

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

TONGASS NATIONAL FOREST JUNEAU RANGER DISTRICT

ENDICOTT RIDGE COMMUNICATION SITE DEVELOPMENT PROPOSAL

INTRODUCTION

The Tongass National Forest received a proposal by AP&T Wireless, Inc. to develop a communication site at Endicott Ridge. The Endicott Ridge site is located along the west side of Lynn Canal, approximately 35 miles north of Juneau. The communication site would provide a microwave telecommunication link between Juneau and Haines, and provide a redundant communication network through this portion of northern southeast Alaska.

DECISION

It is my decision to authorize AP&T Wireless, Inc. to install communications facilities at the Endicott Ridge site. The installation is expected to improve the reliability of communications and provide more access to digital services throughout southeast Alaska. The facilities may also provide more coverage from wireless service providers along this portion of Lynn Canal and improve public safety.

The following facilities would be installed at the site:

- 60 ft. tall free-standing lattice frame tower with up to 8 dish antennae (up to 8 feet in diameter)
- 10 ft. x 20 ft. (and 12 ft. tall, including antennae rack) generator building
- 10 ft. x 20 ft. (and 12 ft. tall, including antennae rack) electronics building
- whip style antennae (up to 12 mounted on each antennae rack)
- Two diesel generators
- Two 3,000 gallon double-walled fuel storage tanks
- 16 ft. x 20 ft. fueling platform above fuel tank
- 15 ft. x 10 ft. walkway from fueling platform to buildings
- 10 ft. x 10 ft. enclosed platform between buildings
- an enclosed porch at building entrances for weather protection

Note: The total height of the structures above ground (including foundations) may be approx. 2-5 feet greater than the heights listed above, depending on the site specific topographic features present at each foundation pillar. Additional ancillary facilities described in the Environmental Assessment (EA) to support the proposed improvements include a waveguide bridge between the communication building and the antennae tower and a personal access ladder for the antennae tower.

Construction of the facilities at Endicott Ridge are expected to occur in 2008. A crew of 4-8 people would be housed at a temporary modular camp on-site for approximately 6-8 weeks during construction.

Construction, maintenance, and use of the facility would be authorized by a long-term communications use lease.

Monitoring and mitigation that will be required as a part of the authorization include:

- Ground disturbance will be kept to the minimum needed to safely complete the facility installation.
- Reclamation following completion of the project will include smoothing, shaping, and blending any excavated material into the natural contours of the ground.
- Any materials or equipment no longer needed at the site after the project is completed will be removed.
- The Forest Service will periodically inspect the site during construction to help ensure compliance with the authorization. The site will be inspected upon completion of the installation to ensure reclamation and cleanup is satisfactory.
- An acceptable Spill Prevention Control and Countermeasure (SPCC) Plan must be provided to the Forest Service before the communications facility begins operation.
- Helicopter flights during the construction or operation of the site would be conducted to maintain minimum clearance from wildlife species as specified in the Forest Plan in order to minimize disturbance.
- Facilities would be a natural color or painted to meet the scenic integrity objective for the area.

The proposed project would be added to the list in Appendix E of the Tongass Forest Plan as an approved communication site and therefore requires an amendment to the Forest Plan for approval. An EA, and Biological Evaluations for plants and wildlife were completed for the two project sites. The environmental assessment identified no significant impacts would occur as a result of designating this site for communication facilities, and from the construction and operation of the proposed facilities.

No extraordinary circumstances exist which would result in additional impacts. No irreversible commitment of resources are anticipated.

ISSUES

All issues regarding the compliance of the communication equipment to FCC standards and the compatibility with existing communication uses have been addressed through coordination with Forest Service radio specialists and FCC licensing requirements. The project site has been reviewed by the Army Corps of Engineers for the potential impacts to wetland resources and has

been authorized by a Nationwide Permit. The State of Alaska Division of Coastal and Ocean Management has reviewed the project for consistency with the Alaska Coastal Zone Management Program and has no objections to the project. AP&T conducted field investigations to determine that the project site would have no effect on threatened, endangered, or sensitive plants and animals, and cultural resources. Design of the facilities was coordinated with the Forest Service Landscape Architect to select appropriate colors for buildings at this location to minimize its visual appearance on the landscape.

