



National Park Service  
U.S. Department of the Interior  
Curecanti National Recreation Area  
Sapinero, Colorado

# Telecommunications Tower Construction Environmental Assessment

Revised June 2010





National Park Service  
U.S. Department of the Interior  
Curecanti National Recreation Area  
Sapinero, Colorado

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# Telecommunications Tower Construction

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## Environmental Assessment

### Summary

Commnet Wireless, LLC proposes to construct a telecommunications tower on a portion of the property currently managed by the National Park Service at Curecanti Recreation Area near Sapinero, Colorado. Through the Telecommunications Act of 1996, Commnet Wireless, LLC has initiated and has worked with the park to identify locations that would minimize impacts to park resources. The proposed Property development includes a wireless communications facility to provide wireless communications to the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area. The service offered will allow many different cellular subscribers to use their phones in this remote part of Gunnison County, enhancing public safety, comfort and security of the Sapinero and Lake Fork areas. Anticipated users include those at the Lake Fork Visitor Center and Marina, other visitors of the Curecanti NRA and travelers on US Hwy 50.

The Sapinero telecommunications site will provide Cellular phone coverage to visitors to the Curecanti National Recreation Area. It will provide emergency and convenience communications where none currently exists. The same service will be used by law enforcement and park employees making their jobs more efficient and safe.

This area was determined by Commnet Radio Frequency (RF) Engineers to be optimal to improve cellular phone capacity to the park facilities and surrounding area. This location was chosen because it will provide cellular service to these people in the areas that need it most, including visitors of the Sapinero and Lake Fork areas, the Curecanti NRA, and US Hwy 50.

The proposed facility will consist of a 20' x 20' lease space containing a 60' lite site tower that will contain three (3) quadpole antennas and two (2) – 2' microwave dish (one dish is to be located on the tower and the other at the Lake Fork Visitor Center). The radio equipment will consist of two (2) outdoor cabinets with an extra space for a future carrier's equipment. The proposed monopole tower will be used by Commnet Wireless, LLC.

The purpose of this assessment is to determine if any environmental resources will be affected by the construction of the proposed telecommunications tower and associated equipment shelter.

This environmental assessment has been prepared in compliance with the National Environmental Policy Act (NEPA) to provide the decision-making framework that 1) analyzes a reasonable range of alternatives to meet objectives of the proposal, 2) evaluates potential issues and impacts to the Curecanti National Recreation Area's resources and values, and 3) identifies mitigation measures to lessen the degree or extent of these impacts. Resource topics included in this document because the resultant impacts may be greater-than-minor include visitor use and experience, archaeological resources, and park operations. All other resource topics were dismissed because the project would result in negligible or minor effects to those resources. No major effects are anticipated as a result of this project. Public scoping was



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conducted to assist with the development of this document and comments were received, mostly in support of the proposed project.

### **Public Comment**

If you wish to comment on this EA, you may do so online at the NPS website “Planning, Environment, and Public Comment” at <http://parkplanning.nps.gov/cure> or you may mail comments to the address below. This environmental assessment will be on public review for 30 days. Before including your address, Phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publically available at any time. Although you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### **Please address written comments to:**

Superintendent

Curecanti National Recreation Area

102 Elk Creek

Gunnison, CO 81230

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# PURPOSE AND NEED

## Introduction

Commnet Wireless, LLC proposes to construct a telecommunications tower on a portion of the property currently managed by the National Park Service at Curecanti Recreation Area near Sapinero, Colorado. Through the Telecommunications Act of 1996, Commnet Wireless, LLC has initiated and has worked with the park to identify locations that would minimize impacts to park resources. The proposed Property development includes a wireless communications facility to provide wireless communications to the Sapinero and Lake Fork vicinity of Curecanti National Recreation area. The service offered will allow many different cellular subscribers to use their phones in this remote part of Gunnison County, enhancing public safety, comfort and security of the Sapinero and Lake Fork areas. Anticipated users include those at the Lake Fork Visitor Center and Marina, other visitors of the Curecanti NRA and travelers on US Hwy 50.

This environmental assessment was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, regulations of the Council on Environmental Quality (CEQ) (40 CFR §1508.9), and the National Park Service Director's Order (DO)-12 (*Conservation Planning, Environmental Impact Analysis, and Decision-Making*).

## Background

This area was determined by Commnet RF Engineers to be optimal to improve cellular phone capacity to the park facilities and surrounding area. This location was chosen because it will provide cellular service to these people in the areas that need it most, including visitors to the Sapinero and Lake Fork areas, the Curecanti NRA, and US Hwy 50.

The proposed facility will consist of a 20' x 20' lease space containing a 60' lite site tower that will contain three (3) quadpole antennas and two (2) – 2' microwave dishes (one dish is to be located on the tower and the other at the marina). The radio equipment will consist of two (2) outdoor cabinets with an extra space for a future carrier's equipment. The proposed monopole tower will be used by Commnet Wireless, LLC.

## Purpose and Need

The purpose of construction of the wireless communications tower is to provide reliable service to the Curecanti National Recreation Area that can be used by visitors to the area as well as employees of the park.

The proposed Property development includes a wireless communications facility to provide wireless communications to the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area. The service offered will allow many different cellular subscribers to use their phones in this remote part of Gunnison County, enhancing public safety, comfort and security of the Sapinero and Lake Fork areas.

The Sapinero telecommunications site will provide Cellular phone coverage to visitors to the Curecanti National Recreation Area who will have emergency and convenience communications where none currently exists. The same service will be used by law enforcement and park employees making their jobs more efficient and safe.

## Relationship to Other Plans and Policies

The following laws, policies, and plans by the NPS or other agencies with neighboring land or relevant management authority are described in this section to show the constraints this EA must operate under and the goals and policies that it must meet.

### NPS GUIDING LAWS, REGULATIONS, AND POLICIES

Three overarching environmental protection laws and policies guide the NPS in conducting NEPA analysis — NEPA and its implementing regulations, the *National Parks Omnibus Management Act of 1998* (NPOMA), and the *NPS Organic Act*.

NEPA is implemented through regulations of the CEQ (40 CFR Parts 1500–1508). The NPS has in turn adopted procedures to comply with the act and the CEQ regulations, as found in NPS Director's Order #12, Conservation Planning, Environmental Impact Analysis, and Decision-making (2001), and its accompanying handbook, and the Department of the Interior regulations implementing NEPA (Department Manual 12).

NPOMA (16 USC § 5901 et seq.) underscores NEPA in that both are fundamental to NPS park management decisions. Both acts provide direction for articulating and connecting the ultimate resource management decision to the analysis of impacts, using appropriate technical and scientific information. Both also recognize that such data may not be readily available, and they provide options for resource impact analysis should this be the case.

NPOMA directs the NPS to obtain scientific and technical information for analysis. The NPS handbook for Director's Order #12 states that if “such information cannot be obtained due to excessive cost or technical impossibility, the proposed alternative for decision will be modified to eliminate the action causing the unknown or uncertain impact or other alternatives will be selected” (sec. 4.4).

Section 4.5 of Director's Order #12 adds to this guidance by stating, “when it is not possible to modify alternatives to eliminate an activity with unknown or uncertain potential impacts, and such information is essential to making a well-reasoned decision, the NPS will follow the provisions of the regulations of CEQ (40 CFR Part 1502.22).” In summary, the NPS must state in an environmental assessment or impact statement (1) whether such information is incomplete or unavailable; (2) the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific adverse impacts relevant to evaluating the reasonably foreseeable significant adverse impacts; and (4) an evaluation of such impacts based on theoretical approaches or research methods generally accepted in the scientific community.

The 1916 NPS *Organic Act* (16 USC § 1) commits the NPS to making informed decisions that perpetuate the conservation and protection of park resources unimpaired for the benefit and enjoyment of future generations. In the *Organic Act*, Congress directed the U.S. Department of the Interior and the NPS to manage units of the national park system “to conserve the scenery and the

natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC § 1). Congress reiterated this mandate in the *Redwood National Park Expansion Act of 1978* by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established.”

The Organic Act and its amendments afford the NPS latitude when making resource decisions about visitor recreation and resource preservation. Despite this discretion, courts consistently interpret the Organic Act and its amendments to elevate resource conservation above visitor recreation. See *Michigan United Conservation Clubs v. Lujan*, 949 F.2d 202, 206 (6th Cir. 1991) (holding that in enacting the Organic Act “Congress placed specific emphasis on conservation”); *National Rifle Ass’n of America v. Potter*, 628 F. Supp. 903, 909 (D.D.C. 1986) (stating that “in the Organic Act Congress speaks of but a single purpose, namely, conservation”). By these acts Congress “empowered [the NPS] with the authority to determine what uses of park resources are proper and what proportion of the parks resources are available for each use” (*Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1453 [9th Cir. 1996]). The NPS Management Policies 2006 also recognize that resource conservation takes precedence over visitor recreation. The policy dictates “when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant” (NPS 2006, sec. 1.4.3).

Because conservation remains predominant, the NPS seeks to avoid or to minimize adverse impacts on park resources and values. Yet, the NPS has discretion to allow negative impacts when necessary and appropriate to fulfill the purposes of the park, as long as the impact does not constitute an impairment (NPS 2006, sec. 1.4.3).

While some actions and activities cause impacts, the NPS cannot allow an adverse impact that constitutes resource impairment (NPS 2006, sec. 1.4.3). The Organic Act prohibits actions that permanently impair park resources unless a law directly and specifically allows for the action (16 USC § 1a-1). An action constitutes an impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006, sec. 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (NPS 2006, sec. 1.4.5). This WTF plan/EA, therefore, analyzes the effects of the management alternatives on park resources and values and determines if these effects would cause impairment.

NPS Management Policies 2006 require an analysis of potential effects to determine whether or not actions would impair park resources (NPS 2006). The fundamental purpose of the national park system is to conserve park resources and values for the use and enjoyment of future generations. NPS managers have the discretion to allow impacts on park resources and values when necessary



and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. That discretion to allow certain impacts within the park is limited by the statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible manager, would harm the integrity of park resources or values. An impairment is a subset of major adverse impacts that has an effect on a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park,
- Key to the natural or cultural integrity of the park, or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents.

## Appropriate Use

Section 1.5 of *Management Policies* (2006), "Appropriate use of the Parks," directs that the National Park Service must ensure that park uses that area allowed would not cause impairment of, or unacceptable impacts on, park resources and values. A new form of park use may be allowed within a park only after a determination has been made in the professional judgment of the park manager that it will not result in unacceptable impacts.

