

Decision Notice & Finding of No Significant Impact  
**Apache Lake Communications Site**

**USDA Forest Service**  
**Tonto Basin Ranger District, Tonto National Forest**  
**Maricopa County, Arizona**  
T. 3 N., R. 11 E., Section 29

## **Decision and Reasons for the Decision**

### **Background**

On June 22, 2006 Commnet Wireless, LLC submitted an application for a communication site lease to be located within the permitted area of Apache Lake Marina on the Tonto Basin Ranger District of the Tonto national Forest. There are currently no communications sites at the lake.

The project area and alternative areas are located within areas previously disturbed due to marina construction and use. The closest available wireless telecommunication antennas to Apache Lake are located adjacent to Roosevelt Lake approximately 9-10 miles to the northeast. Due to topographic constraints and propagation parameters, wireless telecommunication coverage of Apache Lake is not adequate from that location. There is an expectation that improved wireless telecommunication coverage of Apache Lake will enhance the recreation experience for visitors by providing timely response to emergency calls.

The overall purpose of the analysis of the proposal has been to provide consistency with Forest Service handbook direction (FSH 2709.11, ch. 90) that communication sites on National Forest System land be formally designated as land allocations through the land and resource management planning process. Implementation of this project requires a non-significant amendment to the Tonto National Forest Plan.

The environmental assessment (EA) documents the analysis of two action alternatives and one no action alternative to meet this need.

### **Decision**

Based upon my review of all alternatives, I have decided to implement Alternative 1 which is located adjacent to the existing water tanks at the Apache Lake Marina.

Alternative 1 includes construction of a self-standing 50-foot flagged and lighted monopole tower with three panel antennas and three associated 6-foot by 30 inch by 30 inch cabinets housing radio equipment. The components will be installed within a block wall that will match existing site walls both in color and texture. There will be no guy wires on the tower. The tower will be lighted at night as a warning to helicopters that may be accessing the Maricopa County Sheriff's Aid Station nearby. The site location has been previously disturbed during construction of the water tank compound. There is power within 50 feet and telephone connection within 100 feet. Power and hard line telephone connections will be tapped via underground cables. Elevation of Alternative 1 site is 1978-feet above msl.

When compared to the other alternatives, this alternative will provide slightly less on-lake wireless telecommunication coverage than action Alternative 2. This site will, however, not impact Marina operation. The pole will be relatively unobtrusive and painted blend in to the background as seen from the Lake. The flag will enhance the visibility of the tower for approaching aircraft. A light, focused on the flag, will serve the same purpose at night.

The Forest Plan will be amended to designate this area for wireless telecommunication purposes, limiting development to one 50-foot monopole. A twenty-year lease will be issued to Commnet for construction,

operation and maintenance of the facility. Fees for this use will be consistent with direction in the Forest Service Handbook 2709.11, Chapter 90.

This alternative meets requirements under the National Environmental Policy Act; the Federal Land Policy Management Act of 1976, which authorizes issuance of leases on National Forest System Land; the Endangered Species Act; the National Historic Preservation Act; the Telecommunications Act; and the National Forest Management Act, which guides the land management planning process.

## Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found in the EA starting on page 8.

### Alternative 2

Alternative 2 is located within the parking lot of the Apache Lake Marina Restaurant (Figures 5-7), attached to the southeast corner of the restaurant building. The area is currently leveled crushed granite with no natural vegetation. Access to the proposed site is via existing Forest Road 79.

Alternative 2 includes construction of a self-standing 50-foot monopole tower with a flag and three panel antennas. Three associated 6-foot by 30-inch by 30-inch cabinets housing radio equipment will be on the ground nearby. The components will be installed within a block wall 15 feet by 10 feet by 8 feet high that will match existing architecture. There will be no guy wires on the tower. The tower will be lighted at night as a warning to helicopters that may be accessing the Maricopa County Sheriff's Aid Station nearby. Elevation of the proposed site is 1936-feet above msl.

An underground waveguard trench will connect the tower to the equipment inside the block structure. Telephone connection is located within inches of the block wall. Electric utility connection will entail accessing a transformer on the far side of the Marina access road and is within 80 feet of the proposed site. Power and hard line telephone connections will be tapped via buried cables.

### Alternative 3

#### No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. There will be no wireless telecommunication sites authorized at Apache Lake.

## Public Involvement

As described in the background, the need for this action was identified on June 22, 2006 with acceptance of the Commnet application. During the scoping phase of the NEPA analysis (December 15, 2006 to January 16, 2007), the project proposal was mailed to 108 known interested members of the public and government agencies for comment. Six letters were received, representing 17 entities.

