings, including frame company housing and the Westvaco Corporation paper mill complex, that date to the late 19th century. Based on proximity to the proposed facility, as well as the topography and tree cover, the facility will be visible from limited vantage points within the district. The facility's limited visibility will not significantly impact the integrity of setting, feeling and association within the district. Therefore the undertaking will have no adverse effect on the Luke Historic District.

The proposed undertaking was reviewed by the Maryland Historical Trust under the terms of the NPA. The project review concluded that the proposed project will have no effect on historic properties, and that no further consultation under Section 106 of the National Historic Preservation Act is required prior to project implementation (Appendix B: Agency Response Letters).

3.2.4 INFRASTRUCTURE AND WASTE MANAGEMENT

The following sections describe the infrastructure, including utilities, transportation, and waste management, at the site.

3.2.4.1 Transportation

The Allegany County area is served by the CSX Railway System. Most of these lines are designed for freight service between the mid-west and the eastern seaboard. The county is also serviced by AMTRAK. Highways include Route I-68 which connects Cumberland to both Morgantown and Hagerstown.

The Greater Cumberland Regional Airport is located south of Cumberland, Maryland in West Virginia. It is located two and one-half miles south of I-68. Local routes include SR38 and SR135.

3.2.4.2 Telecommunications

A wide variety of telecommunications companies provide telecommunication services to the area. The local telecommunications carrier is Verizon Communications-MD. Long distance carriers include AT&T, MCI, Sprint and over 250 additional carriers and resellers of Wide Area Telephone Service (WATS) and Mobile Tele-Systems (MTS). There are multiple Internet service providers.

3.2.4.3 Electrical Power and Gas

Local electrical service is supplied by Allegheny Power. Gas is provided by Suburban Propane.

3.2.4.4 Waste Management

No wastes are expected to be generated by the project except for those generated during construction activities associated with the project. The work will be performed by a contractor who will be required to comply with all waste management regulations. Wastes generated during construction will consist of general waste which are not regulated or defined as hazardous, special, or potentially dangerous and which do not require special handling and disposal due to potential hazards to either personnel or the environment. General waste typically includes a varying, non-homogeneous mixture of paper goods, corrugated items, plastics, food scraps, glassware, metal waste, and other miscellaneous organics and inorganics.

All waste generated during construction will be managed in accordance with applicable Federal, state, and local regulations. General construction waste will be collected and transported by the contractors. The waste may or may not be disposed of locally. The demolition and removal of the existing tower equipment will not involve the removal of any hazardous waste. As the proposed communications facility is unmanned, no waste will be generated as a consequence of its operation.

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4 ENVIRONMENTAL CONSEQUENCES AND MITIGATION

This chapter contains a discussion of the environmental consequences, or impacts, associated with the No-Action Alternative and the Build Alternatives of the proposed PSIC-Funded Communications Facility.

Impact Assessment

This section includes an analysis of direct, indirect, and cumulative impacts. Direct impacts are caused by the action and occur at the same time and place. Indirect impacts are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Cumulative impacts are the impacts on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7 – 1508.8).

Potential impacts are described in terms of:

- *intensity*, the effects are negligible, minor, moderate, or major;
- *type*, the effects are beneficial or adverse;
- *duration*, the effects are short-term, lasting through construction or less than one year, or long-term, lasting more than one year; and
- *context*, the effects are site-specific, local, or even regional.

The thresholds of change for the intensity of impacts are defined as follows:

- *negligible*, the impact is localized and not measurable or at the lowest level of detection;
- *minor*, the impact is localized and slight but detectable;
- *moderate*, the impact is readily apparent and appreciable; or
- *major*, the impact is severely adverse and highly noticeable.

This section also includes information on measures to mitigate the impacts at the end of each impact topic.

4.1 NATURAL AND PHYSICAL ENVIRONMENT

4.1.1 AIR QUALITY

The following section discusses the impacts to air quality for the No-Action Alternative as well as the Build Alternative.

Explanation of Impacts Affecting this Impact Topic

Direct Impacts – Direct impacts from a project on ambient air quality can be caused by construction activities and the operation of the facility. Air quality pollutants can also be generated by the operation of stationary water and space heating equipment, and facility maintenance activities.

Indirect Impacts – Indirect impacts on air quality would occur from traffic generated by the facility.

Federal actions, including the construction of the communications facility, must be in conformity with the provisions of the Clean Air Act. General conformity requirements are applied to certain Federal actions within air quality non-attainment and maintenance areas. The General Conformity rule can be considered to contain three major parts: applicability, procedure, and determination. Based on the following evaluation, it has been determined that the anticipated emissions would be sufficiently small that no further action is required.

In the case of ozone, the precursor emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) are considered. Once these emissions have been evaluated, a determination can be made with respect to the applicability of the rules. If the total emissions are below *de minimis* levels, the rules are not applicable. According to the Maryland Department of the Environment, the Western Region of Maryland, including Allegany County, has had no Unhealthy for Sensitive Groups (USG) days in 2009. The air quality for all of Western Maryland has been moderate to good for the entire year. This is the only year that air quality achieved this range for the entire year within the past 18 years (MDE 2009)

4.1.1.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the proposed action would not be undertaken. Consequently, there would be no impact to the area's air quality. Therefore, no direct, indirect, or cumulative impacts to air quality would occur.

4.1.1.2 Alternative 2 - PSIC-Funded Communications Facility

Direct, Indirect, and Cumulative Impacts

The following are potential emission sources from the communications facility:

- construction activities;
- emergency power generation equipment.

Construction Activities

Construction activities will include the use of an excavator, dump trucks, concrete trucks, and a crane for tower erection. Project duration will be a maximum of 180 days, with a maximum of 40 days of heavy equipment use. Construction activities are expected to have little impact, with emissions limited in both magnitude and duration. According to EPA, these operations are of greater significance in areas of non-attainment for particulates, which does not include Allegany County.

Emergency Power Generation Equipment

Power generation equipment would generate emissions. However, power will normally be provided from the electrical distribution system present at the site. Power generation equipment would only be used in the advent of a power outage to the electrical grid and would not constitute a significant impact in either magnitude or duration.

Conclusions of General Conformity Review

This review has considered the precursors of ozone, VOCs, and oxides of nitrogen (NO_x). It is estimated that emissions would fall below the *de minimis* levels established under General Conformity. Consequently, the General Conformity procedures are not applicable to the proposed action. Construction on the site would therefore have negligible short or long-term, direct, indirect, and cumulative impacts.

Mitigation Measures for Air Quality

Impacts to air quality will be negligible, however, best management practices will be followed to minimize effects of the construction on air quality. These may include:

1. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds to prevent excessive amounts of fugitive dust.
2. All unpaved on-site roads shall be periodically watered or treated with environmentally-safe dust suppressants to prevent excessive amounts of dust.
3. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of fugitive dust.
4. On-site vehicle speeds shall not exceed 15 miles per hour.
5. Construction equipment shall be maintained in good condition and in proper tune as per manufacturers' specifications.

4.1.2 NOISE

This section analyzes the potential for increased noise levels under the No-Action Alternative and the Build Alternative for the implementation of the proposed communications project. Noise modeling was not conducted as part of this study.

