

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

for the
Abajo Peak Communications Site

March 4, 1997

USDA, Forest Service, Region 4
Manti-La Sal National Forest
Moab/Monticello Ranger District
San Juan County, Utah

Responsible Official:

Janette S. Kaiser - Forest Supervisor
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I. Introduction

The Forest received proposals to place a new tower and an 18 inch radio translator dish at Abajo Peak. Through our assessment of these proposed developments at Abajo Peak, it was found that Forest Service policy required formal designation of the communication site before any additional uses could be authorized. The two acre site is located in Section 12, T34S, R22E, SLBM, in San Juan County, Utah. Uses have been in place there since the 1960s. The following narrative documents my decision for the Abajo Peak Communications Site.

II. Decision

After careful review of the proposal, public comments, and the analysis disclosed in the environmental assessment (EA) and project file, I have decided to select Alternative 3, with variations. My decision is to:

1. Designate the Abajo Peak Communications Site as a Manti-La Sal National Forest communications site. A site plan will be prepared for this site which will incorporate appropriate aspects of this decision.
2. Amend the Manti-La Sal National Forest Land and Resource Management Plan (Forest Plan) to reflect this communication site designation. These amendments will consist of the following two changes:

Amendment: Add the Abajo Peak Communications Site to the list of designated communications sites found in Chapter II, Page II-65.

This nonsignificant amendment will formally document the designation of the Abajo Peak Communications Site in the Forest Plan in Chapter II, Page II-65. The list of designated sites was created through amendment of the Forest Plan by the March 3, 1997 East Rim of Horn Mountain Decision Notice and FONSI.

Amendment: Change the symbol used to identify the Abajo Peak Communications Site in Appendix F, Forest Plan Map; La Sal Division (Map Packet) to the black triangle which symbolizes electronic sites in the legend.

This nonsignificant amendment will correct a typographical mistake made when the Forest Plan map was prepared.

3. Authorize location of one additional tower 61 to 150 feet tall and four additional towers 60 feet tall or less at the site; including associated facilities, and authorize additional communication uses on new and existing towers until tower capacity is fully utilized. New tower and use proposals would be subject to the normal technical review(s) before being authorized.
4. Incorporate the following mitigation measures in order to reduce resource impacts; these measures will be requirements in the communications site plan:

Development Considerations

A. Add new facilities only as the existing towers and antennae become filled to capacity; whenever feasible, serve future applicants with existing facilities. Require applicants for new construction to accommodate other compatible tenants in the design of buildings and towers. Seek opportunities to consolidate users having similar requirements and needs into common buildings and tower space.

Visuals

B. Tower mass and height shall be the minimum needed for the proposed use(s).

C. No lighted towers will be permitted and no external lighting will be allowed on the site. This measure takes precedent over tower height. If, in the future, it is determined that existing towers require lighting, the towers will either be modified such that lighting is not required, or be removed.

D. Surfaces of dishes, antennae, towers and other highly visible transmission and receiving equipment shall be of a color and finish so as not to reflect sunlight and to minimize visibility. Fifteen percent gray painted surfaces are preferred, with a suitable alternative being acid etched galvanized coatings. Existing antennae, dishes and towers will be brought into compliance with this requirement whenever they are brought to the ground for maintenance or replaced.

E. Buildings shall be permanent, constructed with non-reflective textured finishes able to endure the extreme weather environment of Abajo Peak with minimal maintenance.

F. Buildings shall not exceed one story in height (16 feet), exclusive of towers and antennae. Proposed developments will be located on the lots to minimize visibility from State Highway No. 28 or U.S. 191.

G. No supplies, obsolete or unneeded equipment, construction equipment, vehicles or other un-utilized equipment may be stored outdoors at the communication site or adjacent National Forest lands.

H. Forest Service must approve any removal or topping of trees. Treatment to prevent disease and insect infestation will be employed as necessary to retain as many healthy trees as possible.

Wildlife

I. Substances known to be hazardous to wildlife will be secured away from wildlife. Pesticides/herbicides will be used only in strict conformance with laws, regulations, and existing NEPA decisions, which includes prior Forest Service approval. Wildlife will not be purposely attracted to the site. Garbage and other possible attractants will be removed promptly.

