Finding of No Significant Impact (FONSI) for the Implementation of the Public Safety Interoperable Communications (PSIC) Grant Program

INTRODUCTION

The Department of Commerce National Telecommunications and Information Administration (NTIA) developed a Programmatic Environmental Assessment (PEA) to evaluate the potential environmental impacts associated with the proposed Public Safety Interoperable Communications (PSIC) Grant Program. The proposed implementation of the PSIC Grant Program would involve a wide variety of projects designed to improve interoperable communications among public safety agencies. The PEA evaluated the impacts of the PSIC Grant Program at the national level. NTIA will require additional environmental analyses for all PSIC-funded projects that cannot be determined at this time to have no significant impact to the human or natural environment.

SCOPE OF THE PEA

The PSIC Grant Program PEA was prepared pursuant to the National Environmental Policy Act (NEPA) of 1969. NTIA has determined that implementation of the proposed PSIC Grant Program is an action with nationwide implications. The programmatic approach created a comprehensive, global analytical framework to support subsequent site-specific environmental analyses that may be required to determine the nature and extent of impacts resulting from individual actions at site-specific locations. It also allowed NTIA to identify those project types that are not expected to have any impact to the environment and to distinguish them from those that may require further analysis.

This PEA examined the five project types associated with PSIC public communication systems and that are eligible for funding under the PSIC Grant Program:

1. **Transmission and Receiving Sites.** These projects involve upgrading existing transmission and receiving sites, constructing new sites, and collocating antennae on existing structures to address all voice, data, video, and interoperability requirements. These projects may include either the upgrade or new construction and installation of communications towers, equipment shelters, generators and backup power systems, repeaters, gateways, voice over internet protocol (VoIP), microwave backhauls, fiber optic cable, antennae, and access roads to sites, and other associated equipment and infrastructure to provide or deliver communications. This type of project may also include equipment and activities that are associated with channel assignments and shared and mutual aid channels. Coordinating antennae interference reviews is also part of this activity. The average site is approximately 0.5 acres. Sites using guy-wired structures may require additional land.

   New or retrofitted transmitting and receiving sites would be constructed or retrofitted to do the following:

   - Update infrastructure or equipment, using new or existing frequencies, to improve and expand coverage and capacity for the system;
   - Add data and video capabilities; and
   - Facilitate interoperable communications among first responder organizations.

2. **Operations and Response Centers.** This project type involves constructing, remodeling, or retrofitting existing fixed-structure dispatch centers and first-responder

facilities to take advantage of new communications infrastructure and increasing responder capacity. Centers would potentially be incorporated in an existing building with interior space for radio, telephone, internet communications equipment, dispatch computer consoles, gateways, transmitting and receiving equipment, backup power generators, and fuel storage. The centers would be served by utility lines. Antennae may be mounted on a pole or building, if incoming and outgoing information is transmitted or received by radio, satellite, or microwave rather than via landlines. The size of operations and response centers can vary substantially based on a number of factors, including colocation 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 one (1) acre in size, with some as large as five (5) acres.

Most projects for operations and response centers are expected to be upgrades (renovations and retrofits) or expansions to current centers in existing buildings, with very little construction of completely new facilities. The centers will be upgraded/constructed to do the following:

- Utilize new frequencies and sources;
- Increase the volume of calls that can be handled; and
- Expand the range of emergency responders connected through the system.

3. **Mobile Infrastructure.** These projects involve acquiring, storing, and deploying non-fixed infrastructure equipment and incident command equipment associated with transmit/receive communications, including but not limited to, 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).
4. **Mobile and Portable Equipment.** These projects involve acquiring, storing, and deploying subscriber units and similar equipment, including but not limited to, mobile and handheld radios and satellite phones, laptops and other mobile devices, radio caches, and battery packs.
5. **Planning, Training, and Exercises.** These projects involve conducting single- and multi-event activities, including both classroom- and field-based training and exercises, to prepare first responders and support personnel to use interoperable communications equipment in a coordinated and efficient manner.

ALTERNATIVES CONSIDERED

Preferred Alternative. The Preferred Alternative would implement all PSIC-funded projects simultaneously at sites to eliminate gaps in coverage. This alternative expedites widespread improvements to public safety interoperable communications in the shortest period, improving readiness and response capacity. The Preferred Alternative enables the PSIC Grant Program to meet its September 30, 2010, deadline (Public Law [P.L.] 109–71 § 3006 (a)(2)) to expend all grant funds.

