



Shasta Bally Summit Communication Facilities FINDING OF NO SIGNIFICANT IMPACT

October 2011

The National Park Service (NPS) has completed an Environmental Assessment (EA) for the management of the Shasta Bally Summit (Summit) including the communications equipment located on the Summit, the Shasta Bally Road from Sheep Camp to the Summit, and the Pacific Gas and Electric (PG&E) powerline that runs from Crystal Creek Conservation Camp to the Summit. The Summit, road, and powerline are all located in the Whiskeytown National Recreation Area (park), which is a unit of the NPS located within the Whiskeytown-Shasta-Trinity National Recreation Area. Shasta Bally is well-recognized as a dominant geographic feature in the Redding, California area. The Summit of Shasta Bally is at an elevation of 6,199 feet above mean sea level (MSL) and provides sweeping views of the Klamath Mountains, Cascade Range and the Sacramento Valley. Due to its elevation, the Summit at Shasta Bally provided an attractive location for telecommunication towers and related facilities prior to the United States' purchase of the Summit in 1970. The United States purchased the Summit subject to a lease that the prior owner had entered into with Sacramento Valley Television Inc. for telecommunications purposes (SVTI Lease). The park assumed management of the Summit telecommunication site activities as of September 01, 2009.

In December 2008, two public meetings were held at the Community Room of the Redding City Hall for existing telecommunication users of the Summit and the public to determine the extent of environmental issues and alternatives to be addressed in the EA. The EA was prepared in 2009 to provide an opportunity for public comment on the range of alternative management scenarios and as a necessary step in determining the potential environmental consequences of the alternatives on Shasta Bally Summit and the surrounding area. The selected alternative was chosen after a careful review of foreseeable resource and visitor impacts, and public and agency comment. Concerns identified during scoping and evaluated in the EA included impacts and benefits of the wireless communication facilities (WCF) on the community, visitors, park resources, what entities could be issued 10-year ROW Permits, legal requirements, and safety.

This document records the following: 1) Finding of No Significant Impact (FONSI) as required by the National Environmental Policy Act (NEPA) of 1969 and 2) determination of no impairment as required by the NPS Organic Act of 1916.

PURPOSE AND NEED

The purpose of the project is to:

- Evaluate issuance of 10-year NPS ROW Permits to authorize WCF activities on the Summit as well as to evaluate continued use of the PG&E powerline to support the WCF activities on the Summit;
- Protect sensitive ecosystems, natural, and cultural resources on Shasta Bally
- Maintain Shasta Bally Road; and
- Clarify visitor use and access on the Summit

The action is needed due to the expiration of the SVTI Lease and the resulting Settlement Agreement that ultimately concluded litigation regarding the renewal of the lease on Shasta Bally Summit. Under the terms of the Settlement Agreement, a "Wind-down Period" concluded on August 31, 2009. At this point the NPS issued interim right of way (ROW) Permits after the conclusion of the Wind-down Period. NPS ROW Permits are the only instruments used to authorize new or previously existing communication facilities on NPS land. Existing tenants with communication facilities must be converted to NPS ROW Permits. NPS ROW Permits are discretionary, revocable documents issued for 10-year periods. These Permits do not convey any interest in the land.

Maintaining access to the Shasta Bally Summit is an element of the project. Shasta Bally Road from Sheep Camp to the Summit is susceptible to erosion and is difficult to maintain. Additionally, visitors travel to the Summit during the summer and fall months to hike and experience the views from the top of Shasta Bally. Delineation of the visitor parking area and clarification of the trail system at Shasta Bally Summit with one main trail leading to geologic features or other areas of interest to park visitors is needed. Wayside exhibits are also needed at the Summit to orient visitors to the surrounding peaks and landmarks and explain the natural and cultural values of the Summit area.

SELECTED ALTERNATIVE

The selected action is Alternative F as described in the EA, there are no changes incorporated herein. This course of action will permit all existing permit applicants to continue to use the site on the summit of Shasta Bally under the terms of 10-year NPS ROW Permits. Alternative F allows for the new permittees to co-locate equipment on existing infrastructure, and for existing and new users to install new infrastructure at the site in the disturbed areas not currently being utilized. Additionally Alternative F allows for WCF to remain on the summit in the future, subject to 10-year ROW permits and applicable laws and regulations.