Watershed/Soils

J. Plans for new construction or modifications shall provide for restoration of disturbed areas and for proper handling of run-off from buildings, parking areas, access roads and undeveloped related interspaces.

K. Removal of vegetation and/or disturbance of the ground will require site rehabilitation measures including but not limited to soil replacement, stabilization, revegetation with a seed mix approved by the Forest Service, and off-site drainage impacts.

L. Existing natural vegetation will be preserved whenever possible.

Heritage Resources

M. Special use clause X17 or an equivalent will be included in all authorizations which require construction activity of any kind in order to protect any heritage resources that may be observed during such activities.

Other

N. Mineral claim and other survey monuments will be protected during any construction and maintenance activities.

O. Dust control measures must be used during drilling, excavation or other activities that create dust.

P. Users who cause damage or disturbance to the access road, including ditches, subgrade, culverts, roadside vegetation, signs, and underground wires will be required to restore the site to conditions equal to or exceeding those prior to the time of damage.

Q. Liquefied petroleum (LP) and electrical installations will be in compliance with Federal, State and local regulations.

How the Decision Varies with Alternative 3

This decision differs from Alternative 3 as it does not change the Forest Plan Visual Quality Objective as described in the EA. Additional wording has been added to mitigation measure number 2 in the EA under visuals; this mitigation measure is Item 4.C. in this decision. The wording has been changed for mitigation measure number 10 in the EA; this mitigation measure is Item 4.K. in this decision.

III. Decision Rationale

Designation and Amendment of Forest Plan

I decided to designate the Abajo Peak Communications Site to maintain a high quality communications site that is properly managed via a site plan, meet Forest Service policy regarding site designation found in in Forest Service Handbook 2709.11, and be able to authorize additional uses at the site.

I decided to amend the Forest Plan to accurately reflect to the public this long-term commitment of National Forest lands. Amending the Forest Plan when and where necessary also makes good sense from a documentation and public awareness standpoint.

I have determined that the site is located in the Administrative Facility and Special Use Sites (SLD) management area instead of the Municipal Water Supply (MWS) management area as stated in the EA. I determined this based on original Forest Planning maps which indicate the site was allocated to SLD. Our determination was also supported by the following two documents which show land allocations were made to SLD: Summary, Final Environmental Impact Statement and Land and Resource Management Plan - Manti-La Sal National Forest (Table 9, pg. 35 and 40) and Table III-4 (Forest Plan, III-46).

The black triangle and guard station symbols were used on the Forest Plan Map to indicate SLD management areas because mapping scale precluded depiction of the small acres involved. The guard station symbol was mistakenly used to symbolize the Abajo Peak Communications Site. A black triangle which symbolizes electronic sites should have been used instead. The Forest Plan amendment which changes the symbol will correct this mistake.

Visual Quality and Communications Needs

The unique canyon and mountain scenery of southeast Utah is extraordinary and is recognized worldwide. Protecting this scenic resource is extremely important. Communication services are also critical to residents and visitors to the area, making Abajo Peak is an essential communications site. In addition to the rationale below, Appendix C of the EA, Response to Comments, contains supplemental discussions regarding visual quality and communications needs.

I recognize that in the case of Abajo Peak there is an inherent conflict between protecting scenery and meeting communication needs. This conflict can never be truly resolved to everyone's satisfaction. I feel that both values are important and that a balance should be struck between them, with neither ignored in guiding management of the site. The SLD allocation placed an emphasis on use of this site to meet communication needs which would impact visual resources. I chose Alternative 3 because I feel it provides the best balance between protecting scenery and meeting communication needs. Alternative 2 would have largely favored protection of scenery to the detriment of communication needs. Alternative 4 would have largely favored meeting communication needs with excessive impacts to visual resources.

I feel Alternative 3 will not have unreasonable or appreciably greater impacts to scenery than those that currently exist at the site. The two existing 100 foot towers dominate the view of Abajo Peak. The additional tower up to 150 feet tall will have additional impacts to scenery, but it will not appreciably increase the dominance the communications site has on views of Abajo Peak. The four additional towers up to 60 feet tall will have negligible impacts to scenery because they will not be visible from key viewpoints. The mitigation measures will also lessen the chances and effect of the towers being seen by the casual forest observer.

