

Draft Environmental Assessment

Proposed Radar Support Tower

Deal Island, Somerset County, Maryland

Department of Homeland Security
Port Security Grant Project
2008-GB-K078

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FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency – Region III
615 Chestnut Street, 6th Floor
Philadelphia, PA 19106

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ACRONYMS USED IN THIS DOCUMENT

APE	Area of Potential Effect
BMP	Best Management Practices
CAA	Clean Air Act
CAC	Critical Area Commission
CFR	Code of Federal Regulations
CWA	Clean Water Act
DHS	U.S. Department of Homeland Security
DHSEM	U.S. Department of Homeland Security Emergency Management
DNR	Maryland Department of Natural Resources
EA	Environmental Assessment
EMS	Emergency Medical Services
ESA	Environmental Site Assessment
EIS	Environmental Impact Statement
FCC	Federal Communication Commission
FESA	Federal Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
MBTA	Migratory Bird Treaty Act
MDE	Maryland Department of the Environment
MDTA	Maryland Transportation Authority
MLEIN	Maritime Law Enforcement Information Network
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPA	Nationwide Programmatic Agreement
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NRP	Maryland Natural Resources Police
NWI	National Wetland Inventory
OSHA	Occupational Safety and Health Administration
PM	Particulate Matter
ROW	Right-of-Way
SHPO	State Historic Preservation Office
TCNS	Tower Construction Notification System
THPO	Tribal Historic Preservation Office
USCG	U.S. Coast Guard
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USNRTTL	United States Naval Research Tactical Technologies Lab
WMD	Weapons of Mass Destruction

1.0 INTRODUCTION

The Maryland Department of Natural Resources (DNR) applied for and was awarded funding under a Department of Homeland Security Port Security Grant (2008-GB-K078). The Maryland Natural Resources Police (NRP) is proposing to construct a self-supporting tower to hold/maintain a radar unit, a surveillance camera, and microwave antenna on state-owned land at Deal Island, Maryland in support of the Maritime Law Enforcement Information Network (MLEIN). NRP administers the project and will manage the installation and integration of the radar and camera sensors along with the information technology network that allows data to travel to federal, state, and local law enforcement agencies that support Homeland Security efforts for the Port of Baltimore.

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations [CFR] Part 1500 through 1508), and FEMA's regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the Deal Island radar support tower project. FEMA will use the findings in this Draft EA and public comments to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.1 Summary of Environmental Consequences

This Draft Environmental Assessment evaluates the *Preferred Alternative* (construction of a radar support tower) and the *No-Action Alternative* for impacts to various resources.

The *Preferred Alternative* will impact the soils at the property during the two to three months required for construction. Best Management Practices (BMP) will be utilized to minimize erosion of the soils and transfer of any sediment to any local surface water drainage ways. DNR secured internal agency approval for the proposed project from the following State of Maryland agencies:

- Office of Sustainable Future (OSF)
- Critical Areas Commission (CAC)
- State of Maryland Biologist
- Maryland Wildlife and Heritage Service
- Maryland Forestry Department
- Maryland Boating Services Administration
- Maryland Habitat Conservation Program

There will not be any long-term impacts to the soil.

The *Preferred Alternative* will not impact air quality or socioeconomic resources. The residents of the State of Maryland and Somerset County, Maryland will benefit from improved public safety response to critical maritime events by the NRP and the U.S. Coast Guard (USCG). The State and Somerset County will also benefit from the added oversight that will be given to the 'to be protected' shellfish harvesting areas within the 15-mile radius covered by the newly installed radar support tower.

The *No-Action Alternative* would not improve the ability of the NRP and the USCG to provide protection to commercial shipping, nor would it improve the lives and safety of State and Somerset County residents. The *No-Action Alternative* would not positively or negatively impact any of the resources evaluated in this Draft Environmental Assessment.

1.2 Conclusion

This Draft EA evaluates the potential environmental effects of the *Preferred Alternative* and the *No-Action Alternative*. Based on findings to date, if the *Preferred Alternative* were implemented with BMPs identified in this Draft EA and conditions of other agency approvals, the project would not have any significant environmental impacts that would warrant the need to prepare an Environmental Impact Statement.

2.0 PURPOSE AND NEED

The proposed action is the construction of a new tower to support maritime surveillance equipment in Somerset County, Maryland. The purpose of the project is to create a new link in the maritime surveillance capabilities of the MLEIN operated by NRP. The MLEIN provides real-time radar and video vessel tracking capabilities to federal, state and local law enforcement and will soon begin offering data to Fire Service personnel operating in search and rescue events.

The surveillance equipment will augment situational awareness and improve the ability of federal and state law enforcement to counter terrorist threats to shipping operations in the channels of the Chesapeake Bay. Through enhanced detection and tracking of small and large vessels, the USCG and the NRP will possess greater situational awareness and will be better able to gather intelligence and share it among other partners who are tasked with keeping ports safe. In addition to the significant and constant flow of economically important commercial shipping in the project area, vessels transporting Liquid Natural Gas to an off-shore loading site are within range of the proposed radar site. This sensitive resource further warrants enhanced surveillance capabilities.

Current users of MLEIN, in addition to the NRP, include the USCG (Sector Baltimore), the Baltimore Police Department (BPD), the Maryland Transportation Authority Police (MTAP), and the United States Naval Research Tactical Technologies Lab (USNRTTL). Additional public safety agencies will be added as the system matures.

This project is needed to fill the gap in vessel surveillance that had existed prior to the advent of the MLEIN project. Even at this early date, the MLEIN project has already substantially improved cooperation among maritime law enforcement, as evidenced by the use of MLEIN by the USCG, the United States Navy (USN), the Maryland Emergency Management Agency (MEMA), and the Baltimore Police and Fire Service (BPFS) during the recent celebration of the War of 1812 held in Baltimore Harbor which brought over 40 Naval vessels and Tall Ships from around the world.

2.1 Regional Information

The lower portions of the Eastern Shore of the Chesapeake Bay south of Kent Island, Maryland does not currently have the infrastructure needed to support the number of radar towers necessary to provide total situational awareness of commercial and small vessel movement throughout the Chesapeake Bay's vast area.

Existing communication towers equipped, where feasible, with these existing radars, cameras and associated analytical software currently provide radar and track data and video in real time to the NRP, USCG (Sector Baltimore) along with the Maryland Transportation Authority (MDTA) (responsible for toll bridges over the Bay, the Potomac River and the Patapsco River entering the Port of Baltimore), the BPD and the USNRTTL in Washington, D.C. USNRTTL and NRP have partnered to help integrate and analyze the data being developed and have agreed to study potential additional uses of the data to enhance law enforcement and Homeland Security. Even without these additional uses, however, additional support towers are needed to extend coverage to the south, where the NRP can provide continuous coverage from Maryland's border with Virginia to its border with Delaware through the Chesapeake & Delaware Canal.

Figure 1: Somerset County Location



2.2 General Geographic Setting

Somerset County lies on the lower Eastern Shore of the State of Maryland approximately 100 miles southeast of the state capitol, Annapolis. The County has significant agricultural usage along with commercial water activities, including harvesting of finfish and shellfish. The general character of the land is flat with water frontage along the Chesapeake Bay. The County also includes several rivers and creeks.

Figure 2: Proposed Radar Support Tower Site Location



Image Credit: GoogleEarth, accessed October 10, 2012

3.0 ALTERNATIVES

3.1 Preferred Alternative

The *Preferred Alternative* is to construct a 140-foot-tall tower on land that currently serves as a marina and hosts commercial storage buildings, which are clustered near an existing, approved tower. The proposed site is zoned 40% commercial and 60% conservation. An existing commercial tower is located approximately 1,000 feet from the proposed addition.

The proposed tower will be 140-feet tall with a footprint of approximately 800 square feet (+/-) in size. It will not have any guy wires or lights and will not require any equipment sheds, generators or fuel supplies. Fencing already exists for this compound. Access to the project will be along an existing commercial road. There is also a public vessel launch and recovery ramp adjacent to the site, which will not be utilized by the project. Electricity will be supplied through connections to existing electrical panels on and adjacent to the site.

The project is intended to provide radar track data for the main shipping channel to the Port of Baltimore, with sufficient tower height to allow a radar pulse to reach the main shipping channel in such strength that it can detect small vessels (19 to 21 feet long) at 15 miles in a moderate sea state.¹ The *Preferred Alternative* is the only option that meets these coverage criteria. The *Preferred Alternative* also meets National Wildlife Federation guidelines for tower height and lighting, as detailed in 4.4.1.

3.2 No-Action Alternative

The *No-Action Alternative* would not meet the requirements of improving communications for public safety in this region of Maryland. This alternative does not fill the existing gap in radar or provide long-range video tracking of shipping. Nor would it enhance public safety response to search and rescue operations. Therefore the *No-Action Alternative* was eliminated from further consideration.

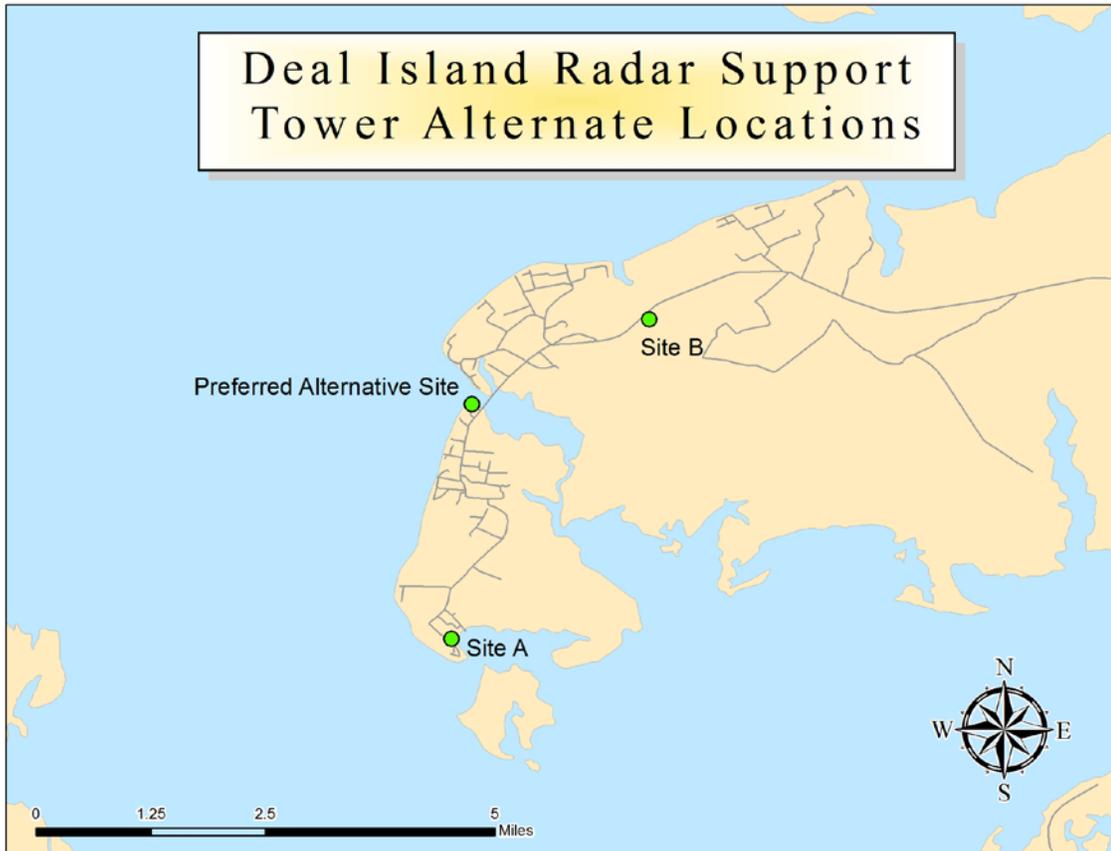
3.3 Alternatives Considered but Eliminated from Discussion

Alternative locations were also evaluated for this project, but dismissed as non-ideal due to potential negative environmental impacts on wildlife management and conservation areas and negative potential impact to the general population's usage of existing waterside facilities. A surveillance tower was deemed the only way to satisfy the project purpose and need. Because of security considerations associated with this project, the DNR limited its consideration for placement of the tower to government owned/state land. Additional functional surveillance requirements (including maintaining a clear line of site from the project area) also greatly limited available alternatives. In addition to the selected project site, DNR evaluated two alternative locations for the surveillance tower. Each of these alternatives was eliminated from discussion, however, due to potential negative impacts. Site A was eliminated due to unacceptable proximity to residential homes

¹ Based on the Douglas Sea Scale. See Principles of Modern Radar: Basic Principles by Mark A. Richards, Ed. James A. Scheer & William A. Holm, May 10, 2010.

as well as the required loss of access and parking for citizens using the public launching facilities which could lead to potential conflict with area residents (see Figure 3). Site B was eliminated due to the loss of coverage to the target area (shipping channel) due to tree coverage at the 2,400 yd range blocking the radar signal from maximum effectiveness (see Figure 3). In light of these concerns, DNR found that the preferred alternative's location met the needs of the state better than other locations evaluated.