Under the selected action, the NPS will oversee the maintenance and management of the telecommunications equipment, powerline, and road in such a manner that provides for enhancement and protection of natural and cultural resources, including native

vegetation and wildlife, water quality, air quality, archeological sites, and other cultural and natural resources. Specifically, the NPS will:

- Issue 10-year ROW Permits to authorize WCF users on the site;
- Provide regular road maintenance to repair culverts and grade and gravel Shasta Bally Road;
- Define a parking area and trail; and
- Relocate powerline to Shasta Bally Road if opportunity presents itself (i.e. if a fire were to destroy the line, there might be the opportunity to realign the powerline with Shasta Bally Road).

Mitigation measures have been developed for the maintenance and construction of WCF to reduce resource impacts, enhance conditions on the site, and promote sustainable construction and maintenance operations.

OTHER ALTERNATIVES CONSIDERED

Alternatives identified and analyzed in the EA included a No Action Alternative and three action alternatives. The No Action Alternative is defined as the continued operation by existing users of their WCF without issuance of 10-year ROW Permits. However, existing users could not legally continue to operate without a permit from the NPS (36 CFR Part 14). Therefore, the No Action Alternative was included to provide an environmental baseline for assessing and comparing the impacts of the action alternatives.

The action alternatives consisted of Alternative B where all existing permit applicants would continue to use the WCF site and no new permittees or infrastructure would be allowed, and as existing users choose to remove their facilities site restoration would occur; Alternative C would allow all existing permit applicants to continue to use the WCF site in the short-term but uses of the site would be phased out over a set time period (e.g. 20 – 30 years), and; Alternative D would let all existing permit applicants continue to use the WCF site and allow new permittees to co-locate only on existing infrastructure.

ALTERNATIVES CONSIDERED BUT DISMISSED

Immediately Terminate All Operations of Telecommunications Equipment

This alternative option was initially considered during project scoping and was presented as Alternative E in the preliminary range of alternatives in the November 2008 newsletter. Alternative E would have terminated telecommunication operations immediately. This alternative was considered too disruptive to the public and to the telecommunications needs of the existing tenants who were operating on the Summit during the period when California Oregon Broadcasting, Inc. (COBi, who succeeded

SVTI's interest in the lease in 1986) managed telecommunications uses. Therefore, this alternative was not considered due to the impact it would have on the public and existing tenants.

Pave Shasta Bally Road from Sheep Camp to Summit and Install Scenic Pullouts

Paving the road and installing scenic pullouts along the road could cause unacceptable impacts due to the need for road realignments, widening, turnouts, and other road development. Damages to the park's resources that would occur while paving the road coupled with the high cost to implement such a project made this option infeasible. Also, this option would only partially address the expressed purpose and need for federal action.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

As documented in the EA, Alternative B, gradual removal of the wireless communication facilities, was deemed to be environmentally preferred. The environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed by §101 of the National Environmental Policy Act. This includes alternatives which:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Although each of the alternatives meet the above criteria to some degree, Alternative B best addresses five of the six evaluation factors. In contrast to Alternative C, which includes a mandatory phase out over 20-30 years, Alternative B relies on the gradual removal of the WCF. This gradual removal would occur over time as operators choose

to relocate elsewhere. It is expected that the removal of all the WCF would take place sooner in Alternative B than in the Phase-Out period in Alternative C. However, even if the removal of the WCF would take longer under Alternative B than under Alternative C, Alternative B best meets the goal of attaining the widest range of beneficial uses of the environment without risk to health and safety or other undesirable consequences. By allowing for the gradual removal of the WCF, Alternative B allows telecommunication services provided from the Summit to continue until they can be met elsewhere or are no longer needed.

Alternative B does not allow for an increase in WCF tenants nor does it allow for the expansion of the WCF atop Shasta Bally. Alternatives D and F both allow for varying degrees of increasing WCF infrastructure. Because Alternative B would limit the WCF to those that exist now, Alternative B more fully meets the goals of fulfilling the responsibilities of each generation as trustee for the environment, assuring an aesthetically pleasing environment for all generations, achieving a balance between population demands and resource use, and preserving natural aspects of our nation's heritage.

Alternative F, (existing and new permittees allowed on the site) was selected for implementation over the environmentally preferred alternative (gradual removal of WCF). After consideration of public comments throughout the scoping and planning process, careful review of potential resource and visitor impacts, and developing appropriate mitigation to protect resources and visitor experience, the selected alternative best strikes a balance between the widest range of protection and enjoyment of the park and continuance of safety communications important in the region, without degradation of the environment or risk of health or safety.

