



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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Unicom Incorporated, TERRA Northwest Phase III to Kotzebue Broadband Telecommunications Project

Five Microwave Repeater Tower Sites

Environmental Assessment, DOI-BLM-AK-A010-2012-0036-EA
Case Files AA-93345, AA-93345-A through AA-93345-F

DECISION RECORD

Background

Unicom has filed applications with the BLM Anchorage Field Office to obtain authorization to construct, maintain, and decommission the five microwave repeater towers on BLM-managed lands. A sixth tower is proposed, but would be located on privately owned lands. Three of the repeaters are on lands managed by the Central Yukon Field Office and two are on lands managed by the Anchorage Field Office.

The TERRA Northwest Phase III project (Project) would include the construction, operation, and maintenance of four mountaintop microwave repeater towers on BLM-managed lands, one microwave repeater on BLM-managed lands on the Baldwin Peninsula, and one on private lands owned by the Kikiktagruk Inupiat Corporation (this is referred to as the “KIC Site,” see Table 2-1 on page 2-2 of the Environmental Assessment).

Four of the repeater towers would be constructed on mountaintops; for these sites, construction could be completed in the 2013 and 2014 with helicopter-support only. However, the Baldwin Peninsula repeater is sited on a low-lying peninsula and requires a higher tower and, subsequently, additional foundation work compared to the mountaintop sites. Therefore, in addition to some helicopter-supported construction, the Baldwin Peninsula site would also require an overland move of heavy equipment, including equipment drop-off via a barge landing and overland transport via an “ice road.”

Under Unicom’s Proposed Action (EA, Alternative 2), the Project would construct five microwave towers and associated facilities on blocks of remote, undeveloped BLM-managed lands. The five repeaters in the Proposed Action are all several miles from any established community:

- The Ungalik Repeater is located 28 miles northeast of Shaktoolik, a small community of 258 people.
- The Dime Repeater is located 17 miles northeast of Koyuk, a small community of 347 people.
- The Talik Repeater is located 44 miles Northeast of Koyuk, a small community of 347 people.
- The Harvey Repeater is located 20 miles northeast of Buckland, a small community of 437 people.
- The Baldwin Peninsula repeater is located 33 miles southeast of Kotzebue, the hub of the Northwest Arctic Borough, with a population of 3,224 (EA, p. 3-25).

The first four towers listed are located on remote mountaintops. Only the Ungalik Repeater is close to the Iditarod National Historic Trail (within approximately two miles). The mountaintop towers would each be 60 feet tall except for the Ungalik Repeater which would be 80 feet tall and the Baldwin Peninsula tower which would be 250 feet tall.

Each repeater would have four microwave antennas each 8 to 10 feet in diameter. Each tower site would also have a communication shelter 10 feet by 30 feet by 10 feet, a power module shelter 10 feet by 20 feet by 10 feet. Power at the remote tower sites would be provided by two 9kW diesel generators, outfitted with hospital-grade silencers which are inside the power module. Fuel (Diesel #1) would be stored in two 4,500-gallon tanks which would be supplied by helicopter annually.

Staging areas for construction would take place in Buckland, Koyuk, and Bear Creek Camp (leased from the State of Alaska), Kotzebue, and project sites at the Baldwin Peninsula. Temporary camps would be erected on each tower site during June and July. These camps would have plywood platforms housing tent structures for sleeping quarters, a cooking facility tent, a portable sanitary unit (human waste would be incinerated), and gray water would be released on the ground once stored in a 55 gallon drum and screened so as not to channel water. Fuel for equipment would be stored in 55 gallon drums with liners for spill prevention.

Decision

National Historic Preservation Act (NHPA), Section 106, compliance is not yet complete for the requested barge landing site nor overland move route. Therefore, these two ancillary features cannot be authorized at this time. However, the mountaintop repeater sites can be constructed with helicopter-support only. Additionally, limited site preparation at the Baldwin Peninsula tower site can be accomplished with the use of helicopters. Given that the NHPA compliance is complete for the five tower sites on BLM-managed lands, and because of the unusually late spring thaw and, subsequently, short 2013 construction season, I have decided to authorize the five tower sites separately from the barge landing and overland move route so as not to delay the overall project schedule. When authorizing the barge landing and overland move route, I will ensure that the NHPA Section 106 process has been completed both for these project elements as well as for the KIC Site. The KIC Site is a connected action, and is therefore subject to the NHPA Section 106 process. As the lead federal agency for compliance with NHPA Section 106,

the BLM will solicit the State Historic Preservation Office's review and concurrence on the KIC Site and ensure that the process is complete before authorizing the Baldwin barge landing and overland move route.

