

FCC ENVIRONMENTAL ASSESSMENT

Applicant: _____ FCC File No.: _____

The Licensing and Technical Analysis Branch, Commercial Wireless Division, Wireless Telecommunications Bureau sends “deficiency letters” to individual licensees and applicants, including tower owners, who have submitted environmental assessments (EAs) with applications (*i.e.*, a filed FCC Form 601 or FCC Form 854) when the EA submitted is insufficient or lacks necessary documentation.

The following checklist is now used by the staff as an attachment to each deficiency letter to inform the licensee, applicant, or tower owners concerning compliance with 47 C.F.R. § 1.1307 of the Commission’s rules. In addition to these factors, they are required to comply with all of the Commission’s environmental rules, including 47 C.F.R. § 1.1311 (*i.e.*, “environmental information to be included in the environmental assessment (EA)”), to determine whether a proposed facility may have significant effect on the environment.

Pursuant to 47 C.F.R. § 1.1307, this EA provides insufficient information regarding the proposed facility’s compliance with the following NEPA requirements:

_____ (a)(1) will be located in an officially designated wilderness area

Applicant provided insufficient information for the Commission’s staff to determine whether the proposed facility satisfies § 1.1307(a)(1).

If the proposed facility would not be located in an officially designated wilderness area, provide an explanation of how the applicant determined that the proposed facility would not be located in an officially designated wilderness area. Applicant should cite specifically to the sections of the relevant databases, maps, references, or information from the relevant government agencies (*e.g.*, Department of the Interior).

If the proposed facility would be located in an officially designated wilderness area, provide copies of all approvals, permits, or grants from the relevant government agencies approving the proposed antenna structure (*e.g.* Department of the Interior).

_____ (a)(2) will be located in an officially designated wildlife preserve

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(2).

If the proposed facility would not be located in an officially designated wildlife preserve, provide an explanation of how the applicant determined that the proposed facility would not be located in an officially designated wildlife preserve.

Applicant should cite specifically to the sections of the relevant databases, maps, references, or information from the relevant government agencies (e.g. Department of the Interior).

If the proposed facility would be located in an officially designated wildlife preserve, provide copies of all approvals, permits, or grants from the relevant government agencies approving the proposed antenna structure (e.g. Department of the Interior).

___ (a)(3) may affect listed threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(3).¹

If no listed² or proposed³ threatened or endangered species or designated or proposed critical habitats⁴ are present in the county or counties where the "action area"⁵ are located: Explain the basis for the applicant's determination that there are no listed or proposed threatened or endangered species or designated or proposed critical habitats within the county (or counties) of the project's action area and that there would be no effect on listed or proposed threatened or endangered species or designated or proposed critical habitats within the county

¹ Applicants who need to consult with the United States Fish & Wildlife Service regarding these matters should be aware that they are consulting with that agency pursuant to Section 7 of the Endangered Species Act. Furthermore, the applicant is pursuing such consultation as a "designated non-Federal entity." Additional, important information about this process may be found at: http://endangered.fws.gov/consultations/sec7_faq.html.

² "Listed species" are defined as any species of fish, wildlife or plant which has been determined to be endangered or threatened under section 4 of the Endangered Species Act.

³ "Proposed species" are defined as any species of fish, wildlife or plant that has been proposed in the Federal Register to be listed under section 4 of the Act.

⁴ "Critical habitat" is defined in Section 3 of the Endangered Species Act.

⁵ U.S. Fish & Wildlife Service defines an action area as "all areas to be affected, directly or indirectly, by the federal action and not merely the immediate area involved in the action." See 50 C.F.R. §402.02(d). For example, an action area would include the site of the proposed antenna structure, its immediate vicinity, and any roads to be constructed to the tower site by the applicant.

(or counties) of the project's action area. Provide the materials (with citations) that formed the basis for this determination (*e.g.*, maps or lists from relevant U.S. Department of the Interior, Fish and Wildlife Service (FWS) databases). If the applicant received a letter from FWS indicating that there would be no effect, provide a copy of the FWS letter so indicating.

If listed or proposed threatened or endangered species or designated or proposed critical habitats *are present* in the county or counties where the “action area” is located and would not be affected by the proposed antenna structure: Explain how the applicant determined that there would be no effect on listed or proposed threatened or endangered species or designated or proposed critical habitats within the county (or counties) of the project's action area. Provide the materials (with citations) that formed the basis for this determination (*e.g.*, maps or lists from relevant U.S. Department of the Interior, Fish and Wildlife Service (FWS) databases).