Mitigation Measures and Best Management Practices

The nature of contemporary wireless telecommunications creates the potential for obtrusive visual and other resource impacts because antennas need to be placed in a location offering clear line-of-sight, the equipment must be connected to electrical systems, and the facilities must be accessible year-round for maintenance. Mitigation Measures and Best Management Practices (BMPs) have been identified to address these impacts. Some of these measures pertain to all users and facilities at this site, while others are only relevant for new construction of facilities or for new users on existing facilities.

Mitigation Measures for Structures and Facilities—Existing

To minimize the adverse effects to park resources from the presence of existing wireless communication facilities, the following measures will be adhered to in implementation of the selected alternative. These measures shall be incorporated into permits issued by the park for use of the site for continued operation of WCF by existing users.

Affected Resource	Mitigation Measures	Responsibility
Visual Resources	<p>All wireless telecommunication equipment and support structures will be painted in appropriate color shades that will minimize the visibility of the structures. Finishes or colors that would be shiny or reflective in sunlight will not be allowed. Park staff shall be consulted regarding the appropriateness of color shades for structures. Preferred color tone for buildings and structures is Sherman-Williams Paint B66T104 Ultra Deep Shasta Bally Green, for towers the preferred color tone is Dunn Edwards paint DE 5821 overcast sky.</p> <p>Existing structures shall incorporate camouflage design, if feasible. Park staff shall be consulted regarding the feasibility and appropriateness of camouflage designs for structures (see above for preferred color tones).</p> <p>In order to minimize above-ground obstacles to visual resources, wireless telecommunication equipment can not exceed 120 feet above summit height (not to exceed 6320 elevation). As equipment located on towers is retired, reconfigured or removed, an evaluation shall be conducted to determine the feasibility for lowering the tower height while retaining full operation of the remaining users equipment.</p> <p>Towers, buildings, and equipment would remain unlit unless light is needed for maintenance operations. In compliance with FCC regulations and other guidelines, towers less than 120 feet do not require lights. Lights will utilize full cut-off fixtures to minimize degradation of the night sky. Security or safety lighting for on-ground facilities and equipment would be down-shielded to keep light within the site boundaries.</p> <p>No company logos or advertising will be displayed on wireless telecommunication facilities.</p> <p>Utility services for wireless telecommunication facilities will be installed underground or placed in at-grade conduits unless this would disturb recently undisturbed areas or cause other unacceptable resource impacts.</p> <p>Reduce tower heights after a full evaluation of existing</p>	NPS Maintenance Staff

	users and equipment. This evaluation can identify an optimal operation plan that will reduce the visual impacts, retain full operation of remaining equipment, and maintain appropriate safety distances. Any towers not necessary shall be removed.	
Sustainability	As equipment is replaced, new equipment shall be state-of-the-art and energy-efficient to reduce the overall energy needs of the site. Solar energy-powered and other alternative energy resources will be evaluated for feasibility to meet the energy demands of the facilities.	NPS Maintenance Staff
Park Operations	Helicopter use for access to the site will be regulated by NPS according to park aviation plan. Advance planning with park aviation coordinator (Chief Ranger) is required.	NPS Chief Ranger

Mitigation Measures and Best Management Practices—Maintenance and Construction

These measures are applicable to both ongoing maintenance and repair activities related to roads, power transmission and facilities, as well as construction of any new facilities for which a ROW is permitted. These BMPs are used on all construction projects at the park.

Affected Resource	Mitigation Measures	Responsibility
Air Quality	Dust control will occur as needed on active work areas where soil or fine particles are exposed. The contractor will not leave vehicles idling for more than five minutes when parked or not in use.	NPS Natural Resource Management Staff and Park Maintenance Staff
Cultural Resources	All ground disturbing activities for this project must be approved by the Cultural Resources Program Manager.	Cultural Resource Management Staff
Soils/Geologic Resources	Erosion and sediment control will be required (see "General Mitigation Measures"). Use of Shasta Bally Road shall be limited to the dry season to minimize damage to the road bed. Topsoil would be removed from areas of construction and stored for later reclamation use. The topsoil would be redistributed as near the original location as possible.	NPS Geologist
Vegetation	Before construction begins, the NPS will survey the project site to look for non-native species of concern in the area. If	NPS Natural Resources

