

**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
DESIGNATION OF THE OAK CITY COMMUNICATIONS SITE**

and

**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 Oak City 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 12 acres in the SE 1/4 of Section 12, Township 17 South, Range 5 West, Salt Lake Base and Meridian as a communications site and 2) correspondingly amend the Fishlake National Forest's Land and Resource Management Plan (1985) to allocate this site for communications purposes.

As a result of this decision, the Fillmore Ranger District 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 at the site.

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 the existing site users.

As a product of this scoping effort and interdisciplinary (within the Forest Service) responses, several issues associated with the proposed action were identified, including:

1. The subject area is within a critical mule deer winter range. Would continued use and development of this site adversely impact wildlife habitat?

2. Are there any socio-economic effects to consider?
3. Is the proposed use consistent with agency policy?
4. Will the site be managed to meet current visual quality objectives?

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 4, as identified above. This decision adequately addresses issue #3, in that it will benefit the residents of Millard County, and current and future communications users as a result of the continued and potential for expansion of 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. Status Quo. Do not designate the site. Allow current uses to continue, but exclude further development.
- B. Formally designate the Oak City 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, however, no additional use or development would be authorized.
- C. No Action. Remove the building, towers and equipment from the site and close the site to communications uses.
- D. The Proposed Action. Designate 12 acres of National Forest System land as the Oak City communications site, and amend the Forest's Land and Resource Management Plan to allocate the site for communications purposes, and developing a Site Plan pursuant to that designation.

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. 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

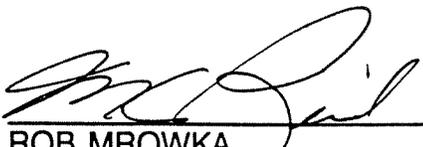
This decision, including the referenced nonsignificant amendment to the Fishlake National Forest's Land and Resource Management Plan, will be implemented in a manner that is consistent with the management direction, standards, and guidelines of that Plan. Specifically, it will comply with Management Prescription 5A found on pages IV-103 to IV-108 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, Dale N. Bosworth, Regional Forester, 324 25th Street, Ogden Utah 84401, 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: Rob Mrowka, Forest Supervisor, Fishlake National Forest, 115 E. 900 N., Richfield, Utah. Appeals must meet content requirements of 36 CFR 215.14.

Further information about this decision, contact Bill Wright, Fillmore Ranger District, P.O. Box 265, Fillmore, Utah 84632, (801) 743-5721.

If no appeal is received, this decision may be implemented five (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. ROB MROWKA
Forest Supervisor

Date 11/21/95

ENVIRONMENTAL ASSESSMENT OAK CITY COMMUNICATIONS SITE

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

I. Proposed Action, Purpose and Need

The USDA, Forest Service, is proposing to designate an area of up to 12 acres of National Forest System Land for use as a communications site. The proposed site is located approximately 1.5 miles south of Oak City, Utah, within the SE 1/4 of Section 12, Township 17 South, Range 5 West, Salt Lake Base and Meridian, as shown on the attached maps.

The site was first established in 1962 when the construction of an access road and the installation of T.V. translators were authorized under a special use permit. The site has been continuously occupied and used for communications purposes ever since. Union Pacific Railroad was authorized to install a microwave facility in April 1963. These two holders have requested and have been authorized additions to their original proposals, but no new requests to utilize the site have been received.

Communications site designation is a land use allocation and is made through the land management planning process contained in Forest Service Manual (FSM) 1920. The Oak City 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 environmental analysis, as documented herein, was conducted to address the formal designation of this site for communications purposes.

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 critical mule deer winter range. Would continued use and development of this site adversely impact wildlife habitat?

2. Are there any socio-economic effects to consider?
3. Is the proposed use consistent with agency policy?
4. Will the site be managed to meet current visual quality objectives?

III. Alternatives Considered

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

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

B. Formally designate the Oak City 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, however, no additional use or development would be authorized.

Designate the site through a nonsignificant amendment to the Fishlake National Forest's Land and Resource Management Plan. Authorize no additional use or further development.

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

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

D. The Proposed Action. Designate 12 acres of National Forest System land as the Oak City communications site, and amend the Forest's Land and Resource Management Plan to allocate the site for communications purposes, and developing a Site Plan pursuant to that designation.

The Oak City 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 12 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.

insignificant enhancement of the value of the use of this area as deer winter range, given the large area of winter 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) may be enhanced.

