

Compatibility Determination - Patuxent Research Refuge

USE: Establishment of a Permanent Easement for an Electric Powerline for US Secret Service James J. Rowley Training Center (JJRTC) through Patuxent Research Refuge.

REFUGE NAME: Patuxent Research Refuge

DATE ESTABLISHED: December 16, 1936

ESTABLISHING AND ACQUISITION AUTHORITIES: Executive Order 7514, dated Dec. 16, 1936; Executive Order 11724, dated June 27, 1973; 16 U.S.C. 715d, Migratory Bird Conservation Act; 16 U.S.C. 1534; 16 U.S.C. 667b - An Act Authorizing the Transfer of Certain Real Property for Wildlife or other purposes; and Public Law 101-519, 104 Stat. 2247.

REFUGE PURPOSES:

1. "...as a wildlife experiment and research refuge" – Executive Order 7514, dated Dec. 16, 1936;
2. "...recreation, conservation, wildlife preservation, and related scientific and educational activities" – Executive Order 11724, dated June 27, 1973;
3. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds" – 16 U.S.C. 715d (Migratory Bird Conservation Act);
4. "...to conserve (A) fish or wildlife which are listed as endangered species or threatened species ... or (B) plants ..." – 16 U.S.C. 1534;
5. "...particular value in carrying out the national migratory bird management program." – 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes); and
6. "...(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies to the extent such agencies are using it on the date of the enactment of this Act." – Public Law 101-519, 104 Stat. 2247, dated Nov. 5, 1990.

NATIONAL WILDLIFE REFUGE SYSTEM MISSION:

"To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats

within the United States for the benefit of present and future generations of Americans" National Wildlife Refuge System Improvement Act of 1997.

DESCRIPTION OF USE: The US Secret Service (USSS), Department of Homeland Security (DHS), along with its' utility partner, Baltimore Gas and Electric (BGE) have requested a compatibility determination for a multiple phase project to improve reliability of electrical service at the JJRTC located in Beltsville MD. The project involves multiple phases but only 2 phases are being evaluated for their effect the Patuxent Research Refuge. Reliability of service to JJRTC will be improved because if outages occur, power feed can occur from more than one direction. The two phases that affect Patuxent are described below and separated by their phases as described in BGE work management system (WMS). A site location map is included as attachment 1.

- WMS # 1945376. This phase of the project involves new construction of buried electrical cable along the northern pavement edge of Powder Mill Road from East Gate Road (the eastern entrance into the JJRTC, west of Patuxent's property) to MD 197. Work within refuge lands includes: 4,481 feet of cable and 9 splice boxes will be installed using horizontal directional boring technology. Ground disturbance is expected to occur only at splice box locations which will be the sites where directional boring and cable feed occurs. Attachment 2 shows the technical specifications for the 9 splice boxes to be installed as part of the project.
- WMS # 1955410 is Phase 1 of the Montpelier 7298 re-conductor project. This project involves replacement of existing poles and cable along MD 197. Work within refuge lands includes: 6204 feet of overhead cable will be replaced on 43 poles, 2 poles will be reused, 20 new poles will be installed and 21 poles will be renewed.

Additional Information: As the Federal agency responsible for that portion of this action along Springfield Road, Powder Mill Road, and the northern section of MD 197, the USSS has completed a categorical exclusion document for its portion of the project. This categorical exclusion document addresses impacts in Patuxent Research Refuge as well as non-Refuge lands. The project area is adjacent to existing subsurface utility infrastructure; crossing National Park Service, U.S. Fish and Wildlife Service, and Department of Agriculture property in order to connect to the JJRTC.

Consultation was initiated with each federal property on July 7, 2011 through a consultation letter that included a project description and mapping. The NPS has issued its own Categorical Exclusion for the portion of the project that crosses under NPS land. The USDA requested additional project information. This additional information was provided on August 18, 2011 in the form of a completed USDA NEPA Checklist and Construction Project Description Form. Patuxent Research Refuge staff responded to the consultation request by meeting in person with Engineering staff from Greenhorne & O'Mara (the consulting engineer for USSS), BGE design engineers and ROW realty specialists.

Consultation with the U.S. Fish and Wildlife Service (USFWS) and Maryland Department of Natural Resources (DNR) was initiated on June 22, 2011. Based on the on-line certification from the USFWS, completed on November 2, 2011, no federally proposed or listed threatened and endangered species are known to be present within the project area. Based on correspondence by the MD DNR, dated January 19, 2012 there are three nontidal wetlands of special state concern (NTWSSC) located in the vicinity of the project.

