DECISION NOTICE
FINDING OF NO SIGNIFICANT IMPACT

Vista Towers Communications Project

USDA Forest Service
Humboldt-Toiyabe National Forest
Bridgeport Ranger District
Mono County, California and Douglas County, Nevada

Background

Communications sites are one of the special uses recognized in the Toiyabe National Forest Land and Resource Management Plan (LRMP, 1986). New communications sites on the Humboldt-Toiyabe National Forest are required to be designated as such in the LRMP, as required by Forest Service Handbook (FSH) 2709.11, Chapter 90.

The Forest Service has been given direction from the President and Congress to facilitate implementation of the Nation's strategy for wireless communications.

- Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1761-1771) authorizes the use of National Forest System lands for telecommunications uses.
- On August 10, 1995, President Clinton released a memorandum entitled "Facilitating Access to Federal Property for the Siting of Mobile Services Antennas." The memorandum requires, upon request, and to the extent permitted by law and where practicable, that executive departments and agencies make available, Federal Government buildings and lands for the siting of mobile service antennas.
- The Telecommunications Act of 1996 (47 U.S.C. 332), Section 704(c) requires Federal agencies to facilitate the development and placement of telecommunications equipment on buildings and land they manage, when placement does not conflict with the agency's mission or current or planned use of the property.
- In response to the Telecommunications Act and presidential memorandum , the General Services Administration released a bulletin stating that requests for the use of property, right-of-way, and easements by duly authorized telecommunications service providers should be granted unless there are unavoidable conflicts with the department's or agency's mission or current or planned use of the property or access to that property ("Placement of Commercial Antennas on Federal Property" [Federal Register, June 16, 1997])

Vista Tower Communications LLC (VTC) submitted a proposal in October 2005 to

construct and manage communication towers and support facilities at three locations along Highway 395.

Purpose and Need

Wireless personal communication services are currently unreliable or not available along the Highway 395 corridor from Topaz Lake, Nevada to Bridgeport, California, including emergency response communications. The current designated communications sites on the Bridgeport Ranger District of the Humboldt-Toiyabe National Forest do not allow for adequate communications coverage along the US Highway 395 corridor from existing communications uses.

The purpose of this proposal is to provide reliable wireless communication services through the construction of new communications facilities on National Forest System lands. This action is needed to increase safety (by reducing emergency response time) and increase the quality of life for local residents.

Decision

After reviewing the Environmental Assessment, public comments, and project record documents, I have decided to implement Alternative 2, the Proposed Action, as described in the EA (pp.9-13), Figure 1. It is my decision to authorize construction of three (3) new, low power, non-broadcast communication facilities to be built at three sites, described below:

1. **North Bridgeport** (Figure 2A): The tower site complex will be situated in a project area measuring 60' x' 60' (0.08 acres) and include an 85' tall monopine antenna tower, standby generator, electrical transformer, five equipment shelters, parking area, and perimeter fencing. Approximately 1,170 linear feet of new aerial utility line will be installed to connect the site to an existing utility pole located near Highway 395, and authorized by amendment to Southern California Edison's special use permit. Site access will be provided by an existing unpaved access road, FS 081, and the construction of 1,300 linear feet of new unpaved access road (Figure 2). Per Caltrans requirements for area safety, the access road junction with Highway 395 will also be upgraded to current standards by paving an apron for 33 feet from the edge of the travel way within the Caltrans Right of Way (Caltrans, 2007).

2. **Sonora Junction** (Figure 3): The tower site complex will be situated in a project area measuring 60' x' 60' (0.08 acres) and include a 100' tall monopole antenna tower, standby generator, electrical transformer, five equipment shelters, parking area, and perimeter fencing. Approximately 170 linear feet of new underground utility line will be installed to connect the site to an existing utility pole located north of the project area, and authorized by

amendment to Southern California Edison's special use permit. The site is serviced by existing unpaved access roads FS 031 and FS 107 (Figure 3).

3. **Wild Oat Mountain** (Figure 4): The tower site complex will be situated in a project area measuring 60' x' 60' (0.08 acres) and include a 100' tall monopole antenna tower, standby generator, electrical transformer, five equipment shelters for communication providers, parking area, and perimeter fencing. Approximately 4,120 linear feet of new aerial utility line will be installed to connect the site to an existing utility pole located near Highway 395, and authorized by amendment to Sierra Pacific's special use permit. The site is serviced by existing unpaved access road FS 782 (Figure 4).

The Forest Service will issue VTC a communications lease, authorizing use for up to 30 years (FSH 2709.11, Chapter 10). VTC will be authorized as a facility manager (defined as the holder of a Forest Service communications use authorization who owns a communications facility on National Forest System lands and rents space in or on their facility to other communication users, but does not own or operate their own communications equipment in the facility and does not directly provide communications services to third parties) (FSH 2709.11 [90.5]).

My decision includes implementation of all proposed Best Management Practices (BMPs) minimizing impacts of the development. These include construction and maintenance BMPs addressing migratory birds; soil and erosion; noxious weed; cultural resources; riparian area avoidance; sage grouse protection; size and structure of microwave dishes; colors of towers, antennae, microwave dishes, and antenna support structures; and road maintenance (EA, p.10-13). The selected actions, including the BMPs, are attached to this Decision Notice (Attachment 1).

My decision amends the Toiyabe LRMP, designating the two (2) new communication sites at North Bridgeport and Wild Oat Mountain and updating the existing communication site at Sonora Junction. The LRMP will limit development of the sites to low power non-broadcast communications uses, such as cellular, private mobile radio services, and wireless internet services. The LRMP Amendment is attached to this Decision Notice (Attachment 2).

Rationale for my Decision

The Proposed Action (Alternative 2) best meets the Purpose and Need by improving communication coverage along U.S. Highway 395, for emergency services as well as the traveling public. The proposed locations have been chosen because they : 1) provide consistent and reliable wireless communication service where it is currently not available; 2) utilize existing Forest Service roadways; and 3) access existing utility infrastructure.

The primary environmental concerns associated with this proposal are visual quality, sagegrouse, and migratory birds (EA, pp.6-7). The selected alternative includes site

selection and design features to minimize potential impacts to these and other resources. These are described in detail in the EA, and are attached to this Decision.

- The project sites lie in areas of very low (Sonora Junction), low (North Bridgeport), and non-determined (Wild Oat Mountain) scenery integrity (EA, pp.37-40). The selected Sonora Junction and Wild Oat sites avoid the need for road construction. Utility lines at Sonora Junction will be underground. Additional design features include maximum tower heights and unobtrusive color specifications (for all sites) (EA, pp.12-13).
- Sage grouse are a sensitive species which has the potential to occur at the Sonora Junction site due to its proximity to known lek sites. Raptors prey upon sage grouse. Design features include best management practices to minimize avian predator hunting from the tower and existing utility poles, with no new utility poles installed. In addition, construction disturbance would be seeded with a native seed mix (EA, pp.12, 22, 26-28).
- Migratory birds occupy the pinyon/juniper and sagebrush vegetative communities at the development sites. Best management practices require that removal of vegetation during site development occur outside the bird breeding season and/or avoidance of active nests (EA, pp.10, 24-25, 28-30).