BIOLOGICAL EVALUATION

Biological Evaluations were completed for sensitive plants and animals. No sensitive species will experience impacts that would cause or contribute to a trend towards federal listing or cause a loss of viability to the population or species.

RATIONALE FOR THE DECISION

I have chosen to implement the proposed action because this communication site would provide a redundant telecommunication link between Juneau and other communities in northern Lynn Canal. The telecommunication link would provide an opportunity for residents and businesses in Haines to obtain reliable voice and data transmission for improving economic development, educational opportunities, and health and safety services. In addition, the placement of a communication site along Lynn Canal could provide wireless communication to commercial and recreational boaters, and other recreational users, along this portion of Lynn Canal. There were no objections raised by stakeholders (public and state and federal agencies) or significant issues identified during public scoping that have not been addressed in the design of the site and the implementation of mitigation measures.

The no-action alternative was not selected because it does not meet the purpose and need of the project, which is to provide a reliable redundant telecommunication system between Juneau and Haines. Selection of the no-action alternative would result in the inability of communication providers to provide high-speed voice and data connections to smaller communities in southeast Alaska that are currently available in larger cities in Alaska.

Two comment letters were received in response to publication and distribution of the EA. A letter of support was received from the City of Skagway and a letter of concern opposing the project was received from Lynn Canal Conservation, a local conservation group. I have reviewed and considered the comments submitted by Lynn Canal Conservation in making my decision. A summary of the concerns of Lynn Canal Conservation are provided below with a description of how these issues were addressed in the EA and my decision. The complete Lynn Canal Conservation comment letter and a detailed response to each issue is available in the project planning record.

1. The EA fails to include a reasonable range of alternatives. A fiber optic submarine cable alternative was dismissed without analysis. There is no discussion of how a fiber optic submarine cable may or may not meet the purpose and need.

The EA describes several technical and engineering options and site locations that were considered within the NEPA process, but were eliminated from detailed analysis. Section 2.2.3, page 17, paragraph 3 describes that the fiber optic submarine cable was not evaluated in detail because it did not meet one of the criteria of the purpose and need, as it does not provide improved wireless coverage. A fiber optic submarine cable would only improve the communication capabilities at established communities, and only at the communities where the cable is terminated. It would not be capable of providing the ability to establish a communication link from a location outside of a community. This is especially important for boaters and other travelers using the waterways between communities in southeast Alaska.

2. The EA states that redundancy of service is important for times when AT&T service is disrupted. However, there is no information describing how often this occurs, or how substantial this problem is.

AT&T has reliability issues in the Upper Lynn Canal area that are known to frequent users of their system. In general, a loss of some type of service in the Haines and Skagway area occurs approximately once every 2-3 months. Reliability of service issues also occur in other areas of the AT&T network in southeast Alaska. The most significant issue to occur in recent years was a 4-5 day outage in 2006 of all communication services for all communities from Petersburg south to Ketchikan.

3. Co-location at the William Henry site was determined as not feasible due to its high elevation and extreme weather which increases operational costs. Yet, the Forest Service regularly conducts maintenance activities at this site. There is no explanation why the site is not a problem for the Forest Service, but is not feasible for AP&T.

Section 2.2.3, page 18, paragraph 3 also identifies that large quantities of snow and ice build up on exposed communication equipment and antennae during the winter at the William Henry site. The Forest Service radio equipment is completely enclosed within a small communication shelter (approx. 6-foot diameter and 15-foot tall tapered cylinder), with the exception of a solar panel. The high winds, and the quantity of snowfall and rime ice at this site have made maintenance of the William Henry site by the Forest Service very difficult and inaccessible much of the year. The equipment used by AP&T requires a lattice frame tower to mount 6-foot and 8-foot microwave dish antennae. The exposure of this type of equipment would be a magnet for the accumulation of rime ice. The forces of ice and wind on the exposed antennae equipment would likely result in equipment failures during the winter. Helicopter access to the site is only possible when the base of the clouds are higher than 3,500 feet. From the fall through to the spring, there are not many days when the weather conditions allow access to the William Henry Peak site. In addition, the safety of the maintenance personnel and the helicopter pilots are a significant criteria in determining whether access to the site is possible. If equipment is damaged during the winter, it could result in the communication link being off-line for months.