Two of the NTWSSC are not located within the refuge. The third NTWSSC, located at the east end of the project area, crosses MD 197 and flows into the Patuxent River. I called Lori Byrne (410 260 8573) at MD MDR to determine the exact location of this NTWSSC and advised her that additional NTWSSC may need impact evaluation.

These wetlands are known to support State rare and threatened species. In accordance with DNR recommendations, the project will utilize directional drilling to avoid stream and wetland impact and will thereby avoid impacts to these rare species. In addition, the proposed project activities will occur on previously disturbed land. No resources occur within the project area that would indicate a need to coordinate with agencies regarding the Marine Mammal Protection Act or the Magnuson-Stevens Fishery Conservation and Management Act as documented in a letter from DNR Environmental Review Program concerning Fisheries Resources, dated November 29, 2011.

The proposed action is not anticipated to have an adverse impact on public health or safety. The 13kV extension would provide a long-term benefit to the security of the JJRTC. Only minor short-term impacts would occur as a result of disruptions to traffic during construction and installation of the 13kV feeder extension. There would be no long-term impacts of the proposed action to the public outside of the JJRTC. During construction, it is anticipated that travel lanes along Powder Mill Road and MD 197 would need to be shifted. All traffic shifts and maintenance activities would be completed in compliance with an approved Maintenance of Traffic Plan.

Consultation with the Maryland Historical Trust (MHT) under Section 106 of the National Historic Preservation Act of 1966 was initiated on September 23, 2011. In their response dated October 21, 2011, MHT determined that this undertaking would have no adverse effect on historic properties.

All work under the proposed action would occur within the previously disturbed areas of the existing roadway and utility right-of-way. Through review of MD mapping, coordination with adjacent and impacted landowners, and confirmation by way of the site visit conducted October 12, 2011, no unique or sensitive habitat has been identified within the project area.

The project area is located entirely adjacent to the existing roadway, within current utility right-of-way, and involves the installation of similar utility infrastructure. All work would occur in previously disturbed areas and would result in the placement of additional utilities

underground. Directional bore technology would be used for the placement of this utility; therefore, no environmental degradation is anticipated as a result of the proposed action.

BGE will survey the area to determine correct legal descriptions for a proposed electric right of way for the USSS project and Montpelier conductor replacement project. Per email documentation from Joseph J. Bonhoff, BGE Senior Right Of Way Specialist, no record of existing ROW easement could be located for the powerlines that currently run along MD 197 through the Patuxent Research Refuge. (email February 7, 2012)

Total acreage of land to be occupied by the permanent easement is approximately XXX acres.

AVAILABILITY OF RESOURCES:

No direct refuge funds or equipment, support, or resources will be required. Initial planning and consultation with BGE and Greenhorne & O'Mara staff has required approximately 40 hours of meeting time, field inspection and document preparation by the Facility Manager, amounting to \$3200.00

Costs associated with the administration of the proposed project on the refuge are estimated below:

Refuge Manager (GS-14) coordination with the Regional Office, BGE and General Public (\$5,760.00)

Facility Manager (GS-13) Construction impact monitoring (\$3,200.00)

Regional Office realty Specialist (GS-12) coordination with BGE ROW administration staff (\$3,000.00)

ANTICIPATED IMPACTS OF THE USE:

The site currently consists of road shoulder that is mowed annually by USFWS staff or MD State Highway Administration. The portion of easement along MD 197 is within a heavily trafficked road right of way, granted to MD State Highway Administration. Installation of 9 splice boxes will each disturb 72 square feet of non native grass. Wildlife impacts include temporary displacement of individual animals during project installation. Suitable habitat is immediately adjacent to these areas of disturbance for wildlife to relocate. There are no indirect or cumulative impacts anticipated.

The use is consistent with the existing utility use by the refuge, which utilizes electric power provided by BGE for gate #4 Loblolly Pine Drive, Gate 8 entrance to Cash Lake Fishing Area, Tram Building # 741, and Restroom building #934. Should construction activities reveal any cultural/ historic resource items, work will immediately cease and appropriate consultation with regional and State historic preservation officers will occur at that time.

PUBLIC REVIEW AND COMMENT:

A notice of this Compatibility Determination was printed in a local newspaper on September 13,

2012. It was posted at the National Wildlife Visitor Center and the North Tract Visitor Contact Station for fourteen days, and was also posted on the refuge's website. _____ public comments were received.

DETERMINATION (CHECK ONE BELOW):

- USE IS NOT COMPATIBLE
 USE IS COMPATIBLE WITH FOLLOWING STIPULATIONS

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

All undertakings involving the electric Right of Way must comply with National Historical Protection Act and Archeological Resources Protection Act, and must be reviewed by the Regional Historical Preservation Officer of FWS Region 5 prior to review by the State Historical Preservation Officer.