Figure 3: Alternate Tower Locations



4.0 AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

4.1 Physical Resources

4.1.1 Geology and Soils

The Chesapeake Bay nearly bisects the eastern portion of the State, with the adjacent land known as the “Eastern Shore” and the “Western Shore,” respectively. The tower site is located in what is considered the Western Shore of Maryland in a land region known as the Atlantic Coastal Plain. This flat area, encompassing all of the Western Shore and part of the Eastern Shore, characteristically has many small bays, estuaries and indented shorelines. The Coastal Plain Province is characterized by its variety of unmixed sediments. Many valuable resources are found in the Atlantic Coastal Plain Province, including gravel, sand silt and clay. These minerals are used by a variety of industries.²

According to the USDA Natural Resource Conservation Service *Soil Survey of Somerset County*,³ the entire project area is Sassafras, a loamy soil (UoB), with zero to five percent slope. (Figure 2) Any impacts to geology and soil resources will be minimal and limited to the construction of the tower.

The *Preferred Alternative* limits soil disturbance to a single area in grading for the tower construction. As the proposed tower has three contacts with the soil which will be 14 to 17 feet apart, the estimated area of temporary disturbance is approximately 400 square feet based on a 20 x 20 excavation area. Ingress and egress to the proposed project site will be by an existing road and through an existing parking area.

BMPs will be specified by the State of Maryland to prevent soil erosion and adopt sedimentation controls, where applicable. All disturbed ground will be reclaimed using appropriate BMPs. The measures described below will be maintained until the grade is stable and the existing vegetation/oyster mixture is reestablished. Sediment and erosion control will be implemented to prevent or reduce non-point source pollution and minimize soil loss and sedimentation in drainage areas. These practices may include, but are not limited to silt fencing, filter fabric check dams, straw wattles, in-stream mats, and seeding/mulching of exposed areas. A site manager will be employed by the State of Maryland to insure all necessary measures are in place or put in place as needed.

The applicable State agencies reviewed this project and determined there would be no significant impact on geology and soils. Documentation of these opinions can be found in Appendix B.

² E-Reference Desk, “Maryland Geography: The Land” (<http://www.e-referencedesk.com/resources/state-geography/maryland.html>) (accessed October 12, 2011).

³ United States Department of Agriculture, Natural Resource Conservation Service, “State Soils” (ftp://ftp-fc.sc.egov.usda.gov/NSSC/StateSoil_Profiles/md_soil.pdf) (accessed October 12, 2011); United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey (websoilsurvey.nrcs.usda.gov/app) (accessed October 10, 2012).

The *No-Action Alternative* would have no effect on the geologic or soil resources.

Figure 4: Radar Support Tower Location – Soil Overview



4.1.2 Air Quality

The United States Environmental Protection Agency (EPA) establishes National Ambient Air Quality Standards (NAAQS) for air pollutants that are harmful to public health and the environment under the Clean Air Act. The EPA has established such standards for six “criteria” pollutants: carbon monoxide, lead, nitrogen oxide, particulate matter, ozone and sulfur dioxide. Areas that do not comply with the NAAQS for one or more pollutants are designated as nonattainment areas. The project is located in Somerset County, which does not fall within a nonattainment area for carbon monoxide, lead, nitrogen oxide, particulate matter, one-hour ozone or sulfur dioxide.⁴ The EPA has included Somerset County in the Eastern Shore Intrastate Air Quality Control Region for planning purposes.⁵

Potential emissions generated by the proposed project would be from equipment used to construct the tower. These would include emissions typically associated with diesel and/or gasoline engines (carbon monoxide, sulfur oxides, particulate matter, nitrogen oxide and reactive gasses from fuel). All construction equipment movements would be limited to staging areas or public roads. Although communications towers often contain a generator, which can add emissions during operations, the proposed project *does not* include a generator. Therefore, the only expected emissions will come from construction equipment during the initial construction process, along with vehicle

⁴ U.S. Environmental Protection Agency, Nonattainment Areas in the Mid-Atlantic Region. (www.epa.gov/reg3artd/airquality/anonattain.htm) (accessed Oct. 13, 2012).

⁵ 40 CFR pt. 81, July 1, 2001, “Designation of Areas for Air Quality Planning Purposes,” page 5-328. (http://www.epa.gov/ttn/naqs/ozone/ozonetech/40cfr81_2001.txt).

emissions used by maintenance personnel. There will not be any sustained emissions associated with this project. This level of emissions would not cause a violation of the NAAQS. Given the temporary nature of installation and the limited impacts during operation, no significant effects to air quality would be associated with this project, and it would not be subject to new source review permitting under the Clean Air Act.

The applicable State agencies reviewed this project and determined there would be no significant impact on air quality. Documentation of these opinions can be found in Appendix B.

The *Preferred Alternative* would have no significant impact on air quality.

The *No-Action Alternative* would not result in any changes to air quality levels.

4.2 Water Resources

4.2.1 Surface Water Quality

Surface waters are waters that are visibly collected on the ground or naturally occurring in streams, rivers, lakes, wetlands or oceans.⁶ At approximately 200 miles long, the Chesapeake Bay is the largest estuary in the United States. Reaching Maryland's freshwater streams and rivers from the Susquehanna River in the north to the Atlantic Ocean in the south, it unites nearly every corner of the State—and the Bay's health is directly proportional to the health of streams throughout the State.⁷ Stream flow is affected by seasons and severity of the weather.⁸ In highly developed and agricultural areas, water characteristically runs rapidly overland during heavy rains, exponentially increasing stream flow during storm events. Forested or heavily vegetated areas absorb water from heavy rains, reducing stream velocity during storms. Seasonally, the highest surface water discharges occur in the spring, when rainfall is combined with snowmelt.⁹

The Clean Water Act (CWA), as amended, is the primary federal law in the United States regulating water pollution (P.L. 92–500, 33 U.S.C. §1251). The CWA regulates water quality of all discharges into “waters of the United States.” Both wetlands and “dry washes” (channels that carry intermittent or seasonal flow) are considered “waters of the United States.” Administered by EPA, the CWA protects and restores water quality using both water quality standards and technology-based effluent limitations. The EPA publishes surface water quality standards and toxic pollutant criteria at 40 Code of Federal Regulations (CFR) Part 131.

The CWA also established the National Pollution Discharge Elimination System (NPDES) permitting program (Section 402) to regulate and enforce discharges into waters of the United States. The NPDES permit program focuses on point-source outfalls associated with industrial wastewater and municipal sewage discharges. Congress has delegated to many states the responsibility of protecting and managing water quality within their legal boundaries by establishing water quality

⁶ U.S. Geological Survey, Real-Time Water Data for the State of Maryland. (<http://waterdata.usgs.gov/md/nwis/rt>).

⁷ Maryland Department of Natural Resources. See <http://www.dnr.state.md.us/streams/>

⁸ Denise Clearwater, et al., Jan. 2000, “An Overview of Wetlands and Water Resources of Maryland” (<http://www.mde.state.md.us/assets/document/wetlandswaterways/h2Oresources.pdf>).

⁹ *Ibid.*

standards and identifying waters not meeting these standards. States also manage the NPDES system.

Surface water conditions at the project site on Deal Island, which is surrounded by water on all sides, are not likely to be impacted as a result of the proposed project. Any unanticipated impacts to surface water resources will be minimized under the *Preferred Alternative* by adhering to BMPs, as defined by State law and regulation as contained in the Maryland Department of the Environment Model for Erosion and Sediment Control Ordinance, February 2012¹⁰. These include preparation of a sediment control plan, in accordance with the “Maryland Erosion and Sediment Control Guidelines for State and Federal Projects,” which are designed to “minimize disturbed area, minimize length of time disturbed areas are exposed, and design sediment control measures that will be the most effective in preventing erosion from occurring and containing sediment on site.”¹¹ By adhering to these BMPs, DNR will minimize the discharge of soil and construction materials into the surrounding waters.

William D. Roman, the State of Maryland Natural Resources Biologist, has reviewed the proposed project and determined that there will be no significant impact on water quality. Documentation of this opinion can be found in Appendix B.

The *No Action Alternative* would not have any impact on surface water quality.

4.2.2 Wetlands

Wetlands are defined as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33CFR Part 328.3). Under Section 404 of the Clean Water Act (33 U.S.C. 1344), an Army Corps of Engineers permit is required for the deposition of dredged or fill material into “Waters of the United States” of which wetlands are a subset.

A review of the National Wetland Inventory (NWI) prepared by the USFWS indicate that while the project area is surrounded to the east, west and north by estuarine sub-tidal waters (E1UBL) of the Chesapeake Bay, the project area itself is not located in a wetland. (Figure 3) Estuarine systems are defined by the NWI as deep water tidal habitats and adjacent tidal wetlands that are influenced by water runoff from and often semi-enclosed by land. These systems are often located along low-energy coastlines and have variable salinity. Additionally, approximately 700 feet to the southeast of the defined project area, there is a small area identified as “palustrine emergent” (PSS1/EM5A). The USFWS NWI defines palustrine areas as including all nontidal wetlands

¹⁰ See

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&sqi=2&ved=0CC0QFjAA&url=http%3A%2F%2Fwww.mde.maryland.gov%2Fprograms%2FWater%2FStormwaterManagementProgram%2FSoilErosionandSedimentControl%2FDocuments%2FModel%2520Ordinance%2520-%2520Sediment%2520Control%2520Feb%252021%25202012%2520final%2520draft.pdf&ei=U5WiUPi4Osy70AH_9oCQDQ&usg=AFQjCNFi0nfSHvXnEDbmbt-Ntqg80kq-8Q

¹¹ Maryland Dep’t of the Env’t Water Management Admin., Revised Jan. 2004, “Maryland Erosion and Sediment Control Guidelines for State and Federal Projects,” at 1-2 (available online at <http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/Documents/www.mde.state.md.us/assets/document/State%20Erosion%20Control%20Guidelines.pdf>).

dominated by trees, shrubs, emergent, mosses or lichens and all such wetland that occurs in tidal areas where salinity due to ocean derived salts is below 0.5 parts per thousand. This particular area is also indicated as a scrub-shrub class, which includes areas that are palustrine and dominated by woody vegetation less than 20 feet tall, such as true shrubs, young trees and trees that are short due to environmental conditions. The emergent class is further characterized by erect, rooted, herbaceous hydrophytes which are present for most of the growing season and are usually dominated by perennial plants.

Based upon this review, wetlands listed in Table 1 were not identified on the subject site, but the project site is located within a one-mile radius of a palustrine/scrub-shrub area.