With the exception of the barge landing site and the overland move route, I have decided to implement *Alternative 2 – Proposed Action Consisting of Five Repeater Sites* (EA, p. 2-1), hereinafter referred to as the “selected alternative,” subject to the attached permit stipulations and the project design features identified in Section 2.2 of the EA (both attached). This decision is based on site-specific analysis in the Project EA, the supporting project record, as well as management decisions contained in the Kobuk-Seward Resource Management Plan (RMP) Record of Decision (2008). The Project's Finding of No Significant Impact (FONSI) indicates that the selected alternative has been analyzed in an EA and has been found to have no significant environmental effects (attached). Therefore, an Environmental Impact Statement is not required and will not be prepared.

My decision to authorize rights-of-way to Unicom is summarized as follows (refer to EA, p. 2-1 for more detail):

- 1) Issuance of five long-term (20-year) communications use leases for case files AA-93345-A through E, for the five communication towers (Ungalik River Repeater, Dime Repeater, Talik Repeater, Harvey Repeater, and Baldwin Peninsula Repeater), and
- 2) At this time, only helicopter-supported construction activities are authorized at the Baldwin Peninsula repeater site; unloading and overland movement of heavy equipment is not authorized at this time; and
- 3) Issuance of a short-term (three-year) construction right-of-way grant until May 31, 2016 for case file AA-93345. The short-term right-of-way grant will encompass construction activities at all five repeater sites.
- 4) The Baldwin Repeater (and KIC site) will be required to meet the U.S. Department of Transportation Federal Aviation Administration obstruction (FAA) marking and lighting Advisory Circular AC/70/7460-1K as to placement of a Medium Intensity White Obstruction Lighting Standard (FAA Style D) as shown on Figure 14 of A1-15 as specifies as Type L-865 on Table 4 A1-1 on AC 70/7460-1K.
- 5) The issuance of a short-term construction right-of-way for the barge landing and overland winter move will not be authorized until the NHPA Section 106, compliance has been completed for the barge landing site and overland move route. Due to the unusually late spring thaw and, therefore, short 2013 construction season, the five tower sites will be authorized separately from the barge landing and overland move route so as not to delay the overall project schedule. A separate case file AA-93345-G has been established for the barge landing and overland move portion of the project.

The construction and maintenance activities for the communication sites would affect a temporary footprint under the construction grant of 5.15 acres per site (25.75 acres total) and a long-term lease area of 0.69 acres per site (3.45 acres total). The project design features to achieve required operating procedures (ROPs) and stipulations of the rights-of-way are attached (EA, pp. 2-22 through 2-26 for ROPs). Additionally, Unicom's Plan of Development for the project is included as Appendix B of the EA.

The selected alternative entails siting and construction of five microwave repeater towers on BLM lands and one tower on private land (“KIC Site”). However, the BLM does not have jurisdiction over the specific location of the tower on private land. Under the selected alternative, five tower sites will be constructed on BLM-managed land.

Rationale for the Decision

The rationale for the decision is based on the environmental impacts to public lands versus the greater public benefits of bringing broadband internet services to western Alaska communities and households.

The No Action Alternative (Alternative 1) was not chosen as it would not offer public health, safety, and educational improvements to western Alaska communities and households. When comparing the remaining alternatives, consideration was given to the potential impacts of each and the ability to accomplish the proposed project goals.

Alternative 2 would accomplish the mission goals of the project and have low environmental impacts. Alternative 2 eliminates a sixth alternative repeater site on BLM-managed lands (U.S. Air Force withdrawal) near Kotzebue in favor of a site on private lands (“KIC Site”).

Alternative Number 3 would also accomplish the mission goals of the project and have low environmental impacts. This alternative would offer Unicom the additional sixth tower site (with USAF concurrence). However, this alternative was rejected as Unicom was able to meet its project goals by using non-federal lands. Unicom was able to acquire a lease with the private landowner and therefore the use of federal lands for the sixth tower site is not necessary..

