FCC ENVIRONMENTAL ASSESSMENT

Applican	t:FCC File No.:
	The Spectrum and Competition Policy Division, Wireless Telecommunications Bureau sends "deficiency letters" to individual licensees and applicants, including tower owners, who have submitted environmental assessments (EAs) with applications (<i>i.e.</i> , a filed FCC Form 601 or FCC Form 854) when the EA submitted is insufficient or lacks necessary documentation.
	The following checklist is now used by the staff as an attachment to each deficiency letter to inform the licensee, applicant, or tower owner (collectively, "Applicant") concerning compliance with 47 C.F.R. § 1.1307 of the Commission's rules. In addition to compiling this information, Applicants are required to comply with all of the Commission's environmental rules, including 47 C.F.R. § 1.1311 (i.e., "environmental information to be included in the environmental assessment (EA)"), to determine whether a proposed facility may have significant effect on the environment.
	to 47 C.F.R. § 1.1307, this EA provides insufficient information regarding the facility's compliance with the following NEPA requirements:
	(a)(1) will be located in an officially designated wilderness area
	Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(1).
	If the proposed facility would not be located in an officially designated wilderness area, provide an explanation of how the applicant determined that the proposed facility would not be located in an officially designated wilderness area. Applicant should cite specifically to the sections of the relevant databases, maps, references, or information from the relevant government agencies (e.g., Department of the Interior).
	If the proposed facility would be located in an officially designated wilderness area, provide copies of all approvals, permits, or grants from the relevant government agencies approving the proposed antenna structure (e.g Department of the Interior).
	(a)(2) will be located in an officially designated wildlife preserve
	Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(2).
	If the proposed facility would not be located in an officially designated wildlife preserve, provide an explanation of how the applicant determined that the proposed facility would not be located in an officially designated wildlife preserve. Applicant should cite specifically to the sections of the relevant databases, maps, references, or information from the relevant government agencies (e.g. Department of the Interior).

If the proposed facility would be located in an officially designated wildlife preserve, provide copies of all approvals, permits, or grants from the relevant government agencies approving the proposed antenna structure (e.g. Department of the Interior).

(a)(3) may affect listed threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(3).

If no listed² or proposed³ threatened or endangered species or designated or proposed critical habitats⁴ are present in the county or counties where the "action area" is located: Explain the basis for the applicant's determination that there are no listed or proposed threatened or endangered species or designated or proposed critical habitats within the county (or counties) of the project's action area and that there would be no effect on listed or proposed threatened or endangered species or designated or proposed critical habitats within the county (or counties) of the project's action area. Provide the materials (with citations) that formed the basis for this determination (*e.g.*, maps or lists from relevant U.S. Department of the Interior, Fish and Wildlife Service (FWS) databases). If the applicant received a letter from FWS indicating that there would be no effect, provide a copy of the FWS letter so indicating.

If listed or proposed threatened or endangered species or designated or proposed critical habitats *are present* in the county or counties where the "action area" is located and would not be affected by the proposed antenna structure: Explain how the applicant determined that there would be no effect on listed or proposed threatened or endangered species or designated or proposed critical habitats within the county (or counties) of the project's action area. Provide the materials (with citations) that formed the basis for this determination (*e.g.*, maps or lists from relevant U.S. Department of the Interior, Fish and Wildlife Service (FWS) databases).

If the applicant received a letter from FWS indicating that there would be no effect, provide a copy of the FWS letter so indicating.

¹ Applicants who need to consult with the United States Fish & Wildlife Service regarding these matters should be aware that they are consulting with that agency pursuant to Section 7 of the Endangered Species Act. Furthermore, the applicant is pursuing such consultation as a "designated non-Federal entity." Additional, important information about this process may be found at: http://endangered.fws.gov/consultations/sec7_faq.html.

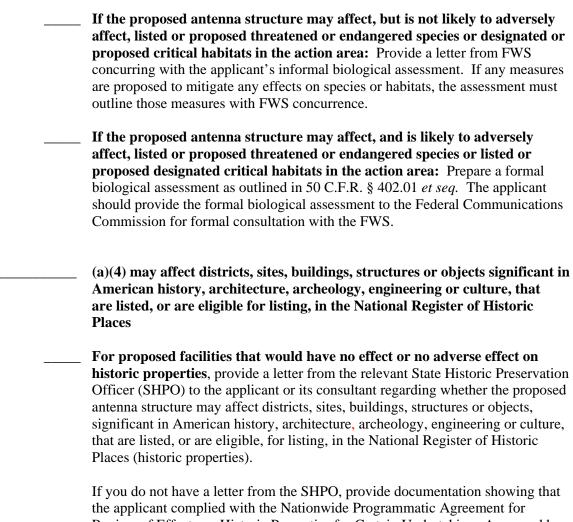
² "Listed species" are defined as any species of fish, wildlife or plant which has been determined to be endangered or threatened under section 4 of the Endangered Species Act.

³ "Proposed species" are defined as any species of fish, wildlife or plant that has been proposed in the Federal Register to be listed under section 4 of the Act.

⁴ "Critical habitat" is defined in Section 3 of the Endangered Species Act.

⁵ U.S. Fish & Wildlife Service defines an action area as "all areas to be affected, directly or indirectly, by the federal action and not merely the immediate area involved in the action." See 50 C.F.R. §402.02(d). For example, an action area would include the site of the proposed antenna structure, its immediate vicinity, and any roads to be constructed to the tower site.