Using the comments from the public, other agencies, the Marina owner, and Forest Service Special Uses Handbook (FSH 2709.11, Chapter 91) guidance issues were identified regarding the effects of the proposed action on the environment. No significant issues were identified. All comments and concerns were determined to be non-significant issues and are listed below. See the EA, pages 4-5 for more in-depth discussion of these issues.

- Demand: Cell phone communication is needed at Apache lake.
- Effects on Avian population: Owners/operators should be required to fund research that informs designs and installations that are as wildlife friendly as possible. There is evidence that towers result in increased wildlife mortality.
- Concern with limiting Marina's options for expansion with placement adjacent to the restaurant.

To address these concerns, the Forest Service created the alternatives described above.

The draft Environmental Assessment was made available to the public and stakeholders on October 12, 2007. Comments received during the 45-day comment period were statements of support for the action alternatives. The Maricopa County Sheriff's Office expressed concern that their helicopter approaches to their aid station east of the Marina might be endangered by the 50-foot monopole. We have addressed their concern and the recommendations expressed in the Biological Assessment and Evaluation for this project with stipulations for night lighting in a manner that will not affect migratory birds.

## **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base this finding on the following:

1. This finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety, due to construction, operation and maintenance of the communication site.
3. There will be no significant effects on unique characteristics of the area, because the area is previously disturbed. There are no cultural resources in the project area (EA, p. 16). There are no park lands, prime farmlands, wetlands, or wild and scenic rivers in the area and those resources will not, therefore be affected by this project.
4. The effects on the quality of the human environment are not likely to be highly controversial. Because there is no known scientific controversy over the impacts of the project.
5. The Forest Service has considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain and do not involve unique or unknown risk.
6. The action is not likely to establish a precedent for future actions with significant effects, because we have limited the impacts to the immediate area of Apache Lake. Utility support for this project in the form of telephone cable and electricity can be provided on-site via existing facilities (see EA p. 7).
7. The cumulative impacts are not significant (see EA pp. 15-20).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and will also not cause loss or destruction of significant scientific, cultural, or historical resources, because no sites were found in the project area (see EA p. 16). The action complies with the provisions of the National Historic Preservation Act.
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because no species or habitat were found to be in the project area (see EA p. 16).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pp. 2, 4, 5, 15, 16, 18-20). The action will be made consistent with the The Tonto National Forest Land and Resource Management Plan through a non-significant amendment to page 197 (text attached).

## Findings Required by Other Laws and Regulations

This decision to add a nonsignificant amendment to the Tonto Forest Plan and authorize the issuance of a communications site lease is consistent with the intent of the forest plan's long term goals and objectives listed on pages 19-24. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for wildlife, visual quality, and lands special uses. It complies with the National Forest Management Act.

The project is not expected to affect indicator species habitat or population and, therefore, is in compliance with the National Forest Management Act.

The project complies with EO 13186 regarding migratory birds.

## Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 Code of Federal Regulations Part 215 (NEPA decisions) and 36 CFR 251 (Special Use authorizations), depending upon one's standing. Appellants must appeal pursuant to only one CFR section.

Individuals who provided comment or otherwise expressed interest in the proposed action during the comment period may appeal pursuant to 36 CFR 215. Interest expressed or comments provided on this project prior to or after the close of the comment period do not have standing to appeal pursuant to 36 CFR 215.

Those who hold authorizations may appeal pursuant to 36 CFR 251 if they meet the criteria under 36 CFR 251.86.

Appeals, including attachments, must be in writing and fully consistent with the Code of Federal Regulations section under which the decision is being appealed. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Regional Forester (Reviewing Officer).

Mailing or hand-delivery address:

Reviewing Officer, Regional Forester  
USDA Forest Service – Southwestern Region  
333 Broadway SE  
Albuquerque, NM 87102

The office business hours for those submitting hand-delivered appeals are 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays. Or fax appeals to 505-842-3173.

Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-southwestern-regional-office@fs.fed.us](mailto:appeals-southwestern-regional-office@fs.fed.us). The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals. Please put the project name in the "subject" line. Names and addresses of appellants will become part of the public record.

If filing under 36 CFR 251, please also file the Notice of Appeal simultaneously with the Project Deciding Officer:

Forest Supervisor  
Tonto National Forest  
2324 E. McDowell Road  
Phoenix, AZ 85006

Or fax it to: 602-225-5295

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *East Valley Tribune*, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the *East Valley Tribune*, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

## Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

## Contact

For additional information concerning this decision or the Forest Service appeal process, contact Emily Garber, Tonto National Forest, 2324 E. McDowell Road, Phoenix, AZ 85006, 602-225-5200.

*/s/ Gene Blankenbaker*

April 25, 2008

---

GENE BLANKENBAKER  
Forest Supervisor  
Tonto National Forest

---

Date

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.*