	<p>any of these species are found, mitigation measures to reduce or eliminate impacts by these plants will be taken under direction of the park's Natural Resource Management staff.</p> <p>Proposed staging areas will be surveyed by park staff of high priority non-native invasive plants and approved accordingly.</p> <p>Ground surface treatment will include grading to natural contours.</p> <p>Disturbed areas will be assessed by the NPS Natural Resource Management staff after construction to determine if restoration efforts are successful or if additional actions are necessary.</p> <p>In an effort to avoid introduction of non-native invasive plant species, leaf litter and duff from surrounding areas will only be used for and to initiate the recovery of vegetation.</p> <p>Best Management Practices will include:</p> <ul style="list-style-type: none"> • Minimize soil disturbance. • Pressure wash and/or steam clean all construction equipment to ensure that all equipment, machinery, rocks, gravel, or other materials are cleaned and weed-free before entering the parks. Construction equipment will be inspected by NPS staff prior to entering the parks to ensure compliance with cleanliness requirements and inadequately cleaned equipment will be rejected. • Limit vehicle parking to existing roadways, access routes, or the designated staging area. • Limit disturbance - no machinery or equipment should access areas outside the construction limits, which will also include the tower construction area, staging area, and existing roadways or access routes. <p>Obtain any needed fill, rock, or additional topsoil from the project area, if possible. If not possible, obtain weed-free sources from NPS-approved sources outside the parks.</p> <p>Sources of rock, sand, gravel, earth, soil, or other imported natural material will be inspected for invasive non-native plants prior to acceptance.</p> <ul style="list-style-type: none"> • Revegetation will take several years and attempts to 	<p>Management Staff and Maintenance Staff</p>
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	<p>propagate plants from the area due to the unique and fragile plant community located on the summit.</p> <ul style="list-style-type: none"> • Monitor disturbed areas for up to three years following construction to identify infestations of non-native invasive species. Treatment of non-native vegetation will be completed in accordance with NPS-13, "Integrated Pest Management Guidelines." <p>To maximize restoration efforts after completion of construction activities, the following measures will be implemented:</p> <ul style="list-style-type: none"> • Litter and duff will be removed from project areas and stored for later replacement over topsoil. • Topsoil will be removed from areas of construction, stored on site, and replaced at the end of the project. The topsoil will be spread in as near the original location as possible. • Native vegetation removed during construction will be replanted wherever it is feasible. • In areas of bare soil, duff from nearby areas will be collected and spread on site. This material will have a seed bank of local genetic material specific to the summit. 	
Visitor Experience	<p>Visitors will be notified when construction will occur and information will be posted in neighboring communities, on the park website, and at visitor centers.</p> <p>Visitors will not be allowed to access the construction site. Emergency vehicles will be allowed on site if needed.</p> <p>All equipment and facilities will be maintained appropriately, so that there are no unnecessary or displeasing noises, odors or other effects from facility equipment.</p>	NPS Maintenance Staff
Water Quality	<p>At all cut and fill areas, erosion and sedimentation control, such as silt fencing, will be implemented to minimize impacts to water quality.</p> <p>Surface restoration of disturbed soils will be implemented to minimize long-term soil erosion.</p> <p>Water needed for construction and dust control will come from the existing developed water systems within the park.</p>	NPS Natural Resource Management Staff and Maintenance Staff
Wildlife	<p>The clearing limits (construction limits) will be clearly marked or flagged prior to construction to limit disturbance to wildlife habitat.</p>	NPS Natural Resource Management Staff

	<p>Construction activity will be limited to daylight hours for new towers. Work on existing towers will be allowed to continue through night hours.</p> <p>Feeding or approaching wildlife will be prohibited.</p> <p>Any wildlife collisions will be reported to park personnel.</p> <p>A litter control program will be implemented during construction to eliminate the accumulation of trash. All food will be stored in bear-proof containers except when it is being consumed. Food stored in vehicles will be in bear proof containers. Spilled food will be cleaned up.</p>	
Environmental Compliance	<p>A hazard spill plan will be prepared for each fuel tank. Fuel storage tanks will meet NPS and county standards. All equipment will use environmentally-friendly oils, lubricants, cleaning products, etc.</p> <p>Septic systems and leach fields will be regularly inspected and maintained in accordance with county regulations and any NPS guidelines.</p> <p>Provisions will be added to the 10-year ROW Permit for the permittee responsible for site engineers in order to address the issue of having someone reside on site.</p>	NPS Maintenance Staff and Park Superintendent

Mitigation Measures and Requirements—New Structures or Facilities

All of the previous measures would apply for any new user or new wireless telecommunication facilities proposed for the site. There would be additional requirements regarding the design of the facilities in addition to measures to avoid or reduce impacts during construction of the new facilities.