Additionally, the EA addressed environmental consequences to other resources, including, among others, threatened, endangered, and sensitive wildlife and plant species; management indicator species (mule deer); invasive plants; cultural resources; and water/riparian habitats (EA, pp.17-44). In all cases, impacts of the Proposed Action are minimal.

All practical means to avoid or minimize environmental harm have been adopted in the design of the selected alternative. My conclusion is based on a review of the record that shows a thorough review using the best available science. The resource analyses (Environmental Consequences) identify effects analysis methodologies, reference scientific sources which informed the analysis, and disclose limitations of the analysis.

I have determined that the relatively negligible impacts to resources are offset by the positive impacts to safety and quality of life for area residents and travelers.

Alternatives Analyzed in Detail

Two alternatives were analyzed in the EA. A comparison of these alternatives can be found in the EA (p. 15).

No Action – (Alternative 1)

Under the No Action alternative, current management plans would continue to guide management of the project area. There would be no wireless telecommunication sites authorized at the Wild Oat Mountain, Sonora Junction and North Bridgeport proposed sites. This alternative does not meet the purpose and need of improving essential

communications for the area and does not comply with the mandates of the Telecommunications Act of 1996.

Selected Alternative – Proposed Action (Alternative 2)

This alternative is described above in the "Decision" section of this document. Additional detail is located in the Environmental Assessment and the project record. This alternative does meet the purpose and need of improving essential communications for the area, and does comply with the mandates of the Telecommunications Act of 1996.

Public Involvement

The project was listed in the Humboldt-Toiyabe National Forest Quarterly Schedule of Proposed Actions (SOPA) on May 13, 2009. A "Notice of Proposed Action/Opportunity to Comment" was mailed to 162 individuals, groups, agencies, and tribes on May 8, 2009. A legal notice of the 30-day comment period was published in the Reno Gazette-Journal on May 13, 2009. Seven responses were received. Of these, four were either favorable or expressed no concerns regarding the communications sites. Concerns expressed in the remaining three, as well as the Forest Service responses to them, are summarized in the EA (pp.6-8). I have considered each of these concerns, and addressed the primary concerns in my decision rationale.

Finding of No Significant Impact

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

1. My finding of no significant environmental effects is not biased by the beneficial effects of the actions. *Impacts from the project are beneficial, with negligible adverse effects.*

2. There will be no significant detrimental effects on public health and safety. *Rather, consistent with the purpose and need for this project, the selected actions will improve emergency communications, reducing emergency response times for the general public (EA, pp.36-37).*

3. There will be no significant effects on unique characteristics of the geographic area. *No historic or cultural sites eligible for listing in the National Register of Historic Places exist in the project area (EA, pp.40-41). In addition, no park lands, prime farmlands, or waters, including wetlands and wild and scenic rivers are present (EA, p.18). The one riparian area, adjacent to the road at the North Bridgeport site, will be avoided (EA, p.30).*

4. The effects on the quality of the human environment are not likely to be highly controversial. *There is no known scientific controversy over the impacts of the project.*

5. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. *We have considerable experience with the types of activities to be implemented. The environmental effects of the selected actions are typical of communication sites located on the Humboldt-Toiyabe National Forest.*

6. The actions are not likely to establish a precedent for future actions with significant effects. *Should future actions be proposed, a new, NEPA-compliant evaluation of their site-specific environmental effects and project feasibility would be initiated.*

7. Cumulative impacts of this project are not significant. *Cumulative effects are documented in the EA (Environmental Consequences, pp.20-44).*

8. The actions will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. *No historic or cultural sites eligible for listing in the National Register of Historic Places exist in the project area (EA, pp.40-41).*

9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. *There is no potential habitat for any of these species within the project areas (EA, p.22; Biological Evaluation/Assessment Report, July 1, 2009).*

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. *Applicable laws and regulations were considered in the EA and project record (see Findings Required by Other Laws and Regulations, below).*

Forest Plan Amendment

The analysis documents the effects of amending the LRMP to formally designate the communication sites, as directed in Chapter 90 of Forest Service Handbook 2709.11. Implementation of this project requires an amendment to the LRMP to designate two new sites and update another site. I have determined that this amendment is not significant and is consistent with other management direction in the plan (FSM 1926.5-5.1).

The Toiyabe Land and Resource Management Plan was signed in 1985. Communication equipment and technology have changed in the past 24 years. Not surprisingly, the LRMP did not contemplate many of today's communication needs. This non-significant amendment simply updates the LRMP to accommodate these changes on the three selected sites.

This decision to authorize the issuance of communications site leases is consistent with the intent of the LRMP's long term goals and objectives listed on pages II-40, IV-13; IV-62, IV-117-118 and IV-101-102. The project was designed in conformance with LRMP standards, and incorporates appropriate LRMP guidelines for recreation, cultural resources, soil and water, wildlife and fisheries, visual quality, and lands special uses. This action also complies with the Sierra Nevada Forest Plan Amendment (2001 and 2004) and the Telecommunications Act of 1996.

Findings Required by Other Laws and Regulations

My decision complies with the Telecommunications Act of 1996, National Forest Management Act, Federal Land Policy and Management Act, Endangered Species Act, National Historic Preservation Act, Clean Water Act, and associated regulations.

Implementation Date

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

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to Forest Service regulations at 36 CFR Part 215 or 251.

36 CFR 215

Under 36 CFR 215, only individuals or organization who submitted comments or otherwise expressed interest in the project during the comment period may appeal. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer, the Regional Forester, at Appeal Deciding Officer, Intermountain Region USFS, 325 25th Street, Ogden, Utah 84401, or by fax to 801-625-5277, or by email to appeals.intermtn-regional-office@fs.fed.us. The office business hours for those submitting hand-delivered appeals are: 8 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals.intermtn-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Reno Gazette Journal, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Reno Gazette Journal is the exclusive means for calculating the time to file an appeal.

Individuals or organizations who submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. It is the appellant's responsibility to provide sufficient project or activity-specific evidence and rationale focusing on the decision, to show why my decision should be reversed.

26 CFR 251

The applicant, Vista Towers Communications LLC (VTC) may appeal under 36 CFR 251. If VTC choses to appeal under these regulations, they may not appeal under 36 CFR 215. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the date of the written notice of this decision. This date is the exclusive means for calculating the time to file an appeal. The Appeal deciding Officer is the Regional Forester. The methods by which an appeal may be sent to the Appeal Deciding Officer are listed above.