Explanation of Impacts Affecting this Impact Topic

Direct Impacts - Direct impacts can occur as a result of construction noise generated during site development and permanent site-induced noise during operations.

Indirect Impacts - Indirect impacts may result from the incremental noise from area roadways due to the additional traffic generated by the proposed action.

4.1.2.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, no construction would take place. No change in the site's noise levels would occur because of this alternative. Therefore, no direct, indirect, or cumulative noise impacts would occur.

4.1.2.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Temporary increases in noise levels within the immediate vicinity of the project area would occur during construction. The magnitude of the impact would depend on the specific types of equipment used, the construction methods employed. Construction activities will include the use of an excavator, dump trucks, concrete trucks, and a crane for tower erection. Project duration will be a maximum of 180 days, with a maximum of 40 days of heavy equipment use. The facility will be un-manned and will therefore generate negligible noise after construction. Forested area surrounds the site, which is in a sparsely populated area of the county. The nearest sensitive receptors for noise are residential properties located 1,000 feet northeast of the project site. Dense forest separates the site from all receptors. There are no noise sensitive receptors within the project area. Construction noise may have a minor, temporary impact on birds and other wildlife. Therefore, a minor, adverse, short-term, direct impact would occur.

Indirect Impacts

No indirect impacts are expected to affect noise levels as a result of the proposed project.

Cumulative Impacts

There are no other actions now or in the foreseeable future, which, combined with the construction of the communications facility, would have a cumulative impact on noise levels.

Mitigation Measures for Noise Impacts

As noise impacts would be short term and minor, no mitigation measures are proposed. Best management practices will be followed to minimize effects of the construction on noise levels.

4.1.3 THREATENED AND ENDANGERED SPECIES

This section analyzes the potential impacts to threatened and endangered species for the No-Action Alternative and the Build Alternative for the implementation of the proposed communications project.

4.1.3.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, no construction would take place. Therefore, no direct, indirect, or cumulative impacts to threatened and endangered species would occur.

4.1.3.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts, Indirect and Cumulative Impacts

The footprint of the planned communications facility is within a previously cleared area that has formerly been utilized as a tower site. No deforestation will occur and DoIT will make efforts to reduce ecological impact.

The proposed location for the communications facility at the Westernport site was reviewed by the USFWS and the Maryland DNR (see Appendix B: Agency Response Letters). The response letter from the USFWS also addressed potential issues with migratory bird collisions. The proposed tower meets the criteria established in the *Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommission* (USFWS, 2000):

- a. No towers are located in a nearby radius to allow for co-location.
- b. The tower will be lighted with dual, medium intensity light systems, the minimum required to comply with FAA circular K1/7460.
- c. No guy wires will be used in the construction of the tower.
- d. The tower footprint and equipment compound are of a minimal size to prevent habitat fragmentation.

- e. A significant number of breeding, feeding, or roosting birds are not known to habitually use the tower area.
- f. The tower will be constructed to allow for additional co-locations.

Additional inquiries were made to the Maryland DNR Wildlife and Heritage Service, Cumberland office. No species of concern were reported for the project area. (DNR Wildlife and Heritage Service, 2009)

The project reviews concluded that the proposed project is not expected to have any impact to threatened or endangered species.

Mitigation Measures for Threatened and Endangered Species

In accordance with the recommendations of the USFWS, the following mitigation measures will be implemented. No conflicts between FAA and USFWS requirements are anticipated.

- The tower will be self-supporting and not require guy wires.
- The tower will not be located in or near wetlands or other known bird concentration areas, or in an area with a high incidence of fog, mist, and low ceilings.
- The tower will have the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA and only white strobe lights will be used at night. Lights will be the minimum number, minimum intensity, and minimum number of flashes per minute (*i.e.*, longest duration between flashes) allowable by the FAA.
- The tower and associated facilities will be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower “footprint”.
- The tower will be designed structurally and electrically to accommodate the applicant/licensee’s antennas and comparable antennas for at least two additional users.

4.1.4 VEGETATION AND WILDLIFE

The following section discusses the impacts to Vegetation and Wildlife for the No-Action Alternative and the Build Alternative.

4.1.4.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, no construction would take place. Therefore, no direct, indirect, or cumulative impacts would occur to vegetation and wildlife.

4.1.4.2 Alternative 2 – PSIC-Funded Communications Facility

Direct Impacts

The footprint of the proposed site is located within a previously cleared area owned by the Moran Coal Company Inc. No deforestation will occur and DoIT will make efforts to reduce ecological impact. The proposed project is less than one acre in scale, and therefore, is not subject to the Forest Conservation Act. The response letter from the USFWS addressed potential issues with migratory bird collisions. The proposed tower meets the criteria established in the *Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommission* (USFWS, 2000):

- a. No towers are located in a nearby radius to allow for co-location.
- b. The tower will be lighted with dual, medium intensity light systems, the minimum required to comply with FAA circular K1/7460.
- c. No guy wires will be used in the construction of the tower.
- d. The tower footprint and equipment compound are of a minimal size to prevent habitat fragmentation.
- e. A significant number of breeding, feeding, or roosting birds are not known to habitually use the tower area.
- f. The tower will be constructed to allow for additional co-locations.

Additional inquiries were made to the Maryland DNR Wildlife and Heritage Service, Appalachian Laboratory. No species of concern were reported for the project area, however, the Maryland DNR correspondence included information about Forest Interior Dwelling (FIDS) Bird Habitat and related minimization and mitigation measures. Measures germane to the project included limiting disturbance to non-forested areas, minimizing forest isolation, and maintaining forest canopy closure over roads. All proposed activities will take place in un-forested areas and no disturbance, isolation, or elimination of forest canopy cover is anticipated (DNR Wildlife and Heritage Service, 2009). The proposed project is not expected to have any impact to vegetation and wildlife.

Indirect Impacts

No indirect impacts are expected to affect vegetation and wildlife as a result of the proposed project.

Cumulative Impacts

There are no other actions now or in the foreseeable future, which, combined with the construction of the communications facility, would have a cumulative impact on vegetation and wildlife.

Mitigation Measures for Vegetation and Wildlife

In accordance with the recommendations of the USFWS and the Maryland DNR, the following mitigation measures will be implemented. No conflicts between FAA and USFWS/DNR requirements are anticipated.

- The tower will be self-supporting and not require guy wires.
- The tower will not be located in or near wetlands or other known bird concentration areas, or in an area with a high incidence of fog, mist, and low ceilings.
- The tower will have the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA and only white strobe lights will be used at night. Lights will be the minimum number, minimum intensity, and minimum number of flashes per minute (*i.e.*, longest duration between flashes) allowable by the FAA.
- The tower and associated facilities will be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower “footprint”.
- The tower will be designed structurally and electrically to accommodate the applicant/licensee’s antennas and comparable antennas for at least two additional users.
- Best management practices will be followed to minimize effects of the construction of the facility on Vegetation and Wildlife. These may include the use of native species for plantings, minimization of noise levels during construction and minimizing duration of construction. Additional practices may include avoiding disturbance of forested areas, minimizing mowing of the completed site.

4.1.5 HUMAN HEALTH AND SAFETY

The following section discusses the impacts to Human Health and Safety for the No-Action Alternative and the Build Alternative.