Affected Resource	Mitigation Measures	Responsibility
Cultural Resources	<p>If cultural/archeological resources are discovered during construction, work will be halted, the site will be properly protected and secured and NPS will be notified. No work will proceed until professional NPS cultural resource specialist has investigated the find. In this event, further consultation with the California State Historic Preservation Office and affiliated Tribes may be needed.</p> <p>A tribal monitor will be requested for trail construction on the Shasta Bally Summit.</p>	Cultural Resource Management Staff
Park Operations	All new structures will be located within the existing disturbed area of the project site. Park staff shall be consulted regarding the feasibility and appropriate locations for structures.	NPS Maintenance Staff and Park Superintendent

	<p>NPS permission (at least 3 months advance notice and subject to NPS ROW Permit provisions) required to install new infrastructure or remove existing infrastructure, including co-located structures on existing buildings, towers, poles, etc. Project specifications will include detailed maps/drawings, schedule, use of road (visitor impacts/safety), staging areas, dust and noise abatement, cleaning equipment (to reduce exotic plant seed dispersal), erosion control (weed-free materials), secured construction site, debris removal, hazard spill plan, etc.</p> <p>New utility services for wireless telecommunication facilities shall be installed underground or placed in at-grade conduits unless this would disturb recently undisturbed areas or cause other unacceptable resource impacts.</p> <p>For structure removal, all concrete and below ground structures shall be completely removed, or at least to 18-inch depth (to facilitate future site restoration).</p>	
Visual Resources	<p>Any new towers or other structures supporting wireless telecommunication equipment shall be the minimum height necessary to achieve successful operation, yet still comply with FCC guidelines for safety regarding human exposure. However, tower height cannot exceed 120 feet above the summit (maximum 6320-foot elevation at the top of tower), to minimize above-ground disturbance of visual resources.</p> <p>Any new towers will utilize a monopole design or one that incorporates thin structural components and minimizes a visual "footprint". Building height will be limited to current roof line or less. Park staff shall be consulted regarding the feasibility and appropriateness of design for structures.</p> <p>All other hardware components attached to towers will be the minimum size necessary to meet the objectives.</p> <p>Wireless telecommunication facilities would be constructed in a manner that is compatible with the character of surrounding area. Where feasible, camouflage design shall be incorporated to disguise towers. The proponent would work with park staff to determine the type of camouflage and color of towers to be installed.</p>	NPS Maintenance Staff

General Mitigation Measures and Best Management Practices for Sustainable Construction Operations

Affected Resource	Mitigation Measures	Responsibility
	The NPS project manager is responsible for ensuring that the project remains within the construction limits and	NPS Natural Resource

	<p>parameters established in the compliance documents and that mitigation measures are properly implemented.</p> <p>Staging and stockpiling areas will be located in recently disturbed sites, away from visitor use "areas to the extent possible, and returned to pre-construction conditions following construction.</p> <p>All protection measures would be clearly stated in the construction specifications / special construction requirements, and workers would be instructed to avoid conducting activities beyond the construction limits as defined by the construction fencing or similar material. This could include necessary temporary structures such as erosion control fencing.</p> <p>All tools, equipment, barricades, signs, surplus materials, and rubbish would be removed from NPS property upon project completion. Any road and off-road surfaces damaged due to work on the project would be repaired to original condition as much as is feasible. All demolition debris would be removed from the project site, including all visible concrete and metal pieces.</p> <p>Contractors would be required to properly maintain construction equipment (i.e., mufflers) to minimize noise from use of the equipment.</p> <p>A hazardous spill plan would be in place, stating what actions would be taken in the case of a spill, notification measures, and preventive measures to be implemented, such as the placement of storage and handling of hazardous materials, etc.</p> <p>Where appropriate and available "environmentally friendly" grease, hydraulic oil, and bar and chain oil would be used. These lubricants are vegetable, or mineral oil based, less toxic, and biodegradable.</p> <p>All equipment on the project would be maintained in a clean and well-functioning state to avoid or minimize contamination from automotive fluids. All equipment would be checked daily.</p>	<p>Management Staff and Maintenance Staff</p>
	<p>Best management practices for drainage and sediment control, as identified in the contractor's Storm water Pollution Prevention Plan, would be implemented to prevent or reduce non-point source pollution and minimize soil loss and sedimentation in drainage areas. Use of Best Management Practices in the project area for drainage area protection would include all or some of the following actions, depending on site-specific requirements:</p>	<p>NPS Maintenance Staff</p>