The appeal must meet the content requirements of 36 CFR 215.14. At a minimum, an appeal must include the following:

- Permittee/Applicant name, mailing address, and daytime phone
- Statement of how the permittee/applicant is adversely affected by the decision
- Specific references to any law, regulation, or policy believed to be violated and the reason for such an allegation
- A statement as to whether and how the Permittee/Applicant has tried to resolve the issue(s) being appealed with the Deciding Officer, the date of any discussion, and the outcome of that meeting or contact
- Statement of the relief sought. Permittee/Applicant may include a request for oral presentation and/or a request for stay of implementation.

Contact

Additional information concerning this decision or the Forest Service appeal process, may be obtained by contacting Jolene Williams, Project Manager, (760) 932-5820 or jolenewilliams@fs.fed.us, or Kathleen Lucich, NEPA Coordinator, (775) 352-5322 or klucich@fs.fed.us .

Edward C Monnig 12/17/2009

EDWARD C. MONNIG Date
Forest Supervisor
Humboldt-Toiyabe National Forest

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Attachment 1

Alternative 2

The Proposed Action

The action proposed by Vista Tower Communications to meet the purpose and need is to: 1) amend the Forest Land Management Plan to designate telecommunication sites at North Bridgeport and Wild Oat Mountain, 2) approve a Communications site management plan at North Bridgeport, Sonora Junction, and Wild Oat Mountain, and 3) issue communications site leases at the three sites.

The proposed locations have been chosen because of the ability to: 1) provide consistent and reliable wireless communication service where it is currently not available; 2) utilize existing Forest Service roadways; and 3) access existing utility infrastructure. Once constructed, the new communication towers would provide the public with wireless communication services, including the ability to reach emergency response agencies. Figures in Appendix A illustrate the coverage of the proposed sites.

Construction procedures for each cell tower are similar. Each site is relatively flat and therefore would not require significant cut or fill. Each area would be scraped to remove vegetation and prepare level areas for the ancillary buildings. The tower foundations (the caisson) would be emplaced using one of two methods: 1) a caisson or 2) a spread foundation. For the caisson, a hole is drilled 5 to 6 feet in diameter and 18 to 22 feet deep. For the spread foundation, a 16 by 16 foot hole is excavated that is about 7 feet deep. Steel and concrete are placed in the bottom three feet and there is a steel and concrete "tube" or cylinder in the middle that is bolted to the tower. The area is covered with recompacted dirt. Site Plans for each area are provided in Appendix C.

The spoils from the holes (15 to 20 cubic yards) would be used on the premises or hauled off site to an area accepting soil or rock. Under no circumstances would the spoils be placed on USFS or private property without their prior consent. Upon completion, the perimeters would be bordered with a fence and the internal areas maintained with gravel to minimize wind erosion and inhibit weed growth.

Site construction is estimated to take approximately 5 weeks and is scheduled to occur during summer months.

Migratory Bird Construction BMPs

To avoid direct and indirect impacts to migratory birds, removal of vegetation would occur outside the bird breeding season. If vegetation removal is scheduled to occur during the nesting season, then a qualified biologist would survey the area prior to initiation of construction. If active nests are located, then a buffer would be established around the nests and the area avoided until the nests are no longer active. The size of the buffer is dependant on the identified nesting species and would be determined by the biologist in consultation with the FS.

Soil and Erosion Construction BMPs

To minimize erosion or sedimentation potential, the following Soil and Erosion Best Management Practices (BMPs) would be implemented at each site:

- Construction movement would be restricted to pre-designated access areas and existing roadways to the greatest extent possible.
- The access roads would be maintained by the project proponent in a way to minimize erosion due to concentrated flows.
- Travel would be minimized on roads during wet periods. If soil moisture will cause rutting by construction equipment (greater than 2 inches in depth for a length greater than 25 feet), movement of construction equipment within access roads would cease for a period of 48 hours.
- Servicing and/or refueling of construction equipment would occur off-site at a designated location.
- Oils and chemicals would be hauled to an approved site for disposal to prevent oil products from entering into groundwater or waters of the United States. Spills are not expected, but should they occur, they would be addressed immediately. Any spills exceeding standard levels would warrant the notification of the appropriate agency.

Noxious Weed Construction BMPs

Special construction specifications, as outlined in FSM 2000 National Forest Resource Management Chapter 2080, would be used to reduce or eliminate the potential for noxious weed introduction into the project area. These requirements include, but are not limited to:

- Before construction equipment moves into a project area, the project area would be evaluated and noxious weeds would be treated as necessary.
- Washing the body, undercarriage, and tires of all construction equipment used for road construction and reclamation prior to entering the project area.
- Exclusive use of certified weed-free hay for erosion control and mulch treatments.
- Re-establish vegetation on bare ground caused by ground-disturbing activities to minimize noxious weed infestation and spread. Revegetation would use native material where appropriate and available.

Cultural Resource Construction BMPs

In the event archaeological artifacts or heritage sites are inadvertently discovered during construction, earthwork will be halted in that area and the Forest Service archeologist contacted to review and clear the site.

Road Maintenance BMPs

Roadway construction and maintenance specifications as outlined in Appendix E will be followed.

Communications Site Management Plan

As required under FSH 2709.11 Special Uses Handbook Chapter 90, 2, all designated communications sites must have a current communications site management plan that is consistent with in the applicable LMP and must provide site-specific direction and guidance to Forest Service personnel, the communications site users, and the public.

This document contains the day-to-day operations of each site and has been provided to the USFS under separate cover.

Site Descriptions

The three telecommunication sites would consist of the following:

North Bridgeport (Figure 2): The tower site complex would be 60' x' 60' (0.08 acres) and include an 85' tall monopine antenna tower, standby generator, electrical transformer, five equipment shelters, parking area, and perimeter fencing. A Southern California Edison aerial utility line is located 1,170 feet to north of the proposed communication site along Highway 395. Approximately 1,170 linear feet of new aerial utility line would be installed to connect the site to this existing utility line. Site access would be provided by an existing unpaved access road FS 081 (MJ081 motorized trail all vehicles) and the construction of 1,300 linear feet of new unpaved access road. Per CalTrans requirements for area safety, the access road junction with Highway 395 would be upgraded to current standards by paving an apron for 33 feet from the edge of the travel way. The standards are clearly specified in the *Highway Design Manual* (Caltrans, 2007). The existing dirt access road would also be smoothed by removing large bumps and rocks.

To avoid impacts to the adjacent riparian habitat, the following BMP would be implemented at this site in addition to those listed above:

Riparian Area Avoidance Construction BMPs

- Construction movement would be restricted to pre-designated access areas. The riparian zone would be clearly marked with construction flagging as a "no disturbance" area.

Sonora Junction (Figure 3): The tower site would be 60' x' 60' (0.08 acres) and include a 100' tall monopole antenna tower, standby generator, electrical transformer, five equipment shelters, parking area, and perimeter fencing. A Southern California Edison aerial utility line is located 170 feet to north of the proposed communication site. Approximately 170 linear feet of new underground utility line would be installed to connect the site to the existing utility line. No new access roads are required. Existing Forest Service Roads FS 031 (32031) and FS 107 (32107) would provide access to the site.