4.1.5.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, no construction of the PSIC-funded communications facility would take place. This would result in continued lack of coverage in first response and emergency communications. This lack of coverage

would have the potential to have minor to moderate direct, indirect, or cumulative adverse impacts to human health and safety.

4.1.5.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Alternative 2 will fill in coverage gaps to allow local emergency management services (EMS) personnel to speak directly with physicians at emergency departments. This would result in long-term, direct, beneficial impacts to human health and safety.

Indirect Impacts

No indirect impacts are expected to affect human health and safety as a result of the proposed project.

Cumulative Impacts

The construction of the proposed communications facility is part of a state-wide communications system for public services. The entire program includes upgrades to existing transmission and receiving sites, construction of new telecommunications towers, construction and remodeling of existing fixed-structure dispatch centers or first-responder facilities, improvement of a mobile infrastructure, planning, training, and exercises, and other activities. The cumulative effect of these projects will result in moderate, long-term, beneficial, cumulative impacts to human health and safety.

Mitigation Measures for Human Health and Safety

Mitigation measures are not warranted for impacts to human health and safety.

4.2 SOCIAL ENVIRONMENT

4.2.1 COMMUNITY FACILITIES AND SERVICES

The following section discusses the impacts to Community Facilities and Services for the No-Action Alternative and the Build Alternative.

4.2.1.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, no changes in community facilities and services will occur, therefore, no direct, indirect or cumulative impacts will occur to community facilities and services under the No-Action Alternative.

4.2.1.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Construction of the communications facility would not result in adverse impacts to community facilities and services. The project will allow local emergency management services (EMS) personnel to speak directly with physicians at emergency departments, therefore improving communications and response times for local emergency services. Therefore, moderate direct, short and long-term beneficial impacts to community facilities and services are expected.

Indirect Impacts

No indirect impacts are expected community facilities and services as a consequence of the proposed project.

Cumulative Impacts

The construction of the proposed communications facility is part of a state-wide communications system for public services. The entire program includes upgrades to existing transmission and receiving sites, construction of new telecommunications towers, construction and remodeling of existing fixed-structure dispatch centers or first-responder facilities, improvement of a mobile infrastructure, planning, training, and exercises, and other activities. The cumulative effect of these projects will result in moderate, long-term, beneficial, cumulative impacts to community facilities and services.

Mitigation Measures for Community Facilities and Services

Mitigation measures are not warranted for impacts to community facilities and services.

4.2.2 LAND USE PLANNING AND ZONING

Land use planning and zoning impacts attributable to a project are determined by changes to the site and the surrounding area, including changes in density and use, induced development, spurred revitalization, or increased vacancy. Such changes are typically a function of the scale of the proposed development, proximity of other uses to the project site, existing zoning, the availability of vacant or underutilized land, the condition of surrounding buildings, and outside development forces.

The following section discusses the impacts to land use and zoning for the No-Action Alternative as well as the Build Alternative.

Explanation of Impacts Affecting this Impact Topic

Direct Impacts – Direct land use impacts associated with the proposed action are determined based on physical changes to the development site.

Indirect Impacts – Indirect land use impacts generally include commercial, retail, and residential land use changes within adjacent parcels or a larger study area that result from the proposed action.

4.2.2.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the proposed communications facility would not be constructed. Under this alternative, there would be no changes to land use or zoning at the existing site. Therefore, there would be no direct, indirect, or cumulative impacts to land use planning and zoning.

4.2.2.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

At present, the proposed site is a cleared lot that has an un-used (damaged) communications facility. The proposed site is within the C – Conservation District. Permitted uses and special exceptions follow those for the Agricultural, or District A - Agriculture, Forestry and Mining District. This zoning includes a wide variety of uses including agricultural, residential, and commercial. Construction of the proposed facility would not be inconsistent zoning or present land use. Therefore, there will be no impacts to land use planning and zoning.

Indirect Impacts

The site will continue its current use and construction of the communications facility is not expected to lead to any indirect impacts to the current land uses.

Cumulative Impacts

The cumulative impact of development of the site, along with past and future development would not result in any significant changes in land use planning or zoning.

Mitigation Measures for Land Use and Zoning

Mitigation measures are not warranted for impacts to land use planning and zoning.

4.2.3 ECONOMY AND EMPLOYMENT

This section analyzes the potential for impacts to Economy and Employment for the No-Action Alternative and the Build Alternative.

Explanation of Impacts Affecting this Impact Topic

Direct Impacts - Direct economic and employment impacts occur when there is a change in the number of jobs in an area or a change in the number of businesses in an area.

Indirect Impacts - Indirect impacts occur when daily spending changes in an area due to the increase or decrease of jobs or businesses. These expenditures commonly include gasoline, automobile servicing, food and beverages, laundry, and other retail purchases undertaken in the immediate area because of convenience and access during the course of the business day.

4.2.3.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility would not be constructed. Under this alternative, there would be no direct, indirect, or cumulative impacts to economic or employment conditions.

4.2.3.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Regional economic activity would increase as local construction contractors and construction firms are hired for the project. The purchase of building materials, construction supplies and construction equipment, as well as spending by the construction workers, would add income to the economy. The proposed action would have a minor, beneficial, short-term, direct impact on the regional economy.

Indirect Impacts

Due to the nature of the proposed facility, which is unmanned, negligible indirect impacts are expected.

Cumulative Impacts

No cumulative impacts are expected to economy and employment due to the proposed project.

Mitigation Measures for Economy and Employment

Mitigation measures are not warranted for impacts to economy and employment.

4.2.4 TAXES AND REVENUE

The following section discusses the impacts to taxes and revenue for the No-Action Alternative and the Build Alternative.

Explanation of Impacts Affecting this Impact Topic

Direct Impacts – Direct impacts to taxes and revenues occur when site improvements or new buildings increase a property’s value and hence increase the taxes levied on it. Direct impacts may also occur if a property’s ownership status changes from public to private or vice versa, as publicly owned properties are tax exempt. Finally, direct impacts can also occur from new job creation or relocation of employees to an area.

Indirect Impacts – Indirect impacts can occur if a development spurs additional development. Indirect impacts can also occur from spending by employees.

4.2.4.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility would not be constructed. Under this alternative, there would be no changes to state and local taxes and revenues. Therefore, there would be no direct, indirect, or cumulative impacts to taxes and revenues.

4.2.4.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Construction workers employed for the construction period are assumed to be currently employed, and residing and paying taxes in the local Allegany County area. Increased sales transactions for the purchase of materials and supplies would generate some additional revenues for local and state governments, which would have a positive effect on taxes and revenue. This would result in short-term, minor, beneficial impacts to taxes and revenue.

Indirect Impacts

As the communications facility, once operational, is unmanned, no indirect impacts are expected to taxes and revenue as a consequence of the proposed facility.

Cumulative Impacts

As the communications facility, once operational, is unmanned, the future operation of the communications facility is unlikely to create revenue for the state, county, or local governments. There will be no cumulative impacts as a result of the proposed action.

Mitigation Measures for Taxes and Revenue

Mitigation measures are not warranted for impacts to taxes and revenue.

