

**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT  
DESIGNATION OF THE SCIPIO PASS COMMUNICATIONS SITE**

**and**

**APPROVAL TO INSTALL ADDITIONAL COMMUNICATIONS USES**

**USDA FOREST SERVICE  
INTERMOUNTAIN REGION  
FISHLAKE NATIONAL FOREST  
FILLMORE RANGER DISTRICT**

**MILLARD COUNTY, UTAH**

Decision

An Environmental Assessment (EA) has been completed which documents an analysis of a proposal to formally designate the Scipio Pass Communications Site, and to authorize the installation of additional and new communications equipment at that site. It is my decision to select the Proposed Action of that EA, identified therein as Alternative D, and to 1) formally designate an area of up to 5 acres at Scipio Pass as a communications site, 2) correspondingly amend the Fishlake National Forest's Land and Resource Management Plan (1985) to allocate this site for communications purposes, and 3) approve the 3 existing applications on file with the Forest Service (specifically identified in the EA) for the installation of new and additional communications equipment at this site.

As a result of this decision, the Fishlake National Forest will prepare a Site Plan that will specifically identify the shape, bounds, and size of this site to accommodate the area's need for current and foreseeable communications services. The Site Plan will include specific standards for the orderly growth and development of this site, in a manner that will be consistent with the applicable management objectives, prescriptions, standards, and guidelines of the Fishlake National Forest's Land and Resource Management Plan (1985). The Site Plan will also identify standards needed to preclude the operation of equipment in a manner that causes radio interference problems at the site.

Following completion of the Site Plan, the Fishlake National Forest will respond to the 3 applications on file for new/additional communications facilities and equipment at this site, and will authorize the installation of expanded television services, and new facilities and equipment for cellular telephone services. Such authorizations will include provisions to assure that the installation, operation, and maintenance of these facilities and equipment is conducted in a manner consistent with this decision, and with the criteria/standards in the Site Plan.

## Public Involvement

Public participation in the environmental analysis of this proposed action was solicited through the publication of notices in the Richfield Reaper and the Millard County Chronicle Progress. Letters describing the proposed action were sent to all parties on the Fishlake National Forest's List of Interested Persons, and to existing site users and applicants.

As a product of this scoping effort, several issues associated with the proposed action were identified, including:

1. The site is located within a high priority deer summer range habitat. Would expanded use and development of this site cause unacceptable impacts to this wildlife habitat?
2. What would the visual impacts of additional use and development of this site be, as the site and its surrounding landscape are seen from Interstate 15?
3. Are there any socio-economic effects to consider in implementing or not implementing the proposed action?
4. Is the proposed action consistent with Forest Service policy for the management of these types of uses of National Forest System land?

The Site Plan that will be developed as a part of the implementation of this decision will include management requirements and mitigation measures to assure that the use and development of this site for communications purposes will take place in a manner that will not cause unacceptable environmental impacts to wildlife and visual resource values. Those measures and management requirements will address issues 1 and 2, as identified above. This decision adequately addresses issues #3, in that it will benefit the residents of Millard County, I-15 freeway travellers, emergency services providers, and current and future communications users as a result of the continued and expanded communications opportunities that this site will provide. Negative economic impacts to current and future users would have otherwise occurred, had I made a decision to eliminate this site or to limit its expansion to accommodate additional communications uses.

I have determined that this decision will constitute a nonsignificant amendment to the Fishlake National Forest's Land and Resource Management Plan. A copy of this Decision Notice, Finding of No Significant Impact, and Environmental Assessment will be attached to that Plan for future reference.

### Alternatives Considered

The alternatives considered in analyzing the proposed action were:

- A. Not to formally designate the site, allow current uses to continue, and not authorize any additional use or development of the site.
- B. To formally designate Scipio Pass as a communications site, but exclude all additional communication use and expansion of the site.
- C. No Action, including the removal of existing buildings, towers and equipment, site closure, and restoration of the area to native vegetation.
- D. The Proposed Action, to consist of the formal designation of an area up to 5 acres as a communications site (providing for an area to accommodate current and future needs for use of the site for communications purposes), amending the Fishlake National Forest's Land and Resource Management Plan to allocate the site for communications purposes, developing a Site Plan pursuant to that designation, and approval to authorize the 3 existing proposals for the installation of additional/new communications equipment at this site.