This alternative would eliminate the Oak City site; a site which has had authorized communications uses occurring on it for over thirty years. 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 12 acres of National Forest System land as the Oak City communications site; amend the Fishlake National Forest's Land and Resource Management Plan, prepare a Site Plan for its orderly use, growth, and development.

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 winter range. Unacceptable impacts are those identified by the standards, guidelines, and management prescriptions for the deer winter 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.

This alternative would provide for the orderly growth and development of the Oak City 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.

Utilization of shrub species valuable to deer would be considered in rehabilitation plans that are developed for the site. Construction activities would be restricted between November 1 and May 15 of each winter.

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	Supervisory Forester
Del Barnhurst	Supervisory Range Conservationist
Dana Nall	Wildlife Biologist

R. 6 W.

R. 5 W.

R. 4 W.

T. 14 S.

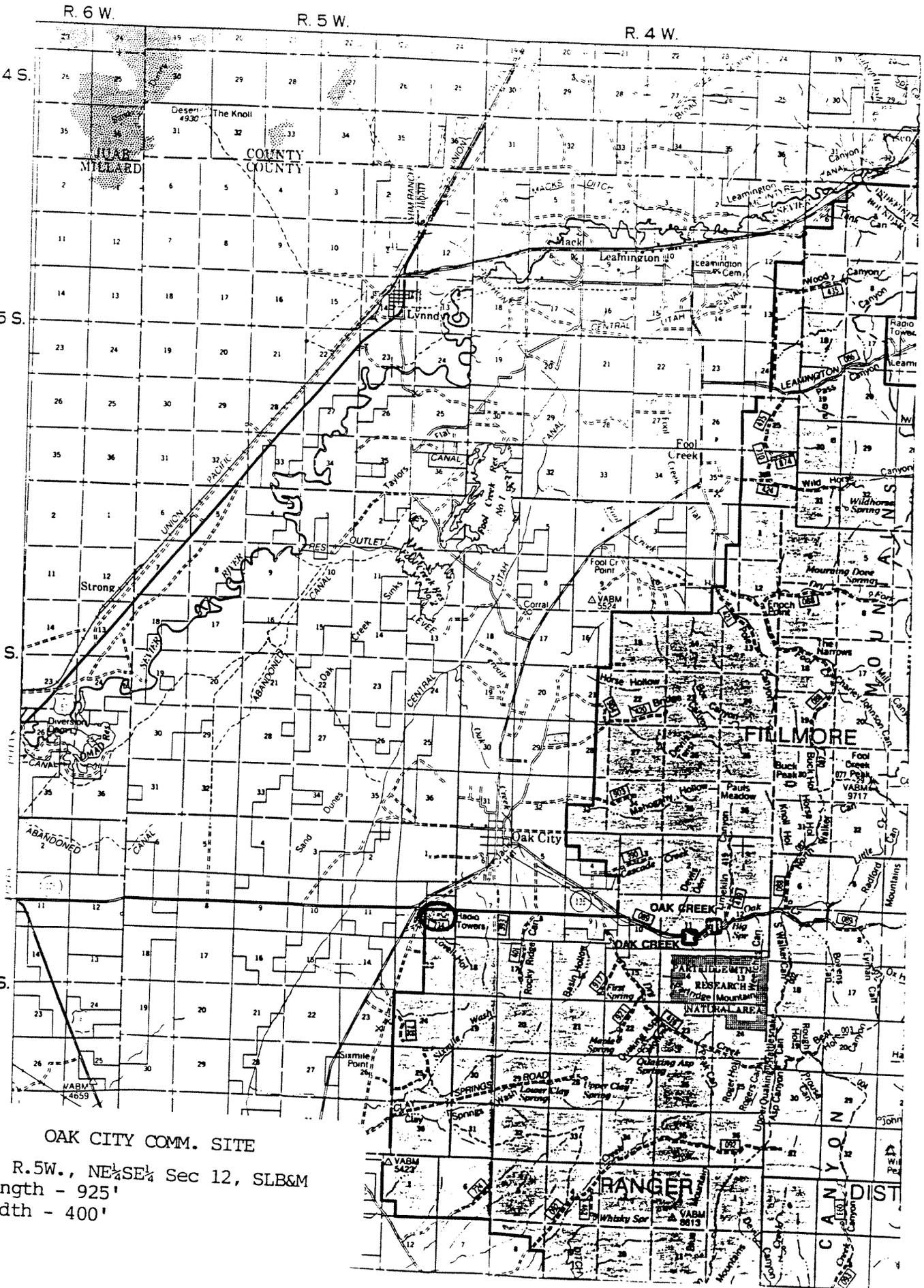
T. 15 S.

