

U.S. Department of the Interior
Bureau of Land Management
Central Yukon Field Office
1150 University Avenue
Fairbanks, Alaska 99709
(907) 474-2200

ENVIRONMENTAL ASSESSMENT
DOI-BLM-AK-03000-2012-0006-EA

Dobson Cellular
Assignment from Dobson Cellular of Alaska LLC to New Cingular Wireless, PCS, LLC a
subsidiary of AT&T located on Ester Dome
F-88502 (2860)



Location:

That portion of Lot 1, U.S. Survey No. 4012, within SW¹/₄NE¹/₄E¹/₂E¹/₂, Sec. 25,
T. 1 N., R. 3 W., Fairbanks Meridian.

Prepared by:

Central Yukon Field Office

June 2012

A. Introduction

Background

Public Land Order No. 1657, signed June 17, 1958, designated an area at the summit of Ester Dome as a Bureau of Land Management (BLM) administrative site. The first communications facility on the BLM parcel was developed by Golden Valley Electric Association in 1961. On October 28, 1992, the City of Fairbanks through its wholly owned subsidiary Fairbanks Municipal Utilities System submitted an application for a right-of-way grant for a communication site. The grant was issued on November 4, 1992 for a term of 20 years. On February 20, 1998, this grant was assigned to PTI Communications of Alaska, Inc. (PTICA). On April 28, 1999, this grant was assigned to Pacific Telecom Cellular of Alaska. On December 6, 2000, this grant was assigned to Dobson Cellular Systems, Inc., and finally on March 31, 2009, Dobson Cellular was merged with New Cingular Wireless PCS, LLC, a wholly owned affiliate of AT&T, Mobility II, LLC.

Since that time, the 6.4 acre area has been consistently valued for this type of use because of its location within the Fairbanks North Star Borough. It has historically been the home to radio repeater and transmittal equipment for such entities as the State Division of Highways and the Bureau of Land Management's Branch of Protection, a predecessor to the Alaska Fire Service. Approximately one quarter of the original site was conveyed to UAF in 1985, which is now home to KUAC. Similar uses are found on adjacent privately owned land immediately south and on State land approximately one mile to the west. The remaining 5.28 acres of the site is currently home to GVEA, AT&T, National Oceanic and Atmospheric Administration (NOAA), and Carmel Communications LLC. Due to the local demand for use of this site, a Communications Site Plan was signed on September 25, 2007.

B. Purpose and Need for the Proposed Action

The proposed action is to transfer the assignment of the current facilities from Dobson Cellular Systems, Inc., to New Cingular Wireless PCS, LLC, a subsidiary of AT&T and to renew their right-of-way grant which expires November 30, 2012.

Decision to be Made

BLM will decide whether to authorize or reject the proposed actions. If authorized, the decision will include necessary mitigation to protect the public resources and prevent unnecessary degradation to public lands.

C. Conformance with Land Use Plan

The site on Ester Dome is not within any federal resource management plan area, therefore regulations at 43 CFR 1610.8(b)(1) regarding conformance with land use planning require

the completion of an environmental assessment. The proposed actions are consistent with the Ester Dome Communications Site Management Plan which was approved September 25, 2007.

D. Relationship to Statutes, Regulations or Other Plans

Title V of FLPMA provides for the issuance of right-of-way grants to authorize rights-of-way upon, under, or through public lands for construction, operation, maintenance and termination of a project.

E. Proposed Action and Alternatives

Proposed Action

This environmental assessment exclusion will analyze two (2) actions - an assignment of facilities to AT&T, Mobility II, LLC DBA New Cingular Wireless PCS, LLC from Dobson Cellular Systems, Incorporated and a 20 year renewal of their current grant. AT&T Mobility acquired this facility on March 31, 2009, and the existing grant will expire on November 4, 2012. This existing site contains a communication site facility which houses four (4) users. Within this compound Dobson Cellular Systems has an area which measures 23.1' x 143'; within this area is a self-supporting steel tower (60' high, base 5' x 5'), two (2) whip antennas (4" x 20') and a prefab building 10' x 14' x 16' which houses equipment. This site provides cellular telephone service and emergency communication. For additional detailed information please reference the Communications Site Plan for Ester Dome.