4.2.5 AESTHETICS AND VISUAL RESOURCES

The area of visual influence or viewshed provides the context for assessing aesthetic and visual resource impacts. Impacts to identified views and vistas were determined based on an analysis of the existing quality of the landscape views, the sensitivity of the view, and the anticipated relationship of the scale and massing of the proposed buildings to the existing visual environment.

The following section discusses the impacts to aesthetics and visual resources for the No-Action Alternative and the Build Alternative.

Explanation of Impacts Affecting this Impact Topic

Direct Impacts - Direct impacts occur when the proposed development is visible as a background element of a view that includes buildings of a similar mass and scale. Direct impacts occur when the proposed development is visible as a contrasting or dominant element that interferes with views from the representative viewpoint and substantially changes the existing view. Conversely, the development could improve a view or the visual appearance of an area.

Indirect Impact - Indirect impacts may occur if, because of the project, additional development occurs that affects viewsheds.

4.2.5.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the proposed facility would not be constructed. Under this alternative, there would be no direct, indirect, or cumulative impacts to aesthetics or visual resources.

4.2.5.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

The proposed site for the communications facility is presently a cleared area. The proposed communications facility would change the aesthetics of the site by adding

a taller visual element to the site. The surrounding area is largely forested land which will minimize visibility of the communications facility from the ground. The height of the tree canopy ranges from about 40 to 65 feet. Although the trees will help to screen the visibility of the tower, the 348 foot tower will still be visible above the canopy. The nearest visually sensitive receptors in the project area are residential properties about 1,000 feet northeast of the project area. Visual impacts at this distance will likely be minor. There are no other potential receptors within the project area. Therefore, aesthetic and visual impacts would be minor, adverse, long-term, and direct.

Indirect Impacts

No indirect visual impacts are expected to result from the proposed project.

Cumulative Impacts

The proposed communications facility is not expected to be part of any cumulative changes likely to impact visual and aesthetic resources. Therefore, no cumulative impacts are anticipated.

Mitigation Measures for Aesthetics and Visual Resources

Mitigation measures will include the use of the lowest intensity lighting allowable by the FCC for tower lighting. Best management practices will be followed to minimize effects of the construction of the facility on Aesthetics and Visual Resources.

4.3 CULTURAL ENVIRONMENT

As described in Section 3.0, on October 5, 2004, the Federal Communications Commission released a Report and Order, FCC 04-222, adopting the Nationwide Programmatic Agreement (NPA) regarding the Section 106 National Historic Preservation Act Review Process. Based upon this NPA, The APE for direct effects consists of the area directly impacted by the construction of the communications facility. The presumed APE for visual effects relative to the construction of new facilities is a) 0.5-mile radius for towers 200 feet or less in overall height, b) 0.75-mile radius for towers greater than 200 but no more than 400 feet in overall height; or, c) 1.5-mile radius for towers greater than 400 feet in overall height. Based on the proposed structure height of 348 feet above ground surface for the communications tower, a 0.75-mile radius was used for purposes of project review established by the NPA.

Impacts to cultural resources are based upon the criterion of effect and criteria of adverse effect found in the Advisory Council on Historic Preservation's regulations (36 CFR 800.5, *Assessment of Adverse Effects*).

Definition of Intensity Levels

For purposes of analyzing potential impacts to historic structures/sites, the thresholds of change for the intensity of an impact are defined as follows:

- *negligible*: Impact(s) is at the lowest levels of detection - barely measurable with no perceptible consequences, either adverse or beneficial. For purposes of Section 106, the determination of effect would be *no adverse effect*.
- *minor*: Adverse impact - impact would alter a feature(s) of a structure or building, but would not diminish the overall integrity of the resource. For purposes of Section 106, the determination of effect would be *no adverse effect*. Beneficial impact - stabilization/ preservation of features in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. For purposes of Section 106, the determination of effect would be *no adverse effect*.
- *moderate*: Adverse impact - impact would alter a feature(s) of the structure or building, diminishing the overall integrity of the resource. For purposes of Section 106, the determination of effect would be *adverse effect*. A Memorandum of Agreement is executed among the lead agency and applicable state or tribal historic preservation officer and, if necessary, the Advisory Council on Historic Preservation in accordance with 36 CFR 800.6(b). The mitigation measures identified in the Memorandum of Agreement reduce the intensity of impact from major to moderate. Beneficial impact - rehabilitation of a structure or building in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. For purposes of Section 106, the determination of effect would be *no adverse effect*.
- *major*: Adverse impact - impact would alter a feature(s) of the structure or building, diminishing the overall integrity of the resource. For purposes of Section 106, the determination of effect would be *adverse effect*. The lead agency and applicable state or tribal historic preservation officer are unable to negotiate and execute a Memorandum of Agreement in accordance with 36 CFR 800.6(b). Beneficial impact – restoration of a structure or building in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. For purposes of Section 106, the determination of effect would be *no adverse effect*.
- *Duration*: Short-term – Effects lasting for the duration of the construction activities (less than 1 year); Long-term – Effects lasting longer than the duration of the construction (longer than 1 year).

4.3.1 ARCHEOLOGICAL RESOURCES

4.3.1.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility would not be built. The current conditions at site would remain. Under this alternative, there would be no direct, indirect, or cumulative impacts to archeological resources that may exist at the site.

4.3.1.2 Alternative 2 - PSIC-Funded Communications Facility

Direct, Indirect, and Cumulative Impacts

Under Alternative 2, the communications facility would be constructed. It has been determined that there are no previously-recorded archeological sites within the project limits; although no archeological survey was conducted to identify archeological resources in the project area, the *Maryland Historical Trust Guidelines and Resources for FCC Applicants Section 106 Submittals, March 2005* indicates that archeological resources are not likely to be significantly affected by the planned action. Ground disturbance at the site will be minimal and the site is located on land that has previously been strip mined and re-graded. The proposed location for the communications facility was reviewed by the Maryland Historical Trust. The project review concluded that the proposed project will have no effect on archeological resources (see Appendix B: Agency Response Letters).

4.3.2 HISTORIC RESOURCES

The following section describes impacts to historic resources, for the No-Action Alternative and the Build Alternative.

4.3.2.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility would not be built. The current conditions would remain. Under this alternative, there would be no direct, indirect, or cumulative impacts to historic resources at the existing site.

4.3.2.2 Alternative 2 - PSIC-Funded Communications Facility

Under Alternative 2, the communications facility would be constructed. Any historic structures within the APE would have the potential to be visually impacted by the facility.

Direct Impacts

Under the terms of the NPA, a letter was sent to the Maryland Historical Trust requesting concurrence with the determination that there were no historic properties affected as a result of the proposed action. The project review concluded that the proposed project will have no effect on historic properties, and that no further consultation under Section 106 of the National Historic Preservation Act is required prior to project implementation. On October 28, 2009, the Maryland Historical Trust concurred with this finding (Appendix B: Agency Response Letters).

Indirect Impacts

Under the terms of the NPA, a letter was sent to the Maryland Historical Trust requesting concurrence with the determination that there were no historic properties affected as a result of the proposed action. The project review concluded that the proposed project will have no effect on historic properties, and that no further consultation under Section 106 of the National Historic Preservation Act is required prior to project implementation. On October 28, 2009, the Maryland Historical Trust concurred with this finding (Appendix B: Agency Response Letters).