The existing utility line north of the proposed tower site includes up to 15 utility poles stretched across sage grouse breeding habitat. The existing poles provide perches for avian predators, such as common raven, which may prey upon sage grouse.

Sage grouse protection measures have been incorporated into the Sonora Junction communications tower design to minimize effects to sage grouse:

Sage Grouse Protection BMPs

- The tower would be constructed with anti-raptor spikes to discourage their use by avian predators;
- The project proponent would coordinate with the utility company to retrofit the existing utility poles in the area with anti-raptor spikes to further discourage avian predation upon sage grouse (a sensitive and MIS species).
- Installation of the utility line would result in approximately 0.04 acres of temporary disturbance to potential sage grouse habitat. The disturbed area would be reseeded with a native seed mix approved by the FS.

Wild Oat Mountain (Figure 4): The tower site would be 60' x' 60' (0.08 acres) and include a 100' tall monopole antenna tower, standby generator, electrical transformer, five equipment shelters for communication providers, parking area, and perimeter fencing. A Sierra Pacific utility line is located approximately 3,000 feet due west of the proposed communication site near Highway 395. Approximately 4,120 linear feet of new aerial utility line would be installed to connect the site to this existing utility line. No new access roads are required. Access to the site is provided by existing FS Road 782 (42782).

Visual BMPs

Vista Towers will continue to coordinate with the USFS on the painting palate for the tower sites at Sonora Junction and Wild Oat Mountain. Matte finish paint will be used to minimize reflectivity and the paint color will match the general background of the specific tower face based on priority vantage viewpoints. If linear features bisect the background of the tower such that different background colors occur at varied elevations, the tower will be painted multiple colors to match the various backgrounds.

The tower design at North Bridgeport will be a 'monopine', which is intended to simulate the appearance of a pine tree and blend in with the surrounding pinyon woodland. The monopine tower would be painted brown and the upper portion constructed with overlapping branches with simulated pine needles.

The tower at Sonora Junction must be painted flat tan. All towers must be painted prior to construction and must be inspected and approved by the Forest Service. All antennae, microwave dishes, and antenna support structures must be painted the same color as their tower. The tower at Wild Oat Mountain must be painted flat dark gray. All towers must be painted prior to construction and must be inspected and approved by the Forest Service. All antennae, microwave dishes, and antenna support structures must be painted the same color as their tower. The five equipment storage facilities within each complex will maintain a low profile (approximately 10 feet in height) and painted a non-reflective color to match the surroundings.

Attachment 2

An Amendment to the Toiyabe National Forest Land and Resource Management Plan Designation of Communication Sites November 2009

Introduction

Communications sites are one of the special uses recognized in the Toiyabe National Forest Land and Resource Management Plan (LMP). The purpose of this document is to designate new two new communications sites and update one existing communications site on the Humboldt-Toiyabe National Forest, as required by Forest Service Handbook 2709.11, section 90.3.1. "Communications sites must be designated in a National Environmental Policy Act (NEPA) decision document. The designation may be reflected in a separate NEPA decision document or in a land management plan (LMP) or amendment or revision to a LMP." Because the FSH 2709.11.90 was revised September 30, 2009, after this project was initiated, and previous direction was to designated communications sites shall be designated in the applicable Forest land and resource management plan, the communications site designation allocated through this document, a LMP amendment.

Proposed Action

The Humboldt-Toiyabe National Forest proposes to amend its LMP by designating two new communications sites, Wild Oat Mountain and North Bridgeport, and updating the designation of the Sonora Junction Communications Site as described below and in Table 1. This will be a non-significant amendment to the LMP and will not alter the output levels of multiple-use goods and services projected in the LMP. Figures 1 through 4 illustrate the locations.

TABLE 1. COMMUNICATIONS SITES DESIGNATIONS

Communications Site Name	Ranger District	Acres	Legal Description	Site Designation	Restrictions	Expansion Permitted
Sonora Junction	Bridgeport	.08	T6N, R23E, Sect. 22	Low Power and Non-Broadcast Only	No impact to Seismograph use; within the existing facilities, compatible with the other users, coverage cannot be provided at other locations.	No

Wild Oat Mountain	Bridgeport	.08	T10N, R22E, Sect. 20	Low Power and Non-Broadcast Only	within the existing facilities, compatible with the other users, coverage cannot be provided at other locations.	No
North Bridgeport	Bridgeport	.08	T5N, R23E, Sect. 22	Low Power and Non-Broadcast Only	within the existing facilities, compatible with the other users, coverage cannot be provided at other locations.	No

a. Demand for the sites.

Wireless personal communication services are currently unreliable or not available along the Highway 395 corridor from Topaz Lake, Nevada to Bridgeport, California. Current communication facilities do not provide for adequate or quality coverage to local residents and travelers (see Figure 5). This action is needed to increase the safety factor of the area by reducing the response time in emergency situations and increase the quality of life for local residents.

b. Alternate locations considered.

East of Topaz Communications Site: Coordinates: 38.707861 -119.566111: This location was considered but would provide substantially inferior coverage than the proposed Wild Oat Site. Although this area has an access road, a new access road approximately 0.3 miles long would need to be constructed to reach the site from an existing dirt road. There is no existing power near this site and therefore would require a longer and more difficult new power line than the selected Wild Oat site.

Leviathan Peak Communications Site: Coordinates: 38.682833° -119.611389: This location would also provide substantially inferior coverage than the proposed Wild Oat Site. This location on Leviathan Peak would not provide coverage for the highway through the canyon.

Sweetwater Communications Site: Coordinates: 38.397333 -119.36667: The existing Sweetwater Electronic Site is an existing site on USFS managed lands. This site was considered as an alternative location for both the Sonora Junction and the North Bridgeport sites. However this location would provide very limited coverage for the highway as well as the Bridgeport community because it is too high in elevation and sits back from the edge of the mountain. There is no permanent power nearby and therefore would require generator use and constant refueling.

Burcham Flats Private Property: Coordinates: 38.378476 -119.442536: This private land located north of the proposed Sonora Junction site was considered, but the area of coverage is poor in Walker Canyon as well as to the south of the site.

Bridgeport Bureau of Land Management (BLM) National Public Lands: Coordinates: 38.257246 -119.216042: The existing communications facility owned by Interconnect Towers just outside of Bridgeport was considered but would only cover the town and short stretches of the highway.

Sonora Junction Alternative Access. Alternative access was considered for the Sonora Junction site. An existing dirt road (32107A) traverses directly to the south of the tower site to connect with Highway 395. This alternative access was eliminated from consideration because it would potentially interfere with a planned Caltrans Sonora Junction Wildlife Passage Project.

c. Availability of suitable non-Federal land.