Section 8.1.2 of *Management Policies* (2006), "Process for Determining Appropriate Uses," provides evaluation factors for determination appropriate uses. All proposals for park uses are evaluated for:

- consistency with applicable laws, executive orders, regulations, and policies;
- consistency with existing plans for public use and resource management;
- actual and potential effects on park resources and values;
- total costs to the Services; and
- whether the public interest will be served.

Park managers must continually monitor all park uses to prevent unanticipated and unacceptable impacts. If unanticipated and unacceptable impacts emerge, the park manager must engage in a thoughtful, deliberate process to further manage or constrain the use, or discontinue it.

From Section 8.2 of *Management Policies*: "To provide for enjoyment of the parks, the National Park Services will encourage visitor use activities that

- are appropriate to the purpose for which the park was established, and
- are inspirational, educational, or healthful, and otherwise appropriate to park environment; and

- will foster an understanding of an appreciation for park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and
- can be sustained without causing unacceptable impacts to park resources and values.”

Providing cellular phone services to heavily used portions of some park units to improve visitor and employee safety and convenience is not uncommon. Proper location, sizing, as well as construction materials and methods would ensure that unacceptable impacts to park resources and values would not occur. The proposed telecommunications tower is consistent with the park’s general management plan and other related park plans. With this in mind, the NPS finds that construction and use of wireless telecommunications tower is an acceptable use at the Elk Creek vicinity of Curecanti National Recreation Area.

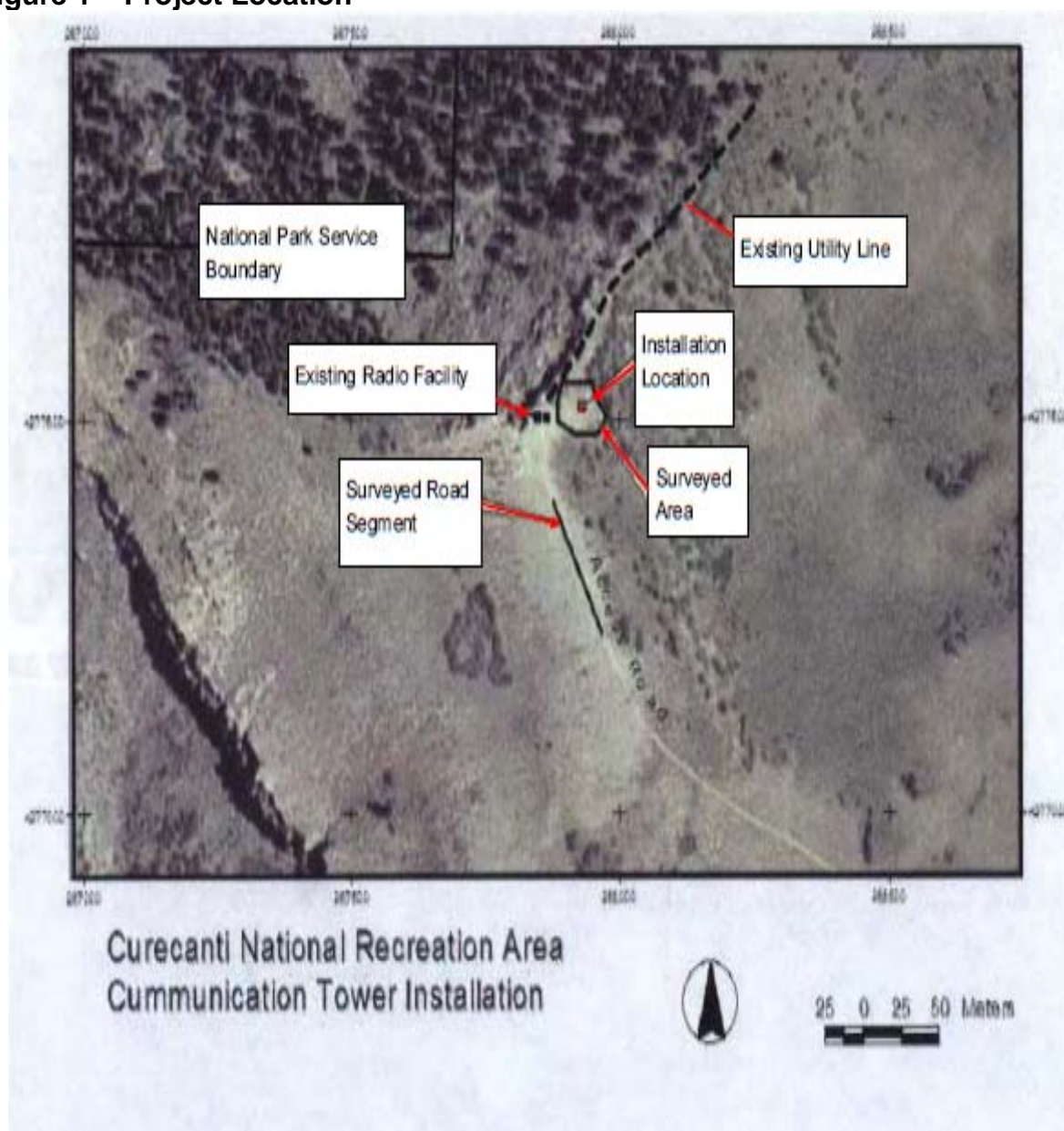
The next question is whether such use, and the associated necessary and appropriate impacts, can be sustained without causing unacceptable impacts for park resources and values. That analysis is found in the *Environmental Consequences* chapter.

## Scoping

Scoping is a process to identify the resources that may be affected by a project proposal, and to explore possible alternative ways of achieving the proposal while minimizing adverse impacts. Commnet Wireless conducted internal scoping as described in more detail in the *Consultation and Coordination* chapter. External scoping with the public and interested/affected groups and Native American consultation was also conducted.

External scoping was initiated with a notice published in the Gunnison Country Times to inform the public of the proposal to construct a new wireless communications tower, and to generate input on the preparation of this environmental assessment. The notice was dated June 10, 11, and 12, 2009.

During the 30-day scoping period, one public response was received in favor of the tower construction. In addition, during tribal consultation, three tribes responded: the Ute Indian Tribe, Pueblo of Zuni, and Comanche Nation. All of these tribes affirmed their affiliation with the project area and stated that they do not anticipate impacts to Native American sites or resources. They had no objection to the proposed project, and requested to be kept informed of the project’s progress, including immediate notification if Native American materials are discovered during construction.

**Figure 1 – Project Location**

## Impact Topics Retained For Further Analysis

In this section and the section on *Impact Topics Dismissed from Further Analysis*, the NPS takes a “hard look” at all potential impacts by considering the direct, indirect, and cumulative effects of the proposed action on the environment, along with connected and cumulative actions. Impacts are described in terms of context and duration. The context or extent of the impact is described as localized or widespread. The duration of impacts is described as short-term, ranging from days to three years in duration, or long-term, extending up to 20 years or longer. The intensity and type of impact is described as negligible, minor, moderate, or major, and as beneficial or adverse. The NPS equates “major” effects as “significant” effects. The identification of “major” effects would trigger the need for an EIS. Where the intensity of an

impact could be described quantitatively, the numerical data is presented; however, most impact analyses are qualitative and use best professional judgment in making the assessment.

The NPS defines “measurable” impacts as moderate or greater effects. It equates “no measurable effects” as minor or less effects. “No measurable effect” is used by the NPS in determining if a categorical exclusion applies or if impact topics may be dismissed from further evaluation in an EA or EIS. The use of “no measurable effects” in this EA pertains to whether the NPS dismisses an impact topic from further detailed evaluation in the EA. The reason the NPS uses “no measurable effects” to determine whether impact topics are dismissed from further evaluation is to concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail in accordance with CEQ regulations at 1500.1(b).

In this section of the EA, NPS provides a limited evaluation and explanation as to why some impact topics are not evaluated in more detail. Impact topics are dismissed from further evaluation in this EA if:

- they do not exist in the analysis area, or
- they would not be affected by the proposal, or the likelihood of impacts are not reasonably expected, or
- through the application of mitigation measures, there would be minor or less effects (i.e. no measurable effects) from the proposal, and there is little controversy on the subject or reasons to otherwise include the topic.

Due to there being no effect or no measurable effects, there would either be no contribution towards cumulative effects or the contribution would be low. For each issue or topic presented below, if the resource is found in the analysis area or the issue is applicable to the proposal, then a limited analysis of direct and indirect, and cumulative effects is presented. There is no impairment analysis included in the limited evaluations for the dismissed topics because the NPS’s threshold for considering whether there could be an impairment is based on “major” effects.

Impact topics for this project have been identified on the basis of federal laws, regulations, and orders; 2006 *Management Policies*; and National Park Service knowledge of resources at Curecanti National Recreation Area. Impact topics that are carried forward for further analysis in this environmental assessment are listed below along with the reasons why the impact topic is further analyzed. For each of these topics, the following text also describes the existing setting or baseline conditions (i.e. affected environment) within the project area. This information will be used to analyze impacts against the current conditions of the project area in the *Environmental Consequences* chapter.

## Visitor Use and Experience

According to 2006 *Management Policies*, the enjoyment of park resources and values by people is part of the fundamental purpose of all park units (NPS 2006). The National Park Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of society. Further, the National Park Service will provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks. The National Park Service 2006 *Management Policies* also state that scenic views and visual resources are considered highly valued associated characteristics that the National Park Service should strive to protect (NPS 2006).

The proposed Property development includes a wireless communications facility to provide wireless communications to the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area. The service offered will allow many different cellular subscribers to use their phones in this remote part of Gunnison County, enhancing public safety, comfort and security of the Sapinero and Lake Fork areas.

Visitor use and experience would be improved through the enhancement of the cellular service in the project area. These improvements would improve communication, resulting in a moderate beneficial effect on visitor use and experience.

Because the proposed project will functionally and visually reconfigure the area adjacent to the existing radio repeater facility, the topic of visitor use and experience has been carried forward for further analysis.

## **Park Operations**

Implementation of a project can affect the operations of a park such as the number of employees needed; the type of duties that need to be conducted; when/who would conduct these duties; how activities should be conducted; and administrative procedures. For the purpose of this analysis, the human health and safety of park employees is also evaluated.

Construction of a wireless telecommunications tower would have a moderate benefit to employees at the Curecanti National Recreation Area because the new tower will provide cellular phone coverage to visitors to the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area who will have emergency and convenience communications where none currently exists. Cumulatively, the improvements associated with this alternative would have a moderate beneficial effect on park operations when considered with other past, present, and reasonably foreseeable future actions.

Because normal park operations will be temporarily disrupted during the tower construction process, and the probability of the improvement of park operations after construction is complete, the topic of park operations has been carried forward for further analysis.