Alternative 2. Alternative 2 would involve restricting the scope of the PSIC Grant Program to funding those projects with a reduced environmental impact when compared with the Preferred Alternative. Only projects occurring at existing or previously disturbed sites would receive funding. Projects planned for previously undisturbed sites, sometimes referred to as

"greenfield" sites,[1] would not be funded, nor would projects that substantially increase the environmental footprint of a site. This selective implementation of projects would enable upgrades to the interoperable communications system on a widespread basis, with minimal environmental impacts. The environmental impact analysis of most projects funded under Alternative 2 would be streamlined by using existing data and previous analyses conducted for the earlier projects at these sites. Use of only existing and disturbed sites with existing environmental data and use of faster regulatory reviews should ensure that all projects in this alternative meet the PSIC Grant Program's September 30, 2010, deadline (P.L. 109–71 §3006(a)(2)) to expend all grant funds.

No Action Alternative. Under the No Action Alternative, funding for interoperable communications and information systems infrastructure would not be released, and infrastructure would neither be developed nor enhanced. Ongoing maintenance activities would continue using current funding sources; however, no new activities would be funded by the PSIC Grant Program. It is assumed that projects proposed for PSIC Grant Program funding would not occur. The No Action Alternative serves as the baseline for assessing the impacts of the other alternatives. The No Action Alternative does not address the need of the PSIC Grant Program as required by the Digital Television Transition and Public Safety Act of 2005, nor would this alternative meet the PSIC Grant Program's September 30, 2010, deadline (P.L. 109–71 § 3006(a)(2)) to expend all grant funds.

RECOMMENDED ALTERNATIVE

The Preferred Alternative is recommended for implementation and best meets the purpose and the need of the PSIC Grant Program to improve interoperability and reliability in the nation's communications and information systems by assisting public safety agencies in establishing a baseline level of interoperable communications among the nation's States, Territories, and the District of Columbia. The Preferred Alternative would allow for greater programmatic efficiency and effectiveness than Alternative 2, by allowing communications infrastructure to be sited for optimal performance and signal integrity. Under Alternative 2, sites that may have been originally proposed to create signal connectivity may be ineligible, because they would be located on previously undisturbed sites. A requirement to use alternative sites may compromise the effectiveness of interoperable infrastructure upgrades.

CONSULTATIONS

Coordination on program-wide fish and wildlife Section 7 requirements under the Endangered Species Act (ESA) was accomplished through an informal consultation with the U.S. Fish and Wildlife Service (FWS). Continued coordination with FWS may be needed to address ESA issues at PSIC project sites, depending on the outcome of project-level NEPA compliance reviews. For PSIC-funded projects determined to present no impact, no additional consultation with FWS would be required. For projects that require further study to evaluate impacts, local FWS consultation may include preparation of site-specific Biological Assessments, and associated FWS Biological Opinions may include site-specific terms and conditions (e.g., mitigation measures and additional analysis). FWS concurred with the conclusions of the PEA and supported the approach specified to ensure ESA compliance. The FWS indicated that no formal comments would be filed.

[1] The U.S. Green Building Council's (USGBC) Leadership in the Energy and Environmental Design (LEED) program defines greenfields as sites "that are not previously developed or graded and remain in a natural state. Previously developed sites are those that previously contained buildings, roadways, parking lots, or were graded or altered by direct human activities (USGBC, 2006)."

Coordination on program-wide historic and cultural resources was accomplished through an informal briefing to the Advisory Council on Historic Preservation (ACHP). As specific projects are identified, the potential to impact historic properties will be further evaluated. If that potential is determined to exist (i.e., if the project is an undertaking as defined under the National Historic Preservation Act), then all Section 106 consultation and coordination activities required by 36 Code of Federal Regulations (CFR) 800 would be implemented. This would include consultation with the relevant State Historic Preservation Officer or Tribal Historic Preservation Officer on resource significance and treatment of adverse impacts. Consultations and impact mitigation actions would be documented in a memorandum of agreement signed by consulting parties. ACHP concurred with the conclusions of the PEA and supported the approach specified to ensure Section 106 compliance, including reliance on the FCC's Tower Construction Notification System (TCNS) system, where appropriate, for communicating with tribes and identifying historic properties of tribal concern.

FINDINGS AND CONCLUSIONS

Analysis of the five groups of project types indicated that transmitting and receiving sites, operations and response centers, and the field exercises portion of planning, training, and exercises would be the most likely to involve ground-disturbing activities with resultant potential for environmental impacts at the site-specific level. This PEA determined that any of the following conditions would require preparation of site-specific environmental assessments:

- Transmitting and receiving site projects involving new communications structures 200 or more feet above the ground, structures supported by guy wires, or ground disturbance of one acre or more;
- Upgrades and retrofits of existing operations and response centers and construction of new centers involving one acre or more of ground disturbing activity; and
- Field exercises to be conducted at previously undisturbed sites that would involve ground disturbance of one acre or more.