If the applicant did not receive a letter from FWS indicating that there would be no effect, provide a copy of any informal biological assessment prepared by a biologist supporting the applicant's "no effect" determination. Provide the name(s) and qualifications of the biologist(s) who prepared the biological assessment along with any FWS staff who may be familiar with its contents. 6



If you do not have a letter from the SHPO, provide documentation showing that the applicant complied with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA), 20 FCC Rcd 1073 (2004), *See* 47 C.F.R. §1.1307(a)(4), Part 1 Appendix B. *See also* http://wireless.fcc.gov/siting/npa.html.

If the proposed facility would come within an Exclusion under Section III of the NPA, provide a statement describing why the facility is excluded.

If the proposed facility would have no effect on historic properties, provide the date the Applicant filed its FCC Form 620 or FCC Form 621 with the SHPO, showing that the 30-day period outlined in Section VII.B.2. of the NPA has expired.

If the proposed facility would have no adverse effect on historic properties, provide the date the Applicant filed its FCC Form 620 or FCC Form 621

⁶ If available, provide information about post-high school formal education including degrees held, area(s) of expertise, years of experience, and membership in any relevant professional accreditation organizations.

with the SHPO, showing that the 30-day period outlined in Section VII of the NPA has expired. The Applicant should also document the date it submitted the FCC Form 620 or FCC Form 621 to the FCC for a 15-day review period (for material submitted electronically) or a 25-day review period (for material submitted by other means), pursuant to Section VII.C.2. of the NPA.

If the proposed facility would have an adverse effect on historic properties, provide a copy of the Memorandum of Agreement (MOA) executed by the Applicant, the Federal Communications Commission, the SHPO, and the Advisory Council on Historic Preservation, if applicable, pursuant to Section VII. D.4. of the NPA.

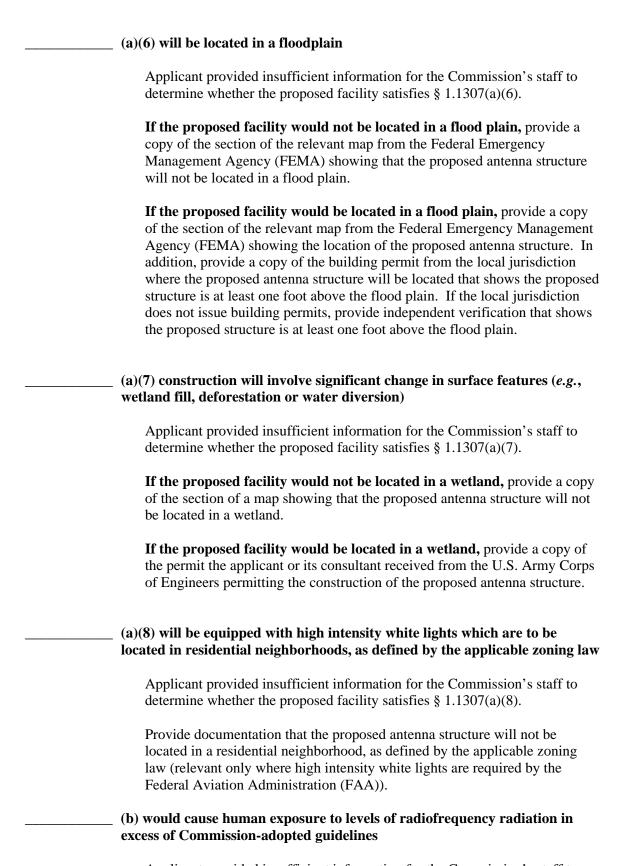
For all proposed facilities, in addition to the SHPO letter, other documentation of compliance with the NPA, or MOA, provide a copy of the Applicant's notification to potentially affected Indian tribes through the FCC Tower Construction Notification System (TCNS) or documentation of other reasonable and good faith efforts to identify and contact federally recognized Indian tribes and Native Hawaiian organizations, and a statement showing compliance with the procedures outlined in Clarification of Procedures for Participation of Federally-recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement, *Declaratory Ruling*, FCC 05-176, released October 5, 2005. *See* http://wireless.fcc.gov/siting/.

(a)(5) may affect Indian religious sites

Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(a)(5).

Provide an explanation of how the applicant determined that the proposed facility would not affect Indian religious sites. Provide documentation of the applicant's good faith efforts to determine whether the proposed antenna structure may affect any Indian religious sites, including any archeological effects on Indian burial mounds. Attach copies of any letters or studies completed by archeologists for the proposed antenna structure. Include reference to any databases, maps, or other sources consulted to identify Indian Tribes whose religious sites might be affected. Attach copies of all correspondence the applicant or its consultant sent to or received from an Indian Tribe regarding the proposed antenna structure, other than correspondence that the Tribe has asked to maintain confidential.

The FCC recognizes that Indian Tribes, as domestic dependent nations, exercise inherent sovereign powers over their members and territory. Applicants consulting with tribal authorities are acting as delegates of the FCC, which has a government-to-government relationship with tribes. Tribal authorities may request FCC participation in consultation on any matter at any time. Any information regarding historic properties or religious or sacred sites to which an Indian Tribe attributes significance may be highly confidential, private, and sensitive, and applicants should respect the wishes of the Tribe with respect to the treatment of such information.



Applicant provided insufficient information for the Commission's staff to determine whether the proposed facility satisfies § 1.1307(b).