### Finding of No Significant Impact

I have determined that this decision is not a major Federal action that would significantly affect the quality of the human environment, neither individually nor cumulatively. Therefore, an environmental impact statement will not be needed. This determination is based upon the following factors:

1. Public health and safety will be minimally affected by this action. Radiation from the types of uses at this site are not considered hazardous for the occasional use that occurs in the vicinity of the project area.
2. There are no known unique characteristics of this area. There are no wild and scenic rivers downstream that would be affected by this action. The environmental analysis identified no critical ecological areas within the project area or affected by this project.
3. This site has been used for communications purposes since 1962. There are many similar sites scattered throughout the Intermountain West. Therefore, no precedent will be established by this proposed action.
4. The effects on the human environment are known and will not involve any unique or unknown risks.
5. The effect of the proposed action has not been, nor is likely to be, highly controversial.

6. Anticipated results of this proposed action are the expansion of existing uses at this site, and the construction of new communications facilities. Future communications uses at this site will be authorized only when consistent with the Forest Service approved Site Plan. The use and management of this site, when conducted in a manner consistent with a Site Plan, will not cause significant environmental impacts, even if this site is eventually developed to its capacity to accommodate communications uses.
7. The site was reviewed for heritage resource values and none were found.
8. The site was reviewed for threatened, endangered or sensitive species in a Biological Evaluation and Biological Assessment. A determination made pursuant to those documents found that the proposed action will have no effect on threatened, endangered or sensitive species or their critical habitat.
9. This action will not violate any Federal, State or local law or requirements imposed for the protection of the environment.
10. The proposed action will meet the applicable Standards and Guidelines identified in the Fishlake National Forest's Land and Resource Management Plan and will be consistent with management direction in that plan.

#### Findings Required by Other Laws and Regulations

This decision, including the referenced nonsignificant amendment to the Fishlake National Forest's Land and Resource Management Plan, will be implemented in a manner that is consistent with the management direction, standards, and guidelines of that Plan. Specifically, it will comply with Management Prescription 6B found on pages IV-109 to IV-113 of the Plan.

Appeal and Implementation Date

This decision is subject to appeal pursuant to 36 CFR 215.7. A written Notice of Appeal must be sent to the Appeal Deciding Officer, Jack Ward Thomas, Chief, USDA Forest Service, P.O. Box 96090, Washington, D.C. 20090-6090, and postmarked within 45 days after the date of publication of a notice of this decision in the Ogden Standard Examiner. A copy of the notice of appeal should be simultaneously mailed to: Dale N. Bosworth, Regional Forester, 324 25th Street, Ogden, Utah 84401. Appeals must meet content requirements of 36 CFR 215.14.

For further information about this decision, contact Bill Wright, USDA Forest Service, P.O. Box 265, Fillmore, Utah 84631, (801) 743-5721.

If no appeal is received, this decision may be implemented 5 business days following the close of the appeal filing period. If an appeal is received, implementation may not occur until 15 days following the date of disposition of all appeals.

*for* Jack A. S. Ashwell  
DALE N. BOSWORTH  
Regional Forester

5/26/95  
Date

*for*  
5/23/95

**ENVIRONMENTAL ASSESSMENT  
SCIPIO PASS COMMUNICATIONS SITE**

**USDA Forest Service  
Fillmore Ranger District  
Fishlake National Forest  
Millard County, Utah**

**I. Proposed Action, Purpose and Need**

The Forest Service is proposing to formally designate an area of up to 5 acres of National Forest System land for use as a communications site. The proposed site is located approximately three miles southwest of Scipio, Utah, at Scipio Pass, within the SW1/4 of Section 36, Township 18 South, Range 3 West, Salt Lake Meridian, as shown on the enclosed maps.

A second communications site, on Federal land managed by the Bureau of Land Management (BLM), is located approximately 1.25 miles to the west of the subject Scipio Pass site. However, the Forest Service site is situated in such a location so as to provide users the ability to relay communications signals through Scipio Pass. The BLM site is located at a lower elevation, and is used for general broadcast purposes that don't require the relay of signals through the pass. Therefore, the Forest Service site, due to its elevation and location differences, serves to meet a communications need that generally can't be met at the nearby BLM site.