Cumulative Impacts

Since there are no affected historic structures within the proposed project APE, no cumulative impacts to historic resources will occur.

Mitigation Measures for Historic Resources

As no impacts to historic resources are anticipated, no mitigation measures are proposed.

4.4 INFRASTRUCTURE

The following section describes impacts to infrastructure, including utilities, transportation, and waste management, for the No-Action Alternative and for the Build Alternative.

Explanation of Impacts Affecting this Impact Topic

Direct Impacts - Direct impacts to utilities would occur when services are disrupted due to the relocation or extension of utility lines.

Indirect Impacts - Indirect impacts to utilities would occur when construction in rights of way of easements causes traffic delays or increased usage of utilities impacts the supply of these utilities.

4.4.1 TELECOMMUNICATIONS

4.4.1.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility will not be constructed. Gaps in the present Public Safety Intranet (PSINET) infrastructure would remain, presenting continued communication difficulties for public safety agencies and first responders. Adverse effects would result from the No-Action Alternative as the project purpose and need would not be met. Therefore, the No-Action Alternative would have direct, indirect, and cumulative adverse impacts on communications services.

4.4.1.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

There will be no direct impacts to public telephone, wireless, or Internet telecommunications. The planned extension of the PSINET will improve communications for first responders, state and local agencies, and therefore, there will be moderate, beneficial, long-term, direct impacts to communications systems.

Indirect Impacts

No indirect impacts to communications services are anticipated.

Cumulative Impacts

The presently proposed action, when combined with reasonably foreseeable actions in the future, will have moderate to major, beneficial, long-term, cumulative impacts on communications systems.

Mitigation Measures for Telecommunications

As no adverse impacts are expected to affect telecommunications, no mitigation measures are proposed.

4.4.2 ELECTRICAL POWER AND GAS

4.4.2.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility will not be constructed. Therefore, the No-Action Alternative would have no direct, indirect, or cumulative impacts on electrical power and gas.

4.4.2.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Power requirements for the operation of the facility are expected to be easily accommodated from the present service. Power requirements for the site will consist of a 400-amp service at 240 volts which is a common residential sized service load. Each of the two equipment shelters will house a 200-amp service panel. The tower requires only a 20-amp circuit for lighting. Therefore, direct impacts to electrical power and gas utilities will be long-term and negligible.

Indirect Impacts

No indirect impacts to electrical power and gas are anticipated.

Cumulative Impacts.

The presently proposed action, when combined with reasonably foreseeable actions in the future, will not have any cumulative impacts on electrical power and gas utilities.

Mitigation Measures for Electrical Power and Gas

No mitigation measures are proposed for electrical power and gas.

4.4.3 TRANSPORTATION

Explanation of Impacts Affecting this Impact Topic

Direct Impacts - Direct impacts to transportation would occur when traffic volumes increase and patterns change due to the construction of the project.

Indirect Impacts - Indirect impacts to transportation occur when a project spurs other development, which in turn increases traffic volumes.

4.4.3.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility will not be constructed. Therefore, the No-Action Alternative would have no direct, indirect, or cumulative impacts on transportation.

4.4.3.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Transportation via automobile or rail will not be impacted by the proposed action. The Federal Aviation Administration, Air Traffic Airspace Branch, determined that the proposed communications tower would present no hazard to air navigation provided that the structure is marked and/or lighted in accordance with FAA rules (Appendix B: Agency Response Letters). Lighting will be placed on the tower to meet the FAA rules. Therefore, no direct impacts to transportation are anticipated.

Indirect Impacts

No indirect impacts to transportation are anticipated.

Cumulative Impacts

The proposed action, when combined with reasonably foreseeable actions in the future, will not have any cumulative impacts on transportation.

Mitigation Measures for Transportation

No mitigation measures are recommended for impacts to transportation.

4.4.4 WASTE MANAGEMENT

Explanation of Impacts Affecting this Impact Topic

Direct Impacts - Direct impacts to waste management occur when there is an increase or decrease in waste generation.

Indirect Impacts - Indirect impacts to waste management occur when a project spurs other development, which in turn increases waste volumes.

4.4.4.1 Alternative 1 - No-Action Alternative

Direct, Indirect, and Cumulative Impacts

Under the No-Action Alternative, the communications facility would not be constructed. Under this alternative, there would be no changes in waste management at the site. Therefore, no direct, indirect, or cumulative impacts to waste management would occur.

4.4.4.2 Alternative 2 - PSIC-Funded Communications Facility

Direct Impacts

Construction of the communications facility would generate construction waste. The size of the proposed facility is minimal. Construction will generate little solid waste during construction. All construction waste will be disposed of by the contractors, not the State and therefore may or may not be disposed of locally. Disposal of this waste would result in minor, adverse, short-term, direct impacts.

As the proposed communications tower is an unmanned facility, minimal general waste is expected to be generated following construction activities. Any general waste would be placed in receptacles at the site. Waste would be removed from receptacles on a regular basis. A licensed hauler would transport the general waste to county landfills. A negligible, adverse, short-term, direct impact on county landfills from increased waste would occur.

Indirect Impacts

No indirect impacts to waste management are anticipated under the proposed action.

Cumulative Impacts

The proposed facility will not foster any new development and since it is unmanned, will not generate wastes. Therefore, no cumulative impacts are anticipated.

Mitigation Measures for Waste Management

Best management practices will be followed to minimize the generation of solid wastes during the construction of the facility, thus minimizing impacts to Waste Management.

5 FINDINGS AND CONCLUSIONS

The Department of Commerce, National Telecommunications and Information Administration (NTIA) has prepared an Environmental Assessment (EA) analyzing the environmental impacts from the construction of the Westernport Communications Facility at the end of Mountain Top Road near Westernport Road Southwest, in Allegany County, Maryland. The project is funded by the Public Safety Interoperable Communications (PSIC) Grant Program. The goal of the PSIC Grant Program is to improve nationwide interoperable communications among public safety agencies.

In February of 2009, the NTIA prepared a Programmatic Environmental Assessment (PEA) for the PSIC Grant Program. The PEA determined that transmitting and receiving sites involving new towers 200 or more feet above the ground, guyed towers, and ground disturbances of one acre or more all require that a site-specific Environmental Assessment (EA) be prepared. The proposed facility falls within the category of Transmission and Receiving Sites with a new tower of over 200 feet in height.

NEPA is intended to help public officials make decisions based on an understanding of environmental consequences, and to take actions that protect, restore, and enhance the environment. Communications tower construction and the operation of communications systems are regulated by the Federal Communications Commission (FCC). Under FCC rules implementing NEPA (47 C.F.R. 1.1301-1.1311) the proposed action would normally be categorically excluded from further environmental processing. The preparation of this EA is required as a result of PSIC Grant funding through the NTIA.

This Environmental Assessment (EA) assesses the impacts of two alternatives: The No Action Alternative, and the build alternative. Alternative 2 proposes the construction of the tower in a cleared area that currently contains a tower that was damaged by a storm. The site was previously the site of a strip mine and therefore, due to previous ground disturbance, no significant ecological impacts are anticipated. Utility connections will be supplied by an existing transformer directly across from the site. An existing access road from Mountain Top Road that leads to the site across state-owned land will be improved to serve the proposed facility.