	<ul style="list-style-type: none"> • keeping disturbed areas as small as practical to minimize exposed soil and the potential for erosion; • locating waste and excess excavated materials outside of drainages to avoid sedimentation; • installing silt fences, temporary earthen berms, temporary water bars, sediment traps, stone check dams, or other equivalent measures (including installing erosion-control measures around the perimeter of stockpiled fill material) prior to construction; • conducting regular site inspections during the construction period to ensure that erosion-control measures were properly installed and are functioning effectively; and • storing, using, and disposing of chemicals, fuels, and other toxic materials in a proper manner 	
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WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

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

No major adverse or beneficial impacts were identified that warranted analysis in an Environmental Impact Statement (EIS). Minor short-term impacts of the selected alternative could occur from regular maintenance on Shasta Bally Road and expansion of WCF on the site. The WCF site and road maintenance will increase park operation's responsibility on the Summit and affect the soil in the area. Soil impacts can be mitigated by spreading of leaf litter and duff from the surrounding area. This will prevent soil erosion while simultaneously providing a seed source to aid in the recovery of native vegetation. The development of a designated trail with interpretative exhibit panels at the trailhead will have a beneficial effect on visitor use and experience by providing useful information and limiting ground disturbance to the trail corridor. Visitor experience will be affected by the existence of the WCF on the Summit along with the gravel access road. The powerline and facilities located on Shasta Bally Summit along with visitor use poses minor disturbance to vegetation, special status species and ecologically critical areas.

Operation of WCF and construction of new WCF will have moderate effects to soundscape and visual resources. Mitigation measures incorporated as noted above will decrease the effects of operation and construction of the WCF.

The selected alternative allows for additional permittees to locate on the Summit and possible increased infrastructure in the recently disturbed area not currently being utilized, which would benefit the community. As a result of the protective measures the park will implement, the actions included in the selected alternative will have no adverse effect on historic properties, traditional uses or sacred sites.

Degree of effect on public health or safety

The continued WCF operations on the Summit support public health and safety by providing the structure and flexibility for public safety communications now and in the future. The private broadcasting entities on the site broadcast the emergency alert system during emergencies or critical incidents within Shasta, Tehama, and Trinity Counties. Regular road maintenance on Shasta Bally Road will allow for safer road conditions.

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

There will be a minor adverse effect to ecologically critical areas due to the location of the powerline and WCF along with visitor use on the Summit. As described in the EA, no adverse effects on cultural resources, prime farmlands, wetlands, or wild and scenic rivers were identified for the selected alternative.

Degree to which effects on the quality of the human environment are likely to be highly controversial

No highly controversial effects associated with the selected alternative were identified during preparation of the EA nor during the public comment period. All comments received during the public comment period either support the proposal or concurred with the determination of no adverse effect.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

There were no highly uncertain or unique or unknown risks identified in the course of preparing the EA nor during the public review period.

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

Because there are WCF located within other National Parks, action for this project will not set any NPS precedent. The selected alternative is consistent with 10-year ROW Permits issued elsewhere.

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

Cumulative impacts were determined by combining the impacts of the alternatives with other past, present, and reasonably foreseeable future actions. Therefore, it was necessary to identify other ongoing or reasonably foreseeable future projects at the park and, if applicable, the surrounding region. The geographic scope for this analysis includes elements within Whiskeytown NRA's boundaries, while the temporal scope includes projects within a range of approximately 10 years. Given this, the following project was identified for the purpose of conducting the cumulative impacts analysis, listed from past to future:

Fire Management Plan: The primary goals of the fire management program at Whiskeytown are to protect people, property and resources from large, high-intensity wildfires; reduce the build-up of forest fuels; and to bring fire back into the ecosystem. The Whiskeytown NRA fire management plan focuses mainly on lower elevations along the park boundaries and the urban interface on the east side of the park. The fire management plan will be updated in the next couple of years to include burn units on Shasta Bally Mountain.

No major (significant) cumulative effects were identified in the EA.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The National Park Service identified several resources in the Area of Potential Effect (APE) for this project including two prehistoric sites, Shasta Bally Road, the Pacific Gas and Electric (PG&E) transmission line, the KRCR telecommunications tower and associated building, the Shasta Bally Mountain Traditional Cultural Property. Compliance with §106 of the National Historic Preservation Act was completed with a concurrence by the California State Historic Preservation Officer (SHPO) that as a result of the identification process and management and protective measures the Park will implement:

- 1) The Area of Potential Effect is sufficient pursuant to 36 CFR 800.
- 2) The NPS proposal to presume eligibility of the two prehistoric sites and the TCP for the purposes of this undertaking is appropriate.