This site was first established in 1962, when the construction of an access road and the installation of TV translators were authorized. An area of approximately 2.5 acres has been continuously occupied and used for communications purposes ever since. Approximately 0.5 acres of this area is located on National Forest System (NFS) land, with three operators currently located there and authorized to use and occupy the land for communications purposes.

In the past 16 months, the Forest Service has received several requests for the installation of additional communications equipment at this site. In April, 1994, Millard County submitted a proposal, requesting authorization to expand television services already being provided to the public from this site. Their proposal calls for the replacement of several existing television antennae with two 6-8' diameter dish-type antennae, to be used as television signal rebroadcasting translators (to and from the site). On January 10, 1994, a cellular telephone company (COMNET) submitted an application for the construction of a new building, and the installation and operation of cellular telephone service from the site. On November 1, 1994, a second proposal for the construction of a building and the installation of cellular telephone equipment was submitted by a company named TRIAD CELLULAR.

Agency policy in Chapter 48.1 of Forest Service Handbook 2709.11 directs that a communications site be formally designated before new communications uses are authorized. This policy also applies to the proposed installation of additional communications equipment at existing, but currently "nondesignated", sites. The Scipio Pass site was inadvertently omitted from being designated and allocated for communications purposes in the Fishlake National Forest's Land and Resource Management Plan (1985). Therefore, a site specific analysis, as documented herein, has been conducted which addresses the environmental effects of A) the formal designation of this site for communications purposes, and B) the foreseeable installation of additional communications equipment to be facilitated by that site designation.

## II. Issues and Concerns

A scoping effort, to solicit issues and concerns related to the proposed action, was accomplished through A) the publication of notices of the proposed action in the Richfield Reaper and the Millard County Chronicle Progress; and B) the mailing of a letter addressing the proposed action to organizations and individuals listed as parties interested in proposed activities on the Fishlake National Forest.

The issues identified as a result of this scoping effort were:

1. The subject area is within a high priority deer summer range. Would expanded use and development of this site adversely impact wildlife habitat?
2. What would be the visual impact of anticipated additional uses at the site as seen from Interstate 15, the nearest main travel route??
3. Are there any socio-economic effects to consider?
4. Is the proposed use of this site consistent with agency policy??

## III. Alternatives Considered

### **A. Do not designate the site. Allow current uses to continue, but exclude further development.**

The site would not be designated; communications use would remain at the present level.

### **B. Formally designate the Scipio Pass Communications Site, but exclude all future uses and development of the site for communications purposes. Amend the Fishlake National Forest's Land and Resource Management Plan to formally allocate the land currently being occupied for communications purposes.**

The site would be designated through a nonsignificant amendment to the Fishlake National Forest's Land and Resource Management Plan. No additional use or development would be authorized.

**C. No Action. Remove the building, towers and equipment from the site and close the area to communications uses.**

Current use and occupancy of that portion of the site located on NFS land would be eliminated as current authorizations for existing facilities expire. Upon the expiration of all current authorizations, that portion of the site located on NFS land would be closed to communications use and restored to its natural condition.

**D. The Proposed Action. Formally designate up to 5 acres of National Forest System land as the Scipio Pass Communications Site, amend the Forest's Land and Resource Management Plan to allocate the site for communications purposes, and formally approve the three existing proposals to install additional communications equipment at the site.**

The Scipio Pass Communications Site would be formally designated. A Site Plan would be developed which would include the delineation of the bounds of the site, encompassing an area not to exceed 5 acres. The size of the site would be made large enough to accommodate all existing communications uses, and all foreseeable future uses that may be needed to meet the growing demand for communications services in the area served by this site. The Site Plan would also include specific criteria for use and development of the site, such that 1) the environmental impacts of communications uses at the site will not exceed the management objectives, standards, and guidelines of the Fishlake National Forest's Land and Resource Management Plan (including impacts to visual and wildlife resource values); and 2) the installation and operation of incompatible communications uses (causing radio interference problems) would be precluded.

AFTER completion, review, and approval of the Site Plan, the three existing applications for the installation of additional/new communications equipment would be responded to with the issuance of appropriate Forest Service authorizations. The authorizations would be conditioned to assure that new equipment would be installed in a manner that is consistent with the provisions of the Site Plan.