This (EA) concludes that the proposed Westernport Communications Facility will have negligible adverse impacts to: air quality, electrical power and gas, and waste management; minor adverse impacts to: noise levels, aesthetic and visual resources; no impacts to archeological and historic resources, land use planning and zoning, threatened and endangered species, vegetation and wildlife, or transportation.

The proposed project would result in beneficial impacts to: human health and safety, community facilities and services, employment and economy, taxes and revenue, and communications systems.

This Environmental Assessment (EA) concludes that the proposed Westernport Communications Facility, Allegany County Maryland, is not a major Federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared.

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6 REFERENCES

1. FEMA, 1985 Federal Emergency Management Agency (FEMA). 1985. Flood Insurance Rate Map (FIRM), Allegany County, Maryland. Panel 2401140001D (<http://www.fema.gov/hazard/map/firm.shtm>). Printed copy available in project administrative record.
2. FCC, 2004, Nationwide Programmatic Agreement regarding the Section 106 National Historic Preservation Act Review Process (NPA).
3. Allegany County Government Website: <http://www.gov.allconet.org>. Printed copy available in project administrative record.
4. Maryland Department of Assessments and Taxation, Allegany County, Maryland Tax Rates (<http://www.dat.state.md.us/sdatweb/taxrate.html>). Printed copy available in project administrative record.
5. Maryland Department of the Environment (MDE), 2009. (<http://www.mde.state.md.us/>). Printed copy available in project administrative record.
6. MERLIN Online GIS Mapping, 2009 (<http://www.mdmerlin.net/index.html>). Printed copy available in project administrative record.
7. MHT, 2005. *Maryland Historical Trust Guidelines and Resources for FCC Applicants Section 106 Submittals, March 2005*.
8. MHT 2009. Maryland Inventory of Historic Properties. Available Online at: (<http://www.mht.maryland.gov/>). Printed copy available in project administrative record.
9. NRIS May 12, 2008, National Register Information System (<http://www.nr.nps.gov/nrloc1.htm>). Printed copy available in project administrative record.
10. Sperlings Best Places, 2009. ((<http://www.bestplaces.net/county/Allegany-Maryland.aspx>)). Printed copy available in project administrative record.
11. U.S. Fish and Wildlife Service (USFWS), 2000 *Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommission*. <http://www.fws.gov/habitatconservation/communicationtowers.html>. Printed copy available in project administrative record.
12. USDA, 2009. US Department of Agriculture. Allegany County, Maryland Soil Survey Online Map (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>). Printed copy available in project administrative record.
13. USGS Westernport Quadrangle, USGS 7.5 Minute Topographic Map.

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7 LIST OF PREPARERS

LYLE C. TORP, RPA

Principal Investigator

Lyle C. Torp consults on issues related to compliance with Section 106 of the National Historic Preservation Act (NHPA), conducts environmental assessments under the National Environmental Policy Act (NEPA), and performs a variety of services related to archeological and historical assessments and historic preservation planning. He has extensive experience performing Phase I, Phase II and Phase III cultural resource investigations, and has served as Principal Investigator on numerous compliance-related projects throughout the United States. Mr. Torp is thoroughly familiar with all aspects of cultural resources/historic preservation legislation and regulation and he regularly consults on cultural resource issues under NEPA and NHPA. Lyle Torp holds a BA from Wake Forest University and an MA from the University of South Florida, and has completed doctoral work at The Catholic University of America. Mr. Torp is fully-qualified under the Secretary of the Interior's Standards for Archeology and Historic Preservation at 36 CFR 61, and is certified in archeology by ROPA.

Since 1998, Mr. Torp has directed the operations of a consulting firm with a staff of 17 cultural resource and environmental professionals. In this capacity, he has augmented his prior work experience in conducting Phase I and Phase II ESAs, natural resource planning, and other environmental services with a diverse professional staff serving clients throughout the eastern United States.

DAVID C. BERG

Senior Historic Preservation and NEPA Specialist

Mr. Berg is a Senior Historic Preservation Specialist with more than 20 years of professional experience managing historic preservation projects. Mr. Berg has worked as an Associate with The Ottery Group since 2007. He has prepared National Register of Historic Places Nomination Forms, cultural resource reports identifying historic sites and documenting National Register of Historic Places eligibility, and reports evaluating potential effects to historic architectural properties in and adjacent to proposed project areas. He has also contributed to numerous Environmental Assessment and Environmental Impact Statements, Categorical Exclusion Checklists, Section 4(f) reports, and other regulatory documents. Mr. Berg has experience preparing Historic Preservation Master Plans, and was previously employed as a Historic Preservation Planner in Montgomery County, Maryland.

Mr. Berg has excellent writing and speaking skills, and has been called upon many times to conduct public meetings during the planning stages of many projects. He has prepared plans for the protection and maintenance of historic properties, and has conducted mitigation efforts for buildings and structures, including the delineation of measured drawings in accordance with HABS-HAER standards and large-format photography to HABS-HAER standards. Mr. Berg has a BA from Wheaton College and an MA in US History from the University of Maryland.

AMY BOLASKY SKINNER

Architectural Historian

Ms. Skinner is a graduate of the Historic Preservation graduate program at the University of Maryland with three years experience in historic preservation and architectural history. Ms. Skinner has experience in historical research and documentation, as well as experience in federal preservation laws including the National Historic Preservation Act and the National Environmental Policy Act. Ms. Skinner's responsibilities include planning and conducting architectural surveys and field investigations, completion of evaluations and Determination of Eligibility forms for historic properties, performing archival research, the preparation of historic structure reports, master plans, and National Register nominations. Amy Skinner has a BA from Syracuse University and an MA in Architectural History from the University of Maryland. Ms. Skinner is fully-qualified under the Secretary of the Interior's Professional Qualifications in Architectural History (36 CFR 61).

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8 ENVIRONMENTAL ASSESSMENT DISTRIBUTION LIST

8.1 FEDERAL OFFICIALS AND AGENCIES

The Honorable Senator Ben Cardin
United States Senate
509 Hart Senate Office Building,
Washington, DC 20510

The Honorable Barbara Mikulski
United States Senate
503 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Congressman Roscoe
Bartlett
1 Frederick Street, Suite 2
Cumberland, Maryland 21502

Regional Administrator Region 3
U.S. Environmental Protection Agency
841 Chestnut Street
Philadelphia, PA 19107

U.S Fish and Wildlife Service
Ecological Services
6669 Short Lane
Gloucester, VA 23061

US Department of Commerce
National Telecommunications and Information
Administration (NTIA)
1401 Constitution Ave., NW
Washington, DC 20230

8.2 STATE OFFICIALS AND AGENCIES

The Honorable Wendell R. Beitzel
House Office Building, Room 320
6 Bladen St.,
Annapolis, MD 21401

The Honorable Senator George C.
Edwards
James Senate Office Building, Room 322
11 Bladen St.,
Annapolis, MD 21401

Maryland State Highway Administration
District 6 Office
1251 Vocke Road
LaVale, MD 21502

Maryland Department of Planning
Maryland Historical Trust
100 Community Place, 3rd
Floor Crownsville, MD 21032

Denis McElligott
Director, Wireless Communications
Maryland Department of Information Technology
301 W. Preston Street, Room 1304
Baltimore, MD 21201

8.3 LOCAL OFFICIALS AND AGENCIES

Maryland Department of Natural Resources
Allegany County
3 Pershing Street
Room 101
Cumberland, MD 21502

Board of Allegany County Commissioners
Allegany County Office Building
701 Kelly Road
Cumberland, MD 21502-2803

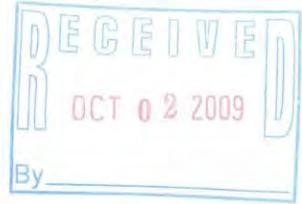
Allegany County Planning Services
Allegany County Office Complex
701 Kelly Road, First Floor
Cumberland, MD 21502

Appendix A
Site Plans

Site Plan Not Available.