Laws, Authorities, and Land Use Plan Conformance

The EA and supporting documentation have been prepared consistent with the requirements of various statutes and regulations, including but not limited to:

- Alaska National Interest Lands Conservation Act of 1980 (ANILCA)
- Federal Land Policy and Management Act of 1976 (FLPMA)
- National Environmental Policy Act of 1969 (NEPA)
- National Historic Preservation Act of 1966 (NHPA)

One BLM land use plan applies to the overall project area, the Kobuk-Seward Resource Management Plan (RMP) Record of Decision (2008). Additionally, the Iditarod National Historic Trail Comprehensive Management Plan (CMP) (1986) is also relevant because portions of the proposed project occur in proximity to the Iditarod National Historic Trail (two miles from the Ungalik Repeater site). All actions and activities associated with the selected alternative are in conformance with the Kobuk-Seward RMP.

Public Involvement, Consultation, and Coordination

The BLM initiated public involvement for this EA with public notices for Town Hall meetings held in the winter of 2012. The BLM led four Town Hall meetings on November 14th in Buckland, November 15th in Kotzebue, December 5th in Koyuk, and December 6th in Shaktoolik. The Town Hall meetings provided an introduction to the project in the four communities nearest to the affected federal lands, and solicited input from local residents on issues and concerns associated with the project. The Town Hall meetings revealed public interest in the project and potential benefits, as well as concern with a variety of issues regarding the project design, alternatives, and potential impacts. The opportunity to provide comments from the Town Hall meetings extended through December 21, 2012. The BLM used the public comments to identify issues for consideration in the EA (EA, pp. 1-4 & 1-5).

Consistent with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, the BLM identified tribal governments potentially affected by the project. Letters were sent to tribal governments in October 2012 inviting them to consult on this project. The tribes contacted included:

- Native Village of Koyuk
- Native Village of Buckland
- Native Village of Shaktoolik
- Native Village of Kiana
- Noorvik Native Community
- Native Village of Kotzebue
- Selawik IRA Council
- Native Village of Deering

As of May 2013, there had been no response to BLM's invitations to enter into government-to-government consultation.

Internal scoping within the Anchorage Field Office and Central Yukon Field Office allowed an interdisciplinary team of resource specialists to identify concerns related to the proposed repeater sites and associated activities. Each resource specialist was provided the opportunity to review the plan of development before the EA was prepared. Each specialist identified issues that they determined critical to evaluate further and also provided feedback and ideas for activities identified in the proposed plan of development.

Additionally, on April 4, 2013, the EA was circulated for a 30-day public review. One comment letter was received from the Northwest Arctic Borough (NWAB). The NWAB commented that the Baldwin Peninsula site and KIC Site are in the migration corridor of caribou and believed the project design features (1,500 foot helicopter transport heights, avoid mammals at landing sites, construction activity occurring outside of fall and spring caribou migrations) would reduce impacts to caribou migration and subsistence hunters. The NWAB also wanted refueling to be completed after July 1 on the Baldwin Peninsula site in order to not frighten away bearded seals (which may be resting on sea ice) from subsistence hunters who may wish to harvest these animals within Kotzebue Sound. No changes have been made to the EA based on this comment; however, the NWAB's comment is addressed given my selection of Alternative 2 and the project design features and stipulations.

Additional Information

ANILCA Section 810 Compliance

The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources is anticipated and no reasonably foreseeable limitations on harvester access will result from the proposed action.

Adverse Energy Impact Compliance

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The Anchorage Field Office has determined that the action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

Compliance and Monitoring Plan

Compliance and monitoring of these authorizations will be conducted by the BLM Anchorage Field Office in conjunction with the Central Yukon Field Office. Inspections will be made prior to the applicant's use, during construction, and operation, and after the applicant reclaims the land upon termination of the authorizations.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Anchorage Field Office, 4700 BLM Road, Anchorage, Alaska 99507, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Anchorage Field Office as noted above. *The BLM does not accept appeals by facsimile or email.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the

Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Alan Bittner

June 19, 2013

Alan Bittner
Anchorage Field Manager

Date

/s/ Nichelle W. Jacobson

June 20, 2013

Shelly Jacobson
Central Yukon Field Manager

Date

Attachments

1. Finding of No Significant Impact, including attachments, for DOI-BLM-AK-A010-2012-0036-EA
2. Special Stipulations, including
EA Section 2.22, Project Design Features to Achieve Required Operating Procedures (ROPs)