Non-federal lands were researched prior to the proposal to the USFS. There are no private lands located to serve the purpose and need of the cell tower coverage.

d. Compatibility of the types of communications uses that may be located at the site.

There are no other communications uses located at the sites. All future uses must be designed, operated and maintained so as not to physically or electronically interfere with the senior uses. If new uses deteriorate the receiving/transmitting operation of existing uses, the new use uses may be required to institute at their expense; additional studies, equipment upgrades, frequency isolation, or physically separate themselves from the existing uses. These sites will be designated low power and non-broadcast only.

e. Interference from other users and other sites.

There are currently no other communications uses located at the sites. University of Nevada Reno operates a seismograph near the Sonora Junction site. All future uses must be designed, operated and maintained so as not to physically or electronically interfere with the senior uses. If new uses deteriorate the receiving/transmitting operation of existing uses, the new use uses may be required to institute at their expense; additional studies, equipment upgrades, frequency isolation, or physically separate themselves from the existing uses.

Interference with law enforcement and emergency communications shall be corrected immediately. Operation of equipment covered by this site plan shall not interfere with Federal Government radio or electronic operations already in existence on National Forest System lands within two miles of the Communications Site. The user causing this interference shall at their own expense take all actions necessary to prevent or eliminate the interference. If they do not eliminate the interference within ten days after receipt of notice from the Forest Service to do so, their use will be terminated.

If electromagnetic noise becomes an issue, noise thresholds shall be established and incorporated as an amendment to this site plan. The cost of such analysis is the responsibility of the lease holders.

f. Areas of coverage

Figure 5 illustrates the areas of coverage by the proposed cell tower sites.

g. Signal paths

Figure 5 illustrates the signal paths by the proposed cell tower sites.

h. Relationship to other sites.

Figure 5 illustrates the spatial and coverage relationships to existing and proposed cell tower sites in the area.

i. Management guidelines for the area, including visual quality objectives.

North Bridgeport

According to the U.S. Forest Service Toiyabe National Forest Land and Resource Management Plan (1986), the North Bridgeport communications site is proposed within Management Area 4 – Walker. Management emphasis is directed toward the amenity values of wildlife, dispersed recreation, developed recreation, and water quality in the major canyons and along the highways. The Visual Quality Objective (VQO) for the North Bridgeport site is Modification.

Sonora Junction

The Sonora Junction communications site is located within Management Area 6 – the Bridgeport Pinyon-Juniper area. Management emphasizes key values of wildlife, dispersed recreation, and grazing. Management also provides for the orderly exploration, development and reclamation of mining resources in a manner that minimizes effects on range, wildlife, cultural resource and recreation values (U.S. Forest Service, 1986). The Visual Quality Objective for the Sonora Junction site is Max Modification.

Wild Oat Mountain

The Wild Oat Mountain communications site is located on part of the lands included in the 1989 BLM Enhancement Act where certain BLM lands came under the management of the Forest Service. These lands were not included in the 1986 Forest Plan. The Visual Quality Objective for the Wild Oat site has not been determined by the Forest Service.

j. Suitability of the site for the intended use.

Suitability of the site is influenced by topographic features, soil or geologic factors, utilities, environmental and resource considerations, and access. The proposed locations have been chosen because of the ability to: 1) provide consistent and reliable wireless communication service where it is currently not available; 2) utilize existing Forest Service roadways; 3) access existing utility infrastructure and 4) minimize environmental impacts while serving the purpose and need. Once constructed, the new communication towers will provide the public with wireless communication services, including the ability to reach emergency response agencies.

k. A legal and geographic description of the site, including the site name.

See Table 1

l. A topographical depiction of the site boundary.
(See Figures 1 through 4)

m. A determination of the largest community or Ranally Metro Area (RMA) served by the site.
This site does not serve a Ranally Metro Area (RMA). The largest community is Bridgeport, CA. The population is currently less than 25,000 and is therefore Zone 9.

n. A designation of the category (broadcast or non-broadcast) and limitations on communications uses at the site.
The designation of the category non-broadcast and the limitations on communications uses at the site is low power. The site designation is "low power and non-broadcast only."

The most senior category or type of communications use shall form the basis of the site designation. For new sites, the proposal under consideration and the future needs of the Forest Service, other governmental entities, and the private sector should be used to determine the site designation. A site may be designated for use by governmental and non-government entities or it may designate for use strictly by governmental entities.

o. A determination of the other categories or types of communications uses that may or may not be allowed at the site. ***The Special Use Codes below are an individual appropriate use code indicating the type of use which will be allowed at the site.***

Cellular/PCS	810
Wireless Internet Service Provider	811
Private Mobile Radio Service	806
Microwave Industrial	804
Commercial Mobile Radio Service	815

A noise floor level that must be met by all current or future communications users at the site.

Management Emphasis

This document designates National Forest System lands for the use as a communications site, including the location of buildings, towers and other support improvements. Three communications sites are designated or updated, as summarized in Table 1. Pursuant to special uses policy, the Forest Service authorizes use of National Forest System lands as communications sites by issuing leases to facility owners or facility managers, who may sublease their facilities to multiple occupants for the operation of communications equipment. Currently, many sites have space for additional occupants in or on existing facilities, as well as space for construction of additional facilities. New facilities, which would require new leases, at these sites could be authorized after a site-specific environmental analysis pursuant to the National Environmental Policy Act (NEPA).

Communications sites are designated for a specific type or types of communications uses. Broad categories of communications uses include:

- Broadcast: Television, AM/FM radio, cable television, broadcast translator, and low power television and radio;
- Non-Broadcast: Intermittent transmitter use, including mobile radio service (two-way radio or paging), cellular telephone, microwave; or
- Other: Radar, amateur radio, environmental monitoring equipment, and aircraft navigation systems.

At existing communications sites, the most senior use at the site is the communications use.

Sometimes a use that is not compatible with the designated use is proposed. In these situations, the proponent must demonstrate that the equipment for the proposed use can be installed and operated in a manner that is compatible with the designated use at the site.

In addition to the site designation, some sites have site-specific restrictions, such as public-agency only, single-user only, and/or minimal or no future development.

The following pages of the LMP are amended as follows:

Pages II-40 Table II-5 - replace with Table 2. Note that changes incorporate corrections to existing data, not analyzed in the Vista Towers EA.

MA 6 pages IV-117-118 – Replace paragraph with the following text: "Sonora Junction – The existing users of this site are Vista Towers, a facility manager for cellular and wireless communications services, and the University of Nevada Reno (UNR), whose use is a small seismograph located a few hundred feet from the Vista facility. Issue no permit for others users of the site, unless the following conditions are met:

1. It is within the existing facilities, and compatible with the other users.
2. The communications coverage at Sonora Junction cannot be provided at the Sweetwater Communications Site.
3. No impact to the seismograph use. "

Add paragraph: "Wild Oat Mountain - The existing users of this site are Vista Towers, a facility manager for cellular and wireless communications services. Issue no permit for others users of the site, unless the following conditions are met:

1. It is within the existing facilities, and compatible with the other users.
2. The communications coverage at Sonora Junction cannot be provided at the Sweetwater Communications Site.