## **Impact Topics Dismissed From Further Analysis**

### **Historic Structures, Ethnographic Resources, Cultural Landscapes**

The National Park Service, as steward of many of America's most important cultural resources, is charged to preserve historic properties for the enjoyment of present and future generations. According to the National Park Service's 2006 *Management Policies* and Director's Order-28 *Cultural Resource Management*, management decisions and activities throughout the National Park System must reflect awareness of the irreplaceable nature of these resources (NPS 2006). The National Park Service will protect and manage cultural resources in its custody through effective research, planning, and stewardship and in accordance with these policies and guidelines.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation an opportunity to comment in the consultation process. The term "historic properties" is defined as any site, district, building, structure, or object eligible or listed in the National Register of Historic Places, which is the nation's inventory of historic places and the national repository of documentation on property types and their significance. More information about this consultation can be found in the *Consultation and Coordination* chapter.

Mr. Forest Frost, an Archaeologist employed by the U.S. National Park Service, conducted the cultural resource inventory report for the proposed Project site. No cultural resources were located on the proposed Property location during the archaeological survey. Mr. Frost recommended that the site have a determination of “No Effect” on historical structures. Because these effects are minor or less in degree, meaning no structures, ethnographic resources, or cultural landscapes would be affected and would not result in any unacceptable impacts; this topic is dismissed from further analysis in this document

## Archaeological Resources

Mr. Forest Frost, an Archaeologist employed by the U.S. National Park Service, conducted the cultural resource inventory report for the proposed Project site. No cultural resources were located on the proposed Property location during the archaeological survey. Mr. Frost recommended that the site have a determination of “No Effect” on archaeological resources. A copy of the Cultural Resources Assessment of Effect Report is included in Appendix 6.4.

Trileaf performed a Section 106 Review in accordance with the *Nationwide Programmatic Agreement for Review of Effects on historic Properties for Certain Undertakings Approved by the Federal Communications Commission* dated September 2004. Our investigation includes determining if the site is contained in, on, or within the viewshed of a building, site, district, structure, or object, significant in American history, architecture, archaeology, engineering, or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places, or located in or on an Indian Religious Site.

A Phase I Cultural Resource Evaluation was conducted by the National Park Service of Gunnison, Colorado. The records and literature search determined that no previously recorded archaeological sites are located within 200 meters of the proposed project area. The archival research determined that historic properties were located within a 0.5 mile visual “area of potential effects” (APE). However, these sites were dismissed because of the placement of the wireless communications tower adjacent to the existing water tower, placement of a utility pole, and extension of the aerial line. The APE is only considered for associated ground disturbances beyond the project area that may be caused by actions such as construction equipment and stock-piled building supplies. Thus no properties on the National Register of Historic Places exist within the view shed. The project area does lie within a National Register District, the Curecanti Archaeological District. In conclusion, the Colorado SHPO concurred that there will be no historic properties affected by the project, as well as no long-term impacts to the surrounding land. Because there is no effect resulting from the project, this topic is dismissed from further analysis in this document.

## Paleontological Resources

According to 2006 *Management Policies*, paleontological resources (fossils), including both organic and mineralized remains in body or trace form, will be protected, preserved, and managed for public education, interpretation, and scientific research (NPS 2006). The proposed site for the construction of the wireless telecommunications tower consists of 0 to 60 inches of unweathered bedrock with a thin layer of soil which has been heavily disturbed by vehicles and past construction activities.

In order to assess and mitigate the potential impact of subsurface disturbance to paleontological resources during construction activity, the site was evaluated by Forest Frost, Archaeologist, in May of 2009. The sampling area encompassed a circular area measuring about 30 meters in

diameter around the proposed wireless telecommunications tower site as well as about 65 meters of the access road near the installation location. Testing for paleontological resources occurred by a reconnaissance survey.

The results of this testing found no evidence of historic, prehistoric, or paleontological material. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## **Topography, Geology, and Soils**

According to the National Park Service's 2006 *Management Policies*, the National Park Service will preserve and protect geologic resources and features from adverse effects of human activity, while allowing natural processes to continue (NPS 2006). These policies also state that the National Park Service will strive to understand and preserve the soil resources of park units and to prevent, to the extent possible, the unnatural erosion, physical removal, or contamination of the soil, or its contamination of other resources.

The proposed construction of a telecommunications tower would be in an area that does not contain significant topographic or geologic features. Further, the general location for the tower was previously disturbed by past construction of utilities. Minor modifications of the topography would be required to provide a level surface on which to construct the tower, which would have a negligible to minor effect to the topography of this area. The tower construction would also require excavation, which would displace and disturb soils. Soils may also be disturbed and compacted on a temporary basis in the locations used to access the construction site until construction of the tower is complete.

Given that there are no significant topographic or geologic features in the project area, and that the area has been previously disturbed, the proposed actions would result in negligible to minor, temporary and permanent adverse effects to topography, geology, and soils. Further, such minor or negligible impacts would not result in any unacceptable impacts; the proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## **Vegetation**

According to the National Park Service's 2006 *Management Policies*, the National Park Service strives to maintain all components and processes of naturally evolving park unit ecosystems, including the natural abundance, diversity, and ecological integrity of plants (NPS 2006). The existing vegetation in the project area primarily consists of grasses and black sagebrush (*Artemisia nova*). Although other shrubs may be present, black sagebrush shrublands are characterized by a relatively sparse to moderately sparse shrub layer dominated by this low-growing (less than about 2 feet) species.

Removal and/or disturbance of vegetation in the project area is expected to result in negligible to minor adverse impacts to vegetation. Further, such minor or negligible impacts would not result in any unacceptable impacts; the proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## Wildlife

According to the National Park Service's *2006 Management Policies*, the National Park Service strives to maintain all components and processes of naturally evolving park unit ecosystems, including the natural abundance, diversity, and ecological integrity of animals (NPS 2006). The habitat is not utilized by the Federally listed, threatened or endangered species for Gunnison County, Colorado.

The location of the proposed telecommunications tower is in a previously disturbed area that contains no water, minimal vegetation, and is generally flat with no major geologic features. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## Special Status Species

The Endangered Species Act of 1973 requires examination of impacts on all federally-listed threatened, endangered, and candidate species. Section 7 of the Endangered Species Act requires all federal agencies to consult with the U.S. Fish and Wildlife Service to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitats. In addition, the *2006 Management Policies* and Director's Order-77 *Natural Resources Management Guidelines* require the National Park Service to examine the impacts on federal candidate species, as well as state-listed threatened, endangered, candidate, rare, declining, and sensitive species (NPS 2006). For the purposes of this analysis, the U.S. Fish and Wildlife Service and the Colorado Division of Wildlife were contacted with regards to federally- and state-listed species to determine those species that could potentially occur on or near the project area.

Trileaf reviewed topographic maps for designated wilderness or wildlife areas at or near the project location. Trileaf reviewed the US Fish and Wildlife federally listed threatened or endangered species for Gunnison County, Colorado. A determination was made that neither the species nor their habitats were observed within the area.

For the protection of avian species, all migratory birds and their habitat, the proposed telecommunication Project was reviewed. The proposed project includes the construction of a 60' telecommunications tower. The proposed tower is a monopole structure with no guyed wires. Due to the height and design of the proposed structure, there should be minimal impact to avian species.

Trileaf performed an Informal Biological Assessment for the subject site. The purpose is to document whether the proposed undertaking will affect listed or proposed threatened or endangered species or designated critical habitat.

For purposes of this report, Trileaf has identified the action area to be a radius of 300 feet surrounding the proposed structure. Trileaf performed a field visit and found that there are no surface water bodies in the action area.

In addition, Trileaf has researched the listed or proposed threatened or endangered species or designated critical habitat for the project area. This includes any such species that have been reported to exist within the state and county where the project is located. The list of species and site observations are summarized in the following table:



Species	Species observed?	Habitat observed?	Comments
Bonytail ( <i>Gila elegans</i> )	No	No	Species needs rivers and streams; hence project area is not a suitable habitat
Canada Lynx ( <i>Lynx canadensis</i> )	No	No	Species needs forested areas; hence project area is not a suitable habitat
Colorado Pikeminnow ( <i>Ptychocheilus lucius</i> )	No	No	Species needs rivers and streams; hence project area is not a suitable habitat
Gunnison's Prairie Dog ( <i>Cynomys gunnisoni</i> )	No	No	Species needs high desert, grasslands, valleys, and floodplains; hence project area is not a suitable habitat
Humpback Chub ( <i>Gila cypha</i> )	No	No	Species needs rivers and streams; hence project area is not a suitable habitat
Razorback Sucker ( <i>Xyrauchen texanus</i> )	No	No	Species needs rivers and lakes; hence project area is not a suitable habitat
Uncompahgre Fritillary Butterfly ( <i>Boloria acrocynema</i> )	No	No	Species needs patches of snow willow at high elevations; hence project area is not a suitable habitat
Yellow-billed Cuckoo ( <i>Coccyzus americanus</i> )	No	No	Species needs forested areas; hence project area is not a suitable habitat

The current habitat condition within the action area consists of a scrubland covered area, an area of land that is uncultivated and covered with sparse stunted vegetation. North, west and east of the site is scrubland. South of the site is scrubland followed by a dirt/gravel access road.

In conclusion, neither the species nor their habitats have been observed within the action area. Therefore, based on the documents reviewed, and the field assessment of the action area, no threatened/endangered species or designated critical habitat will be impacted by the proposed project. It should be noted that this informal biological assessment was conducted in accordance with the Scope of Work and does not constitute a Section 7 Biological Assessment under the Endangered Species Act (50 CFR Part 402.01). Further, such negligible impacts would not result in any unacceptable impacts; the proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis.

## Water Resources

National Park Service policies require protection of water quality consistent with the Clean Water Act. The purpose of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." To enact this goal, the U.S. Army Corps of Engineers has been charged with evaluating federal actions that result in potential degradation of waters of the United States and issuing permits for actions consistent with the Clean Water Act. The U.S. Environmental Protection Agency also has responsibility for oversight and review of permits and actions, which affect waters of the United States.

The proposed project area does not contain surface waters, and is mostly dry, except for periodic runoff during storm events. Water quality, water quantity, and drinking water are not expected to be affected by the project. The proposed action would result in negligible effects to water resources. Further, such negligible impacts would not result in any unacceptable impacts; the proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## Wetlands

For regulatory purposes under the Clean Water Act, the term wetlands means "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas."