4. An east Lynn Canal highway was identified as not being a reasonably foreseeable action for cumulative effects evaluation.

The Lynn Canal Highway is a proposed project that has been in various stages of active and inactive development in recent years, due to funding, political decisions, and engineering and

environmental issues. The development of the Endicott Ridge communication site, with required mitigation measures imposed during construction and operation, would not have effects to resources that would extend to the proposed highway route or interact with the potential effects of the construction and use of the highway. Therefore the interaction of effects between the two projects (a cumulative effect) is not expected to occur, even if the highway project is completed.

5. ADFG recommended that the direction of approach of the helicopters should be from the saltwater side so that helicopter traffic would be limited to the immediate site, and over the terrain between the site and saltwater, to avoid areas of goat concentration.

ADFG has conducted aerial surveys of the area on at least 3 occasions in the last 10 years, and archives mountain goat survey maps from the late 1980's and early 1990's. There have never been any goat sightings in the immediate area of the project site, and the nearest goats were found 2-3 miles west near a 3,540-foot mountain. The maintenance of a 1,500-foot minimum clearance from summer and kidding habitat is a mitigation measure required by the Forest Plan standards and guidelines during construction and maintenance of the project and is expected to sufficiently protect any goats in this area. Logical access to the site is by helicopter from Juneau following Lynn Canal north, then turning west when approaching the Endicott Ridge area. The Forest Service does not have the authority to regulate specific flight lines used by helicopters, as that authority is reserved by the Federal Aviation Administration.

6. The Endicott Valley is a vital migration corridor for moose and wolves. The EA fails to address how human activity and helicopter traffic and noise might impact this corridor.

The Endicott Valley is 2-3 miles north and northwest of the project site and most of the Endicott Valley is within the Endicott River Wilderness Area. Human activity and helicopter traffic is not expected to occur in this area during construction or maintenance of the project. Section 4.2.2, pages 30-32 contain an extensive discussion of the effects of the project construction and maintenance on the potential of disturbance to wildlife.

7. We request the Responsible Officer defer making a decision until more information is furnished regarding the elevation of existing communication towers, and an analysis of the relationship between altitude and maintenance costs.

The elevation and location of all existing communication sites on the Tongass National Forest is provided in Appendix E of the Forest Plan. The maintenance costs associated with a communication site are related to the type of facilities at the site and the level of maintenance required to meet a desired standard of reliability. The relationship between the altitude of a site and maintenance is primarily a concern with obtaining physical access to the site during the fall to spring period when the base elevation of clouds are more commonly below the site elevation for extended periods (weeks), thereby precluding access to the site for maintenance or repairs.

ALTERNATIVES CONSIDERED

The proposed action and a no-action alternative were evaluated in the EA. The proposed action includes construction of the facilities described in my decision above, including the mitigation measures. In addition to these two alternatives, the EA includes a detailed description of

engineering and design alternatives that were considered but eliminated from detailed study. These engineering and design alternatives did not meet the purpose and need for the project, would result in additional impacts to National Forest System lands, or would not provide the public benefit that would be available from the proposed action.

PUBLIC INVOLVEMENT

The project has been included in the Tongass National Forest Schedule of Proposed Actions since April 1, 2007. A public notice describing the Endicott Ridge project and inviting interested parties to provide comments appeared in the *Juneau Empire* on July 6, 2007, in the *Chilkat Valley News* on July 5, 2007; and in the *Skagway News* on July 6, 2007. In addition, letters were sent to tribal entities, agencies and other parties that expressed interest in the general area. Comments were received from the Chilkoot Indian Association on July 23, 2007 identifying no objection to the project, and from the Alaska Department of Natural Resources with information about potential mountain goat habitat at the site.

In November 2007 the U.S. Army Corps of Engineers reviewed the proposal. In a letter dated January 28, 2008, the Corps of Engineers stated that the Endicott Ridge project is authorized by Nationwide Permit No. 18, Minor Discharge.

In November 2007 the State of Alaska Division of Coastal and Ocean Management reviewed the proposal to determine consistency of this project with the Alaska Coastal Zone Management Program (ACMP). The Division of Coastal and Ocean Management provided a determination letter for the Endicott Ridge site on February 25, 2008, stating that the activities associated with this project do not warrant a formal coordinated review for consistency with the ACMP.