MA4 – pages IV-101 Add paragraph: "North Bridgeport - The existing users of this site are Vista Towers, a facility manager for cellular and wireless communications services. Issue no permit for others users of the site, unless the following conditions are met:

1. It is within the existing facilities, and compatible with the other users.
2. The communications coverage at Sonora Junction cannot be provided at the Sweetwater Communications Site.

Table 1 summarizes information about the categories of use for each communications site. Communications site locations and site boundaries are displayed on Figures 1 through 4. At all three sites the facilities are restricted to those approved in the EA of 1 tower and 5 buildings.

A. Communications Site Management and Facilities Specifications

1. Leaseholders are responsible for:

   a. Ensuring that occupants' equipment complies with Federal Communications Commission (FCC) regulations; is installed as licensed and is properly maintained; and is installed with necessary equipment such as but not limited to filters, cavities, multi-couplers, and combiners to avoid harmful interference.

   b. Ensuring that all future uses at these communications sites are compatible with the designated use for each site. New users at a site shall correct, at their expense, interference problems that they create and cease operation of the suspect equipment until the problem is corrected. If interference problems cannot be resolved or corrected within a reasonable time, the leaseholder will terminate the use and require that the equipment involved be removed from the site.

   c. Ensuring that building antennae support structures meet current Electronic Industries Association (EIA) and National Telecommunications and Information Administration (NTIA) standards.

2. The Forest Service is responsible for:

   a. Preparing and maintaining a communications site management plan for each designated communications site.

   b. Denying request for new guy towers and phasing out existing guy towers at a facility when the next communications site lease for that facility is issued.

   c. Encouraging the formation and continuation of users associations for communications sites.

   d. Where the existing noise floor has been measured, adding as appropriate specific objectives to individual communications site management plans to prohibit further degradation or to reduce the noise floor.

B. Occupational and Public Safety

1. Due to radio frequency radiation hazards, these sites are designated exclusively for use as communications sites.

2. Meet applicable Occupational Safety and Health Administration (OSHA) regulations, including those governing radio frequency radiation hazards, tower climbing restrictions, and other safety measures.

3. Allow vehicle access to sites for administrative and emergency purposes only.

C. Visual Resources

1. Ensure that all authorized uses contain provisions for meeting Adopted Visual Quality Objectives.

2. Limit tower height to what is needed for proper functioning.

3. Building paint, antennae covers, and microwave dish covers shall be a Forest Service approved, non-reflective shade. Metal towers will be allowed to weather naturally.

D. Wildlife, Plants, and Fish

1. During project level analysis, ensure that any proposed ground-disturbing activities (construction or improvement of facilities or access roads) are consistent with Forest-wide standards and guidelines for management of wildlife, plants and fish, including special considerations for threatened and endangered species.

2. All microwave dishes shall be equipped with a cover to prevent birds from perching on the feedhorn.

E. Fire and Fuels

Clear hazardous fuels surrounding facilities as appropriate for local fuel and topographic conditions, as specified in the communications site management plan.

F. Administrative Access

Work with landowners to acquire legal road access to all designated sites.

Purpose and Need

The overall purpose of this LMP amendment is to provide consistency with Forest Service Handbook direction (FSH 2709.11, Chapter 90) that communications sites be designated as a land allocation through the land and resource management planning process.

Specific management area direction is proposed to:

1. Maximize efficient use of communications sites and facilitate their orderly development and management through identification of the most senior use and other compatible uses;

2. Maintain the integrity of public safety, two-way communication while providing opportunities for other types of communications uses;

3. Provide a safe and high-quality communications environment with minimal user interference; and

4. Mitigate environmental impacts to natural resources; provide for public and occupational safety; and maintain a reasonable level of aesthetic integrity.

Decision to be Made

Whether to amend the Toiyabe National Forest LMP as proposed, to amend the LMP to address unresolved conflicts more fully than the proposed amendment does, or not amend the LMP at all.

In making the long-term management decision to designate a communications site, I have considered future needs of the Forest Service and other public safety users, the telecommunications industry, the impact of new telecommunication technologies, and the public demand for communications services.

Decision

The Toiyabe National Forest LMP is amended as proposed.