Executive Order 11990 *Protection of Wetlands* requires federal agencies to avoid, where possible, adversely impacting wetlands. Further, §404 of the Clean Water Act authorizes the U.S. Army Corps of Engineers to prohibit or regulate, through a permitting process, discharge or dredged or fill material or excavation within waters of the United States. National Park Service policies for wetlands as stated in 2006 *Management Policies* and Director's Order 77-1 *Wetlands Protection* strive to prevent the loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In accordance with DO 77-1 *Wetlands Protection*, proposed actions that have the potential to adversely impact wetlands must be addressed in a statement of findings for wetlands.

Trileaf reviewed the US Fish and Wildlife Service's National Wetlands Inventory Map and the USGS topographic map to determine if the project would have an impact on any wetlands or required significant amounts of fill or grading. Trileaf determined that the site is not located in a recognized National Wetland area. The proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because there are no wetlands in the project area and because there would be no unacceptable impacts, this topic is dismissed from further analysis in this document.

## Floodplains

Executive Order 11988 *Floodplain Management* requires all federal agencies to avoid construction within the 100-year floodplain unless no other practicable alternative exists. The National Park Service under 2006 *Management Policies* and Director's Order 77-2 *Floodplain Management* will strive to preserve floodplain values and minimize hazardous floodplain conditions. According to Director's Order 77-2 *Floodplain Management*, certain construction within a 100-year floodplain requires preparation of a statement of findings for floodplains.

Trileaf reviewed the USGS topographic map and the Flood Insurance Rate Map (No. 0800780750B) to determine if the project was located within the 100-year flood plain. Based on the review, the site is located in Flood Zone X, defined as an area outside the 100-year plain. Trileaf determined that the property is not in a 100-year flood plain. The proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because there are no floodplains in the project area, and thus there would be no unacceptable impacts, this topic is dismissed from further analysis in this document.

## Air Quality

The Clean Air Act of 1963 (42 U.S.C. 7401 *et seq.*) was established to promote the public health and welfare by protecting and enhancing the nation's air quality. The act establishes specific programs that provide special protection for air resources and air quality related values associated with National Park Service units. Section 118 of the Clean Air Act requires a park unit to meet all federal, state, and local air pollution standards. Curecanti National Recreation area is designated as a Class II air quality area under the Clean Air Act. A Class II designation indicates the maximum allowable increase in concentrations of pollutants over baseline concentrations of sulfur dioxide and particulate matter as specified in §163 of the Clean Air Act. Further, the Clean Air Act provides that the federal land manager has an affirmative responsibility to protect air quality related values (including visibility, plants, animals, soils, water quality, cultural resources, and visitor health) from adverse pollution impacts (EPA 2000).

Construction activities such as hauling materials and operating heavy equipment could result in temporary increases of vehicle exhaust, emissions, and fugitive dust in the general project area. Overall, the project could result in a negligible degradation of local air quality, and such effects would be temporary, lasting only as long as construction. Because the Class II air quality would not be affected, there would be no unacceptable impacts; the proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because there would be negligible, temporary effects on air quality, and the proposed actions would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## Soundscape Management

In accordance with 2006 *Management Policies* and Director's Order-47 *Sound Preservation and Noise Management*, an important component of the National Park Service's mission is the preservation of natural soundscapes associated with national park units (NPS 2006). Natural soundscapes exist in the absence of human-caused sound. The natural ambient soundscape is the aggregate of all the natural sounds that occur in park units, together with the physical capacity for transmitting natural sounds. Natural sounds occur within and beyond the range of sounds that humans can perceive and can be transmitted through air, water, or solid materials. The frequencies, magnitudes, and durations of human-caused sound considered acceptable varies among National Park Service units as well as potentially throughout each park unit, being generally greater in developed areas and less in undeveloped areas.

The proposed location for the telecommunications tower and all construction activity would occur in what can be considered a remote area of the Curecanti National Recreation Area. Existing sounds in this area are most often generated from people, some wildlife such as birds, and wind. Sound generated by the long-term operation of the tower will be nonexistent. Hence, the long-term operation of the tower is not expected to appreciably increase the noise levels in the general area.

During construction, human-caused sounds would likely increase due to construction activities, equipment, vehicular traffic, and construction crews. Any sounds generated from construction would be temporary, lasting only as long as the construction activity is generating the sounds, and would have a negligible to minor adverse impact on visitors and employees. Further, such negligible or minor impacts would not result in any unacceptable impacts; the proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## **Lightscape Management**

In accordance with 2006 *Management Policies*, the National Park Service strives to preserve natural ambient lightscapes, which are natural resources and values that exist in the absence of human caused light (NPS 2006).

The proposed tower will not utilize exterior lighting, and therefore would have negligible effects on the existing outside lighting or natural night sky of the area. Further, such negligible impacts would not result in any unacceptable impacts; the proposed actions are consistent with §1.4.7.1 of NPS *Management Policies* 2006. Because these effects are minor or less in degree and would not result in any unacceptable impacts, this topic is dismissed from further analysis in this document.

## **Socioeconomics**

The proposed action would neither change local and regional land use nor appreciably impact local businesses or other agencies. Any increase in workforce and revenue would be temporary and negligible, lasting only as long as construction. Because the impacts to the socioeconomic environment would be negligible, this topic is dismissed.

## **Prime and Unique Farmlands**

The Farmland Protection Policy Act of 1981, as amended, requires federal agencies to consider adverse effects to prime and unique farmlands that would result in the conversion of these lands to non-agricultural uses. Prime or unique farmland is classified by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), and is defined as soil that particularly produces general crops such as common foods, forage, fiber, and oil seed; unique farmland produces specialty crops such as fruits, vegetables, and nuts. The project area does not contain prime or unique farmlands. Because there would be no effects on prime and unique farmlands, this topic is dismissed from further analysis in this document.

## **Indian Trust Resources**

Secretarial Order 3175 requires that any anticipated impacts to Indian trust resources from a proposed project or action by the Department of Interior agencies be explicitly addressed in environmental documents. The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights, and it represents a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes.

There are no Indian trust resources at Curecanti National Recreation Area. The lands comprising the monument are not held in trust by the Secretary of the Interior for the benefit of Indians due to their status as Indians. Because there are no Indian trust resources, this topic is dismissed from further analysis in this document.

### **Environmental Justice**

Executive Order 12898 *General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. Because the tower would be available for use by all park staff and visitors regardless of race or income, and the construction workforces would not be hired based on their race or income, the proposed action would not have disproportionate health or environmental effects on minorities or low-income populations or communities. Because there would be no disproportionate effects, this topic is dismissed from further analysis in this document.

### **Climate Change and Sustainability**

Although climatologists are unsure about the long-term results of global climate change, it is clear that the planet is experiencing a warming trend that affects ocean currents, sea levels, polar sea ice, and global weather patterns. Currently, there is no evidence that construction of a telecommunications tower has potential to impact climate change. Because there is no concrete data determining the effects of telecommunications towers on climate, the effects of future climate changes are not discussed further.

## ALTERNATIVES

During May of 2009, Commnet Wireless attempted to develop project alternatives. This meeting resulted in the definition of project objectives as described in the *Purpose and Need*, and a list of alternatives that could potentially meet these objectives. A total of one action alternative and the no-action alternative were originally identified for this project. The action alternative and the no-action alternative are carried forward for further evaluation in this environmental assessment. A summary table comparing alternative components is presented at the end of this chapter.

### Alternatives Carried Forward

#### Alternative A – No-Action

Under this alternative, the telecommunications tower would not be constructed. The Sapinero and Lake Fork vicinity of Curecanti National Recreation Area would not be provided with cellular phone coverage to visitors who may need emergency service and convenience communications where none currently exists. Law enforcement and park employees would not be able to enjoy the additional safety or efficiency provided by the proposed tower.

**Figure 2 – Alternative A, No Action**

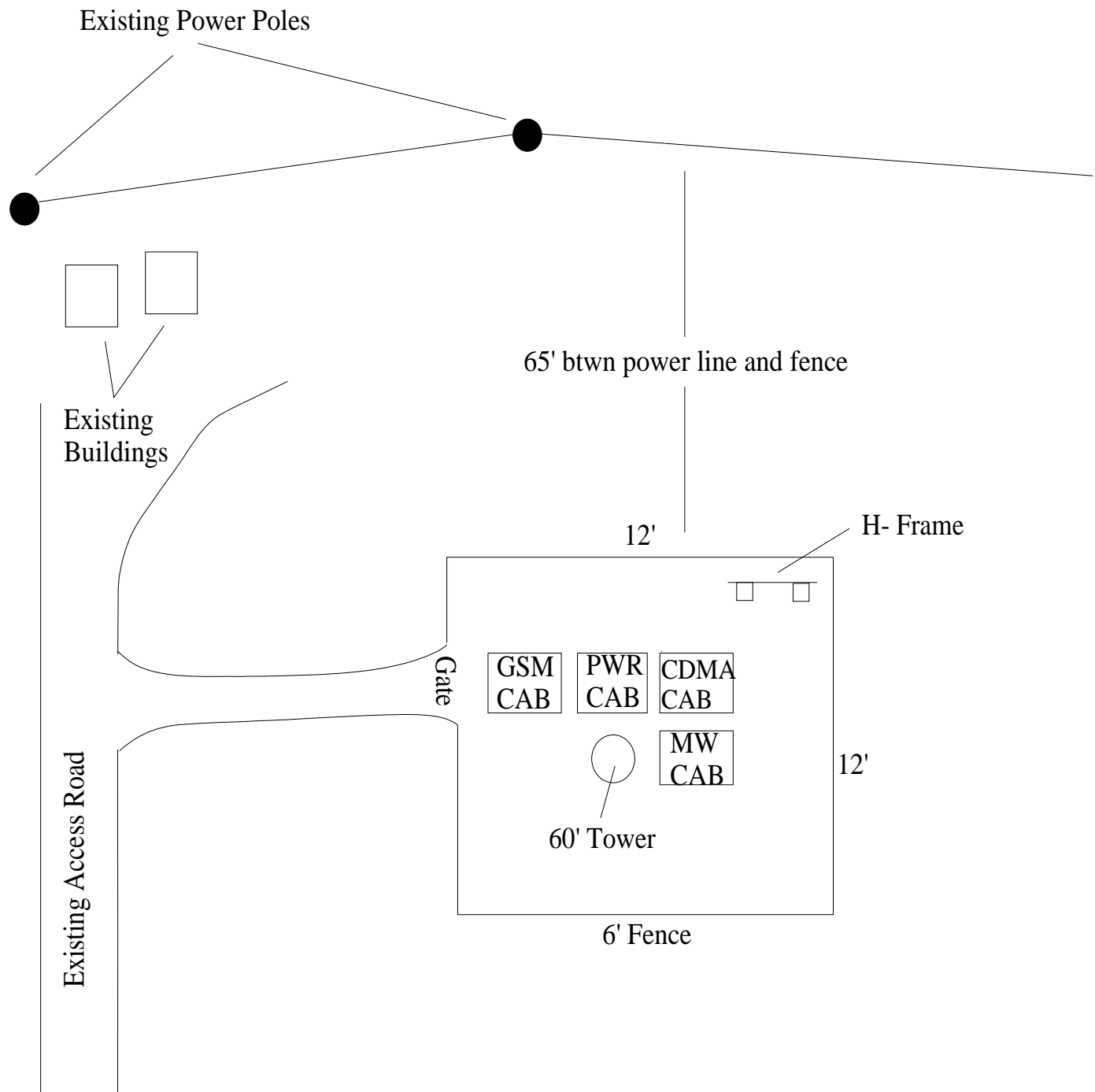


## Alternative B – Construct Telecommunications Tower

This alternative consists of constructing a telecommunications tower to the east of an existing NPS radio repeater facility. This general area was previously disturbed by the construction of the repeater facility, its access road, and addition of a utility line to power the facility. The following text further describes the components of alternative B:

- **Building Features** – The proposed facility will consist of a 20' x 20' lease space containing a 60' lite site tower that will contain three (3) quadpole antennas and two (2) – 2' microwave dishes (one dish is to be located on the tower and the other at the Lake Fork Visitor Center). The radio equipment will consist of two (2) outdoor cabinets with an extra space for a future carrier's equipment. The proposed monopole tower will be used by Commnet Wireless, LLC.
- **Use/Operation of the Facility** – Service provided by the wireless telecommunications tower would primarily be used by visitors to the Curecanti National Recreation area who may be in need of emergency and convenience communications where none currently exists.
- **Utilities** - The tower would be served by existing electrical utilities near the site. Connecting these existing utilities to the tower would likely entail minor excavation and placement of additional underground wiring approximately 65 feet between the existing utility pole and the tower.
- **Access** - Access to the telecommunications tower would be via an existing dirt access road to the west of the Property.
- **Parking** – A parking area will not be necessary for construction of the telecommunications tower.
- **Revegetation** – The Property and surrounding land currently consists of mainly dirt and scrubland, an area of land that is uncultivated and covered with sparse stunted vegetation. Minimal vegetation will be disturbed during construction of the tower and installation of utility lines. Some revegetation will be necessary.
- **Construction Staging** – To implement this alternative, an area near the tower would be used for construction staging, material stockpiling, and equipment storage. This area would likely be sited in a previously disturbed area, away from visitor use areas.

This alternative is based on preliminary designs and best information available at the time of this writing. Specific distances, areas, and layouts used to describe the alternative are only estimates and could change during final site design. Prior to installation of the tower, the Park Compliance Coordinator and Facility Manager will verify the site with the contractor. If changes during the final site design are inconsistent with the intent and effects of the selected alternative, then additional compliance would be completed, as appropriate.

**Figure 3 – Alternative B, Construct Telecommunications Tower**



## Mitigation Measures

The following mitigation measures were developed to minimize the degree and/or severity of adverse effects and would be implemented during construction of the action alternative, as needed:

- To minimize the amount of ground disturbance, staging and stockpiling areas would be located in previously disturbed sites, away from visitor use areas to the extent possible. All staging and stockpiling areas would be returned to pre-construction conditions following construction.
- Construction zones would be identified and fenced with construction tape, snow fencing, or some similar material prior to any construction activity. The fencing would define the construction zone and confine activity to the minimum area required for construction. All protection measures would be clearly stated in the construction specifications and workers would be instructed to avoid conducting activities beyond the construction zone as defined by the construction zone fencing.
- Existing vegetation at the site would not be disturbed, since the Property is mainly dirt and scrubland, an area of land that is uncultivated and covered with sparse stunted vegetation.
- Fugitive dust generated by construction would be controlled by spraying water on the construction site, if necessary.
- To reduce noise and emissions, construction equipment would not be permitted to idle for long periods of time.
- To minimize possible petrochemical leaks from construction equipment, the contractor would regularly monitor and check construction equipment to identify and repair any leaks.
- Construction workers and supervisors would be informed about special status species. Contract provisions would require the cessation of construction activities if a species were discovered in the project area, until park staff re-evaluates the project. This would allow modification of the contract for any protection measures determined necessary to protect the discovery.
- Should construction unearth previously undiscovered cultural resources, work would be stopped in the area of any discovery and the recreation area would consult with the state historic preservation officer and the Advisory Council on Historic Preservation, as necessary, according to §36 CFR 800.13, *Post Review Discoveries*. In the unlikely event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) would be followed.
- The contracted moving company will be informed of the sensitive and historic nature of the farmhouse. Park Service staff will monitor all moving activities to minimize potential damage to the historic building.
- The National Park Service would ensure that all contractors and subcontractors are informed of the penalties for illegally collecting artifacts or intentionally damaging paleontological materials, archeological sites, or historic properties. Contractors and subcontractors would also be instructed on procedures to follow in case previously unknown paleontological or archeological resources are uncovered during construction.
- According to 2006 *Management Policies*, the National Park Service would strive to construct facilities with sustainable designs and systems to minimize potential environmental impacts. Development would not compete with or dominate recreation area's features, or interfere

with natural processes, such as the seasonal migration of wildlife or hydrologic activity associated with wetlands. To the extent possible, the design and management of facilities would emphasize environmental sensitivity in construction, use of nontoxic materials, resource conservation, recycling, and integration of visitors with natural and cultural settings. The National Park Service also reduces energy costs, eliminates waste, and conserves energy resources by using energy-efficient and cost-effective technology. Energy efficiency is incorporated into the decision-making process during the design and acquisition of buildings, facilities, and transportation systems that emphasize the use of renewable energy sources.

## Alternatives Considered and Dismissed

The following two alternatives were considered for project implementation, but were ultimately dismissed from further analysis (the last bullet describes two alternatives). Reasons for their dismissal are provided in the following alternative descriptions.

- **Utilizing Other Existing Space** – No other towers exist in the area. An NPS radio communication facility is adjacent to the Property. However, this existing structure does not reach the height needed to provide reliable coverage to the Sapinero and Lake Fork areas. Therefore, utilizing an existing space must be dismissed.
- **Alternative Locations for a Telecommunications Tower**– Commnet considered two other locations, one on the North side of the Reservoir and another South of the Lake Fork Marina. Neither site provided the coverage Commnet required to provide the service to the largest area. The Sapinero Mesa location was chosen because it provides superior coverage; it has an existing road and power connection.

The Curecanti National Recreation Area encompasses a large area. No privately owned land is in the area that could be considered as a viable alternative location.

- Alternative Summaries

Table 1 summarizes the major components of Alternatives A and B, and compares the ability of these alternatives to meet the project objectives (the objectives for this project are identified in the *Purpose and Need* chapter). As shown in the following table, Alternative B meets each of the objectives identified for this project, while the No Action Alternative does not address all of the objectives.

**Table 1 – Summary of Alternatives and How Each Alternative Meets Project Objectives**

Alternative Elements	Alternative A – No Action	Alternative B – Install New Tower
New Telecommunications Tower	The telecommunications tower would not be completed, and therefore cellular coverage would not exist for the Sapinero and Lake Fork vicinity of Curecanti National Recreation area.	The telecommunications tower would be constructed, providing cellular phone coverage to visitors to the Sapinero and Lake Fork vicinity of Curecanti National Recreation area who will have emergency and convenience communications where none currently exists.
Access/Parking	The existing dirt access road to the west of the Property would continue to be used with no change.	The existing dirt access road to the west of the Property would continue to be used with no change.

Utilities/Construction Staging	New utility connects and construction staging would not be needed.	Some excavation would be required to route existing utilities to the tower.
<b>Project Objectives</b>	<b>Meets Project Objectives?</b>	<b>Meets Project Objectives?</b>
Provide a means of cellular service for visitors and employees at the Sapinero and Lake Fork vicinity of Curecanti National Recreation area.	No. A telecommunications tower does not currently exist at this site.	Yes. A telecommunications tower would provide cellular coverage to visitors and employees at the Sapinero and Lake Fork vicinity of Curecanti National Recreation area.
Identify a location that minimizes impacts to park resources and will not result in impairment or unacceptable impacts to these resources	Yes. There is currently no tower at this site. Therefore, the Property is not currently impacted.	Yes. The location of the telecommunications tower would be in an area that is already improved by a radio facility and utility line, and is in an area of Curecanti National Recreation Area that is not frequented by visitors.

## Environmentally Preferred Alternative

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which guides the Council on Environmental Quality (CEQ). The CEQ provides direction that “[t]he environmentally preferable alternative is the alternative that would promote the national environmental policy as expressed in NEPA’s §101:

- fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- 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;
- achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life’s amenities; and
- enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Alternative A, no-action, only minimally meets the above six evaluation factors because the area designated for the telecommunications tower is in a remote area and that area has already been disturbed by the addition of a radio facility and buried utility lines.

Alternative B is the environmentally preferred alternative because it best addresses these six evaluation factors. Alternative B, *Construction of a Telecommunications Tower*, would provide Cellular phone coverage to visitors to the Curecanti National Recreation area who will have emergency and convenience communications where none currently exists. The same service

will be used by law enforcement and park employees making their jobs more efficient and safe. As a permanent facility, the tower would be used by future generations.

No new information came forward from public scoping or consultation with other agencies to necessitate the development of any new alternatives, other than those described and evaluated in this document. Because it meets the purpose and need for the project, the project objectives, and is the environmentally preferred alternative, alternative B is also recommended as the National Park Service preferred alternative. For the remainder of the document, alternative B will be referred to as the preferred alternative.

## ENVIRONMENTAL CONSEQUENCES

This chapter analyzes the potential environmental consequences, or impacts, that would occur as a result of implementing the proposed project. Topics analyzed in this chapter include paleontological resources, visitor use and experience, and park operations. Direct, indirect, and cumulative effects, as well as impairment are analyzed for each resource topic carried forward. Potential impacts are described in terms of type, context, duration, and intensity. General definitions are defined as follows, while more specific impact thresholds are given for each resource at the beginning of each resource section.