No-Action Alternative

The no alternative would result in the application being rejected and the right-of-way would not be renewed. By the terms of the existing agreement, non-renewal would require the tenant to remove all appurtenant structures, fences, towers and equipment.

F. Affected Environment

General Setting

The subject area is described as that portion of Lot 1, U.S. Survey No. 4012, within SW¹/₄NE¹/₄E¹/₂E¹/₂, Sec. 25, T. 1 N., R. 3 W., Fairbanks Meridian as depicted on USGS Quad Fairbanks D-3. The site is atop Ester Dome, within the Fairbanks Northstar Borough, slightly northwest of the City of Fairbanks.

G. Environmental Effects

Impacts of the Proposed Action

The proposed actions are to assign the current grant and renew an existing right-of-way that has been granted for 20 years, which is included in the Ester Dome Communication Site Plan. There are no impacts anticipated or mitigation measures deemed appropriate that are not covered or discussed in the site plan, which is incorporated herein by reference. There were no additional impacts or mitigating measures identified over and above those identified in the site plan.

Impacts of No Action Alternative

The No Action alternative would require BLM to reject the application after its expiration. By the terms of the existing grant, non-renewal would require the tenant to remove all appurtenant structures, fences, towers and equipment. This would have an adverse impact on the human environment by removing or disrupting services currently being utilized by the local community. The requirement to remove structures and equipment would also be disruptive to adjacent permit holders.

Mitigation Measures for Proposed Action

No mitigating measures have been identified as being needed.

Residual Impacts

No residual impacts have been identified.

H. Consultation and coordination

List of Preparers

Merben Cebrian, Wildlife Biologist
Gary Foreman, Chief, Lands and Recreation
Shelly Jacobson, Field Manager
William Hedman, Archeologist

Carl Kretsinger, Fisheries Biologist
Robin Walthour, Realty Specialist
Michael Schoder, Deputy State Director for Cadastral Survey
Lisa Shon Jodwalis, Interpretive Park Ranger

I. Attachments

1. Assessment of Archeological, Historical and Paleontological Resources
2. Compliance with ANILCA Section 810 Evaluation and Findings
3. Boundary Risk Assessment
4. Wilderness Characteristics Assessment
5. Essential Fish Habitat

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

Background:

The purpose of this action is to issue an assignment of the grant from Dobson Cellular to AT&T dba as New Cingular Cellular and to renew their grant for 20 years for their communication site on Ester Dome. They request a grant for 20 years from November 5, 2012 to December 31, 2032.

Finding of No Significant Impact:

Short Term Permit (2860) application F-85502

Assignment of current grant from Dobson Cellular to AT&T dba as New Cingular Cellular and renewal of the grant for 20 years for a communication site on Ester Dome.

I have reviewed Environmental Assessment DOI-BLM-AK03000-2012-0006 and have concluded that the impacts of an assignment of the grant as well as renewal of the grant for an additional 20 years have been adequately addressed. There are no impacts that approached the threshold of significance. Therefore, I have determined that a Finding of No Significant Impact is appropriate and an environmental impact statement is not required.

Nichelle W. Jacobson
Field Manager, Central Yukon Field Office

July 5, 2012
Date

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Central Yukon Field Office
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Fairbanks, Alaska 99709
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DECISION RECORD

**Assignment of existing grant from Dobson Cellular to AT&T dba
New Cingular Wireless and Renewal of grant for 20 years
F-88502
DOI-BLM-AK-03000-2012-0006-EA**

Decision:

It is my decision to authorize the Assignment of Communications Use Lease F-88502 to AT&T dba New Cingular Wireless and to renew the grant for a communication site on Ester Dome for 20 years pursuant to the regulations in 43 CFR 2800 and Sec. 302 of the Federal Land Policy and Management Act of 1976.