The SLD management prescription directs that other resource development and use within these units should strive to be compatible with the management goals of adjacent management units. Forest Plan visual resource management direction for the Abajo Peak site under management area SLD is to "manage generally for a partial retention VQO" (Forest Plan, III-93). The site was inventoried and

currently classifies as modification under the Visual Management System. Alternative 3 will also classify as modification. I do not feel it is possible to attain partial retention while at the same time achieve the desired balance between protecting scenery and meeting communications needs. To attain partial retention the two existing 100 foot towers would have to be removed or reduced in height. This option was considered and eliminated from detailed study in the EA, as Alternative 5 (EA, page 10). Measures, such as the mitigation measures, will still be used to reduce visual impacts, but I realize and accept the fact that partial retention will not be obtained.

I did not choose Alternative 4 because I feel it would have had unreasonable and appreciably greater impacts to scenery than those that currently exist at the site. An additional three towers up to 150 feet tall would have made the entire site appear much larger in scale, and would have appreciably increased the dominance the site has on views of Abajo Peak and the Abajo Mountains skyline. These impacts would have moved the site from a VQO of modification to maximum modification.

I felt Alternative 3 met an appropriate level of communications needs. Commercial communication needs will be met for the next few to ten years depending on type(s) of uses. Government communication needs will be met for the next five to ten years. This meets communications needs for a reasonable time frame given rapid technological changes in this industry. It also gives communication providers time to make long term plans to meet their communication needs given environmental constraints..

I did not choose Alternative 2 because it would not have met a reasonable level of anticipated communication needs. No future government communication needs would be met.

IV. Alternatives Considered

Based on public input and interdisciplinary team recommendation, the following four alternatives were considered in detail (EA pages 6-10). I believe each alternative sharply defined the issues and overall they provided me with a full range of alternatives.

Alternative 1: The Abajo Peak Communications Site would not be designated as a communications site and the Forest Plan would not be amended to reflect such a designation. Current communications uses would continue. Requests for additional uses would be denied. The Forest Plan VQO for the area would not be changed. Alternative 1 responds to the need to provide a "No Action" alternative (40 CFR 1502.14).

Alternative 2: The Abajo Peak Communications Site would be designated as a communications site and the Forest Plan would be amended to reflect such designation. Construction and operation of an additional four towers 60 feet tall or less would be approved. The two existing 100 foot towers would remain. Additional communication uses could be approved until these towers reached capacity. The Forest Plan VQO for the two acre site would be amended to modification. This alternative responds to reasonably foreseeable demands for small (60 feet or less) towers that have little visual impact.

This alternative includes mitigation measures listed on pages 6-8 of the EA.

Alternative 3: The Abajo Peak Communications Site would be designated as a communications site and the Forest Plan would be amended to reflect such designation. Construction and operation of an additional tower 150 feet tall and four towers 60 feet tall or less would be approved. The existing towers would remain. Additional communication uses could be approved until these towers reached capacity. The Forest Plan VQO for the two acre site would be amended to modification. This alternative responds to a current proposal from the State of Utah for a 150 foot tower and reasonably foreseeable demands for small towers.

This alternative includes mitigation measures listed on pages 6-8 of the EA.

Alternative 4: The Abajo Peak Communications Site would be designated as a communications site and the Forest Plan would be amended to reflect such designation. Construction and operation of three towers 61 to 150 feet tall and four towers 60 feet tall or less would be approved. The existing towers would remain. Additional communication uses could be approved until these towers reached capacity. The Forest Plan VQO for the two acre site would be amended to maximum modification. This alternative responds to a current proposal from the State of Utah for a 150 foot tower, plus reasonably foreseeable demand of two more towers up to 150 feet tall in the next five to ten years. This alternative describes the maximum development that could occur without the need for lights and red and white marking on the towers.

This alternative includes mitigation measures listed on pages 6-8 of the EA.

Additionally, three alternatives were eliminated from detailed study (EA pages 10-11), as they did not adequately consider either the visual or the communication needs issues.

V. Public Participation

A legal notice discussing the proposal was published in the Sun Advocate Record on August 15, 1995 and in The San Juan Record on August 16, 1995. Site management has also been discussed periodically with both current and potential future users and the public.