Due to the previous development and disturbance throughout the proposed location for the powerline and associated easement, there are no stipulations necessary to prevent harm to wildlife.

JUSTIFICATION:

BGE provides electrical power to the JJRTC and several locations on the refuge. Installation of buried cable or replacement of existing lines and poles will have no impacts on wildlife resources the refuge is charged with conserving. The establishment of this easement will not compromise the refuge's research purpose nor any of its wildlife conservation purposes. Further, it will not adversely impact , or detract from, the fulfillment of the National Wildlife Refuge System mission.

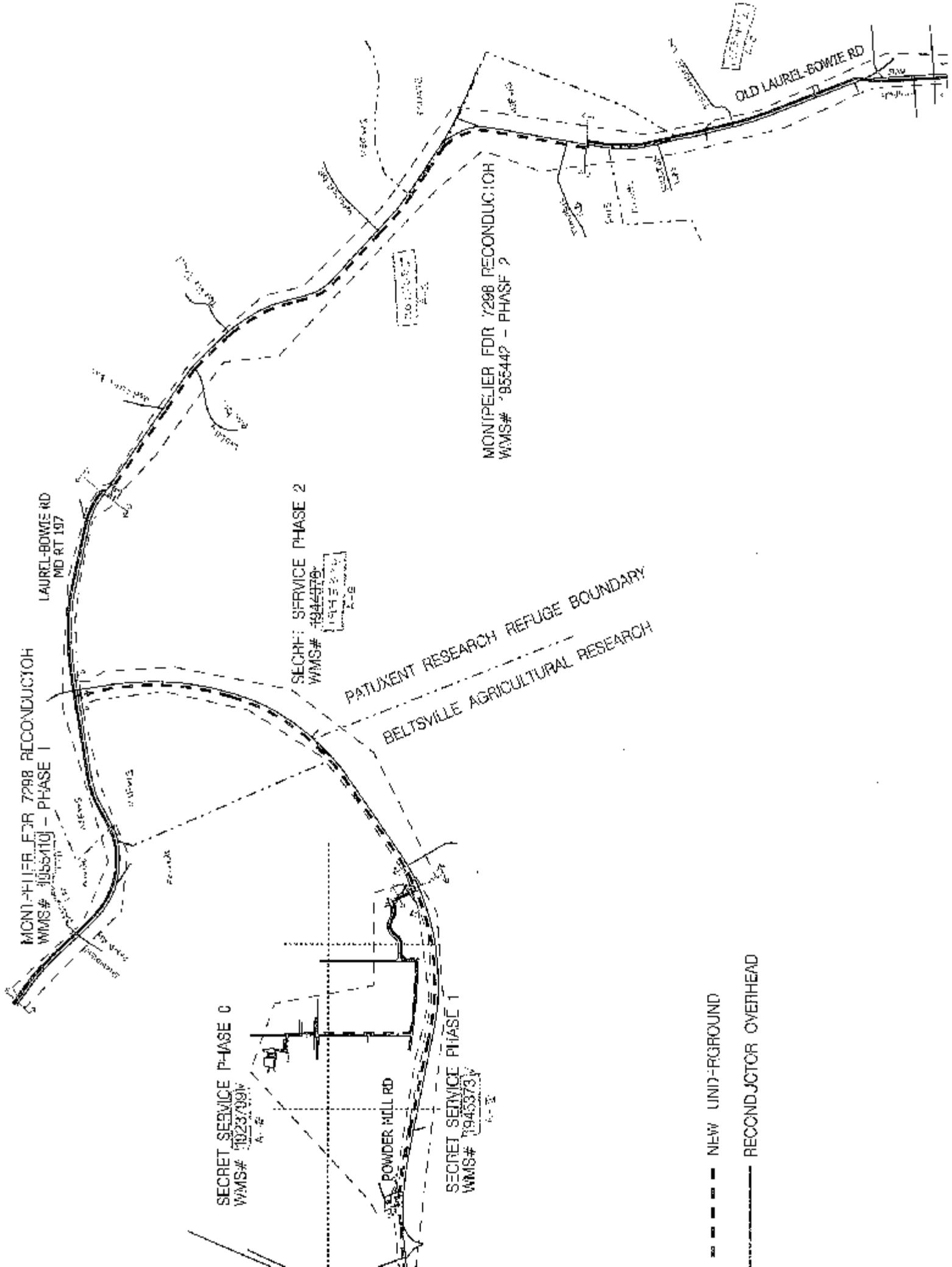
SIGNATURE:

REFUGE MANAGER: _____
(signature and date)

CONCURRENCE:

REGIONAL CHIEF: _____
(signature and date)

MANDATORY 10- YEAR REEVALUATION DATE: 2022



Attachment 2 Splice box
schematics