The FAA has conducted an aeronautical study of the proposed project, and in a letter dated February 6, 2008, concluded that the structures do not exceed obstruction standards and would not be a hazard to air navigation. Based on this evaluation, marking and lighting of the antennae tower are not necessary for aviation safety.

Forest Service resource specialists from a variety of disciplines have reviewed the project proposed for the Endicott Ridge site throughout the development of the EA. Their comments regarding public issues, resource concerns, and mitigation measures were incorporated into the proposed action described in the EA.

The EA describing the project was distributed to 17 stakeholders on July 10, 2008. The legal notice identifying the availability of the EA was published in the newspaper of record, the *Ketchikan Daily News* on July 11, 2008, and also in the *Juneau Empire* on July 10, 2008. Two letters commenting on the EA and the proposed action were received during the 30-day period following the notice of availability of the EA. The City of Skagway submitted a letter in support of the proposed action. Lynn Canal Conservation submitted a letter with concerns about the proposed action and opposed the development of the project. I have reviewed and considered the comments submitted by Lynn Canal Conservation in making my decision. A summary of their concerns are described above in my rationale for the decision.

SIGNIFICANCE ANALYSIS FOR A NON-SIGNIFICANT AMENDMENT TO THE FOREST PLAN

Based on the project level analysis contained in the EA, a permanent communication site is proposed in the vicinity of Endicott Ridge on the west side of Lynn Canal to provide a telecommunication link between Juneau and Haines. This site will be added to the list of communication sites identified in the Tongass Land and Resource Management Plan (Forest Plan), Appendix E as an amendment to the 2008 Forest Plan. As required by Forest Plan standards and guidelines for administration of special use permits for non-recreation activities (LAND2, #14), the proponent has provided technical data for site designation, including demand for the site, consideration of alternative locations, compatibility with other electronic uses, interference with other uses, areas of electronic signal coverage, signal paths, and relationship of the proposed site to other sites.

Changes to forest plans that are not significant are described in FSM 1926.51. Adding the Endicott Ridge Communication Site to the approved list of communication sites in Appendix E of the 2008 Tongass Forest Plan will not alter any goals and objectives nor adjust any management area boundaries or management prescriptions. The Endicott Ridge site will occupy an area less than 0.5 acres in size and will not conflict with existing uses or Land Use Designations. Designation of this communication site to improve the services and reliability of communication systems between communities in southeast Alaska is consistent with the Goals of the Forest Plan.

Designation of the Endicott Ridge site as a communication site will have no measurable effect on outputs identified in the Forest Plan. This site is located within an area that is not commercial forestland; and the amount of vegetation disturbance will not affect wildlife populations or subsistence hunting or gathering opportunities.

Conclusion – Based on a consideration of the factors above, I conclude this is not a significant amendment to the Tongass Forest Plan. This amendment is fully consistent with current Forest Plan goals and objectives. The amendment provides a facility to serve the demonstrated needs of the local communities. This analysis, in combination with the Endicott Ridge Electronic Site Environmental Assessment, document my decision to amend the Forest Plan with a non-significant amendment by designating Endicott Ridge as a permanent communication site.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the EA for this project using criteria identified in implementing regulations for the National Environmental Policy Act (40 CFR 1508.27). Based on the EA and the elements of significance described below, I have determined that this is not a major action that will have a significant effect on the human environment and therefore does not require the preparation of an Environmental Impact Statement.

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.

I have determined that there are no significant impacts, either beneficial or adverse, based on the analysis conducted in the Environmental Assessment. The proposed project would provide a beneficial effect to the communities of upper Lynn Canal by improving the bandwidth capacity and reliability of existing communication systems between Juneau and Haines / Skagway. Adverse effects of the project are generally local to the proposed development site and are addressed through mitigation measures implemented during construction and operation.

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

Based on the analysis conducted in the Environmental Assessment, the proposed project would have no adverse effects on public health or safety. The project would provide some beneficial effects to public health and safety by improving communication between Haines / Skagway and Juneau during emergency situations by increasing bandwidth capacity and improving reliability.