- **Type** describes the classification of the impact as either beneficial or adverse, direct or indirect:
  - *Beneficial*: A positive change in the condition or appearance of the resource or a change that moves the resource toward a desired condition.
  - *Adverse*: A change that moves the resource away from a desired condition or detracts from its appearance or condition.
  - *Direct*: An effect that is caused by an action and occurs in the same time and place.
  - *Indirect*: An effect that is caused by an action but is later in time or farther removed in distance, but is still reasonably foreseeable.
- **Context** describes the area or location in which the impact will occur. Are the effects site-specific, local, regional, or even broader?
- **Duration** describes the length of time an effect will occur, either short-term or long-term:
  - *Short-term* impacts generally last only during construction, and the resources resume their pre-construction conditions following construction.
  - *Long-term* impacts last beyond the construction period, and the resources may not resume their pre-construction conditions for a longer period of time following construction.
- **Intensity** describes the degree, level, or strength of an impact. For this analysis, intensity has been categorized into negligible, minor, moderate, and major. Because definitions of intensity vary by resource topic, intensity definitions are provided separately for each impact topic analyzed in this environmental assessment.

## Cumulative Impact Scenario

The Council on Environmental Quality (CEQ) regulations, which implement the National Environmental Policy Act of 1969 (42 USC 4321 et seq.), require assessment of cumulative

impacts in the decision-making process for federal projects. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR 1508.7). Cumulative impacts are considered for both the no-action and preferred alternative.

Cumulative impacts were determined by combining the impacts of the preferred alternative with other past, present, and reasonably foreseeable future actions. With the exception of the construction of the NPS radio repeater facility, no past, present, or reasonably foreseeable future projects exist in this area.

## Visitor Use and Experience

### Intensity Level Definitions

According to 2006 *Management Policies*, the enjoyment of park resources and values by people is part of the fundamental purpose of all park units (NPS 2006). The National Park Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of society. Further, the National Park Service will provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks. The National Park Service 2006 *Management Policies* also state that scenic views and visual resources are considered highly valued associated characteristics that the National Park Service should strive to protect (NPS 2006). The thresholds for this impact assessment are as follows:

- Negligible:** Visitors would not be affected or changes in visitor use and/or experience would be below or at the level of detection. Any effects would be short-term. The visitor would not likely be aware of the effects associated with the alternative.
- Minor:** Changes in visitor use and/or experience would be detectable, although the changes would be slight and likely short-term. The visitor would be aware of the effects associated with the alternative, but the effects would be slight.
- Moderate:** Changes in visitor use and/or experience would be readily apparent and likely long-term. The visitor would be aware of the effects associated with the alternative, and would likely be able to express an opinion about the changes.
- Major:** Changes in visitor use and/or experience would be readily apparent and have substantial long-term consequences. The visitor would be aware of the effects associated with the alternative, and would likely express a strong opinion about the changes.

### Impacts of Alternative A (No-Action Alternative)

Although the area would remain unchanged, the no-action alternative would have moderate effects on visitor use and experience. Under this alternative, the telecommunications tower would not be constructed. The Sapinero and Lake Fork vicinity of Curecanti National Recreation Area would not be provided with cellular phone coverage to visitors who may need emergency service and convenience communications where none currently exists. The visual resources of the area would remain unchanged because no wireless telecommunications tower would be constructed. Law enforcement and park employees would not be able to enjoy the additional safety or efficiency provided by the proposed tower.

Cumulative Effects: Any construction activities have the potential to affect visitor use and experience. Ultimately, however, these actions would have a beneficial effect on visitor use and experience because of increased wireless communications in the Sapinero and Lake Fork vicinity of the Curecanti National Recreation Area. Therefore, cumulatively, visitor use and experience would not appreciably change when considered with other past, present, and reasonably foreseeable future actions.

Conclusion: The no-action alternative would result in moderate effects to visitor use and experience because the area around the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area would not be provided with cellular phone coverage to visitors who may need emergency service and convenience communications. The visual resources of the area would remain unchanged because no wireless telecommunications tower would be constructed. Cumulatively, this alternative would have a moderate effect on visitor use and experience when considered with other past, present, and reasonably foreseeable future actions.

### **Impacts of Alternative B (Preferred Alternative)**

The Sapinero telecommunications site will provide Cellular phone coverage to visitors to the Curecanti National Recreation Area. It will provide emergency and convenience communications where none currently exists. The same service will be used by law enforcement and park employees making their jobs more efficient and safe.

Visitor use and experience would be improved through the enhancement of the cellular service in the project area. These improvements would improve communication, resulting in a moderate beneficial effect on visitor use and experience.

Minor, temporary, adverse impacts to visitor use and experience would result from construction activities. Noise and dust from construction activities would also adversely affect visitor use and experience; however all construction-related impacts would be temporary and cease following construction activities.

Visually, the changes to the project area would have a minor adverse effect on visitor experience. The proposed telecommunications tower is to be constructed adjacent to an existing NPS radio repeater facility, and thus not noticeable by visitors.

Cumulative Effects: The proposed telecommunications tower will have minimal impact to the visual value of the surrounding landscape. The proposed telecommunications tower is to be constructed adjacent to an existing NPS radio repeater facility. The viewshed surrounding the proposed telecommunication tower will include a radio facility, dirt access road, and scrubland, an area of land that is uncultivated and covered with sparse stunted vegetation. Because of the existing structures near the Property, the addition of the tower will not aesthetically alter the area from its existing condition.

Conclusion: The wireless communications tower will have moderate beneficial impact on the Curecanti National Recreation Area, providing wireless service where minimal service currently exists. This can provide a great long-term convenience to visitors, as well as benefit park operations by increasing communication between employees of the Curecanti National Recreation Area and providing cellular service in the case of an emergency.

## Park Operations

### Intensity Level Definitions

Implementation of a project can affect the operations of a park such as the number of employees needed; the type of duties that need to be conducted; when/who would conduct these duties; how activities should be conducted; and administrative procedures. For the purpose of this analysis, the human health and safety of park employees is also evaluated. The methodology used to assess potential changes to park operations is defined as follows:

- Negligible:** Park operations would not be affected or the effect would be at or below the lower levels of detection, and would not have an appreciable effect on park operations.
- Minor:** The effect would be detectable, but would be of a magnitude that would not have an appreciable adverse or beneficial effect on park operations. If mitigation were needed to offset adverse effects, it would be relatively simple and successful.
- Moderate:** The effects would be readily apparent and would result in a substantial adverse or beneficial change in park operations in a manner noticeable to staff and the public. Mitigation measures would probably be necessary to offset adverse effects and would likely be successful.
- Major:** The effects would be readily apparent and would result in a substantial adverse or beneficial change in park operations in a manner noticeable to staff and the public, and be markedly different from existing operations. Mitigation measures to offset adverse effects would be needed, could be expensive, and their success could not be guaranteed.

### Impacts of Alternative A (No-Action Alternative)

The no-action alternative would have a moderate adverse effect on park operations at Curecanti National Recreation Area. The existing water tower on the property would remain, and the wireless telecommunications tower would not be constructed, and therefore cellular coverage would not exist for the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area.

Cumulative Effects: Under this alternative, there would be a moderate adverse effect on park operations associated with the current and future use of the area because the wireless telecommunications tower would not be constructed; therefore, there would be a moderate effect on park operations when considered with other past, present, and reasonably foreseeable future actions.

Conclusion: The no-action alternative would have a moderate adverse effect on park operations at Curecanti National Recreation Area. The telecommunications tower would not be completed, and therefore cellular coverage would not exist for the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area. Cumulatively, these effects would have a moderate impact on park operations when considered with other past, present, and reasonably foreseeable future actions.

### Impacts of Alternative B (Preferred Alternative)

The telecommunications tower would be constructed, providing cellular phone coverage to visitors to the Sapinero and Lake Fork vicinity of Curecanti National Recreation area who will have emergency and convenience communications where none currently exists. These impacts

would have a moderate to major beneficial effect on the safety of employees and the efficiency of park operations.

**Cumulative Effects:** Under this alternative, there would be a moderate to major beneficial effect on park operations associated with the current and future use of the area because the wireless telecommunications tower would be constructed, providing cellular phone coverage to the park employees of the Sapinero and Lake Fork vicinity of Curecanti National Recreation Area; therefore, there would be a moderate effect on park operations when considered with other past, present, and reasonably foreseeable future actions.

**Conclusion:** Construction of a wireless telecommunications tower under the preferred alternative would have a moderate to major benefit on employees at the Curecanti National Recreation Area because the new building would provide a safer work environment. The new tower will provide cellular phone coverage to visitors to the Sapinero and Lake Fork vicinity of Curecanti National Recreation area who will have emergency and convenience communications where none currently exists. Cumulatively, the improvements associated with this alternative would have a moderate beneficial effect on park operations when considered with other past, present, and reasonably foreseeable future actions.

## Unacceptable Impacts

As described in *Purpose and Need*, the NPS must prevent any activities that would impair park resources and values. The impact threshold at which impairment occurs is not always readily apparent. Therefore, the Service will apply a standard that offers greater assurance that impairment will not occur. The Service will do this by avoiding impacts that it determines to be unacceptable. These are impacts that fall short of impairment, but are still not acceptable within a particular park's environment. Park managers must not allow uses that would cause unacceptable impacts; they must evaluate existing or proposed uses and determine whether the associated impacts on park resources and values are acceptable. Virtually every form of human activity that takes place within a park has some degree of effect on park resources or values, but that does not mean the impact is unacceptable or that a particular use must be disallowed. To determine if unacceptable impacts could occur to the resources and values of the parks, the impacts of proposed actions in this environmental assessment were evaluated based on monitoring information, published research, and professional expertise, and compared to the guidance on unacceptable impacts provided in *Management Policies* 1.4.7.1 that defines unacceptable impacts as impacts that, individually or cumulatively, would:

- Be inconsistent with a park's purposes or values, or
- Impede the attainment of a park's desired future conditions for natural and cultural resources as identified through the park's planning process, or
- Create an unsafe or unhealthful environment for visitors or employees, or
- Diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or
- Unreasonably interfere with:
  - o Park programs or activities, or
  - o An appropriate use, or
  - o The atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.



- o NPS concessioner or contractor operations or services.

By preventing unacceptable impacts, park managers also ensure that the proposed use of park resources will not conflict with the conservation of those resources. In this manner, the park managers ensure compliance with the Organic Act's separate mandate to conserve park resources and values. Using the guidance above (see bullets), the following text analyzes the potential for unacceptable impacts for all alternatives carried forward in this Environmental Assessment.