- 3) The three resources identified in the APE (Shasta Bally Road, PG&E transmission line, and the KRCR tower and associated building) are not eligible for listing on the National Register of Historic Places.
- 4) The National Park Service's finding of No Adverse Effect is appropriate for this undertaking pursuant to 36 CFR 800.5(b).

The letter of concurrence from the SHPO was received on October 14, 2011.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

The selected alternative has minimal potential to affect the Northern spotted owl, the only Federally listed species in the region. The area directly surrounding the WCF does not support dense forest and is unlikely to be utilized by the Northern spotted owl. However, much of the area traversed by the powerline corridor is old growth forest and considered to provide suitable nesting, roosting, and foraging habitat. Portions of the area traversed by Shasta Bally Road also contain suitable habitat for the Northern spotted owl. The Pacific fisher is not Federally listed, but is a candidate species for listing. Although specific information on populations and distribution of the Pacific fisher is not available for the vicinity, several sightings have been reported within the Whiskeytown NRA. As with the Northern spotted owl, the presence of the powerline corridor presents a potential source of disturbance and fragmentation of the species' habitat for the Pacific fisher. The USFWS and CDFG did not express any concerns with regard to the proposed action.

Special status plant species have been identified to possibly occur in the vicinity of the project area. Shasta County arnica is confirmed to be present within road cuts of Shasta Bally road, which may be adversely effected by road maintenance and use. The presence of this species indicates that it can establish and survive in areas along the road, but it still may be impacted by vehicle traffic and maintenance activities. Clustered lady's slippers have been found on the northeast side of the Summit and the snow mountain penstemon has been confirmed on the west side of the Summit, but neither of these has been reported within the defined project area. *Triteleia* is expected to occur within the old growth forest areas along the powerline.

Whether the action threatens a violation of Federal, state, or local environmental protection law

This action violates no federal, state, or local environmental protection laws.

PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Scoping

Prior to the EA public review period, NPS held two public scoping meetings in December 2008 - one for telecommunication site users and one for the general public and interested parties. An initial 30 day public comment period was open until January 15, 2009. The

public comment period was extended 30 days to accommodate additional public responses, for a total of 60 days. The NPS received over 100 comments by the end of February 2009. Approximately 90 percent of the comments were from the public and a few interested organizations. The remaining comments were from existing site tenants and people self-identified with the telecommunications industry. Several broad themes emerged from the scoping sessions and comments:

- Many comments from the public expressed concern that the site would be shut down immediately resulting in the loss of access to broadband internet, radio, television, and emergency services.
- Some of the public comments supported fair market value charges to pay for maintenance of the access road and to avoid subsidizing the operations at the site.
- Some individuals and organizations responded with concerns regarding the impact of the operations to natural and cultural resources and would like to see a long-term phase out of the facilities.
- The tenants and agencies currently broadcasting from the summit of Shasta Bally affirmed their need to remain on this specific site because of its unique location, elevation, and power supply.
- Tenants also indicated a desire to have a longer term lease with the NPS rather than the 10-year ROW Permits now required.
- Many respondents doubted that mitigation measures to reduce resource impacts would be feasible.
- A few permittees were concerned about the cost structure of the new permit system and their share of the cost of maintaining the access road to the site.

In accordance with the National Historic Preservation Act the National Park Service consulted with the Redding Rancheria Tribe. In correspondence received February 15, 2009 the Redding Rancheria Tribe Cultural Resource Program Manager strongly emphasized the spiritual importance of the Shasta Bally peak and that this area has been a gathering place with fasting areas that are typically defined by the rock formations or are in areas that face certain directions. The Rancheria also indicated that they want to ensure continued protection of and access to these types of locations for Wintu people. The Rancheria requested additional government-to-government consultation for the Telecommunications ROW project and suggested a meeting between Whiskeytown's Park Superintendent and the Redding Rancheria Tribal Council.

After further consultation with the Tribe, which resulted in the adjustment of the Area of Potential Effect of the project to incorporate the potentially eligible Shasta Bally

Mountain Traditional Cultural Property, park staff met a third time on July 12, 2011 with the Tribal Council which resulted in a letter (dated July 18) received by the park stating: (1) The Tribe's concurrence with the APE defined by the park and that the proposed actions will not adversely affect any traditional uses or sacred sites on the mountain, and (2) The Tribe's concurrence that the communications towers, power line corridor, and Shasta Bally road are not eligible for the National Register of Historic Places. The National Park Service will continue to work with the Wintu people to facilitate the traditional use of Shasta Bally and to document and protect sacred sites.