T. 16 S.

T. 17 S.

39°
30'
30"

2'
0"

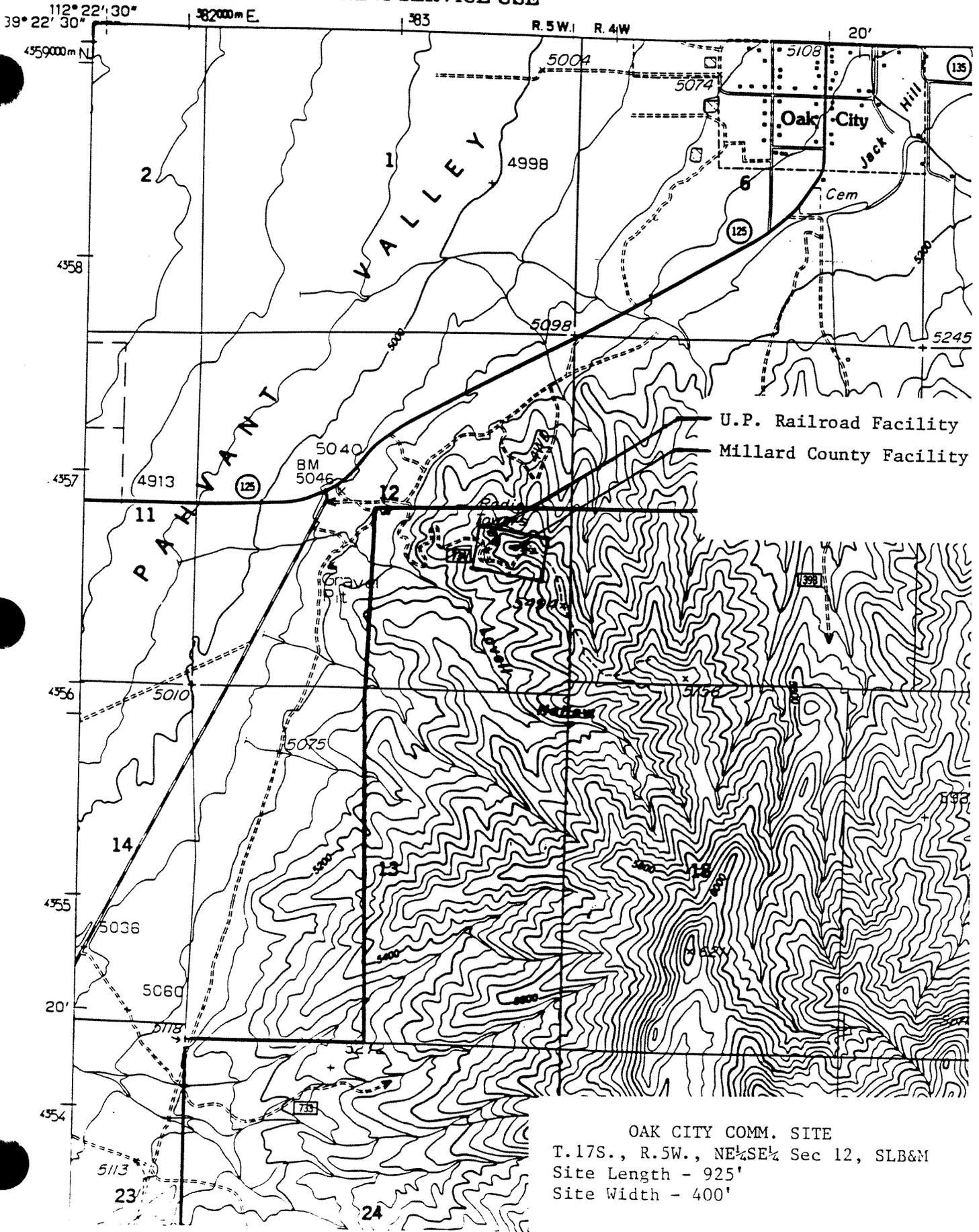


OAK CITY COMM. SITE

T. 17 S., R. 5 W., NE 1/4 SE 1/4 Sec 12, SLB&M
 e Length - 925'
 e Width - 400'

(STRONG)

GEOLOGICAL SURVEY MODIFIED FOR USDA FOREST SERVICE USE



OAK CITY COMM. SITE
 T.17S., R.5W., NE½SE¼ Sec 12, SLB&M
 Site Length - 925'
 Site Width - 400'