Table 1: Wetland Areas within One Mile

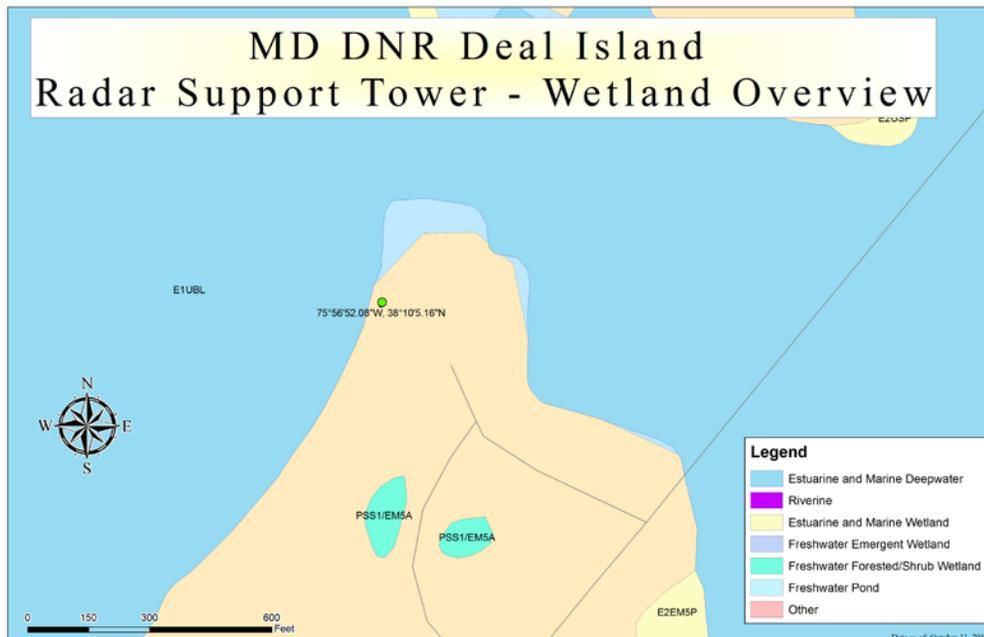
Direction	Miles	Classification Code	Description
WNW	< 1	E1UBL	Deep-water tidal habitats; Sub-tidal submerged substrate; unconsolidated bottom class
SE	< 1	PSS1/EM5A	Non-tidal wetland; Scrub Shrub Class; Broad-leaved Deciduous; Emergent; Phragmites australis

As elaborated above, wetland areas were identified within 1-mile of the subject property. No actual wetland delineation was performed as part of this review. The Environmental Review Unit and the Natural Heritage Program of the Wildlife and Heritage Service of the DNR as well as the Critical Area Commission (CAC) reviewed this project and determined there would be no significant impact on wetland resources. Documentation of this opinion can be found in Appendix B.

The *Preferred Alternative* would have no significant impact on wetlands.

The *No-Action Alternative* would not result in any changes to wetlands.

Figure 5: Radar Support Tower – Wetland Overview



4.2.3 Floodplains

Executive Order 11988 defines flood plains as the “lowland and relatively flat area that adjoins inland and coastal waters...including at a minimum, that area subject to a one percent or greater chance of flooding in any given year”¹² (also known as a 100-year floodplain). Maryland experiences three types of flooding: nontidal (from rivers and streams), tidal (from tides and storm surges), and coastal high hazard (tidal flooding with the addition of high wave action). Tidal areas demonstrate a slower and more predictable flood pattern, which is generally influenced by tidal cycles, low-pressure weather systems and strong onshore winds. While tidal area floods typically cover a larger area than those in nontidal areas, they are generally not as severe as nontidal river floods, because the topography in tidal areas tends to be more level. The Chesapeake Bay and its tributaries and back bays of the Atlantic coast are most likely to experience tidal flooding due to their low reliefs. Often, flooding along the Coastal Plain is a direct result of tropical storms, hurricanes and northeasters, which are characterized by severe winds, high waves and strong tidal surges.

Based on a review of the FEMA Flood Insurance Rate maps (#24039C0125E, Panel 125 of 500), the project area is located within a Special Flood Hazard Area (the 100-year flood plain). This indicates that there is a 1% annual chance of flood at the base flood elevation (the water surface elevation) in the hazard area.

The *Preferred Alternative* would have no significant impacts to floodplains. Any potential unanticipated impacts to floodplains will be minimized under the *Preferred Alternative* by adhering to BMPs, as defined by State law. Such BMPs include, as needed, the use of soil stabilization matting to temporarily stabilize the disturbed area, as well as the use of silt fencing and super silt fencing to filter and retain sediment. Moreover, in accordance with State law (COMAR 26.17.04.10) the project will disturb less than 5,000 square feet of land and 100 cubic yards of earth. The tower attaches to the ground by three legs, each of which is 14 to 17 linear feet apart. Each leg will measure 3.5 inches thereby allowing surface water to pass between them and beneath the tower. In this way, impacts to the floodplain are minimized and the project will not affect the hydraulic characteristics of the floodplain.

The *No-Action Alternative* would have no change in floodplains.

4.3 Coastal Resources

The Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. §1451) provides states with the authority to determine whether activities of governmental agencies are consistent with federally approved State Coastal Zone Management Plans (CZMP). The intent of the CZMA is to prevent any additional loss of living marine resources, wildlife, and nutrient-enriched areas; alterations in ecological systems; and decreases in undeveloped areas available for public use. The proposed project is located within the Chesapeake Bay Critical Area (CA), as defined by the Critical Area Act of 1984. This act also established the Critical Areas Commission (CAC) for the State of Maryland, which was initially charged with adopting and implementing regulations necessary to implement the

¹² Executive Order 11988, Section 6(c) (<http://www.fema.gov/plan/ehp/ehplaws/attachments-laws/eo11988.pdf>).

Act. The CAC is now charged with review and approval of state projects on state-owned land located within the CA; review and approval of state or local agency actions resulting in major development on private lands or lands owned by local jurisdiction; and review and approval of all changes to any Maryland jurisdictions CA program (including changes to ordinances, regulations and maps).¹³

The Critical Areas Commission for the State of Maryland has reviewed the project and found that the proposed radar support tower and installation project is consistent with Critical Area law and criteria and therefore there will be no adverse impacts. Documentation of this opinion can be found in Appendix B. As such, the *Preferred Alternative* will have no significant impact on coastal resources.

The *No Action Alternative* would not cause any change to coastal resources.

4.4 Biological Resources

4.4.1 Threatened and Endangered Species and Critical Habitat

Under the Endangered Species Act (ESA) of 1973, federal agencies must review proposed actions to ensure they are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. The proposed tower location is a level, oyster shell and soil mixture with little vegetation. Adjoining areas to the proposed site are comprised of a similar oyster shell and soil mixture, with the exception of a large stockpile of oyster shells, which is used for oyster reproduction, and adjoining graveled/asphalt covered parking areas.

A review of the USFWS website indicates that except for occasional transient animals, no federally proposed or listed endangered or threatened species are known to exist in the project area. Moreover, the Deal Island, Maryland USGS topographic map does not indicate any proposed or listed endangered or threatened species where the Proposed Action is located.

The State of Maryland Wildlife and Heritage Service reviewed the project for rare and endangered Wildlife and/or plant species, and having found none, determined that no significant impact would result from this project. Documentation of this opinion can be found in Appendix B.

According to the USFWS, towers are known to be a hazard to migrating birds. Guyed towers and towers utilizing red lights are considered to be the most detrimental to migratory birds. Recommendations have been made relative to the construction of a self-supporting tower (no guy wires) and use of current Federal Aviation Administration (FAA) lighting standards (blinking white lights of the lowest FAA permitted intensity) to minimize bird strikes.

In order to meet the suggested mitigation, the proposed tower is self-supporting and the height has been lowered to 140 feet with a maximum five-foot width at the top. No lights will be placed on the tower since FAA regulations do not require their presence and such lighting might be harmful to area waterfowl.

¹³ See www.dnr.state.md.us/criticalarea/commission/index.asp, (Accessed October 11, 2012).

A Section 7 consultation was initiated in late September 2012. The USFWS determined, based on pre-confirmed mapping, that no federally proposed or listed endangered or threatened species are known to exist in the project area. As such, no Section 7 consultation or biological assessment is required. In addition, the applicable State agencies reviewed this project and determined there would be no significant impact to biological resources. Documentation of these opinions can be found in Appendix B.

Rare, Threatened, or Endangered Species were not identified on the project sites; therefore, the *Preferred Alternative* will have no significant impact on biological resources.

The *No-Action Alternative* would have no effect on biological resources.

4.5 Cultural and Historic Resources

4.5.1 Historic Properties

DNR utilized the Tower Construction Notification System (TCNS) to process reviews by the SHPO and THPO for this project while applying for an FCC license for the new tower. The TCNS allows companies to voluntarily submit notifications of proposed tower constructions to the FCC. The FCC subsequently provides this information to federally recognized Indian Tribes or Native Hawaiian Organizations (THPOs), and State Historic Preservation Officers (SHPOs), and allows them to respond directly to applicants if they have concerns about a proposed construction. The FCC has promulgated the Nationwide Programmatic Agreement [NPA] (04-222) for the review of effects on historic properties (and Native American sites) for the wireless telecommunications industry. The NPA was revised in 2005 to include an electronic submission process implemented by some states and tribal organizations. Additional information on the FCC NPA can be found at <http://wireless.fcc.gov/siting/npa.html>.

The MHT SHPO was contacted through the TCNS for review of the project materials as submitted by A.D. Marble & Company. The materials identified the project site as located within the bounds of the Deal Island Historic District, which was listed on the NRHP in September 2006 for its architectural significance as a collection of nineteenth and twentieth century structures and for its association with Joshua Thomas and the Methodist religion in Maryland. The project site, while located within a historic district, is surrounded by modern buildings and an existing 300-foot communications tower, which is significantly taller than the proposed project. The SHPO indicated that the introduction of the proposed tower would not significantly impact the features that qualify the district for inclusion in the NHRP, as it will not alter or diminish the property's character-defining features or other characteristics that qualify it for listing on the NHRP.

Therefore, the *Preferred Alternative* will have no significant impact on the historic district. Documentation related to this consultation is provided in Appendix B.

The *No-Action Alternative* would not change any historic or cultural resources.

4.5.2 Tribal Coordination

Section 106 of the NHPA also requires coordination with federally recognized Indian tribes who may have potential cultural interests in the project area, and acknowledges that tribes may have interests in geographic locations other than their seat of government. The FCC has established a Tower Construction Notification System (TCNS) that allows for federally recognized Tribes and Native Hawaiian Organizations (NHO) to respond to grantees via e-mail. The following groups were contacted:

1. Tamara Francis – Delaware Nation (no reply)
2. Dr. Brice Obermeyer – Delaware Tribes of Oklahoma (no reply)
3. Juliet K. Goyen – Keweenaw Bay Indian Community (replied)
4. Kim Jumper – Shawnee Tribe (replied)
5. Leo Henry – Tuscarora Nation (no reply)

Of the five THPOs contacted through the TCNS, the Keweenaw Bay Indian Community and the Shawnee Tribe replied with further instructions. The Keweenaw Bay Indian Community requested “if the scope of work changes in any way, or if artifacts or human remains are discovered” that their Tribal Historic Preservation Office be contacted immediately. The Shawnee Tribe requested that “in the event that archaeological materials are encountered later during construction, use, or maintenance of this tower location”, their office should be notified for potential re-initiation of consultation. All other tribes contacted did not reply. Copies of correspondence are included in Appendix B.

The *Preferred Alternative* will have no significant impact on tribal resources.

The *No-Action Alternative* would have no change in tribal resources.

4.6 Socioeconomic Resources

4.6.1 Environmental Justice

The proposed tower is located on land owned by the DNR, does not have residences, and would not require installation of structures or resources or result in emissions that would affect socioeconomic resources, economic development, demographics, or demand for housing or public services.