On November 22, 1996 over 100 predecisional review copies of the EA were sent to everyone on the Forest Plan mailing list and all communication site users on the Forest. Typically the EA is only sent to those who had already made comments up to that point in time. However, the proposed action had evolved to include amendments to the Forest Plan and we wanted to make sure everyone had an opportunity to review the proposed action. Additional copies of the EA were also available during the 30 day predecisional review period which ended December 26, 1996. Six comments were received during the 30 day review period.

On December 12, 1996 and December 16, 1996 we set up a booth at the San Juan County Building in order to obtain comments in a face to face setting from those who lived and/or worked in San Juan County. We obtained 18 comments during these sessions.

The comments and our responses to those comments are found in the EA, Appendix C. In response to each of the comments, the EA was reviewed and found to have adequately addressed the issues raised. No revisions to the EA were found to be necessary.

VI. Finding of No Significant Impact

Based on the following discussion and the direct, indirect, and cumulative effects disclosed in the EA I made a finding regarding "significance". Implementation of Alternative 3 will not result in significant impacts to the human environment, therefore an environmental impact statement will not be prepared.

"Significance" as used in NEPA requires consideration of both "context" and "intensity". Context means the significance of the action must be evaluated in several contexts such as society as a whole, the human scale, and local and regional interests. Intensity refers to the severity of the impacts (environmental effects) disclosed in the analysis document.

Context: Context for this action includes residents of San Juan County. Communication uses have been in place at Abajo Peak for about 30 years and residents and agencies are accustomed to these activities and their environmental, social, and economic effects. Abajo Peak is an important communications site in the Four Corners Region but it is just one of many. This decision is limited to Abajo Peak and decides the operation and development of this site.

This decision will amend the Forest Plan; however, it was expected that the Forest Plan would need to be amended and the Forest Plan was designed with amendment in mind. The Forest Plan has been amended in the past and this is not unique to this decision.

Effects to the surface resources are local in scope. The site first becomes readily apparent to the casual forest observer within about eight miles of the site. Within this eight mile radius a majority of the time the site cannot be seen because the view is blocked by vegetation and topography. The effects are not national in scope.

Therefore, in context, this decision is not significant.

Intensity: Intensity is evaluated by comparing and contrasting the ten criteria from 40 CFR 1508.27 (in bold) with the issues and effects disclosed in the analysis and project file.

I have determined that these actions are limited in scope and intensity and will not significantly affect the quality of the human environment.

- 1 "Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial".

The action will create an important beneficial impact by increasing and improving communication services in the area. It will create an adverse impact by reducing visual quality. However, neither of these impacts are extraordinary. This site has been in place for about 30 years and in general has been accepted by the public. The impacts and services that will be provided are typical and reasonable for communication sites in general.

- 2 "The degree to which the proposed action affects public health or safety".

There were no noted concerns or negative effects regarding public health and safety. The action will improve public safety by improving communications services which include emergency services (e.g. sheriff, firefighting, etc.). These improved services are important but not extraordinary. They are also typical for communication sites and the degree is commensurate with society's demands.

- 3 "Unique characteristics of the geographic area such as proximity to historical or cultural resources, park lands, or prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas".

No significant historical or cultural resources will be impacted (EA page 6). The whole Forest, and therefore Abajo Peak, does not contain prime farmland, rangeland and forest lands (Forest Plan page II-57). Nor does the site contain wetlands, floodplains, eligible or designated wild or scenic rivers, or ecologically critical areas (EA pages 16-17). Canyonlands National Park is located about 14 miles northwest of Abajo Peak. However, Abajo Peak is not a prominent view within the park, and at that distance, communication facilities are not readily apparent.

- 4 "The degree to which the effects on the quality of the human environment are likely to be highly controversial".

Information received during scoping and the predecisional review period for the EA gave no indication of controversy among resource professionals addressing the anticipated direct, indirect, or cumulative effects or the effectiveness of the proposed mitigation measures designed to address the resource issues.

- 5 "The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks".

Possible effects are not highly uncertain and do not involve unique, or unknown risks to Forest resources. Communication facilities have been in place at Abajo Peak since the 1960s thus existing effects are already known. These existing effects provide a very good example of what the possible effects may be under continual operation and further development of the site. The computer simulation (EA page 13) also proved effective in helping us define visual impacts with a reasonable degree of certainty.