_____ **If the applicant received a letter from FWS indicating that there would be no effect, provide a copy of the FWS letter so indicating.**

_____ **If the applicant did not receive a letter from FWS indicating that there would be no effect, provide a copy of any informal biological assessment prepared by a biologist supporting the applicant's “no effect” determination.** Provide the name(s) and qualifications of the biologist(s) who prepared the biological assessment along with any FWS staff who may be familiar with its contents.⁶

_____ **If the proposed antenna structure may affect, but is not likely to adversely affect, listed or proposed threatened or endangered species or designated or proposed critical habitats in the action area:** Provide a letter from FWS concurring with the applicant's informal biological assessment. If any measures are proposed to mitigate any effects on species or habitats, the assessment must outline those measures with FWS concurrence.

_____ **If the proposed antenna structure may affect, and is likely to adversely affect, listed or proposed threatened or endangered species or listed or proposed designated critical habitats in the action area:** Prepare a formal biological assessment as outlined in 50 C.F.R. § 402.01 *et seq.* The applicant should provide the formal biological assessment to the Federal Communications Commission for formal consultation and review of the FWS.

_____ (a)(4) May affect districts, sites, buildings, structures or objects significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places

⁶ If available, provide information about post-high school formal education including degrees held, area(s) of expertise, years of experience, and membership in any relevant professional accreditation organizations.

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(4).

Provide a letter from the relevant State Historic Preservation Officer (SHPO) to the applicant or its consultant regarding whether the proposed antenna structure may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible, for listing, in the National Register of Historic Places. If no letter from the SHPO is available provide documentation of your efforts to obtain a letter from the SHPO and documentation of how the applicant determined whether there would be any such effect, including the names and qualifications of any relevant experts consulted. If the applicant, the Federal Communications Commission, the SHPO, and the Advisory Council on Historic Preservation, if applicable, have executed a Memorandum of Agreement (MOA) regarding the proposed site, provide a copy of the executed MOA.

_____ (a)(5) may affect Indian religious sites

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(5).

Provide an explanation of how the applicant determined that the proposed facility would not affect Indian religious sites. Provide documentation of the applicant's good faith efforts to determine whether the proposed antenna structure may affect any Indian religious sites, including any archeological effects on Indian burial mounds. Attach copies of any letters or studies completed by archeologists for the proposed antenna structure. Include reference to any databases, maps, or other sources consulted to identify Indian Tribes whose religious sites might be affected. Attach copies of all correspondence the applicant or its consultant sent to or received from an Indian Tribe regarding the proposed antenna structure, other than correspondence that the Tribe has asked to maintain confidential.

The FCC recognizes that Indian Tribes, as domestic dependent nations, exercise inherent sovereign powers over their members and territory. Applicants consulting with tribal authorities are acting as delegates of the FCC, which has a government-to-government relationship with tribes. Tribal authorities may request FCC participation in consultation on any matter at any time. Any information regarding historic properties or religious or sacred sites to which an Indian Tribe attributes significance may be highly confidential, private, and sensitive, and applicants should respect the wishes of the Tribe with respect to the treatment of such information.

_____ (a)(6) will be located in a floodplain

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(6).

If the proposed facility would not be located in a flood plain, provide a copy of the section of the relevant map from the Federal Emergency Management Agency (FEMA) showing that the proposed antenna structure will not be located in a flood plain.

If the proposed facility would be located in a flood plain, provide a copy of the section of the relevant map from the Federal Emergency Management Agency (FEMA) showing the location of the proposed antenna structure. In addition, provide a copy of the building permit from the local jurisdiction where the proposed antenna structure will be located that shows the proposed structure is at least one foot above the flood plain. If the local jurisdiction does not issue building permits, provide independent verification that shows the proposed structure is at least one foot above the flood plain.

_____ (a)(7) construction will involve significant change in surface features (*e.g.*, wetland fill, deforestation or water diversion)

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(7).

If the proposed facility would not be located in a wetland, provide a copy of the section of a map showing that the proposed antenna structure will not be located in a wetland.

If the proposed facility would be located in a wetland, provide a copy of the permit the applicant or its consultant received from the U.S. Army Corps of Engineers permitting the construction of the proposed antenna structure.

_____ (a)(8) will be equipped with high intensity white lights which are to be located in residential neighborhoods, as defined by the applicable zoning law

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(8).

Provide documentation that the proposed antenna structure will not be located in a residential neighborhood, as defined by the applicable zoning law (relevant only where high intensity white lights are required by the Federal Aviation Administration (FAA)).

_____ (b) would cause human exposure to levels of radiofrequency radiation in excess of Commission-adopted guidelines

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(b).