The United States Census Bureau (USCB) provides that Somerset County comprises 319.72 square miles. The estimated population for 2011 of 26,339 represents a decrease of 0.5% from the 2010 census.¹⁴ This creates a density per square mile of approximately 83 persons. The racial make-up of the county is split with 54.7% white and 42.5% black. The remaining percentage is made up of Asian, American Indian, Alaska Native persons or Native Hawaiian or other Pacific Islander.¹⁵

No manufacturer’s shipments were noted for the area. This does not take into account the existence of commercial finfish and shellfish shipments that occur during the legal harvesting

¹⁴ U.S. Census Bureau, Maryland Quick Facts (<http://quickfacts.census.gov/qfd/states/24/24039.html>) (accessed October 10, 2012).

¹⁵ Ibid.

season. This harvesting is done by commercial waterman from the area of Somerset County, as well as from watermen who travel along/navigate/fish in the tributaries of the Chesapeake Bay that surround the area.

The proposed project area is accessed by a two lane roadway, MD SR363. The route is dominated by the presence of the Deal Island Wildlife Management Area which precludes the construction of dwellings and seeks to protect native habitat for indigenous species of plants, fowl and mammals.

The proposed project is located on State-owned land that is currently designated for use by State of Maryland entities as a location where research and preservation activities should be clustered. The location is also adjacent to commercial seafood establishments and is within 1,000 feet of an existing 300-foot commercial communications tower.

Given the clustering of the proposed project on or near land already in use for communications networking and commercial enterprises, the *Preferred Alternative* will not have a disproportionately high or adverse impact on any portion of the population.

Moreover, there will ultimately be a beneficial effect on the population of Somerset County as it will increase maritime situational awareness for all public safety agencies operating in the area and provide meaningful data to assist in the deterrence of Homeland Security threats.

The *No-Action Alternative* would cause no change in environmental justice.

4.6.2 Noise

Ambient noise levels in the project area are those typically found in a marine setting. Within the project area, noise levels are related to delivery vehicles to the commercial seafood establishments close to the site, as well as vehicles and boats launching and being recovered from the public launching ramp, which is within 500 feet of the proposed tower site. The current uses and associated activities in the project area will generally not create noise levels above 55 decibels, which is considered the threshold nuisance level.

The equipment associated with the initial tower build-out will generate temporary construction noise; however BMPs will be employed to minimize the temporary noise impact during construction. These practices include limiting work hours and designating a site manager to monitor site construction activity.

There will be limited sustained noise associated with the *Preferred Alternative*. The project does not include an emergency generator, so noise will be limited to equipment placed on the tower for general operations. Such noise includes the rotation of the radar antenna and radar camera equipment. These actions do not produce any noise in excess of ambient background levels.

Background noise levels are relatively low. General noise in the immediate area emanates from delivery vehicles to the commercial seafood establishments, as well as vehicles and boats launching and being recovered from the public launching ramp, which is within 500 feet of the

proposed tower site. Therefore, the *Preferred Alternative* will not result in significant noise issues.

The *No-Action Alternative* would not have an effect on noise levels.

4.6.3 Traffic/Transportation Network

The route to the proposed project site is along MD SR363. This road has one lane traveling in each direction (East/West) and proceeds approximately 14 miles from the nearest intersection with MD SR13, a four lane roadway traveling North/South. MD SR363 intersects with an entrance road that provides access to the proposed site as well as two commercial seafood establishments, a public launching and recovery ramp for small vessels, and docking facilities for local vessels. The proposed site is located at the end of this access road.

The *Preferred Alternative* will not require any improvements or changes to existing roadways or access roads to the site. The *Preferred Alternative* will provide monitoring of the maritime channels which are utilized by Commercial and pleasure craft operating in the area. These are, in effect, maritime transportation highways. Government agencies are currently unable to monitor or gather information relative to the movement of vessels in this area. Consequently, the *Preferred Alternative* will have a positive impact on the ability to monitor maritime transportation highways.

The *No-Action Alternative* would have no effect on traffic.

4.6.4 Utilities

The project site is owned by the State of Maryland, Department of Natural Resources and is served by existing electrical infrastructure supporting DNR research facilities adjacent to the project site. The *Preferred Alternative* proposes to connect to an existing electrical panel in a DNR office trailer that adjoins the proposed tower site. This connection eliminates the need to construct an additional structure to provide power to the new tower, thus minimizing the land disturbance associated with the project.

The *Preferred Alternative* will not adversely affect infrastructure in the area.

The *No-Action Alternative* would not affect infrastructure in this area.

4.6.5 Public Health and Safety

The proposed radar support tower location is within a fenced area currently used by the DNR for research, storage, oyster propagation and office activity along with boat docking and on-trailer boat storage. Fencing and locked gates are currently in place and will continue to surround the entire area in order to secure the existing and new equipment and to prevent accidental or unwanted intrusion into the area.

The USEPA does not report any hazardous waste sites located within the vicinity of the

proposed radar support tower.¹⁶

There are no known health issues associated with the construction of new towers. It is expected that all workers constructing the tower will adhere to construction safety procedures and the standards mandated by the Occupational Safety and Health Administration (OSHA) and Maryland Occupational Safety and Health (MOSH). The State of Maryland will provide a site manager to ensure safety regulations are followed.

The *Preferred Alternative* will not negatively impact the region's health and safety and worker safety will be compelled by MOSH and the site manager.

The *No-Action Alternative* would have no effect on public health and safety, although the public would forego the safety benefits associated with the enhanced surveillance the proposed tower will provide.

¹⁶ U.S. Environmental Protection Agency's EnviroMapper (<http://www.epa.gov/emefdata/em4ef.home>) (Accessed on October 10, 2012).

4.7 Summary Table

Table 2 summarizes the environmental consequences post-construction at the tower site. No additional impacts to the listed resources were identified from this project. This Draft EA evaluates the potential environmental effects of the *Preferred Alternative* and the *No-Action Alternative*. Based on findings to date, if the *Preferred Alternative* were implemented with the BMPs identified in this Draft EA, no significant environmental impacts were identified that would warrant the need to prepare an environmental impact statement (EIS).

Table 2: Summary Table of Significant Environmental Impacts

Affected Environment/ Resource Area	Preferred Alternative Impacts	No-Action Alternative Impacts
<i>Physical</i>		
Geology & Soils	No Significant Impact	No Effect
Air Quality	Limited Impacts during Construction/ No Significant Impact	No Changes
<i>Water</i>		
Surface Water Quality	No Significant Impact	No Impact
Wetlands	No Significant Impact	No Changes
Floodplains	No Significant Impact	No Change
<i>Coastal</i>	No Significant Impact	No Change
<i>Biological</i>		
Threatened and Endangered Species and Critical Habitat	No Significant Impact	No Effect
<i>Cultural & Historical</i>		
Historic Properties	No Significant Impact	No Change
Tribal Coordination	No Significant Impact	No Change
<i>Socioeconomic</i>		
Environmental Justice	No disproportionately high or adverse impact	No Change
Noise	No significant noise issues	No Effect
Traffic/Transportation Network	Positive Impact	No Effect
Utilities	No Adverse Effects	No Effect
Public Health and Safety	No Negative Impact	Potential Negative Impact

5.0 CUMULATIVE IMPACTS

NEPA's implementing regulations require that an EA assess the cumulative effects of a proposed action (Title 40 CFR Parts 1500-1508). A cumulative impact is an "impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions" (40 CFR 1508.7). Cumulative effects are determined by combining the effects of an action with other past, present, and reasonably foreseeable future actions.

State-wide current or future projects during the construction period are related to roadways (new construction and upgrades/maintenance), infrastructure (water and sewer), or commercial, residential, and industrial development. The *Preferred Alternative* will not significantly add to the impacts of these projects because of the localized nature of the project area, minimal and temporary ground disturbance, and the use of BMPs. Due to the limited scope of work, the contribution of noise and dust from equipment and vehicle emissions during construction of the tower would not result in a measurable contribution to cumulative impacts on air quality to greenhouse gases, or to climate change.

The project will, however, have a positive cumulative impact on socioeconomic resources by improving the safety of Maryland residents.

Additionally, as the general population of the state grows and greater pressure is placed upon the water resources of the Chesapeake Bay and its tributaries, a parallel responsibility grows for Public Safety agencies to improve protection for the citizens of Maryland and Somerset County. The ability of Public Safety at the federal, state and local level to provide a rapid response to maritime events by sharing common inbound data has become critical to our greater Homeland Security needs. The State of Maryland expects that the need for cooperation and information sharing will only increase in the near future. This proposal radar support tower represents the opportunity to fill a gap in knowledge that currently exists for all public safety agencies in the affected area.

6.0 PUBLIC INVOLVEMENT

Section 106 of the FCC regulations requires the State of Maryland to notify local governments about the proposed project and environmental review process. In keeping with this requirement, the State of Maryland sent a notification letter to the Somerset County Board of Commissioners on April 30, 2012. On May 12, 2012, the Board of Commissioners replied that it had “no concerns” regarding the project. Documentation of this response is included in Appendix B.

Public involvement is being performed in compliance with NEPA, FEMA’s regulations implementing NEPA at 44 CFR 10.9(c), and Executive Orders 12898, 11988, and 11990. A Public Notice will be published in the Somerset Herald Newspaper. The public comment period will be 15 days. The Draft EA will also be available for public review at the Somerset County Library, Prince Frederick, Maryland. The viewing/available hours are 10 a.m. to 7 p.m. Monday through Thursday and 10 a.m. to 5 p.m. Friday and Saturday. The Draft EA is also available on FEMA’s website at: <http://www.fema.gov/plan/ehp/envdocuments/index.shtm> under Region III. Comments on the Draft EA can be provided to Amanda Ciampolillo. If no substantive comments are received relative to the Proposed Action’s environmental effects, the Draft EA will become final and a Finding of No Significant Impact (FONSI) will be issued for the project.

7.0 REFERENCES

40 CFR pt. 81, July 1, 2001, “Designation of Areas for Air Quality Planning Purposes,” page 5-328. (http://www.epa.gov/ttn/naaqs/ozone/ozonetech/40cfr81_2001.txt).

Denise Clearwater, et al., Jan. 2000, “An Overview of Wetlands and Water Resources of Maryland” (<http://www.mde.state.md.us/assets/document/wetlandswaterways/h2Oresources.pdf>).

E-Reference Desk, “Maryland Geography: The Land” (<http://www.e-referencedesk.com/resources/state-geography/maryland.html>) (Accessed October 12, 2011).

Executive Order 11988, Section 6(c) (<http://www.fema.gov/plan/ehp/ehplaws/attachments-laws/eo11988.pdf>).

Principles of Modern Radar: Basic Principles by Mark A. Richards, Ed. James A. Scheer & William A. Holm, May 10, 2010.

U.S. Department of Agriculture, Natural Resource Conservation Service, “State Soils” (ftp://ftp-fc.sc.egov.usda.gov/NSSC/StateSoil_Profiles/md_soil.pdf) (Accessed October 12, 2011).

U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey (websoilsurvey.nrcs.usda.gov/app) (Accessed October 10, 2012).

U.S. Census Bureau, Maryland Quick Facts (<http://quickfacts.census.gov/qfd/states/24/24039.html>) (Accessed October 10, 2012).

U.S. Geological Survey, Real-Time Water Data for the State of Maryland. (<http://waterdata.usgs.gov/md/nwis/rt>) (Accessed October 10, 2012).

U.S. Environmental Protection Agency, Nonattainment Areas in the Mid-Atlantic Region. (www.epa.gov/reg3artd/airquality/anonattain.htm) (Accessed Oct. 13, 2012).

U.S. Environmental Protection Agency’s EnviroMapper (<http://www.epa.gov/emefdata/em4ef.home>) (Accessed on October 10, 2012).

8.0 LIST OF PREPARERS

This Environmental Assessment was prepared under the supervision of the DNR. The companies/organizations who contributed to the preparation of the document are listed below.