- 6 "The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration".

This action is specific to the Abajo Peak Communications Site. It does not set a precedent for future actions with significant effects. Other communications sites are located and may continue to be located on the Forest. There is some interrelationship among these sites, however, decisions regarding these sites are based on site specific issues. Actions at Abajo Peak do not forego actions at other sites.

- 7 "Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts".

This action does contribute to cumulative effects that negatively affect visual quality (EA page 15). However, I did not feel this was a significant impact.

- 8 "The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources".

No objects exist in the site that are listed or are eligible for the National Register of Historic Places. No significant heritage resources will be impacted by the action (EA page 6). A mitigation measure is being adopted to protect heritage resources in case they are unexpectedly encountered during any authorized ground disturbing activities.

- 9 "The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973".

The action will have no effect on any listed or proposed species or their habitats (EA page 6; Project File).

- 10 "Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment".

The analysis did not identify any adverse effects that threaten a violation of Federal or State laws designed to protect the environment.

VII. Findings Required by other Laws and Regulations

This analysis tiered to the forest-wide direction and management area goals and standards of the Forest Plan and incorporated by reference the analysis disclosed in the EIS and Record of Decision (1986), as amended.

Visual resource management direction under SLD is to "manage generally for a partial retention VQO". It is impossible to obtain this VQO while at the same time meet the level of communication needs we desire. No level of reasonable mitigation would allow us to reach partial retention. The direction uses the word "generally" which is not specific or binding. All reasonable alternatives for attainment and mitigation have been taken, and therefore, this action is consistent with the Forest Plan.

The proposed Forest Plan amendments are insignificant according to the following criteria (FSH 1909.12):

1. The proposed management area changes apply to an extremely small (two acre) portion of the Manti-La Sal National Forest.
2. The proposed amendments will not alter long-term relationships between goods and services projected by the Forest Plan.
3. The proposed amendments are specific to the Abajo Peak site. It will not apply to future decisions throughout the planning area. It will not change the desired future condition of the land and resources or the anticipated goods and services to be produced (Forest Plan, page III-46).

My decision is consistent with Forest Service Policy regarding designation of communications sites (FSH 2709.11).

I consider and find the decision consistent with the National Forest Management Act requirements as expressed in 36 CFR 219.27. The decision complies with the Endangered Species Act of 1973 (EA, page 6; Project File) and Section 106 of the National Historic Preservation Act of 1966 (EA, page 6, Project File).

Issues of consumers, civil rights, minority groups and women are not within the scope of the decision.

VIII. Implementation Date

If no appeals of this decision are filed, my decision may be implemented on or after May 2, 1997.

IX. Administrative Review or Appeal Opportunities

This decision is subject to appeal under 36 CFR Part 215. Permit holders who may be affected by this decision have the choice to appeal under 36 CFR 215 or 36 CFR 251. Decisions regarding the Forest Plan may be appealed under 36 CFR 215 or 36 CFR 217.

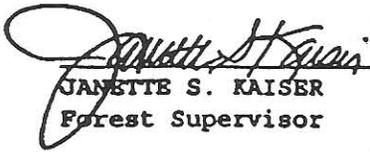
This decision is subject to administrative review by the Regional Forester pursuant to the above regulations. Any written appeal must be postmarked or received by the Appeal Deciding Officer, Dale Bosworth, Regional Forester - Intermountain Region, 324 25th. Street, Ogden, UT 84401 on or before April 25, 1997. Appeals must meet the content requirements described in the Code of Federal Regulations. I request that you concurrently send a copy of the Notice of Appeal to: Janette S. Kaiser, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah, 84501.

I am willing to meet, listen, and discuss any concerns or issues related to this decision.

X. Contact Person

This decision notice, FONSI, and EA are available for review at the Forest Service office in Price and in Monticello. Any persons with questions related to this decision or project may contact Mark Sommer at the Moab/Monticello Ranger District, PO Box 820, Monticello, UT 84535 or call (801) 587-2041.

Signature and Date


JANETTE S. KAISER
Forest Supervisor

3.4.97
Date