**IV. Consequences of Alternatives**

**A. Do not designate the site. Allow current use to continue, but exclude further development.**

The current use and occupancy of this site for communications purposes is not causing unacceptable impacts to wildlife habitat in the area. Under this alternative, there would be no change in the site's current effects on wildlife and its habitat.

Likewise, the current use and development of this site, as seen from Interstate 15, is not causing an unacceptable adverse impact to the visual resources of the landscape which it is occupying. There would be no change in effects on visual resources under this alternative.

All current and future applications for additional use and expansion of the site would be denied. The three current users and all potential new users of this site would be denied the economic opportunity to provide additional communications services to meet the area's anticipated growing demands for such services.

As an example of that increasing demand, during the past decade, one of the existing users at this site (Millard County) has experienced a continuous growth in demand for the television services provided by its location at this site. The County's pending request to install additional equipment/channels at this site is intended to meet this demand. The physical characteristics of this site (i.e., its location, ease of access, and elevation) make it a highly desirable area for the installation of communications equipment to provide for desired services. Under this alternative, proposals for new or additional uses would be denied. This site would not be available as a location from which the demand for additional/future communications services could be met. Communications service providers would need to either abandon proposals for additional service to the area, or explore opportunities to locate at other, undeveloped sites for the installation of such facilities.

This alternative would be inconsistent with national policy, in that it would not result in the formal designation of a site being used/occupied by more than a single communications use or user (FSH 2709.11, Chapter 48.1).

**B. Designate the site, but do not authorize any additional communications uses or development.**

The environmental effects on wildlife and visual resource values would be the same as the effects to these resources described under Alternative A (above).

Likewise, the socio-economic effects would be the same as the effects described under Alternative A (above).

The only difference in effects between this alternative and Alternative A would be administrative, not environmental. This alternative would result in the formal designation of the site, providing for consistency with the Forest's Land and Resource Management Plan and agency policy.

**C. No Action. Remove the towers and building and close the site.**

Closing and restoring this site would have the potential of putting approximately 0.5 acres of NFS land back into vegetative production. In addition, if the adjacent 2 acres of BLM and State land were closed in conjunction with the implementation of this alternative, then another 2 acres might also be restored to natural conditions. However, this would result in a relatively insignificant enhancement of the value of the use of this area as deer summer range, given the large area of summer range within which this site is located.

By eliminating the existing uses at this site, and restoring it to natural conditions, its appearance (in comparison to existing conditions) would be enhanced. However, this alternative may have an indirect, offsite effect on visual resources. One of its anticipated results could be a corresponding increase in demand to alternatively locate communications equipment onto the nearby communications site (on BLM-administered land) to meet the demand for communications services in the area. Since the BLM site is located closer to, and is more readily visible from, I-15, the resultant increase in its use could have a corresponding increase in impact to visual resources, as that site and its surrounding landscape is seen by I-15 travellers. Due to it being located out of the immediate line of sight of I-15 travellers, the impacts to visual resources caused by communications uses occurring at the Scipio Pass site are considerably less than if similar uses and developments were located at the BLM site.

This alternative would eliminate the National Forest portion of the existing Scipio Pass Site; a site which has had authorized communications uses occurring on it for over thirty years. It would eliminate a site that serves to meet a particular need of relaying/broadcasting communications signals through the Scipio Pass area of the Fishlake National Forest. There is no demonstrated need to eliminate this site to resolve any noncompliance with existing authorizations, nor to eliminate unacceptable resource impacts being caused by current use and development, nor to meet other land or resource management objectives for this site. Therefore, the implementation of this alternative would be a decision that has the potential of being construed as arbitrary and capricious.

Removal of improvements would cause the current users of this site to either relocate or discontinue their business of providing current communications services. The result would be a negative financial impact to those users. The discontinuation of these communications uses would also affect all who use the services that the existing communications equipment at this site are providing. This includes a significant number of Millard County residents who use the television services currently being provided at this site.

This alternative would provide for consistency with Forest Service policy and the Forest's Land and Resource Management Plan by eliminating an undesignated communications site currently being occupied by several communications users.