Ziggy Rivkin-Fish
Senior Subject Matter Expert
CTC Technology & Energy
10613 Concord Street
Kensington, MD 20895

Heather D. Mills
Documentation Specialist
CTC Technology & Energy
10613 Concord Street
Kensington, MD 20895

Jennifer Kefer
Subject Matter Expert
CTC Technology & Energy
10613 Concord Street
Kensington, MD 20895

Timothy Bowman
Program Manager
Maryland Department of Natural Resources
Maritime Law Enforcement Information Network
Tawes State Office Bldg, E-3
580 Taylor Ave
Annapolis, MD 21401

Emma Diehl
Senior Architectural Historian
A.D. Marble & Company
3913 Hartzdale Drive, Suite 1302
Camp Hill, PA 17011

Appendix A

Site Photographs and Location Maps

The proposed project includes construction of a 47.2-meter self-supporting lattice tower constructed for the purposes of providing surveillance monitoring of the site. All additional support features, including back-up generators, are intended to be stored in an existing building within the site.



Photograph 1: View looking west towards proposed tower site (March 2012).



Photograph 2: View looking north approximating the view from proposed tower site (March 2012).



Photograph 3: View looking northeast approximating the view from proposed tower site (March 2012).



Photograph 4: View looking east approximating the view from proposed tower site (March 2012).



Photograph 5: View looking southeast approximating the view from proposed tower site (March 2012).



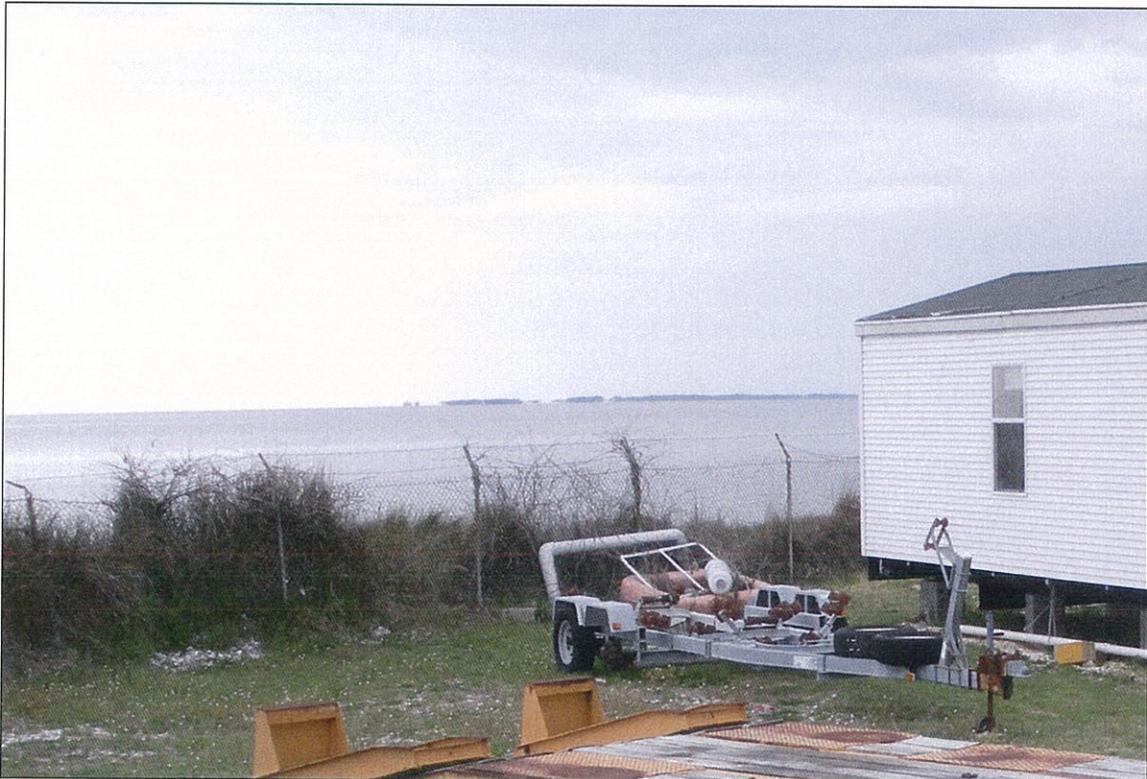
Photograph 6: View looking south approximating the view from proposed tower site (March 2012).



Photograph 7: View looking southwest approximating the view from proposed tower site (March 2012).



Photograph 8: View looking west approximating the view from proposed tower site (March 2012).



Photograph 9: View looking northwest approximating the view from proposed tower site (March 2012).



Photograph 10: View looking northwest from nearby property, showing the proposed tower site, just left of center in the background at the MD DNR Facility at the Deal Island Marina. The Deal Island Historic District (S-371) includes the MD DNR Facility and surrounding properties (March 2012).



Photograph 11: View looking north from Hotel Road in the Deal Island Historic District (S-371) towards proposed tower site. Note existing tower at the far right (March 2012).



Photograph 12: View looking north from Benton Road, in the Deal Island Historic District (S-371) to proposed tower site. Note the existing tower in the background, right (March 2012).



Photograph 13: View looking northwest from Benton Road, on the east side of Deal Island Historic District (S-371) to proposed tower site. Note the existing tower in the background, just right of house (March 2012).



Photograph 14: View looking northeast from Edelen Webster Road, on the west side of Deal Island Historic District (S-371) to proposed tower site. Note tree cover behind houses (March 2012).

Site Information Attachment 2 of 4
Area of Potential Effect (APE)
Deal Island Marina
Deal Island, Somerset County, MD 21821



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- APE for Direct Effects
- APE for Visual Effects
- Deal Island Historic District

Site Information Attachment 3 of 4
Area of Potential Effect (APE)
Deal Island Marina

Deal Island, Somerset County, MD 21821



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Photo Locations

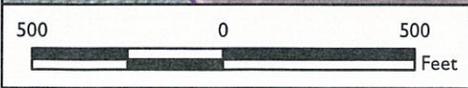


Proposed Tower Location

Site Information Attachment 4 of 4
Area of Potential Effect (APE)
Deal Island Marina
 Deal Island, Somerset County, MD 21821



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-  Photo Locations
-  Proposed Tower Location
-  Deal Island Historic District (approximate boundary)

Appendix B
**Correspondence Records/
Agency Request and Clearance Letters**

**United States Department of the Interior**

U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573 4575

**Online Certification Letter**

Today's date:

Project:

Dear Applicant for online certification:

Thank you for choosing to use the U.S. Fish and Wildlife Service Chesapeake Bay Field Office online list request certification resource. This letter confirms that you have reviewed the conditions in which this online service can be used. On our website (www.fws.gov/chesapeakebay) are the USGS topographic map areas where **no** federally proposed or listed endangered or threatened species are known to occur in Maryland, Washington D.C. and Delaware.

You have indicated that your project is located on the following USGS topographic map

Based on this information and in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), we certify that except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further section 7 consultation 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 additional information on threatened or endangered species in Maryland, you should contact the Maryland Wildlife and Heritage Division at . For information in Delaware you should contact the Delaware Natural Heritage and Endangered Species Program, at . For information in the District of Columbia, you should contact the National Park Service at .

The U.S. Fish and Wildlife Service also works with other Federal agencies and states to minimize loss of wetlands, reduce impacts to fish and migratory birds, including bald eagles, and restore habitat for wildlife. Information on these conservation issues and how development projects can avoid affecting these resources can be found on our website (www.fws.gov/chesapeakebay).

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Chesapeake Bay Field Office Threatened and Endangered Species program at .

Sincerely,

Genevieve LaRouche
Field Supervisor

From: [Beth Cole](#)
To: [Heather Mills](#)
Subject: Deal Island Tower
Date: Monday, October 01, 2012 2:10:07 PM

Heather,

Thanks for your voice mail message. We did review the Deal Island Tower 2 ways – first through the FCC’s E-106 website and second through DNR’s environmental review screening process. The FCC’s website had the complete copy of the Form 620 as one of its attachments. Unfortunately, we do not have a paper copy of the Form 620, since we had no issues with the project. You may be able to obtain or view a copy from the FCC website – I don’t know. The project was FCC File Number 0005246208. The consultant who submitted the FCC packet is A.D. Marble and the contact person is Emma Diehl (717-731-9588 / ediehl@admarble.com . You may just be able to request a copy from Emma. I hope this helps, and let me know if you have further questions. Have a good afternoon,

Beth

Beth Cole
Administrator, Project Review & Compliance
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032
410-514-7631
410-987-4071 (fax)
bcole@mdp.state.md.us
<http://mht.maryland.gov>
[Please consider the environment before printing.](#)

From: Emma Diehl [ediehl@admarble.com]
Sent: Thursday, June 28, 2012 2:59 PM
To: Bowman, Timothy R; Veenhof, Gerritt
Cc: aburk@dewberry.com
Subject: FW: Section 106 Notification of SHPO/THPO Concurrence- Email ID #284619

In addition, MHT also concurred with the findings for Deal Island. Therefore, the Section 106 process is complete. Again, if you have any questions, please do not hesitate to contact me.

Thanks,
Emma

From: towernotifyinfo@fcc.gov [towernotifyinfo@fcc.gov]
Sent: Thursday, June 28, 2012 2:45 PM
To: Emma Diehl
Subject: Section 106 Notification of SHPO/THPO Concurrence- Email ID #284619

This is to notify you that the Lead SHPO/THPO has concurred with the following filing:

Date of Action: 06/28/2012

Direct Effect: No Adverse Effect on Historic Properties in APE Visual Effect: No Adverse Effect on Historic Properties in APE Comment Text: None

File Number: 0005246208

Purpose: New Tower Submission Packet

Notification Date: 7AM EST 06/05/2012

Applicant: Maryland Department of Natural Resources

Consultant: A.D. Marble & Company

Site Name: Deal Island

Site Address: Deal Island Marina (MD DNR Office off Deal Island Road) Site Coordinates: 38-10-5.2 N, 75-56-52.1 W

City: Deal Island

County: SOMERSET

State:MD

Lead SHPO/THPO: Maryland Historical Trust

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.



*Keweenaw Bay Indian Community
Tribal Historic Preservation Office
and Language Program*

16429 Beartown Road

Baraga, Michigan 49908-9210

thpo@kbic-nsn.gov, cchosa@kbic-nsn.gov, jgoyen@kbic-nsn.gov, gloonsfoot@kbic-nsn.gov

Phone: 906-353-6272, Phone: 906-353-6278, Phone: 906-353-4178, Fax: 906-353-7540

October 30, 2012

RE: Project # 2008-GB-K078.

Aniin;

The KBIC Tribal Historic Preservation Office has identified no properties of interest regarding religious or cultural sites documented at this time in your proposed location. If the scope of work changes in any way, or if artifacts or human remains are discovered, please notify the KBIC THPO immediately.

Please forward any future consultation requests for review of project proposals pursuant to Section 106 of the National Historic Preservation Act to KBIC THPO, Keweenaw Bay Indian Community Tribal Historic Preservation Office or through email at cchosa@kbic-nsn.gov or jgoyen@kbic-nsn.gov and keep us informed of future projects as we continue our efforts to identify and document historic, archaeological and traditional cultural sites in the area so we can assist in making an appropriate determination.

Miigwech (Thank You)

Chris Chosa, THPO/NAGPRA Officer

Juliet K. Goyen, THPO/NAGPRA Technician

Miigwech!

Christopher J. Chosa, Juliet K. Goyen & Gary F. Loonsfoot Jr.