Appendix B
Agency Response Letters

THE OTTERY GROUP



September 30, 2009

Elizabeth Cole, Administrator
Project Review and Compliance
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

F
FCC
EJC

200903818

Re: Section 106 review for the proposed Maryland Department of Information Technology "Westernport Telecommunications Facility" - At the end of Mountaintop Road, Westernport, MD 21562 (Alleghany County)

Ms. Cole:

At the request of the Maryland Department of Information Technology, The Ottery Group, Inc. is hereby initiating consultation with your office prior to the construction of a telecommunications facility in Westernport, MD. As tower construction is regulated by the Federal Communications Commission (FCC), the Maryland Department of Information Technology is required to consider the effects of the proposed undertaking on historic properties under FCC requirements (47 CFR 1.1307) and Section 106 of the National Historic Preservation Act (36 CFR 800) as implemented by the Programmatic Agreements governing project review for telecommunications projects.

The following attachment regarding the proposed undertaking is provided in order to initiate consultation pursuant to 36 CFR 800.3. The report includes an identification of historic properties that are listed in or have been determined eligible for the National Register of Historic Places (NRHP) and an assessment of the effects of the planned undertaking.

I look forward to your comments regarding the effects of the proposed undertaking. If you have any questions or require more information please feel free to contact me by phone or email (stacy.patterson@otterygroup.com). I appreciate your assistance with this project.

Sincerely,
THE OTTERY GROUP, INC.

Stacy P. Montgomery

Stacy P. Montgomery
Architectural Historian

Attachment - FCC Form 620, Parts 1 and 2

The Maryland Historical Trust has reviewed the Submission Packet for MHT Log No. 200903818 and concurs with the FCC applicant's determination of no historic properties adversely affected.

By: *Beth Cole*
MD State Historic Preservation Office/
Maryland Historical Trust

Date: 10/28/09

#2na Bx 10/28/09 No adverse effect steep terrain + vegetation will minimize visibility



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

October 19, 2009

Ms. Meaghan Fahey
The Ottery Group, Inc.
1810 August Drive
Silver Spring, MD 20902

RE: Environmental Review for Proposed Maryland Department of Information Technology – Telecommunications Facility, Westernport Site 1002, Mountain Top Road, Allegany County, Maryland.

Dear Ms. Fahey:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted. It is also important to note that the utilization of state funds, or the need to obtain a state authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. If this project falls into one of these categories, please contact us for further coordination.

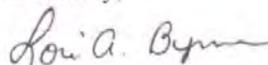
Our analysis of the information provided also suggests that the forested area on the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources. In order to do so, the following guidelines could be incorporated into the site design to help minimize the project's impacts on FIDS and other native forest plants and wildlife:

1. Restrict development to nonforested areas.
2. If forest loss or disturbance is unavoidable, concentrate or restrict development to the following areas:
 - a. the perimeter of the forest (i.e., within 300 feet of existing forest edge)
 - b. thin strips of upland forest less than 300 feet wide
 - c. small, isolated forests less than 50 acres in size
 - d. portions of the forest with low quality FIDS habitat, (i.e., areas that are already heavily fragmented, relatively young, exhibit low structural diversity, etc.)
3. Maximize the amount of forest "interior" (forest area >300 feet from the forest edge) within each forest tract (i.e., minimize the forest edge:area ratio). Circular forest tracts are ideal and square tracts are better than rectangular or long, linear forests.

4. Minimize forest isolation. Generally, forests that are adjacent, close to, or connected to other forests provide higher quality FIDS habitat than more isolated forests.
5. Limit forest removal to the "footprint" of houses and to that which is necessary for the placement of roads and driveways.
6. Minimize the number and length of driveways and roads.
7. Roads and driveways should be as narrow and as short as possible; preferably less than 25 and 15 feet, respectively
8. Maintain forest canopy closure over roads and driveways.
9. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.
10. Maintain or create wildlife corridors.
11. Do not remove or disturb forest habitat during April-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.
12. Landscape homes with native trees, shrubs and other plants and/or encourage homeowners to do so.
13. Encourage homeowners to keep pet cats indoors or, if taken outside, kept on a leash or inside a fenced area.
14. In forested areas reserved from development, promote the development of a diverse forest understory by removing livestock from forested areas and controlling white-tailed deer populations. Do not mow the forest understory or remove woody debris and snags.
15. Afforestation efforts should target a) riparian or streamside areas that lack woody vegetative buffers, b) forested riparian areas less than 300 feet wide, and c) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573-4575



September 30, 2009

The Ottery Group
1810 august Drive
Silver Spring, MD 20902

RE: Technology telecommunications facilities in Allegany County (Mounty Savage Site and Westernport Site)

Dear: Meaghan Fahey

This responds to your letter, received September 17, 2009, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the above reference project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further Section 7 coordination with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

A final concern of the Service is the potential impact of communications towers on migratory birds. Communications towers may not be visible to migrating birds in poor weather conditions (e.g., low cloud ceiling, fog, rain, or poor visibility), and have caused massive bird kills when nocturnal migrating species are attracted by the lights of the towers. Wire strikes by diurnal species such as large wading birds, waterfowl, and raptors have also been documented. Communications towers with guy wires and/or lights are therefore known threats to migratory birds, which are Federal trust resources that the Service is authorized to protect. The "take" (i.e., killing) of migratory birds by any person without authorization may constitute a violation of the Migratory Bird Treaty Act of 1918.

The Service does have a migratory bird policy and offers recommendations on reducing migratory bird collisions with communications towers. Towers that are over 200 feet high and have lights or guy wires are more likely to cause death or injury to migratory birds than shorter structures. We encourage you to reference these materials at <http://migratorybirds.fws.gov/issues/towers/comtow.html> and incorporate as many of the design recommendations as possible. A hard copy of the policy and recommendations is also available upon request. Enclosed are the Chesapeake Bay Field Office Recommendations to Reduce Migratory Bird Collisions with Communications Towers, and a Migratory Bird Fact Sheet.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Devin Ray at (410) 573-4531.

Sincerely,

A handwritten signature in black ink, appearing to read "Leopoldo Miranda". The signature is fluid and cursive, with the first name being more prominent.