Public Comment on the Environmental Assessment

The EA was made available for public review and comment during a 30-day period ending August 10, 2009. A total of nine responses were received. All but two letters clearly stated a position for the selected alternative. Of the seven responses for the selected alternative, one letter was received with three signatures including the Chief of Police from the Redding Police Department, Chief of Police from the Anderson Police Department, and the Sheriff from the Shasta County Sheriff's Office. The remaining responses received in support of the selected alternative included one letter from the National Parks Conservation Association and three letters from private citizens. The remaining two responses were received from private citizens where one citizen was in favor of Alternative B and the second citizen stated that the park should receive "fair" payment from permittees. There were no substantive comments nor relevant new information provided; no corrections to the analysis in the EA were indicated.

APPROPRIATE USE, UNACCEPTABLE IMPACTS, AND IMPAIRMENT

Sections 1.5 and 8.12 of NPS *Management Policies* underscore the fact that not all uses are allowable or appropriate in units of the National Park System. The proposed use was screened to determine consistency with applicable laws, executive orders, regulations, and policies; consistency with existing plans for public use and resource management; actual and potential effects to park resources; total costs to the Park Service; and whether the public interest would be served. The NPS *Management Policies 2006* sets forth policies that apply to ROW Permits within all units of the National Park System.

According to the *Management Policies*, ROW Permits "may be issued only pursuant to specific statutory authority, and generally only if there is no practicable alternative to such use of NPS lands." See *Management Policies 2006*, section 8.6.4.1. These policies require that "[a]s with other special park uses, telecommunications proposals must meet the criteria" specifically set forth in the *Management Policies* "to prevent unacceptable impacts." See *Management Policies 2006*, section 8.6.4.3. The NPS adhered to these laws and policies as it evaluated the proposed action of issuing 10-year ROW Permits for WCF uses on Shasta Bally. National Park Service Reference Manual 53 (RM-53) sets forth National Park Service policy with regard to special park uses, which include 10-year ROW Permits. RM-53 also reiterates the general policy framework set forth in the *Management Policies 2006*. The regulations at 36 CFR Part

14 set forth the specific National Park Service regulations regarding ROW Permits. Therefore, the Park Service finds that the selected alternative is an appropriate use. Because the application of mitigating measures is expected to be successful in ensuring that no major adverse impacts would occur and that satisfactory reclamation of the disturbed area is expected to be achievable, implementation of the selected alternative would not result in any unacceptable impacts.

In analyzing potential for impairments in the NEPA analysis for this project, the NPS takes into account the fact that if impairment were likely to occur; such impacts would be considered to be major or significant under Council of Environmental Quality (CEQ) regulations. This is because the context and intensity of the impact would be sufficient to render what would normally be a minor or moderate impact to be major or significant. Taking this into consideration, NPS guidance documents note that "Not all major or significant impacts under a NEPA analysis are impairments. However, all impairments to NPS resources and values would constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation" according to the National Park Service Director's Order (DO)-12.

In addition to reviewing the definition of "significantly" under the NEPA regulations, the NPS has determined that implementation of the selected alternative would not constitute an impairment to the integrity of Whiskeytown National Recreation Area's resources or values as described by NPS *Management Policies* (NPS 2006 § 1.4). This conclusion is based on the NPS's analysis of the environmental impacts of the proposed action as described in the EA, the public comments received, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in 2006 NPS *Management Policies*. The EA identified less than major adverse impacts on air quality, soils and geologic resources, water quality, ecologically critical areas, special status species, vegetation, wildlife, visual resources, park maintenance, visitor use and experience, soundscape, and environmental justice. Although the approved project has some negative impacts, in all cases these result from the actions taken to preserve and restore other park resources and values. Overall, the project results in benefits to park resources and values, opportunities for their enjoyment, and it does not result in their impairment.

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CONCLUSION

As described above, implementing Alternative F does not constitute an action meeting the criteria that normally require preparation of an EIS. The selected alternative will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from localized to widespread, short- to long-term, and negligible to moderate. There are no adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate federal, state, or local environmental protection law.

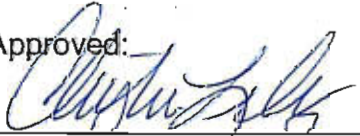
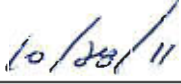
Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

Recommended:

Jim Milestone, Superintendent - Whiskeytown NRA Date

Approved:

Christine S. Lehnertz, Regional Director - Pacific West Region Date