**D. The Proposed Action. Designate up to 5 acres of National Forest System land as the Scipio Pass Communications Site; amend the Fishlake National Forest's Land and Resource Management Plan; prepare a Site Plan for its orderly use, growth, and development; formally approve the three existing applications for additional use and development of the site.**

Under this alternative, the exact bounds of the site would be determined during development of the Site Plan. The shape, size, operation, and maintenance of the site would be specifically identified in the Site Plan so as to preclude unacceptable impacts to the use and condition of the site's surrounding deer summer range. Unacceptable impacts are those identified by the standards, guidelines, and management prescriptions for the deer summer range resource, as provided in the Forest's Land and Resource Management Plan.

Likewise, the Site Plan that would be developed pursuant to this alternative would include specific development standards concerning the style, design, size, color, location, and height of existing and future buildings, towers, and antennae, and powerlines. The objective of these standards would be to preclude the Forest Service from managing this site in a manner that will result in exceeding the visual quality objective for the site and its surrounding landscape, as seen from Interstate 15.

This alternative would provide for the orderly growth and development of the Scipio Pass Site, making the site available for providers to locate equipment necessary to meet the communications needs of various segments of this area's population base. It would provide existing and new users with opportunities to capitalize on meeting those communications needs.

Designation of this area as a communications site would be consistent with Forest Service policy. A decision to implement this alternative would include a decision to make a nonsignificant amendment to the Fishlake National Forest's Land and Resource Management Plan, thereby providing for consistency with management direction in that Plan.

None of the alternatives considered in this analysis would negatively impact any floodplains or wetlands.

The site was surveyed for historic and archaeological values, and no significant values would be effected by any of these alternatives, including the proposed action.

A Biological Evaluation and a Biological Assessment are available for review at the Fillmore Ranger District office. Findings in these documents conclude that there will be no effect on threatened, endangered or sensitive species of plants or wildlife as a result of any of the alternatives being considered in this analysis.

**V. Consultations**

Utah Division of Wildlife Resources  
Dee Hollingshead, Millard County Electronics Technician.

**VI. Interdisciplinary Team**

Bill Wright  
Del Barnhurst  
Dana Nall

Supervisory Forester  
Supervisory Range Conservationist  
Wildlife Biologist



United States  
Department of  
Agriculture

Forest  
Service

Intermountain  
Region

324-25th St.  
Ogden, UT 84401-2310

File Code: 2720

Date: 26 MAY 1995

Ogden Standard Examiner  
Attn: Ms. Gail LaRue  
455 23rd St.  
Ogden, UT 84401

Dear Ms. LaRue:

Please publish the enclosed notice in the legal section of your newspaper as soon as possible.

A procurement request is also enclosed. Please return proof of publication to Pam Campbell, Recreation and Lands, 324 25th Street, Ogden, UT 84401. If you should have any questions, please call Lynn Bidlack at 625-5141.

Sincerely,

*Lynn A. Bidlack*

per RANDALL KARSTAEDT  
Special Uses Coordinator  
Recreation and Lands

Enclosures

cc:  
Fishlake NF  
R&L - Bidlack





USDA FOREST SERVICE  
Intermountain Region  
Fishlake National Forest  
Fillmore Ranger District  
Millard County, Utah

On **26 MAY 1995**, Regional Forester Dale N. Bosworth made a decision to formally designate a specific area located at Scipio Pass, on the Fishlake National Forest, as a communications site. His decision 1) formally allocates the use of an area of up to 5 acres for the installation and operation of communications equipment needed to meet the communications needs of the public, commercial operators, and governmental agencies; 2) formally amends the Fishlake National Forest's Land and Resource Management Plan (1985) to allocate this site for communications purposes; and 3) pursuant to 3 existing applications on file with the Forest Service, approves the installation of new and additional communications equipment at this site. Pursuant to this decision, the Fishlake National Forest will prepare a site plan that will specifically identify the shape, bounds, and size of this site to accommodate the current and foreseeable communications needs that can be met from equipment located there.

The Decision Notice is available upon request from the Fishlake National Forest, at 115 East 900 North, Richfield, UT 84701, and at the Fillmore Ranger District, 390 South Main Street, Fillmore, UT 84631.

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. To initiate an appeal, a written notice of appeal must be filed with the Appeal Deciding Officer, Chief Jack Ward Thomas, USDA Forest Service, P. O. Box 96090, Washington, DC 20090-96090 and postmarked within 45 days of the date of publication of this notice. Notices of appeal which do not meet the requirements of 36 CFR 215.14 shall be dismissed.