- Both alternatives are consistent with the Curecanti National Recreational Area's purposes and values. If no telecommunications tower were constructed under Alternative A (No Action), then visitors, employees, and law enforcement would not have emergency communications where none currently exists. If the telecommunications tower were constructed under Alternative B (Preferred), then cellular phone coverage would be provided to the visitors, employees, and law enforcement in and around the area. No alternatives would interfere with the preservation of the recreation area's natural and cultural resources.
- Under Alternative A (No Action), visitors, employees, and law enforcement would have no cellular coverage in the event of an emergency. This would be a minor adverse impact to personal health and safety in the event that a situation needs immediate attention. Alternative B (Preferred) would create a safer environment for visitors, employees, and law enforcement, as the telecommunications tower would provide coverage to Curecanti National Recreation area.
- Under either alternative, visitors would continue to have opportunities to enjoy, learn about, or be inspired by park resources and values. Neither alternative would change the overall opportunities available to visitors including hours of operation, scenic drives, or access to facilities. Alternative A (No Action) would maintain visitor use and experience exactly as it is now. Alternative B (Preferred) would enhance cellular coverage in a large area of the Curecanti National Recreational area, which would improve visitor and employee enjoyment.

Overall, the analysis of effects on resources, park operations, and employee and visitor health and safety indicated that there are no major adverse effects under either alternative; effects were analyzed as negligible to moderate. Based on this, and the above analysis, there would be no unacceptable impacts from Alternative A (No Action) or Alternative B (Preferred)

## Impairment

National Park Service's *Management Policies, 2006* require analysis of potential effects to determine whether or not actions would impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

However, the laws do give the National Park Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the National Park Service the management discretion to allow certain impacts within park, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the

integrity of park resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment, but an impact would be more likely to constitute an impairment when there is a major or severe adverse effect upon a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

Impairment may result from National Park Service activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The NPS's threshold for considering whether there could be an impairment is based on whether an action would have major (or significant) effects. This EA identifies less than major effects for all resource topics. Guided by this analysis and the Superintendent's professional judgment, there would be no impairment of park resources and values from implementation of either alternative.

## **CONSULTATION AND COORDINATION**

### **Internal Scoping**

Internal scoping was conducted by Commnet Wireless. The Application for Transportation and Utility Systems and Facilities on Federal Lands, completed by Commnet Wireless, discusses the purpose and need for the project; various alternatives; potential environmental impacts; past, present, and reasonably foreseeable projects that may have cumulative effects; and possible mitigation measures.

### **External Scoping**

External scoping was conducted to inform the public about the proposal to construct a new wireless communications tower at Curecanti National Recreation Area and to generate input on the preparation of this environmental assessment. External scoping was initiated with a notice published in the Gunnison Country Times to inform the public of the proposal to construct a new wireless communications tower, and to generate input on the preparation of this environmental assessment. The notice was dated June 10, 11, and 12, 2009.

During the 30-day scoping period, no public responses were received. In addition, during tribal consultation, all Native American tribes responded with no objection to the proposed project.

During the scoping period, one response received from a person in favor of construction of the tower.

### **Native American Consultation**

Ten Native American tribes were contacted at the beginning of this project to determine if there were any ethnographic resources in the project area and if they wanted to be involved in the environmental compliance process, including:

- Jicarilla Apache Nation
- Pueblo of Zuni
- Southern Ute Tribe
- Ute Mountain Ute Tribal Council

- Cheyenne-Arapaho Tribes of Oklahoma
- Comanche Nation
- Apache Tribe of Oklahoma
- Northern Arapaho
- Ute Indian Tribe
- Northern Cheyenne Tribe

Three of these tribes responded: the Ute Indian Tribe, Pueblo of Zuni, and Comanche Nation. All of these tribes affirmed their affiliation with the project area and stated that they do not anticipate impacts to Native American sites or resources. They had no objection to the proposed project, and requested to be kept informed of the project's progress, including immediate notification if Native American materials are discovered during construction.

## **Environmental Assessment Review and List of Recipients**

### **Environmental Assessment Review**

The environmental assessment will be released for public review in June 2010. To inform the public of the availability of the environmental assessment, the National Park Service will publish and distribute a press release as well as place a notice in the local newspaper. Copies of the environmental assessment will be provided to interested individuals, upon request. Copies of the document will also be available for review at the recreation area's visitor center and on the internet at <http://parplanning.nps.gov/cure>.

The environmental assessment is subject to a 30-day public comment period. During this time, the public is encouraged to submit their comments by going to <http://parkplanning.nps.gov/cure>, then click "Elk Creek Wireless Communications Tower", then click "Open for Public Comment", then click "Comment on Document". Written comments can be sent to: Superintendent, Curecanti National Recreation Area, Re: Elk Creek Wireless Communications Tower, 102 Elk Creek, Gunnison, CO 81230. Following the close of the comment period, all public comments will be reviewed and analyzed, prior to the release of a decision document. The National Park Service will issue responses to substantive comments received during the public comment period, and will make appropriate changes to the environmental assessment, as needed.

### **List of Consultant(s) and Coordinator(s)**

- Lindsay Zahner – Environmental Scientist
- Laura Sauer – Environmental Scientist
- Forest Frost– NPS Archaeologist
- Ken Stahlnecker – Compliance Coordinator
- Constance A. Rudd – Superintendent
- Edward C. Nichols – State Historic Preservation Officer
- Cindy Phillips – Commnet Wireless

## REFERENCES

- CHS 2009 Colorado Historical Society (State Historic Preservation Officer), letter affirming a determination of “no historic properties affected” for the project, dated December 16, 2003.
- CDOW 2004 Concurrence from CDOW on T&E.
- NPS 2006 *Management Policies*, National Park Service, U.S. Department of the Interior, December 2006.
- NPS 2001 Executive Order #13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 2001
- NPS 2000 *NPS Director’s Order, Special Park Uses*, National Park Service, U.S. Department of the Interior, 2000
- NPS 1998 National Parks Omnibus Management Act of 1998 and NPS Organic Act
- NPS 1973 Endangered Species Act, 1973, as amended
- USFWS 2000 *Guidelines on Siting Telecommunications Facilities*, 2000

# OTHER COMPLIANCE/CONSULTATIONS FORM

Park Name: **Curecanti National Recreation Area**

Trileaf Project Number: **301336**

Project Type: **Capital Improvements (CI)**

Project Location: **Sapinero, Colorado**

Project Originator/Coordinator: **Commnet Wireless**

Project Title: **Sapinero – Curecanti National Recreation Area**

## ESA

Any Federal Species in the project Area? **No**

If species in area:

Was Biological Assessment prepared? **Yes**

If Biological Assessment prepared, concurred?

Formal Consultation required?

Formal Consultation Notes:

Formal Consultation Concluded:

Any State listed Species in the Project Area? **No**

Consultation Information:

Data Entered By:

## ESA Mitigations

Mitigation ID Text: **No ESA Mitigations are associated with this project.**

## Floodplains/Wetlands/§404 Permits

Question	Yes	No	Details
A.1. Is project in 100- or 500-year floodplain or flash flood hazard area?		x	Exempt from compliance with executive order: Statement of findings approval date:
A.2. Is project in wetlands?		x	Exempt from compliance with executive order: Statement of findings approval date:
B. COE Section 404 permit needed?		x	Issue Date: Expiration Date: Request Date:
C. State 401 certification?		x	
D. State Section 401 Permit?			Issue Date: Expiration Date:

Question	Yes	No	Details
E. Tribal Water Quality Permit?		x	
F. CZM Consistency determination needed?		X	Required Date: Reviewed Date:
G. Erosion & Sediment Control Plan Required?		X	
H. Any other permits required?		x	Permit Information:

Data Entered By: **Lindsay Zahner**

Mitigation ID Text: **No Floodplains/Wetlands mitigations are associated with this project.**

#### Other Permits/Laws

Question	Yes	No
A. Consistent with Wilderness Act if Wilderness, or Not Applicable otherwise?	X	
B. Wilderness minimum requirement (tool) decision needed?		x
C. Wild and scenic river concerns exist?		x
D. National Trails concerns exist?		x
E. Air Quality consult with State needed?		x
F. Consistent with Architectural Barriers, Rehabilitation, and Americans with Disabilities Acts or not Applicable? (If N/A check Yes)	x	
G. Other:		

Other Information:

Data Entered By: **Lindsay Zahner**

**Wilderness Compliance**

Question	Yes	No	
A. Does this project occur in or adjacent to Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness?		X	
B. Is the only place to conduct this project in wilderness?		X	
C. Is the project necessary for the administration of the area as wilderness?		X	
D. Would the project or any of its alternatives adversely affect (directly or indirectly) Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness (If Yes, Minimum Requirements Analysis required)?		X	
E. Does the project or any of its alternatives involve the use of any of the Wilderness Act Section 4(c) prohibited uses: commercial enterprise, permanent road, temporary road, motor vehicles, motorized equipment, motorboats, landing of aircraft, mechanical transport, structure, or installation (If Yes, Minimum Requirements Analysis required)?		X	
F. If the answer to D or E above is "Yes" then a Minimum Requirements Analysis is required. Describe the status of this analysis in the column to the right.			Initiation Date:  Completed Date:  Approved Date:

G. Other Information:

Data Entered By: **Lindsay Zahner**

## APPENDICES

### Other Applicable Guiding Laws, Regulations and Policies

**Telecommunications Act of 1996, P.L. No. 104-104, 110 Stat. 56 § 704(c), 47 USCA § 332 note:**

The Telecommunications Act of 1996 was enacted “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies” [Public Law No. 104-104, 110 Stat. 56 (1996)]. Section 704(c) of the Telecommunications Act of 1996 and its regulations make federal property, including parkland, available for placement of telecommunications equipment by duly authorized providers absent unavoidable conflicts with the department or agency’s mission, or the current or planned use of the property, or access to that property.

**Presidential Memorandum: Facilitating Access to Federal Property for the Siting of Mobile Service Antennas (1995), 60 FR 42023, 40 USC § 581, note, 1995**

The Presidential Memorandum of August 10, 1995, “Facilitating Access to Federal Property for the Siting of Mobile Services Antennas,” directs the heads of all departments and agencies to facilitate appropriate access to federal property for the purpose of siting mobile services antennas, as long as such siting is in accordance with federal, state, and local laws and regulations, environmental and aesthetic concerns, preservation of historic buildings and monuments, and protection of natural and cultural resources.