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

I have determined that there would be no significant effects on unique characteristics of the area. The project site is classified as having low archaeological potential, which was confirmed through field investigations. A Forest Service archeologist has reviewed the project report and has made a determination of No Historic Properties Affected in the area of potential effects. There are small areas containing wetland vegetation within the project site, however the U.S. Army Corps of Engineers has reviewed the project and concluded that it is authorized by Nationwide Permit #18, Minor Discharge. There are no park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas at the project site, or within close proximity to the site, therefore the project would not adversely affect these resources.

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

The effects of the project on the quality of the human environment are not highly controversial. Public involvement conducted during scoping and the preparation of the EA resulted in the receipt of only two comment letters, neither of which had any objection about the project. Coordination with staff from other Federal and State agencies during public involvement and permit review identified no controversial issues. Following publication of the EA, two comment letters were received. The City of Skagway submitted a letter in support of the proposed project. Lynn Canal Conservation submitted a letter with concerns about the proposed action and opposed the development of the project. The comments from Lynn Canal Conservation were considered in making my decision and are described above in my rationale for the decision.

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

The effects of the proposed project have a reasonable degree of certainty. Most of the effects of the project are local to the project site and mitigation measures, such as Best Management Practices to prevent and control erosion from exposed soils during construction, have been prescribed which would prevent and minimize the potential to affect resources.

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.

I have determined that the proposed project would not establish a precedent for future actions with significant effects, nor represent a decision about a future consideration. Each proposal for a new communication site on the Tongass National Forest is evaluated to ensure that the use of National Forest System lands are necessary, and that opportunities for co-locating at existing communication sites are either not available or not feasible. The establishment of a new communication site is a land allocation decision that requires amending the Forest Plan, which therefore includes an evaluation following NEPA guidelines.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The proposed development of the Endicott Ridge communication site is related to the development of other proposed or approved communication sites throughout southeast Alaska. The cumulative effects of the development of numerous communication sites in southeast Alaska was described and analyzed in the EA. I have determined that the cumulative impact of these developments is not significant to the environment because they have a small developed footprint on the environment, are generally not noticed by the casual forest user, and mitigation measures are implemented to protect or minimize the effect to the environment.

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 historical resources.

The proposed project would not affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places, or cause a loss or destruction of significant scientific, cultural, or historic resources. The project site is classified as having low archaeological potential, which was confirmed through field investigations. A Forest Service archeologist has reviewed the project report and has made a determination of No Historic Properties Affected within the area of potential effects.

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.

There are no listed species or critical habitat in the project area or in areas adjacent to the project area. Biological Evaluation's for threatened, endangered, and Forest-level sensitive plant and wildlife species were completed in 2007 for the Endicott Ridge site. These BE's concluded that no Federally listed threatened, endangered, or sensitive species would be affected by the proposed project.

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

The findings which follow show that the proposed project does not violate Federal, State, or local law or requirements imposed for the protection of the environment, and has been reviewed

by Federal and State agencies. The public involvement section described previously includes documentation of coordination with other Federal and State agencies.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

2008 Tongass Land and Resource Management Plan

This decision is consistent with the 2008 Tongass Land and Resource Management Plan (TLRMP). The Endicott Ridge project is located within an area identified in the TLRMP as having a Land Use Designation (LUD) of Semi-remote Recreation. The desired condition of the Semi-remote Recreation LUD is characterized by generally unmodified natural environments. Ecological processes and natural conditions are only minimally affected by past or current human uses or activities. Users have the opportunity to experience a moderate degree of independence, closeness to nature, solitude, and remoteness. Facilities or structures may be minimal or occasionally may be larger in scale, but will be rustic in appearance, or in harmony with the natural setting.

The Endicott Ridge site would be seen predominately from water visual priority routes and areas along Lynn Canal which would place the site in the middle and background zones from the observer. Guidelines for the development of facilities within the moderate Scenic Integrity Objective (for middle and background zones) include minimizing the clearing of vegetation and only within close proximity of the site, emphasizing enhancement of views from recreational facilities, and selecting materials and colors that blend with those found in the natural surroundings. The types of facilities proposed for the Endicott Ridge communication site by AP&T are consistent with these guidelines.

ANILCA Section 810, Subsistence Evaluation and Finding

The effects of the Endicott Ridge project have been evaluated to determine potential effects on subsistence opportunities and resources. There is no documented or reported subsistence use that would be restricted as a result of this decision. For this reason, this action will not result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods.