_____ _____

EDWARD C. MONNIG, Forest Supervisor Date
Humboldt-Toiyabe National Forest

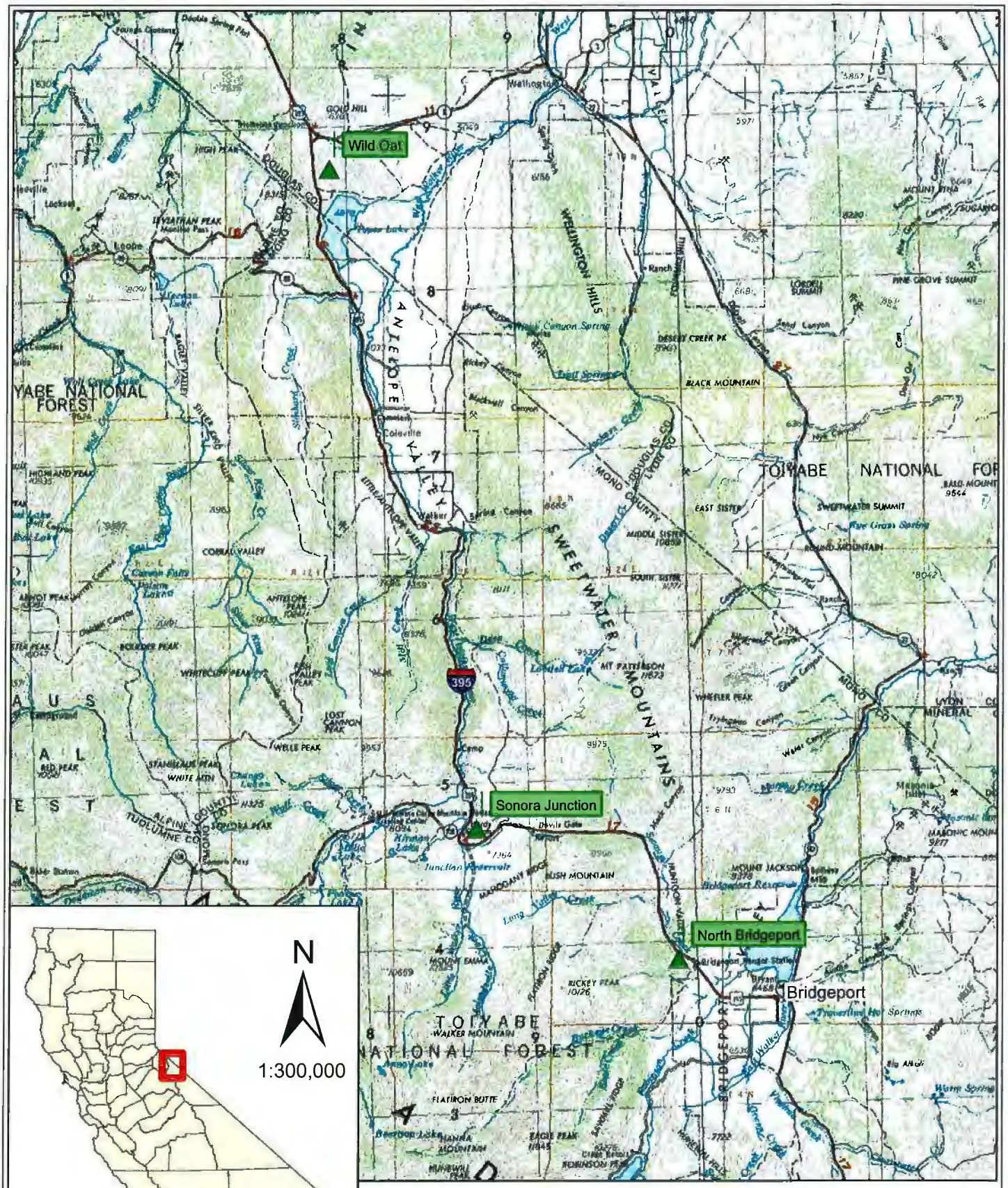

Figure 1. Vista Towers Communications Project Site Locations Map

Prepared By:
RESOURCE CONCEPTS INC.

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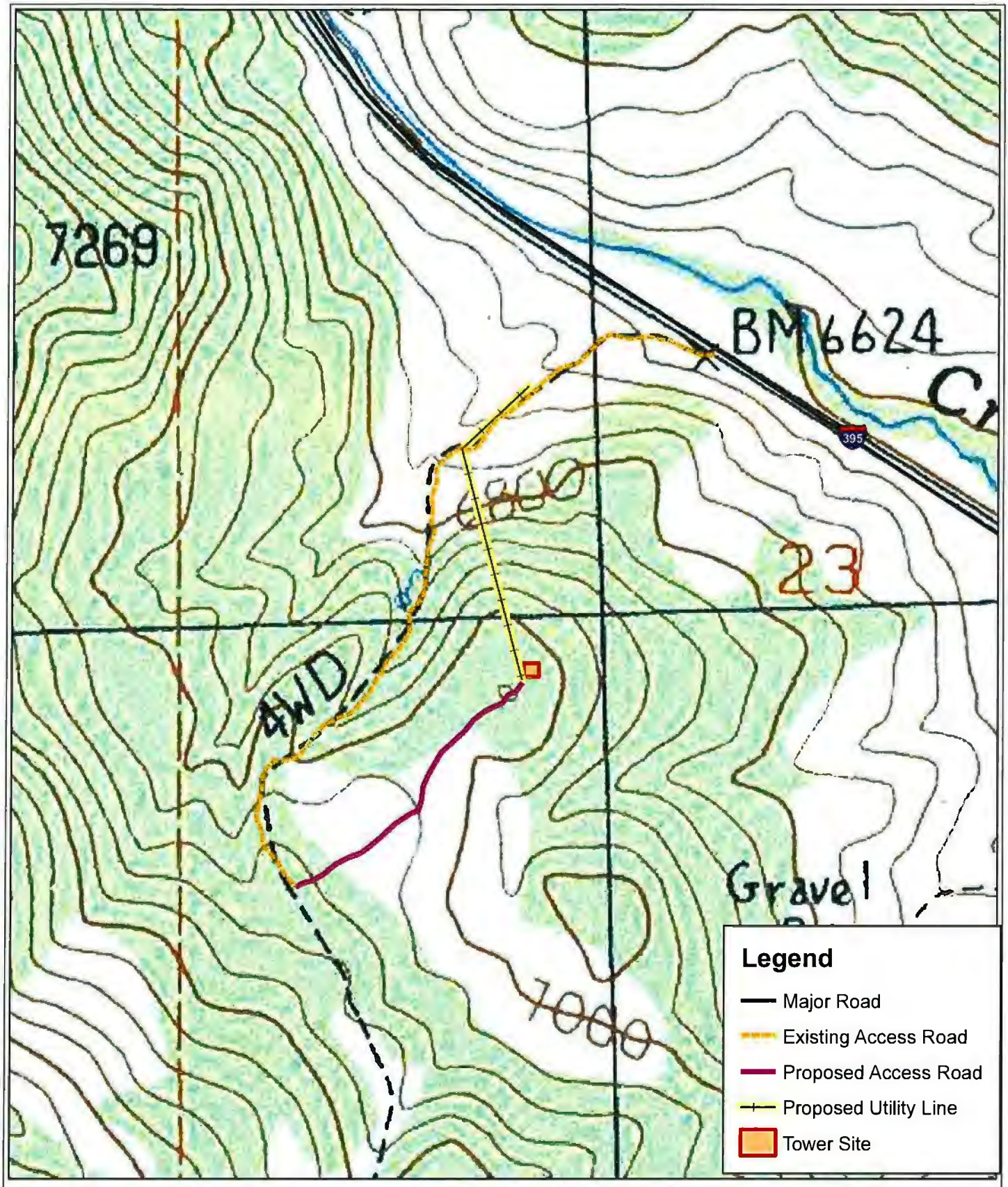

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1:6,200

Figure 2A. Vista Towers Communications Project
North Bridgeport Topographic Map

0 250 500 1,000 Feet

Prepared By:
RESOURCE CONCEPTS INC.