- Agencies are authorized to charge reasonable fees for antenna sites on federal property and they should be based on fair market value. **GSA Bulletin FMR 2007-B2, Placement of Commercial Antennas on Federal Property, 72 FR 11881, March 14, 2007**

FMR 2007-B2 is the General Services Administration (GSA)-issued government-wide procedures for the placement of commercial antennas on federal property in order to implement the 1995 Presidential Memorandum and Section 704(c) of the Telecommunications Act of 1996. This 2007 bulletin replaces FPMR-242. The bulletin directs federal agencies to evaluate siting requests and determine if there would be unavoidable conflicts with the department’s or agency’s mission, or current or planned use of the property or access to that property. In evaluating siting requests, agencies should include consideration of the requirements of the federal agency managing the facility. Actions to be taken by federal agencies under these guidelines include determining the impact to their properties, review of internal agency rules, dissemination of antenna guidelines, timely response to siting requests, maintaining open communications, and establishing points of contact. These guidelines also direct federal agencies to take into consideration



environmental and historic preservation issues during siting, that should include, but not be limited to the following:

- Public health and safety;
- Aesthetics;
- Effects of historic districts, sites, buildings, monuments, structures, or other objects pursuant to the NHPA and implementing regulations;
- Protection of natural and cultural resources;
- Compliance with the appropriate level of review and documentation as necessary under NEPA and implementing regulations or each federal department and agency responsible for antenna siting; and
- Compliance with the FCC guidelines for radiofrequency exposure.

When looking at siting requests, the GSA bulletin requires the following:

- Requests for the use of property, rights-of-way, and easements by duly authorized telecommunication 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 the property. A denial of a siting request based on these criteria should be fully explained in writing.
- Executive departments and agencies shall retain discretion to reject inappropriate siting requests and assure adequate protection of public property.
- All procedures and mechanisms adopted by executive departments and agencies regarding access to federal property should be clear and simple to facilitate the efficient build out of the national wireless communications infrastructure.
- The telecommunications service provider is responsible for any reasonable costs to federal agencies associated with providing access to antenna sites.
- Executive departments and agencies will make antenna sites available on a fair, reasonable, and nondiscriminatory basis. Co-location of antennas should be encouraged where there are multiple antenna siting requests for the same location. In cases where this is not feasible and space availability precludes accommodating all antenna siting applicants, competitive procedures may be used.
- The siting of telecommunication service provider antennas should not be given priority over other authorized uses of federal building or lands.

### **16 USC § 5, Rights of Way and 36 CFR Part 14, Rights of Way**

These sections of the United States Code and the Code of Federal Regulations address the management of right-of-way permits on NPS lands. These are revocable permits, and not leases or any other estate or interest in land. These regulations contain terms and conditions for rights-of-way on NPS lands such as:

- Compliance with state and federal laws applicable to the project for which the right-of-way was approved.
- To clear and to keep clear the lands within the right-of-way to the extent and in the manner directed by the Superintendent; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such manner as to decrease the fire hazard.
- Take soil and resource conservation and protection measures including weed control.
- Build and repair roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
- Payment to the United States for the full value for all damages to the land or other property arising from the occupancy or use of lands under the right-of-way.
- Upon revocation or termination of the right-of-way permit, unless the requirement is waived in writing, so far as it is reasonably possible to do so, restore the land to its original condition to the entire satisfaction of the Superintendent.
- The allowance of the right-of-way shall be subject to the express condition that it will not unduly interfere with the management and administration of these lands by the United States.

### **NPS Management Policies 2006**

This is the basic NPS-wide policy document, adherence to which is mandatory unless specifically waived or modified by the NPS Director or certain Departmental officials, including the Secretary. Several sections from the NPS Management Policies 2006 (NPS 2006) are particularly relevant to processing applications for WTF at Rock Creek Park, as described below. Some of these provisions that are contained in the following NPS policy documents echo those contained in the Telecommunications Act of 1996, the 1995 Presidential Memorandum, and the GSA-issued government-wide procedures. Actions under this EA are in part guided by Section 8.6.4.3 of the NPS Management Policies 2006, which directs parks to consider requests to site non-NPS telecommunication facilities on NPS lands in accordance with the Telecommunications Act of 1996. The policy notes that this act authorized, but does not mandate a presumption that such requests will be granted absent an unavoidable conflict with the agency mission, or the current or planned use of the property or access to that property (This presumption is instead contained in the government wide procedures). The NPS policies require that:

- Superintendents will accept an application for a telecommunication site only from a FCC licensee or from an agency regulated by the Department of Commerce through the National Telecommunications and Information Administration.
- The manner in which the park will manage the technology and related facilities should be addressed in an appropriate NEPA document.

- When considering whether to approve, deny, or renew permits, the Superintendent will:
  - Hold preliminary meetings with telecommunication facility applicants to discuss pending applications and policy and procedural issues (such as the application process, impact analysis, estimated cost recovery charges and fees) and other NPS concerns. Similar meetings should be held during the decision-making process, as necessary, particularly if the superintendent is considering denying the application;
  - Conduct NEPA analysis expeditiously and consistent with all applicable statutes and Director's Order #12, and within timetables established pursuant to Director's Order #53;
  - Consider the potential benefit of having telephone access to emergency law enforcement and public safety services; and
  - Consider whether the proposal would cause unavoidable conflict with the park's mission, in which case the permit will be denied.
- Superintendents will evaluate the entire footprint of the new facilities when considering applications (e.g., all utilities related to the facility).
- Superintendents will avoid or minimize potential impacts of current and future telecommunication facilities by ensuring that the facilities and their supporting infrastructure:
  - Are located where they would have the least impact on park resources and values;
  - Are not located in the scenic, historic, and/or sensitive areas integral to the park's mission; and
  - Include maximum potential for future co-location.
- Superintendents will require the best technology available.
- Superintendents should consider making use of available interpretive media to caution park users of the limited or nonexistent cellular service and their personal responsibility to plan accordingly.
- When construction of telecommunication facilities on non-park land might adversely impact park resources and values, superintendents will actively participate in the applicable planning and regulatory process and seek to prevent or mitigate the adverse impacts.

#### **NPS Director's Order #53 (2000)**

This director's order, entitled Special Park Uses, establishes that a special park use is a short-term activity that takes place in a park area and (1) provides a benefit to an individual, group or organization, rather than the public at large; (2) requires written authorization and some degree of management control from the NPS in order to protect park resources and the public interest; (3) is not prohibited by law or regulation; and (4) is neither initiated, sponsored, nor conducted by the NPS. In relation to applications for WTF in NPS park units, Director's Order #53 directs the NPS to comply with the Telecommunications Act of 1996 as follows:

- Encourage preliminary meetings with telecommunications industry companies [PCS providers] who wish to discuss pending or proposed

applications for sites in the park to explain park concerns and understand industry timeframes.

- Encourage meetings with the applicants during the post application decision process as necessary, but especially if the manager is considering denying the application. Such meetings should take place prior to written notification of denial.
- Consider the safety of the visiting public when reviewing telecommunications site applications, including the potential benefit of having telephone access to emergency law enforcement and public safety services.
- Ensure that, when an application is submitted, the park replies in writing within 10 business days with an initial response on the application, and that response will be 'yes' (probably a known categorical exclusion requiring very minor additional information to be submitted), 'no' (with reasons in writing), or 'maybe' (with additional information to be submitted).
  - Ensure that, to the extent possible, the timeline and detailed steps enumerated in RM-53 are followed and the permit is issued or denied.
  - Ensure that compliance actions and reviews will be conducted expeditiously and consistent with all applicable statutes.

The NPS general authority to issue right-of-way permits for uses such as WTF is found in 16 USC § 5, and NPS regulations at 36 CFR Part 14. RM-53 provides the NPS process for consideration and placement of these facilities on park land.

### **U.S. Fish and Wildlife Service Guidelines on Siting Telecommunications Facilities (2000)**

These guidelines, released by the USFWS in 2000, address the potential for significant impacts on migratory birds from the construction of WTF. The USFWS guidelines are applicable to the review of proposed tower siting and/or the evaluation of towers on migratory birds. Although drafted by the USFWS, the following guidelines are also considered in NPS decisions on WTF right-of-way permits. These guidelines include:

1. Encourage co-location where possible.
2. If co-location is not feasible and a new tower or towers are to be constructed, communications service providers should be strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (e.g., use a lattice structure, self-supporting steel structure, etc.). Such towers should be unlighted if Federal Aviation Administration (FAA) regulations permit.
3. If constructing multiple towers, providers should consider the cumulative impacts of all of those towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.
4. If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state or federal refuges, staging areas, and rookeries) in known migratory or daily movement flyways, or in habitat of threatened or

endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.

5. If taller towers (greater than 199 feet AGL) requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights. Red strobe lights have not yet been studied.
6. Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species.
7. Towers and associated facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint." However, a larger tower footprint is preferable to the use of guy wires in construction. Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight.
8. If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternative site should be recommended. If this is not an option, seasonal restrictions on construction may be advisable in order to avoid disturbance during periods of high bird activity.
9. New towers should structurally and electrically accommodate the applicant/licensee's antennas and comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.
10. Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.
11. If a tower is constructed or proposed for construction, service personnel or researchers from the Communications Tower Working Group should be allowed access to the site to evaluate bird use.
12. Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.

### **Other Applicable Federal Laws, Executive Orders, Regulations and Policies**

The NPS is also required to comply with the following laws, executive orders, regulations, and policies in developing this WTF plan/EA.

#### **Endangered Species Act of 1973, as Amended**

This act requires all federal agencies to consult with the Secretary of the Interior on all projects and proposals with the potential to impact federally endangered or threatened plants and animals.

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### Executive Order #13186 – Responsibilities of Federal Agencies to Protect Migratory Birds (2001)

Migratory birds are of great ecological and economic value to this country and to other countries. They contribute to biological diversity and bring tremendous enjoyment to millions of Americans who study, watch, feed, or hunt these birds throughout the United States and other countries. The United States has recognized the critical importance of this shared resource by ratifying international, bilateral conventions for the conservation of migratory birds. Such conventions include the Convention for the Protection of Migratory Birds with Great Britain on behalf of Canada 1916, the Convention for the Protection of Migratory Birds and Game Mammals-Mexico 1936, the Convention for the Protection of Birds and Their Environment-Japan 1972, and the Convention for the Conservation of Migratory Birds and Their Environment-Union of Soviet Socialist Republics 1978. These migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats, and through the Migratory Bird Treaty Act, the United States has implemented these migratory bird conventions with respect to the United States. This executive order directs executive departments and agencies to take certain actions to further implement the act. The EA will consider this executive order and the potential impacts of the alternatives to migratory birds.

### National Historic Preservation Act of 1966, as Amended

Section 106 of this act requires federal agencies to consider the effects of their undertakings on properties listed or potentially eligible for listing on the National Register. All actions affecting the park's cultural resources must comply with this law, which is implemented through 36 CFR Part 800.

- Qualities of historic properties, such as historic structures and cultural landscapes, which contribute to their listing or eligibility are protected in accordance with the Secretary of the Interior's standards unless it is determined through formal processes that disturbance or natural deterioration is unavoidable.