SHAWNEE TRIBE
 HISTORIC PRESERVATION DEPARTMENT
 29 SOUTH HIGHWAY 69A
 MIAMI, OKLAHOMA 74354
 918 ^ 542 ^ 2441 PHONE 918 ^ 542 ^ 9915 FAX

FACSIMILE COVER PAGE

To: Ziggy FROM: KIM JUMPER
 FIRM/AGENCY: CTC DATE/TIME: 11/07/12
 FAX NUMBER: 301-933-3340 NO. OF PAGES, INCLUDING COVER: 1
 PHONE NUMBER: _____ MEMO: MD DNR Deal Island

Message: The Shawnee Tribe's Tribal Historic Preservation Officer concurs that no known historic properties will be negatively impacted by construction of this tower site (see memo line above for TCNS number/s). The Shawnee Tribe's archives do not reveal any issues of concern at this tower location. In the event that archaeological materials are encountered later during construction, use, or maintenance of this tower location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

The Shawnee Tribe's Environmental and Natural Resources Department takes this opportunity to express its concerns that telecommunication towers can have a potentially destructive impact on bats and migratory birds, particularly those that migrate at night, including species listed as threatened and endangered by both states and the federal government, as well as other species. The Shawnee Tribe suggests that this tower be constructed in accordance with the guidelines available from the US Fish and Wildlife Service to reduce the adverse effects of telecommunications towers on migratory birds; these guidelines may be found at: www.fws.gov/migratorybirds/issues/towers/comtow.html.

The Shawnee Tribe's Environmental and Natural Resources Department is further concerned that the proliferation of cell towers may play a role in honey bee Colony Collapse Disorder. We acknowledge that cell phone technology may not be to blame, especially by itself, as other potential causative factors for the decline have been noted, such as insecticides, tracheal and varroa mites [an immunosuppressant], other parasites, pesticides used on hives to eliminate parasites, genetically modified plants, *Nosema* fungus, Israeli Acute Paralysis Virus (IAPV) perhaps introduced from Australia in 2004, Kashmir Bee Virus [KBV], climate change, and drought.

Finally, the Shawnee Tribe's Environmental and Natural Resources Department requests that cell tower sites, whenever remotely feasible, be restored to native vegetation. In all cases, habitat restoration can protect a variety of species, even in small project areas. The large number of cell tower sites provides an as yet unrealized opportunity for region-wide habitat restoration. The Tribe urges the cell phone industry to provide a model for native habitat restoration for other industries.

Please do not hesitate to call us for additional comment.



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

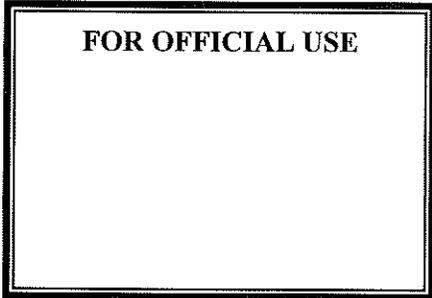
30 April 2012

Deal Island Marina Proposed Tower Project
Maryland Department of Natural Resources
Deal Island, Somerset County, Maryland

Section 106 Consulting Party Response Form

TO:

Maryland Department of Natural Resources
Attention: Timothy Bowman
Address: 580 Taylor Ave.
Annapolis, Md. 21401



Phone 410-260-8891 Fax: 410-260-8878

FROM:

Gary Pusey, Director

Somerset Co. Dept. of Technical & Community Services

Princess Anne, Md.

DATE: 5/21/12

Telephone/Fax Numbers: 410-651-1424 / 410-651-2597

Yes. I, or my organization, would like to be a consulting party in the Section 106 process for the Deal Island Marina Proposed Tower Project.

_____ will be represented by
(Organization)

_____ (Please indicate above the mailing
(Representative)

address of the representative if different than the addressee).

_____ I am a representative of a local government with jurisdiction over the area in which the project occurs. (If so, please go to the last question)

X

No. I, or my organization, do(es) not wish to participate as a consulting party for the Deal Island Marina Proposed Tower Project.

We are not aware of any impact on historic resources as a result of this proposed project.

Individual's or Organization's Demonstrated Interest

Please Check Appropriate Box(es)

- 1. legal interest
- 2. economic interest
- 3. historic property(s) concerns

Briefly justify your Demonstrated Interest



Maryland Department of Natural Resources
WILDLIFE AND HERITAGE SERVICE
Regional Operations
Memorandum

To: Timothy Bowman
From: Karina Stonesifer
Subject: Project Review Proposal 2012DNR183, Radio Tower at Deal Island
Fisheries Office
Date: July 2, 2012

The above referenced project has been reviewed by the internal project review team for associated impacts. There were no unfavorable comments received and no restrictions which would impact your work. Please consider this memo as your official clearance to use the Deal Island location

Should you have any questions please feel free to give me a call. Thank you and good luck.

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair
Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

Memorandum

Date: July 2, 2012

To: Karina Stonesifer

From: Kate Charbonneau, CAC

Re: Deal Island Radio Tower

Thank you for the updated information regarding the installation of a radio tower at the Department of Natural Resources Fisheries Office located on Deal Island. The radio tower will be located on existing lot coverage for the purposes of enhancing communication and improving emergency serviced. Based on the information provided, I find that this activity is consistent with the Critical Area law and Criteria. No additional review is required.

If you have any questions, please contact me at (410) 260-3475.

From: Morrow, Donna
Sent: Thursday, June 28, 2012 3:40 PM
To: Limpert, Roland
Cc: Bowman, Timothy R
Subject: RE: Review of proposed Homeland Security surveillance communication tower for Deale Island by NRP Boating Services has no issues with the proposal as it would not impact navigation. Presumably NRP is satisfied that the tower won't impede normal VHF or other radio communications in the vicinity.
Thank you,

Donna Morrow
Boating Services

From: Bowman, Timothy R
Sent: Tuesday, June 19, 2012 11:39 AM
To: Golden, Greg; Morrow, Donna; Abe, Joseph; Sadzinski, Bob A.; Romano, Bill; Primrose, Niles L; Loran, Jordan; Honeczy, Marian; Wilson, John F.; Buxton, Elizabeth; Kirkwood, Jerry; Norden, Butch; Larney, Tim; Conn, Christine; Limpert, Roland
Subject: Review of proposed Homeland Security surveillance communication tower for Deale Island by NRP

All,

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This waterfront land currently houses two office trailers, oyster setting tanks and shells, a garage, docking for the DNR vessel "Miss Kay", a shed, NRP boats on trailers and other ancillary DNR equipment. The property is enclosed by fencing with a locked gate and has septic service on-site.

NRP is seeking to locate the tower within the fenced-in area, at a spot recommended to us by Fisheries on-site personnel.

This tower is to be 140 ft. tall and will have surveillance and communication equipment mounted on its top. I have enclosed several attachments. **Please do not release this information to persons outside of your immediate chain of command.**

The attachments include:

1. A tower design made to withstand the weight of the equipment in high winds.
2. FCC forms which give several views of adjoining properties from the proposed site, as well as native American data, map references for the tower proposed site and its relationship to potential historic sites (no effect on historic sites within the required half mile range are noted in the findings).
3. Photo of the proposed site overlay on a satellite view

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Finally, if you believe that our plans should be defeated, I would ask that you forward that information as soon as possible.

If you have any questions, please don't hesitate to contact me and thank you in advance for your time and effort and know that I appreciate your efforts in helping the NRP complete its Homeland Security and Conservation Law Enforcement Mission.

Regards,

Tim Bowman
Program Manager,
Maritime Law Enforcement Information Network (MLEIN)
Md. Natural Resources Police
443-336-6340-mobile

From: Conn, Christine
Sent: Tuesday, July 03, 2012 11:18 AM
To: Bowman, Timothy R
Subject: RE: Review of proposed Homeland Security surveillance communication tower for Deale Island by NRP
The Office for a Sustainable Future has no concerns with this project.

Christine Conn, Ph.D.
Director, Strategic Land Planning
Office for a Sustainable Future
Maryland Department of Natural Resources
(410) 260-8785

From: Bowman, Timothy R
Sent: Tuesday, June 19, 2012 11:39 AM
To: Golden, Greg; Morrow, Donna; Abe, Joseph; Sadzinski, Bob A.; Romano, Bill; Primrose, Niles L; Loran, Jordan; Honeczy, Marian; Wilson, John F.; Buxton, Elizabeth; Kirkwood, Jerry; Norden, Butch; Larney, Tim; Conn, Christine; Limpert, Roland
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Regards,

Tim Bowman
Program Manager,
Maritime Law Enforcement Information Network (MLEIN)
Md. Natural Resources Police
443-336-6340-mobile

From: Honeczy, Marian

Sent: Thursday, June 21, 2012 8:49 AM

To: Larney, Tim; Wilson, John F.; Bowman, Timothy R; Golden, Greg; Limpert, Roland; Gougeon, Charles; Ryan, G. Edward; Stonesifer, Karina; Norden, Butch; Morrow, Donna; Abe, Joseph; Romano, Bill; Primrose, Niles L; Loran, Jordan; Buxton, Elizabeth; Kirkwood, Jerry; Conn, Christine

Cc: Sadzinski, Bob A.; Johnson IV, George F.

Subject: RE: Review Process Notes RE: Review of proposed Homeland Security surveillance communication tower for Deale Island by NRP

No concerns from Forestry.

Marian Honeczy

Supervisor, Urban and Community Forestry

MD Forest Service

580 Taylor Ave E-1

Annapolis, MD 21401

(410) 260-8511



Register all newly planted trees today!

www.trees.maryland.gov

From: Larney, Tim

Sent: Wednesday, June 20, 2012 3:17 PM

To: Wilson, John F.; Bowman, Timothy R; Golden, Greg; Limpert, Roland; Gougeon, Charles; Ryan, G. Edward; Stonesifer, Karina; Norden, Butch; Morrow, Donna; Abe, Joseph; Romano, Bill; Primrose, Niles L; Loran, Jordan; Honeczy, Marian; Buxton, Elizabeth; Kirkwood, Jerry; Conn, Christine

Cc: Sadzinski, Bob A.; Johnson IV, George F.

Subject: RE: Review Process Notes RE: Review of proposed Homeland Security surveillance communication tower for Deale Island by NRP

I reviewed this project earlier today and told Tim that we, in the Natural Heritage Program, have no concerns or comments on it. Please cut us out of any further review loops. Thanks.

Tim Larney

Habitat Conservation Program Manager

Natural Heritage Program

Wildlife and Heritage Service

Maryland Department of Natural Resources

tlarney@dnr.state.md.us

410-260-8567

From: Wilson, John F.

Sent: Wednesday, June 20, 2012 3:08 PM

To: Bowman, Timothy R; Golden, Greg; Limpert, Roland; Gougeon, Charles; Ryan, G. Edward; Stonesifer, Karina; Norden, Butch; Morrow, Donna; Abe, Joseph; Romano, Bill; Primrose, Niles L; Loran, Jordan; Honeczy, Marian; Buxton, Elizabeth; Kirkwood, Jerry; Larney, Tim; Conn, Christine

Cc: Sadzinski, Bob A.; Johnson IV, George F.

Subject: RE: Review Process Notes RE: Review of proposed Homeland Security surveillance communication tower for Deale Island by NRP

Importance: High

Tim: I can answer some of your questions. Since there does not appear to be a Fish Management Area on Deal Island, I going to say that you are proposing to place a tower on a portion of Deal Island Wildlife Management Area. If that is the case and I have copied Wildlife staff for confirmation, Karina Stonesifer would coordinate the internal review for this proposed project. The database already exists and Karina has access to enter all files electronically, including the written proposal, the location map, the reviewers

comments and the final recommendation to approve or deny based on the input received during the interdisciplinary review. Since I have been involved on the review of several of these communication towers (Still Pond & Johnson WMA), I thought everyone understood the process. However, it appears that may not be the case. Typically, we allow three weeks for the completion of the internal review. In addition, on the two projects mentioned, we held public meetings. Therefore, your July 3rd response time may be unrealistic. Hope this helps and please work with Karina. Thanks.

P.S. – I have copied everyone on the original email so that everyone receives the same information.

John F. Wilson
Associate Director, Stewardship
Land Acquisition & Planning
Tawes State Office Building E-4
Annapolis, Maryland 21401
(410) 260-8412

From: Bowman, Timothy R
Sent: Wednesday, June 20, 2012 2:43 PM
To: Golden, Greg; Wilson, John F.; Limpert, Roland; Gougeon, Charles; Ryan, G. Edward
Cc: Sadzinski, Bob A.; Johnson IV, George F.
Subject: RE: Review Process Notes RE: Review of proposed Homeland Security surveillance communication tower for Deale Island by NRP

Greg,

Thanks for the update.