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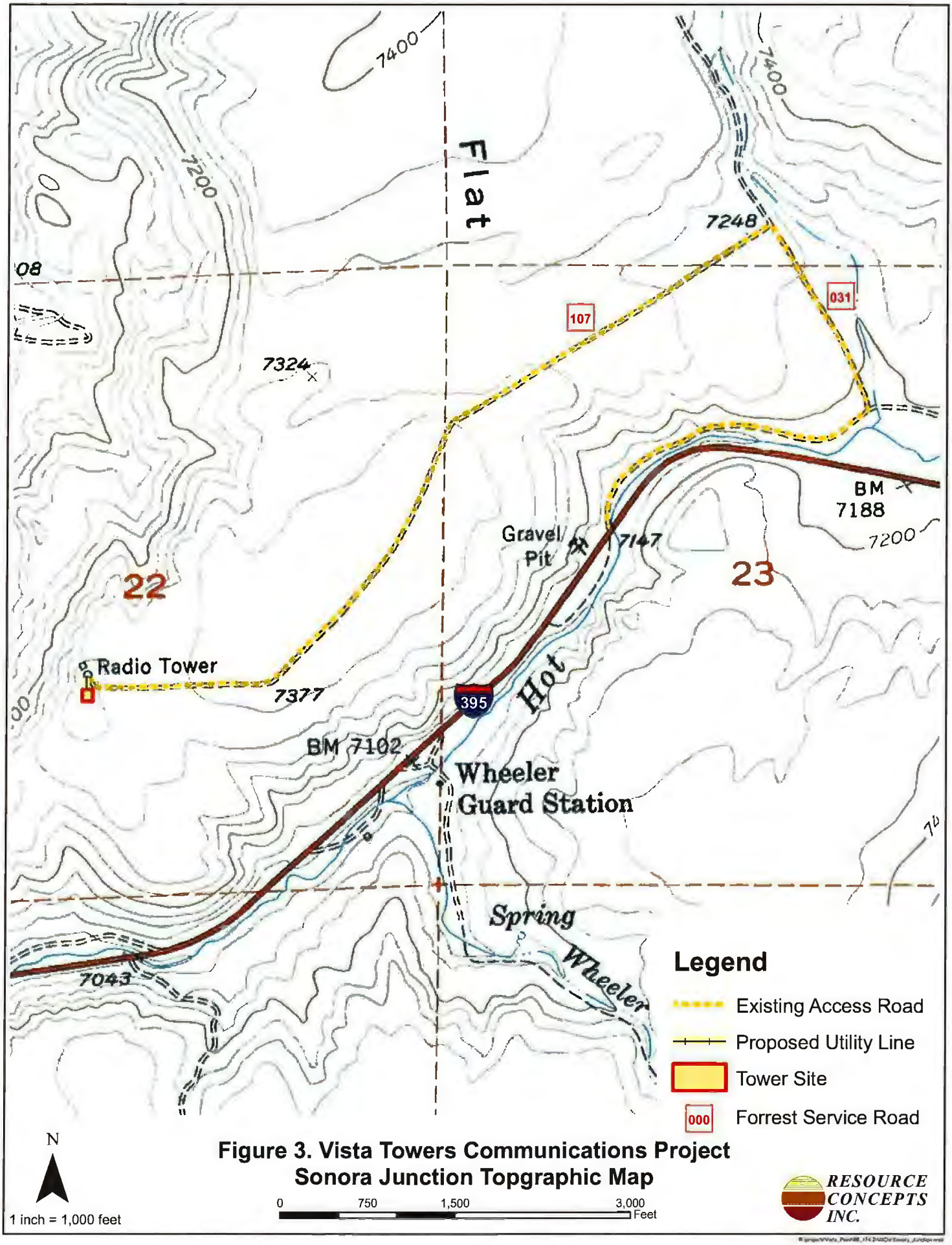

Figure 3. Vista Towers Communications Project
Sonora Junction Topgraphic Map

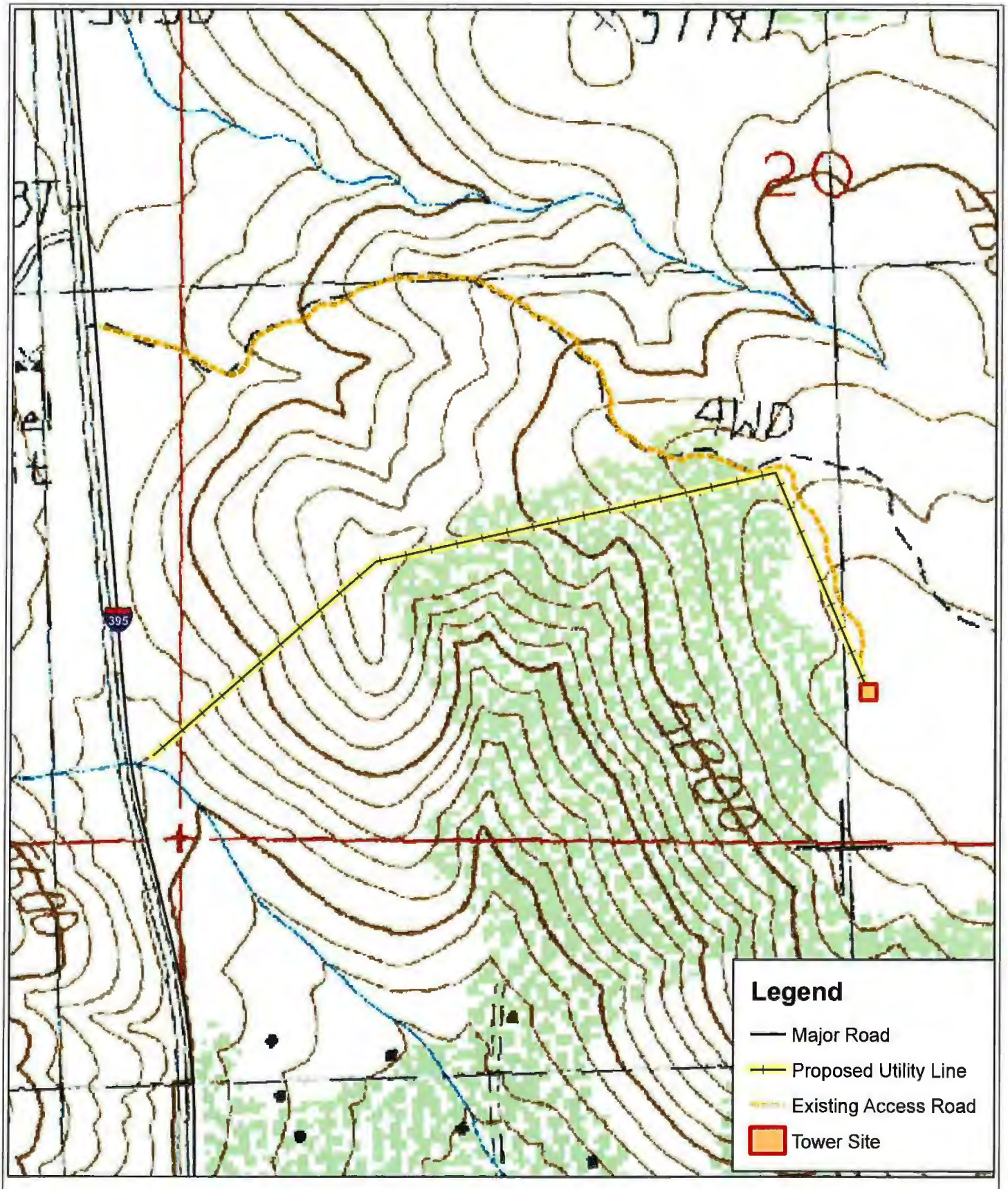

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Figure 4. Vista Towers Communications Project
Wild Oat Topographic Map

0 250 500 1,000 Feet

Prepared By:
RESOURCE CONCEPTS INC.

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