Mitigation measures, stipulations and conditions are attached.

Rationale for the Decision:

1. The proposed action is consistent with the use of public lands under the authority of Sec. 302 of the Federal Land Policy and Management Act and the regulations found in 43 CFR 2800.
2. All concerns are appropriately addressed in the EA DOI-BLM-AK-03000-2012-0006. This includes cultural resources and subsistence concerns (see attached NHPA Section 106, ANILCA 810 findings, boundary risk and wilderness characteristic assessments and essential fish habitat.

The proposed action is in conformance with Communication Site Plan for Ester Dome signed on September 25, 2007. The project has been considered in the context of public health and safety and consistency with regards to Federal, State, and local laws.

Appeal Procedures

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with 43 CFR Part 4 and DOI Form 1842-1. The notice of appeal must be filed in the Bureau of Land Management Central Yukon Field Office (at the above address) within 30 days from receipt of this decision.

If you decide to file an appeal, you must carefully follow the procedure described on the enclosed form 1842-1. If you don't file your appeal at the locations specified on the form within 30 days, the Board may dismiss your appeal as untimely without considering its merits. Be sure to send a copy of your notice of appeal to each party named in this decision and to all of the addresses on the enclosed form 1842-1.

You may also ask the Board to stay or suspend the effect of this decision while your appeal is pending. If you desire a stay, you must enclose your request for a stay with your notice of appeal. You have the burden of showing a stay is justified.

The Board will grant a stay only if you provide sufficient justification based on the following standards:

- a. The relative harm to the parties if the Board grants or denies the stay,
- b. The likelihood of the success of your appeal on its merits,
- c. The likelihood of immediate and irreparable harm if the Board does not grant the stay, and;
- d. Whether the public interest favors granting a stay.

Nichelle W. Jacobson
Nichelle W. Jacobson
Manager, Central Yukon Field Office

July 5, 2012
Date

Contact Person:

For additional information concerning this decision, contact Robin Walthour, Realty Specialist, Central Yukon Field Office, 1150 University Avenue, Fairbanks, Alaska 99709 or by telephone at (907) 474-2304.

Stipulations for Communication Site F-88502

- A. Holder activities in connection with the permit shall not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal or State law.
- B. Holder will ensure that the facilities to be constructed, used and operated will control or prevent damage to scenic, esthetic, cultural and environmental values (including damage to fish and wildlife habitat), damage to Federal property and hazards to public health and safety.
- C. Holder will ensure that the facilities to be constructed, used and operated on the granted location are maintained and operated in a manner consistent with the permit.
- D. Holder will comply with State standards for public health and safety, environmental protection and siting, construction, operation and maintenance when those standards are more stringent than Federal standards.
- E. The United States will not be held liable for any damage to the communication facility caused by the general public or as result of fire, wind, or other natural disasters.
- F. The holder shall at all times operate its radio-electronic equipment in such a manner so as to not cause interference with radio-electronic operations of existing users in the vicinity. If such interference results from holder's operations, holder will promptly, at its own expense, modify the equipment and operations, or shut down if necessary to eliminate or reduce the interference to the satisfaction of the FCC and/or the authorized officer.
- G. The holder shall not install nor allow the installation of any other organization's electronic equipment in the holder's building, or attachment to the holder's antenna support structures, without the new organization obtaining a separate right-of-way grant from the BLM for the joint occupancy of the facility.
- H. This right-of-way shall terminate 60 days after expiration or cancellation of the FCC license, unless renewal is obtained within this period and a copy of such renewal is furnished to the authorized officer.
- I. Copies of the FCC license amendment must be filed with the authorized officer before modification of previously authorized facilities will be approved.
- J. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land will be immediately reported to the Authorized Officer. The Holder will suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision as to proper mitigation measures will be made by the Authorized Officer, after consulting with the Holder.