As a point of clarification for me, who is responsible for finding the Land managing unit? Is that me as the project sponsor or someone else?

Does DNR's project review database exist or is it being created?

When ascertained, does the land managing unit have to approve the NRP's mission profile as well as the deployment of equipment or will there be a moment when NRP is given an up or down vote and who is the decision maker?

I notice that your response is not cc'd to most of the people to whom I sent data on the project asking for their input. Am I to interpret that to mean the responses will not be discouraged and the 3 July date can still be used as the response time?

Regards,

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Cc: Sadzinski, Bob A.
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I discussed this review a little further with John Wilson, and we agreed on a few points that I will convey here. There may have already been a few follow-up review conversations I am not aware of, but those should not affect the basic review process points below.

This project falls into a subset of project review cases within DNR that includes a land management Unit and their managed property, and a second DNR Unit that is proposing or sponsoring a project on that property. John and I will be working with DNR leadership to solidify the guidance to the land managing Units on the existing project review process, and their ability and responsibility to lead coordination of review and outcome on their managed properties.

Discussions are ongoing which recognize guidance, direction, and corresponding institutional knowledge has not always been optimal in the Dept.'s review process, BUT fortunately the process itself and the lead players are already in place.

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The exact workload share between the promoting or sponsoring Unit and the land management Unit can be worked out between them, provided the land management Unit keeps ultimate lead management responsibility on the coordination and decision process, and enters the project and coordination results in the Department's Project Review Database. The expertise and details from the project sponsor Unit in the process is an essential added element.

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Thanks, and definitely let me know if you have any questions, because I'm ankle deep on working with John Wilson to re-establish with Leadership the process for the Dept, and we're wading in deeper as we speak!

Greg Golden
Director, Environmental Review Unit
Maryland Department of Natural Resources
410-260-8331

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Sent: Tuesday, June 19, 2012 11:39 AM

To: Golden, Greg; Morrow, Donna; Abe, Joseph; Sadzinski, Bob A.; Romano, Bill; Primrose, Niles L; Loran, Jordan; Honeczy, Marian; Wilson, John F.; Buxton, Elizabeth; Kirkwood, Jerry; Norden, Butch; Larney, Tim; Conn, Christine; Limpert, Roland

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Maryland Department of Natural Resources
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Program Manager,
Maritime Law Enforcement Information Network (MLEIN)
Md. Natural Resources Police
443-336-6340-mobile

Appendix C
FCC Form 620 as Filed

Notification Date:

See instructions for
 public burden estimates

File Number:

General Information

1) (Select only one) (NE) NE – New UA – Update of Application WD – Withdrawal of Application	
2) If this application is for an Update or Withdrawal, enter the file number of the pending application currently on file.	File Number:

Applicant Information

3) FCC Registration Number (FRN): 0004233763
4) Name: Maryland Department of Natural Resources

Contact Name

5) First Name: Gerritt	6) MI:	7) Last Name: Veenhof	8) Suffix:
9) Title:			

Contact Information

10) P.O. Box:	And /Or	11) Street Address: 580 Taylor Avenue Suite D-4	
12) City: Annapolis		13) State: MD	14) Zip Code: 21401
15) Telephone Number: (410)260-8369		16) Fax Number:	
17) E-mail Address: Gveenhof@dnr.state.md.us			

Consultant Information

18) FCC Registration Number (FRN): 0021503826
19) Name: A.D. Marble & Company

Principal Investigator

20) First Name: Emma	21) MI:	22) Last Name: Diehl	23) Suffix:
24) Title: Senior Architectural Historian			

Principal Investigator Contact Information

25) P.O. Box:	And /Or	26) Street Address: 3913 Hartzdale Drive Suite 1302	
27) City: Camp Hill		28) State: PA	29) Zip Code: 17011
30) Telephone Number: (717)731-9588		31) Fax Number:	
32) E-mail Address: ediehl@admarble.com			

Professional Qualification

33) Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
34) Areas of Professional Qualification: () Archaeologist (<input checked="" type="checkbox"/>) Architectural Historian () Historian () Architect () Other (Specify) _____	

Additional Staff

35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
--	--

If "YES," complete the following:

36) First Name: Michael	37) MI:	38) Last Name: Lenert	39) Suffix:
40) Title: Principal Investigator			
41) Areas of Professional Qualification: (<input checked="" type="checkbox"/>) Archaeologist () Architectural Historian () Historian () Architect () Other (Specify) _____			

Site Information

Tower Construction Notification System

1) TCNS Notification Number: **84280**

Site Information

2) Site Name: **Deal Island**

3) Site Address: **Deal Island Marina (MD DNR Office off Deal Island Road)**

4) City: **Deal Island**

5) State: **MD**

6) Zip Code: **21821**

7) County/Borough/Parish: **SOMERSET**

8) Nearest Crossroads: **Deal Island and Ralph Abott Roads**

9) NAD 83 Latitude (DD-MM-SS.S): **38-10-05.2**

() N or () S

10) NAD 83 Longitude (DD-MM-SS.S): **075-56-52.1**

() E or () W

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): **42.7** () Feet () Meters

12) Tower Type (Select One):

() Guyed lattice tower

() Self-supporting lattice

() Monopole

() Other (Describe):

Project Status

13) Current Project Status (Select One):

() Construction has not yet commenced

() Construction has commenced, but is not completed

Construction commenced on: _____

() Construction has been completed

Construction commenced on: _____

Construction completed on: _____

Determination of Effect

14) Direct Effects (Select One):

- No Historic Properties in Area of Potential Effects (APE)
- No Effect on Historic Properties in APE
- No Adverse Effect on Historic Properties in APE
- Adverse Effect on one or more Historic Properties in APE

15) Visual Effects (Select One):

- No Historic Properties in Area of Potential Effects (APE)
- No Effect on Historic Properties in APE
- No Adverse Effect on Historic Properties in APE
- Adverse Effect on one or more Historic Properties in APE

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
2a) Tribes/NHOs contacted through TCNS Notification Number: 84280	Number of Tribes/NHOs: 5
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: 0

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Delaware Nation

Contact Name

5) First Name: Tamara	6) MI:	7) Last Name: Francis	8) Suffix:
9) Title: Cultural Preservation Director			

Dates & Response

10) Date Contacted 03/29/2012	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Delaware Tribe of Indians of Oklahoma

Contact Name

5) First Name: Dr. Brice	6) MI:	7) Last Name: Obermeyer	8) Suffix:
9) Title:			

Dates & Response

10) Date Contacted 03/28/2012	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Y</u> es (<input type="checkbox"/>) <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>84280</u>	Number of Tribes/NHOs: <u>5</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Keweenaw Bay Indian Community

Contact Name

5) First Name: Juliet	6) MI: K	7) Last Name: Goyen	8) Suffix:
9) Title: THPO/NAGPRA Technician			

Dates & Response

10) Date Contacted <u>03/28/2012</u>	11) Date Replied <u>03/28/2012</u>
(<input type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input checked="" type="checkbox"/>) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Shawnee Tribe

Contact Name

5) First Name: Kim	6) MI:	7) Last Name: Jumper	8) Suffix:
9) Title: THPO			

Dates & Response

10) Date Contacted <u>03/29/2012</u>	11) Date Replied <u>04/02/2012</u>
(<input type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input checked="" type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	<input checked="" type="checkbox"/> Yes () No
2a) Tribes/NHOs contacted through TCNS Notification Number: 84280	Number of Tribes/NHOs: 5
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: 0

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Tuscarora Nation

Contact Name

5) First Name: Leo	6) MI: R	7) Last Name: Henry	8) Suffix:
9) Title: Chief			

Dates & Response

10) Date Contacted 03/29/2012	11) Date Replied _____
<input checked="" type="checkbox"/> No Reply	
<input type="checkbox"/> Replied/No Interest	
<input type="checkbox"/> Replied/Have Interest	
<input type="checkbox"/> Replied/Other	

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name:

Contact Name

3) First Name:	4) MI:	5) Last Name:	6) Suffix:
7) Title:			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:		
10) City:		11) State:	12) Zip Code:	
13) Telephone Number:		14) Fax Number:		
15) E-mail Address:				
16) Preferred means of communication: <input type="checkbox"/> E-mail <input type="checkbox"/> Letter <input type="checkbox"/> Both				

Dates & Response

17) Date Contacted _____	18) Date Replied _____
<input type="checkbox"/> No Reply <input type="checkbox"/> Replied/No Interest <input type="checkbox"/> Replied/Have Interest <input type="checkbox"/> Replied/Other	

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input type="checkbox"/>) <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	(<input type="checkbox"/>) <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

Historic Property

4) Property Name: Deal Island Historic District
5) SHPO Site Number: S-371

Property Address

6) Street Address: Deal Island Road		
7) City: Deal Island	8) State: MD	9) Zip Code: 21821
10) County/Borough/Parish: SOMERSET		

Status & Eligibility

11) Is this property listed on the National Register? Source: <u>Maryland Historical Trust</u>	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
12) Is this property eligible for listing on the National Register? Source: <u>The property is already listed in the National Register, as per the files of the Maryland Historical Trust.</u>	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
13) Is this property a National Historic Landmark?	(<input type="checkbox"/>) <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

14) Direct Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Local Government Involvement

Local Government Agency

1) FCC Registration Number (FRN):
2) Name: Somerset County Department of Planning

Contact Name

3) First Name: Gary	4) MI:	5) Last Name: Pusey	6) Suffix:
7) Title: Director			

Contact Information

8) P.O. Box:	And /Or	9) Street Address: 11916 Somerset Avenue	
10) City: Princess Anne		11) State: MD	12) Zip Code: 21853
13) Telephone Number: (410)651-1424		14) Fax Number:	
15) E-mail Address: gpusey@somersetmd.us			
16) Preferred means of communication: (<input checked="" type="checkbox"/>) E-mail (<input type="checkbox"/>) Letter (<input type="checkbox"/>) Both			

Dates & Response

17) Date Contacted 04/30/2012	18) Date Replied 04/30/2012
(<input type="checkbox"/>) No Reply	
(<input checked="" type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Additional Information

19) Information on local government's role or interest (optional):
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Other Consulting Parties

Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?	() <u>Y</u> es (X) <u>N</u> o
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Consulting Party

2) FCC Registration Number (FRN):
3) Name: Somerset County Historical Trust

Contact Name

4) First Name: Howard	5) MI:	6) Last Name: Yerges	7) Suffix:
8) Title: Executive Director			

Contact Information

9) P.O. Box:	And /Or	10) Street Address: 10380 Anderson Road		
11) City: Princess Anne		12) State: MD	13) Zip Code: 21853	
14) Telephone Number: (410)651-9788		15) Fax Number:		
16) E-mail Address: info@somersethistoricaltrust.com				
17) Preferred means of communication: () E-mail () Letter (X) Both				

Dates & Response

18) Date Contacted 04/30/2012	19) Date Replied _____
(X) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Additional Information

20) Information on other consulting parties' role or interest (optional):

Designation of SHPO/THPO

1) Designate the Lead State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) based on the location of the tower.

SHPO/THPO

Name: Maryland Historical Trust

2) You may also designate up to three additional SHPOs/THPOs if the APEs include multiple states. If the APEs include other countries, enter the name of the National Historic Preservation Agency and any state and provincial Historic Preservation Agency.

SHPO/THPO Name: _____

SHPO/THPO Name: _____

SHPO/THPO Name: _____

Certification

I certify that all representations on this FCC Form 620 Submission Packet and the accompanying attachments are true, correct, and complete.