ANILCA Section 811, Subsistence Evaluation and Finding

The proposed Endicott Ridge project has been evaluated to determine potential effects on reasonable access to subsistence resources on National Forest System Lands. There is no documented or reported access that would be restricted as a result of this decision. For this reason, this action would not result in a significant possibility of a significant restriction of subsistence users having reasonable access to subsistence resources on National Forest System Lands.

Coastal Zone Management Act of 1972, as Amended

Under the Coastal Zone Management Act (CZMA), activities affecting the coastal zone that are conducted under Forest Service Permits must be consistent with the Alaska Coastal Management

Program (ACMP). This activity is one authorized under a Forest Service permit, as defined in 15 CFR 930.51(a). The Forest Service and State of Alaska Memorandum of Understanding on Coastal Zone Management Act, Alaska Coastal Management Program Consistency Reviews (MOU) lists permitted activities normally requiring a consistency determination (MOU, Section 302.B.2.). The State of Alaska Division of Coastal and Ocean Management was consulted to determine the consistency of this project with the Alaska Coastal Zone Management Program. The Division of Coastal and Ocean Management provided a determination letter for the Endicott Ridge site on February 25, 2008, stating that the activities associated with this project does not warrant a formal coordinated review for consistency with the ACMP.

Endangered Species Act of 1973

Biological Evaluations (BEs) for threatened, endangered, and Forest-level sensitive plant and wildlife species were completed in 2007 for the Endicott Ridge site. These BEs conclude that no Federally listed threatened, endangered, or sensitive species will be affected by this activity.

National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act (NHPA) includes locating, inventorying, and evaluating the National Register of Historic Places eligibility of historic and archeological sites that may be directly or indirectly affected by scheduled activities. Regulations (36 CFR 800) implementing Section 106 of the NHPA require Federal agencies to consider the effects of their actions on sites that are determined eligible for inclusion in, or are listed in, the National Register of Historic Places (termed "historic properties"). A Forest Service archeologist has reviewed the project site and has made a determination of No Historic Properties Affected in the area of potential effect for the proposed projects.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990)

This activity will not impact the functional value of any floodplain as defined by Executive Order 11988, and will not have negative impacts on wetlands as defined by Executive Order 11990.

Recreational Fisheries (E.O. 12962)

Federal agencies are required, to the extent permitted by law and where practical, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, I have evaluated the effects of this action on aquatic systems and recreational fisheries and documented those effects relative to the purpose of this order. Since there are no effects to fisheries resources within the project area, there will be no direct, indirect or cumulative impacts related to this Order.

Invasive Species (E. O. 13112)

Federal agencies whose actions may affect the status of invasive species are directed to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts they cause. Agencies are not to fund, authorize, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species, unless the benefits of such actions clearly outweigh the potential harm caused by invasive species.

Plant surveys of the Endicott Ridge site conducted on July 24, 2007 did not find any invasive plants at the site. However, ground clearing is required for the establishment of the facilities foundations, and a small excavator would be transported to the site to conduct this clearing. AP&T would make sure that excavation equipment transported to the site would be clean and free of any invasive plant parts prior to being placed on the site.

Environmental Justice (E.O. 12898)

I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low income populations.

Magnuson-Stevens Fishery Conservation and Management Act

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation Act requires that federal agencies consult with the National Marine Fisheries Service when a project may adversely affect essential fish habitat, defined as the waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. Essential Fish Habitat (EFH) includes streams, rivers, lakes, ponds, wetlands and other bodies of water currently and historically accessible to anadromous fish, as well as estuarine, intertidal, and marine waters. There are no Class I streams in or near the project areas, so there would be no adverse effect on EFH.

IMPLEMENTATION DATE

Although this action falls within a category of actions, which are identified as subject to appeal (36 CFR 215.7), a notice providing an opportunity for comment has been published and this Decision Notice does not modify the Proposed Action. I have, therefore, determined that, pursuant to Forest Service appeal regulations at 36 CFR 215.8(a)(3), this decision is not subject to appeal. Implementation of this decision may occur immediately.

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FORREST COLE
Forest Supervisor



Date

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