Leopoldo Miranda
Field Supervisor

Enclosures

Migratory Birds

All native migratory birds (e.g., waterfowl, shorebirds, passerines, hawks, owls, vultures, falcons) are afforded protection under the Migratory Bird Treaty Act of 1918 (40 Stat. 755; 16 U.S.C. 703-712). Migratory Birds are a federal trust resource responsibility, and the U.S. Fish and Wildlife Service (Service) considers migratory bird concentration areas as environmentally significant.

Communication towers and antennas may pose a collision hazard to migratory birds in flight and may pose a threat to nesting birds attracted to the site, depending on tower height, physical design, lighting, and site location. To avoid potential cumulative adverse impacts to migratory birds, the Service prefers and recommends concealing antennas or attaching new antennas to existing structures. Antennas have been concealed on rooftops; flagpoles; bell, cross, and clock towers; road signs; silos; water towers; monopole towers; and custom projects. Where attachment to an existing (non-tower) structure is not feasible, new transmitters should be co-located on existing towers to avoid construction of new towers. If this is not feasible and tower construction is deemed necessary, tower design should allow for multiple transmitters to be co-located on a single new tower, under 200 feet in height and constructed without lights or guy wires.

Occurrences of mortality from birds colliding with towers under foggy daytime conditions are documented in scientific literature. Occurrences are also documented of birds congregating around towers with aviation warning lights while migrating at night during inclement weather. During these events, birds circling the towers have been killed from colliding with guy wires, other birds, and the ground, and have died from exhaustion. Therefore, to protect migrating birds, communication towers and associated facilities should be sited away from bird concentration areas, which include: traditional migratory flight corridors (e.g., ridges, shorelines, river valleys); stopover or resting areas (e.g., land bounding large bodies of water, wetlands, forests, and natural grasslands); bird reserves (e.g., National Wildlife Refuges, State Wildlife Management Areas, private sanctuaries); and seasonal flight paths (e.g., between feeding and nesting or roosting areas). Some of the primary bird concentration areas of concern in the Maryland/ Delaware/ District of Columbia area include the Chesapeake Bay and coast, Potomac River corridor, Delaware Bay and coast, Delaware River corridor, and the Atlantic Coast. Also, the Service maintains five National Wildlife Refuges in Maryland (Chesapeake Marshlands, Eastern Neck, Martin, Susquehanna, Patuxent Research Refuge) and two National Wildlife Refuges in Delaware (Bombay Hook, Prime Hook). More information about National Wildlife Refuges is provided below.

Birds, other than nocturnal birds such as owls, generally have poor night vision. To allow birds to detect and avoid tower guy wires, the Service recommends increasing the visibility of tower guy wires to birds, particularly at night. Increased visibility should be accomplished without the use of artificial lighting (i.e., through manufacturing, the use of reflective paint or other materials, attaching large balls, or the use of other available technology).

As communication technology advances and tower-based technology becomes obsolete, the Service recommends decommissioning those towers that are no longer needed, particularly towers within bird concentration areas. Tower decommissioning, including removal, should be provided for in any application for license submitted to the FCC.

Information on tower kills, including mechanisms, studies, literature, bibliographies, legislation, links, and summaries by state, is provided on the following website: <http://www.towerkill.com>. Information regarding the affects of lighted structures on migrating birds can be found in the 1996 publication by the World Wildlife Fund and the Fatal Light Awareness Program, entitled; *Collision Course: the hazard of lighted structures and windows to migrating birds*. In addition, the Service's Office of Migratory Bird Management maintains a partial bibliography of over 125 citations (1960-1998) on bird kills at towers and other man-made structures. The bibliography may be accessed at the following website: <http://www.fws.gov/r9mbmo/issues/tower.html>.

National Wildlife Refuges

The Service administers a national system of wildlife refuges. Seven National Wildlife Refuges have been established within Maryland and Delaware, each with a role in protecting the diversity of our Nation's flora and fauna and the natural habitats upon which our native species depend. The National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927; 16 U.S.C. 668dd-668ee) provides guidelines and directives for administration and management of all areas in the refuge system. In order for a commercial cellular tower or antenna facility to be constructed within a National Wildlife Refuge (i.e., Bombay Hook [DE], Prime Hook [DE], Chesapeake Marshlands, Eastern Neck, Martin, Susquehanna, and Patuxent Research Refuge), a compatibility determination would be required before a Special Use Permit from the Service's Division of Refuges and Wildlife could be granted.

For further information, please contact:

U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
Phone:(410) 573-4550
Fax:(410) 269-0832

Chesapeake Bay Field Office (USFWS) Recommendations to Reduce Migratory Bird Collisions with Communications Towers

1. Entities proposing to construct a new communications tower are strongly encouraged to co-locate the equipment on an existing tower or structure (e.g., church steeples, flagpoles, bell and clock towers, road signs, silos, water towers, billboards, light poles, bridges, electrical transmission poles, or buildings).
2. If co-location on existing structures is not feasible, then unlit, unguyed structures, with minimal vertical and aerial cross-sectional dimensions are encouraged. To date, this has been accomplished using unguyed monopoles or a lattice structure (preferably with the smallest aerial cross section practical) less than 200 feet above ground level (AGL).
3. If possible, new towers should be located within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known migratory bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.
4. If the Federal Aviation Administration (FAA) requires that a tower must be lit for reasons of aviation safety, then the minimum required amount of pilot warning and obstruction avoidance lighting should be used. Unless otherwise required by the FAA only white strobe lights should be used at night, and these should be the minimum number, intensity, and flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights adversely affect night-migrating birds at a much higher rate than white strobe lights.

If a proposed tower less than 200 ft AGL is required to be lit for aviation safety reasons (e.g., near an airport or along a flight corridor for emergency aircraft), then alternative sites should be sought, unless the alternative sites would have substantially greater environmental impacts than the proposed site.
5. Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species. (For guidance on markers, see *Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with Power Lines: The State of the Art in 1994. Edison Electric Institute, Washington, D.C., 78 pp*, and *Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines. Edison Electric Institute/Raptor Research Foundation, Washington, D.C., 128 pp*. Copies can be obtained via the Internet at <http://www.eei.org/resources/pubcat/enviro/>, or by calling 1-800/334-5453).

6. Towers and appendant facilities should be sited, designed, and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint." Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight. However, a larger tower footprint is preferable to the use of guy wires in construction.
7. If substantial numbers of breeding, feeding, or roosting birds are known to occur within the proposed footprint of the tower construction, then the tower should be relocated to an alternative site with lower wildlife activity. Seasonal restrictions should be adopted to avoid "taking" of birds, eggs, or active nests, in those cases where no alternative site is possible.
8. To reduce the number of towers needed in the future, new towers should be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least three additional users, unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower or would increase the footprint of appendant structures.
9. Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.
10. If a tower is constructed, or proposed for construction, Service personnel and/or researchers from the Communications Towers Working Group or their designees should be allowed access to the site to evaluate bird use, to conduct dead-bird searches, to place net catchments below the towers, or to place radar, infrared, thermal imagery, or acoustical monitoring equipment as necessary to assess and verify bird presence, mortality, or migration near the site and to gain information on the impacts of various tower sizes, configurations, and lighting systems.
11. Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use. Tower removal should be bonded or covered by revenues put aside during the first ten years or less after licensing.