Party Authorized to Sign

First Name:	MI:	Last Name:	Suffix:
Signature: _____			Date: _____

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Areas of Potential Effect (APE)

a. The APE for direct effects is the area of potential ground disturbance and includes any property that will be physically altered or destroyed by the undertaking, as defined in the Nationwide Programmatic Agreement (NPA). The proposed tower location for Deal Island is located on the west side of Ralph Abbott Road, at the northwest end of the island, on a seeded area within the Maryland Department of Natural Resources (MD DNR) Facility at the Deal Island Marina.

b. The APE for visual effects is defined by the NPA as the area in which the undertaking has the potential to introduce visual elements that diminish or alter the setting, where the setting is a character-defining feature of a historic property. The NPA defines the APE for visual effects for towers less than 200 feet in height as including those properties located within a ½ of a mile radius from the tower site. Based on the topography of the proposed site location, a 1/2-mile radius was appropriate and maintained as the APE for visual effects.

Historic Properties Identified in the APE for Direct Effects

a. The APE for direct effects contains one property listed in the National Register of Historic Places:

1. Deal Island Historic District (S-371)
Deal Island Road
Deal Island, Somerset County, Maryland 21821

There are no additional properties located within the APE for direct effects that have been previously identified and determined eligible for listing in the National Register by the Maryland Historical Trust (MHT).

b. There are no properties located within the APE for direct effects that were identified through the comments of Indian Tribes, NHOs, local governments, or members of the public.

c. In accordance with the NPA, only those properties previously identified by MHT as containing built and archeological resources need to be included in the APE for direct and visual effects. Based on research at MHT, the proposed surveillance facility will be constructed within the Deal Island Historic District; however, this district is not significant for its potential to yield information or for intact archeological sites. The proposed facility is located within an area that has been altered through the construction and grading of parking and storage areas within the Deal Island Marina. This previous disturbance exceeds the proposed construction depth by at least two feet. (See Site Information Attachment 1 of 3 for photographs of the proposed project site.)

Historic Properties Identified in the APE for Visual Effects

a. The APE for visual effects contains one property listed in the National Register of Historic Places:

1. Deal Island Historic District (S-371)
Deal Island Road
Deal Island, Somerset County, Maryland 21821

There are no additional properties located within the APE for visual effects that have been previously identified and determined eligible for listing in the National Register by the Maryland Historical Trust (MHT). The *Ida May Skipjack* (S-238), which is listed in the National Register, is noted as being docked at Deal Island. The *Ida May* was not docked within the APE for visual effects at the time of field work and site visit. Setting and location are not crucial aspects of the significance of the *Ida May*; therefore there is no potential for effects to the *Ida May* as a result of this project.

b. There are no properties located within the APE for visual effects that were identified through the comments of Indian Tribes, NHOs, local governments, or members of the public.

c. There are no properties located within the APE for visual effects that were previously determined eligible whose status has changed. Deal Island Historic District (S-371) retains sufficient integrity to remain eligible for listing in the National Register of Historic Places.

Effects on Identified Properties

a. The proposed undertaking will have no adverse effect on the National Register-listed Deal Island Historic District (S-371).

Deal Island Historic District (S-371): The proposed communications facility site is located within the National Register-listed property. Deal Island Historic District was listed in the National Register on September 6, 2006, for its architectural significance as a collection of nineteenth and twentieth-century structures and for its association with Joshua Thomas and the Methodist religion. An on-site analysis of the property was conducted in March 2012 to determine the effect of the proposed surveillance facility on the property; digital photographs were taken at that time depicting the view shed from various locations in the district to the proposed tower site (Site Information Attachment 1 of 3). A large section of dense brush and trees located immediately south of the location proposed for the tower site, as well as trees generally bordering the house lots of the district currently screen many of the individual properties within the Deal Island Historic District from the proposed communications facility site. In addition, an approximately 300-ft. existing communications tower, which is significantly taller than the proposed surveillance tower, is located within the historic district, near the proposed site. While the MD DNR Facility is located within the Deal Island Historic District, it contains multiple modern buildings and the introduction of the tower will not significantly impact the features that qualify it for inclusion in the National Register-listed district. Although portions of the tower may be visible from individual properties within the historic district, the tower will not alter or diminish the property's character-defining features or characteristics that qualify it for listing in the National Register. Therefore, the proposed communications facility will have no adverse effect on the National Register-listed property.

b. A.D. Marble & Company conducted research, including consulting files of the Maryland Historical Trust Library, in order to identify historic resources as defined by the National Programmatic Agreement as well as MHT's *Guidelines and Resources for FCC Applicants, Identification of Historic Resources*. The NPA lists the following records that must be examined to identify and evaluate historic properties in the APE for the direct and visual effects:

1. Properties listed in the National Register of Historic Places;
2. Properties formally determined eligible for listing by the Keeper of the National Register;
3. Properties the MD SHPO (MHT) certifies are in the process of being nominated to the National Register;
4. Properties previously determined eligible for listing as part of a consensus determination of eligibility between the MD SHPO and a Federal agency;

5. Properties listed in the Maryland Inventory of Historic Properties that the Trust has previously evaluated and determined to be eligible for listing in the National Register.

A.D. Marble used these identification procedures to identify historic properties within the project's APE for visual and direct effects.

c. The proposed undertaking will have no adverse effect on historic properties located within the APE for direct or visual effects. Therefore, there are no alternatives needed to mitigate adverse effects.

Appendix D
Floodplain Management Checklist
(44 CFR Part 9)

EXECUTIVE ORDER 11988 and 11990

FLOODPLAIN MANAGEMENT – CHECKLIST (44 CFR Part 9)

FACILITY NAME: Deal Island Radar Support Tower, PSGP Project 2008-GB-T8-K078

APPLICANT: Maryland Department of Natural Resources

PROPOSED ACTION: The project involves the construction of a 140 feet tall self-supporting tower to hold/maintain a radar unit, a surveillance camera, and microwave antenna. The tower is to be located on state-owned land at Deal Island, Maryland in support of the Maritime Law Enforcement Information Network (MLEIN). An Environmental Assessment has been developed for this project.

APPLICABILITY: Actions which have the potential to affect floodplains or their occupants, or which are subject to potential harm by location in floodplains.

YES NO

The proposed action could potentially adversely affect the floodplain.

YES NO

The proposed action could potentially be adversely affected by the floodplain.

Remark: Portions of the project are located within the designated Special Flood Hazard Area (SFHA). However, the amount of the tower that will actually be in the floodplain permanently is very small. Additionally, floodplain avoidance by choosing a different location is not a practicable alternative, and the No-Action alternative does not meet the purpose and need of the Environmental Assessment. Project will not, on either a long-term or short-term basis, adversely impact base flood levels, floodplain functions, resources, or characteristics.

IF ANSWER IS NO, REVIEW IS COMPLETED, OTHERWISE CONTINUE WITH REVIEW.

CRITICAL ACTION:

YES

Review against 500 Year floodplain

NO

Review against 100 Year floodplain

STEP NO. 1 Determine whether the proposed action is located in the 100-year floodplain (500-year floodplain for critical actions);

YES NO

The project is located in a Special Flood Hazard Area (SFHA).

IF ANY OF THE ANSWERS ARE YES, CONTINUE WITH THE FOLLOWING STEPS, OTHERWISE REVIEW IS COMPLETE.

STEP NO. 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain, and involve the affected and interested public in the decision-making process.

Notice was provided by the applicant.

Remark: Per state requirements, the applicant sent a notification letter to the Somerset County Board of Commissioners on 4.30.2012 regarding the project. On 5.12.2012, the Board replied they had no concern about the project.

STEP NO. 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (including alternatives sites, actions and the "no action" option). If a practicable alternative exists outside the floodplain, FEMA must locate the action at the alternative site.

Alternative Options

 YES NO

Is there a practicable alternative site location outside of the 100-Year floodplain?

 YES NO

For Critical Actions, is there a practicable alternative site location outside of the 500-Year floodplain?

 YES NO

Is there a practicable alternative action outside of the 100-Year floodplain that will not affect the floodplain?

Remark: Alternative locations were evaluated in the Environmental Assessment, but dismissed; they resulted in negative environmental and/or social impacts. In addition, alternative locations had security challenges, resulted in insufficient transmission strength, or were too close to residential buildings. The vast majority of Deal Island sits within the floodplain.

 YES NO

Is the NO Action alternative the most practicable alternative?

Remark: The No-Action alternative would not meet the requirement to improve communications for public safety in this region of Maryland.

IF ANY ANSWER IS YES, THEN FEMA SHALL TAKE THAT ACTION AND THE REVIEW IS CONCLUDED.

STEP NO. 4 Identify the potential direct and indirect impacts associated with the occupancy or modification of floodplains and the potential direct and indirect support of floodplain development that could result from the proposed action. 44CFR Part 9.10

 YES NO

Is the Proposed Action based on incomplete information?

 YES NO

Does the proposed action increase the risk of flood loss?

 YES NO

Will the proposed action result in an increased base discharge or increase the flood hazard potential to other properties or structures?

YES NO

Does the proposed action minimize the impact of floods on human health, safety and welfare?

Remark: Yes, the construction of the tower greatly improves public safety communication. Insufficient communication systems during future disasters could lead to further health, safety, and welfare concerns.

YES NO

Will the proposed action induce future growth and development, which will potentially adversely affect the floodplain?

Remark: No, the proposed project is the construction of a radar tower on state-owned land, in an area devoid of residential development.

YES NO

Does the proposed action involve substantial dredging and/or filling of a floodplain?

YES NO

Will the proposed action result in the discharge of pollutants into the floodplain?

YES NO

Does the proposed action avoid long and short-term adverse impacts associated with the occupancy and modification of floodplains?

YES NO

Will the proposed action result in any indirect impacts that will affect the natural values and functions of floodplains?

YES NO

Will the proposed action forego an opportunity to restore the natural and beneficial values served by floodplains?

YES NO

Does the proposed action restore and/or preserve the natural and beneficial values served by floodplains?

Remark: No, the proposed project is located on state-owned land in an area which already includes a tower.

YES NO

Will the proposed action result in an increase to the useful life of a structure or facility?

STEP NO. 5

Minimize the potential adverse impacts and support to or within floodplains to be identified under Step 4, restore and preserve the natural and beneficial values served by floodplains.

YES NO

Were flood hazard reduction techniques applied to the proposed action to minimize the flood impacts if site location is in the 100-Year floodplain?

YES NO

Were avoidance and minimization measures applied to the proposed action to minimize the short and long term impacts on the 100-Year floodplain?

YES NO

Were measures implemented to restore and preserve the natural and beneficial values of the floodplain.

Remark: None/Not Applicable. Regarding the previous three questions, the proposed project is the construction of a tower on a developed state-owned parcel. The amount of the tower that will actually be present in the floodplain is very small.

STEP NO. 6

Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others, and its potential to disrupt floodplain values and second, if alternatives preliminarily rejected at Step 3 are practicable in light of the information gained in Steps 4 and 5. FEMA shall not act in a floodplain unless it is the only practicable location.

YES **NO**

The action is still practicable at a floodplain site in light of the exposure to flood risk and ensuing disruption of natural values;

Remark: The proposed action involves the construction of a radar tower on a developed parcel of land. The tower will allow for increased communication for public safety in the area. Project will not, on both a long-term or short-term basis, adversely impact base flood levels, floodplain functions, resources, or characteristics.

YES **NO**

The floodplain site is the only practicable alternative.

YES **NO**

There is no potential for limiting the action to increase the practicability of previously rejected non-floodplain sites and alternative actions.

YES **NO**

Minimization of harm to or within the floodplain can be achieved using all practicable means.

YES **NO**

The action in a floodplain clearly outweighs the requirement of E.O. 11988.

STEP NO. 7

Prepare and provide the public with a finding and public explanation of any final decision that the floodplain is the only practicable alternative.

Final Notice was provided as part of the floodplain notice. See EO 11988 checklist.

Notice will be provided as part of the Environmental Assessment Public Notice.

STEP NO. 8

Review the implementation and post - implementation phases of the proposed action to ensure that the requirements stated in Section 9.11 are fully implemented. Oversight responsibility shall be integrated into existing processes.

YES **NO**

Was Grant conditioned on review of implementation and post-implementation phases to insure compliance of EO 11988?