In addition, projects involving any of the unusual risks or impacts to sensitive areas as described below would require supplemental environmental analyses (i.e., an Environmental Assessment or Environmental Impact Statement). NTIA would require that site-specific investigations take place to determine the nature and extent of impacts if the following circumstances exist:

- A potentially significant impact on public health and safety;
- A potentially significant impact on species or habitats protected by the ESA, Marine Mammal Protection Act, Migratory Bird Treaty Act, or Magnuson-Stevens Fishery Conservation and Management Act;
- A potentially significant impact on a district, site, highway, structure, or object that is listed in or eligible for listing in the National Register of Historic Places or a historic or cultural resource or traditional and sacred sites or the loss or destruction of a significant scientific, cultural, or historical resource;
- A potentially significant impact on an environmentally sensitive area, such as critical habitat, wetlands, and floodplains;
- A potential or threatened violation of a Federal, State, or local law or administrative determination imposed for the protection of the environment (examples of administrative determinations to consider are a local noise control ordinance; the requirement to

conform to an applicable State Implementation Plan; and Federal, State, or local requirements for the control of hazardous or toxic substances);

- An impact on the quality of the human environment that is likely to be highly controversial with regard to scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks;
- Employment of new technology or unproven technology that is likely to involve unique or unknown environmental risks, where the impact on the human environment is likely to be highly uncertain, or where the impact on the human environment is likely to be highly controversial in terms of scientific validity;
- The extent to which a precedent is established for future actions with significant impacts;
- Potential for significant degradation of existing poor environmental conditions or initiation of a potentially significant environmental degrading influence, activity, or impact in areas not already significantly modified from their natural condition; or
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

With the exception of the project types and circumstances noted above, the remaining project types for the Preferred Alternative would not result in significant impacts. Alternative 2 and the No Action Alternative would result in adverse impacts to human health and safety, or the environment. Therefore, the Preferred Alternative would warrant the issuance of a Finding of No Significant Impact (FONSI) to cover those actions for which no significant impact has been determined.

Projects for the acquisition of mobile infrastructure, mobile and portable equipment, and the planning and training portion of planning, training, and exercises are not likely to require any ground disturbing activity or require modifications to potentially historic properties; thus, these project types would not result in any impacts to the human environment. Significant impacts would not result from upgrading and retrofitting existing transmitting and receiving sites or from operation and response centers that do not require 1 acre or more of ground disturbance.

This FONSI has therefore been prepared and is being submitted to document environmental review and evaluation in compliance with the NEPA of 1969.

PUBLIC COMMENT

The PEA was made available for public comment at www.regulations.gov from February 19, 2009, through March 23, 2009. The following comments were received:

The Federal Communications Commission (FCC) stated that the Tower Construction Notification System (TCNS) referred to in the Affected Environment (Chapter 3) of the PSIC PEA should only be used for projects involving communication of towers, and is not suitable for use for other types of PSIC-funded projects.

The Association of Public-Safety Communications Officials - International (APCO) stated that the conclusions of the PSIC PEA would require PSIC grantees to engage in an environmental review process that would be more burdensome than that already required by the FCC. APCO recommends that NTIA guidelines incorporate by reference the FCC's guidelines to avoid duplication of effort and inconsistency.

The National Public Safety Telecommunications Council (NPSTC) stated that they believe the NEPA compliance process outlined in the PSIC PEA is unnecessarily duplicative of the FCC's existing process, and would introduce unnecessary delays and costs into the process. NPSTC also recommends that NTIA guidelines incorporate by reference the FCC's guidelines to avoid duplication of effort and inconsistency.

NTIA acknowledges that its NEPA compliance requirements are more extensive than those established by the FCC. NTIA does not have any established categorical exclusions (CATEXs), nor can it adopt the CATEXs of the FCC process (40 CFR § 1507.3). However, to expedite the NEPA review for PSIC projects, any information used in the process of gaining an FCC license, including the results of the FCC NEPA review, NHPA Section 106 review, and TCNS, where appropriate, may be submitted by a grantee as part of its environmental documentation for a PSIC grant. There would be no duplication of effort, but rather, NTIA would use this information to help formulate its decision as to the NEPA status of the proposed project.

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