

Finding of No Significant Impact for Holly Tower

Introduction

The Colorado Southeast Homeland Security Region proposed to construct a 150-foot (ft) guyed tower in Prowers County, Colorado. The Holly Tower Environmental Assessment (EA) provides an analysis of potential environmental impacts associated with the use of grant funds issued by the Public Safety Interoperable Communications (PSIC) Grant Program, administered by the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce, to construct this tower.

Scope of the Environmental Assessment

The Holly tower project applied funds issued by the PSIC Grant Program. The PSIC Grant Program was developed to assist State, local, tribal, and non-governmental agencies in developing interoperable communications as they leverage the newly available spectrum in the 700 megahertz (MHz) band. As a condition of the PSIC Grant Program, grantees must comply with all relevant Federal legislation, including the National Environmental Policy Act (NEPA) of 1969.

The NTIA has specified that PSIC grant funds must be used for projects that would improve communications in areas at high risk for natural disasters and in urban and metropolitan areas at high risk for terrorism threats, and should include pre-positioning or securing of interoperable communications for immediate deployment during emergencies or major disasters. Investments receiving PSIC funds can range from the installation of new large-scale infrastructure (e.g., communications towers) to the acquisition of mobile/portable handheld radios. As outlined in the PSIC Grant Program's Programmatic EA (February 2009) and Final Finding of No Significant Impact (FONSI) (April 2009), the Holly tower is classified as a transmission and receiving site.

The Holly tower would allow for the following:

- Increased radio coverage for emergency responders connected throughout Southeast Colorado,
- Seamless roaming among towers, and
- Future interoperability between Kansas and Colorado responders.

This EA examines the Proposed Action to construct a 150 foot (ft) guyed-wire tower within a fenced compound with a gravel access road leading to the tower compound. The project site is in a rural area of Powers County used predominately for agriculture and pasture land located approximately 4½ miles south of the Town of Holly. The Holly tower was constructed prior to receiving PSIC NEPA compliance.

The EA analyzes existing conditions and environmental consequences for 11 resource areas: noise, air quality, geology and soils, water resources, biological resources, historic and cultural resources, aesthetic and visual resources, land use, infrastructure, socioeconomic resources, and human health and safety.

Alternatives Considered

Alternative 1 (Preferred Alternative). Alternative 1 (Preferred Alternative) is to implement the Holly tower, a 150 ft guyed-wire tower with three guy-wires within a 22-ft by 44-ft fenced compound, with a backup generator and 500 gallon propane tank. There is no access to the site, therefore a gravel access road approximately 350-ft long and 12-ft wide was constructed leading from County Road AA to the tower compound. The project site is approximately 4½ miles south of the Town of Holly in Prowers County. The site is located in a rural area used predominately for agriculture and pastures (grazing) and is surrounded by rangeland in all directions with County Road AA to the south, State Route 89 to the west, and a residential property located to the east. The new dirt road provides access from County Road AA and extends approximately 350 ft to reach the tower site. Total ground disturbance was estimated at less than 1,000 square feet (0.02 acres).

No Action Alternative. Under the No Action Alternative, current radio system communications used by first responders and other emergency personnel in the area would not be improved. The No Action Alternative served as the baseline for assessing the impacts of the alternatives in the EA.

Alternatives Considered But Not Carried Forward

One alternative location examined was the Town of Holly Old Tower site. A tower had been located at the site but was destroyed in a storm and dismantled. However, an existing lease agreement for this site was never found in the town records. Based on the missing title documentation, plans to use the alternative site could not progress and this alternative was not carried forward as a reasonable alternative.

Recommended Alternative

Alternative 1 (Preferred Alternative) to construct the Holly tower is recommended for implementation and best meets the purpose and need. The No Action Alternative would not address the communications needs for Prowers County.

Consultations

Endangered Species Consultation. The tower site is located within rural farmland in an area surrounded primarily by cultivated agriculture lands lacking trees except for those associated with farm residences scattered in the area. Narrow strips of non-native grasses and forbs are found between the cultivated fields; however, the site lacks native vegetation. Total ground disturbance was estimated at less than 1,000 square feet (0.02 acres). Coordination on fish and wildlife issues to meet the Section 7 requirements of the Endangered Species Act was accomplished through a review of protected species from the U.S. Fish and Wildlife Service (USFWS) Division of Endangered Species to identify listed and proposed threatened and endangered species, as well as critical habitats, that may be located on or near the site within Prowers County. The following species were identified for Prowers county: the burrowing owl (*Athene cunicularia*), mountain plover (*Charadrius montanus*), and lesser prairie-chicken (*Tympanuchus pallidicinctus*), a candidate species on the Federal endangered species list. No burrows, nests, wetlands, or listed species were observed during surveys of the site. The Colorado Division of Wildlife identified the lesser prairie-chicken as a State listed species within Prowers County.

During the informal consultation with USFWS, the USFWS identified that the Holly tower was constructed on critical habitat and winter breeding grounds near known, previously active leks¹ for the lesser prairie chicken. As a candidate species, legal protections are not afforded as they are for listed threatened and endangered species. However, the USFWS encourages cooperative conservation efforts for candidate species because these species may warrant future protection under the ESA and impacts to candidate species should be discussed in NEPA documentation.

The USFWS informed NTIA that the construction of the Holly Tower had a negative impact on a sensitive habitat area for the lesser prairie chicken, as this species spends its entire life in habitat areas that meet its breeding, nesting, chick-rearing, and foraging needs. Lesser prairie chickens do not migrate; daily movements within a habitat area are usually 300 meters (984 ft) or less. As outlined in the USFWS Species Assessment, the lesser prairie chicken requires "large expanses (i.e., 1,024-10,000 hectares (2,530-24,710 acres)) of unfragmented, ecologically diverse native rangelands to complete their life cycles." Fragmentation and conversion of these habitat areas have contributed to the significant reduction of the species. In addition, fences, power lines or other wire structures (such as guyed towers) are considered an unnatural threat to prairie grouse, such as the lesser prairie chicken.²

¹ Breeding areas where males gather to conduct a competitive mating display.

² U.S. Fish and Wildlife Service "Species Assessment and Listing Priority Assignment Form," Information Current as of April 2010; available at: http://ecos.fws.gov/docs/candidate/assessments/2010/r2/BOAZ_VO1.pdf.

Due to the tower site's location within the lesser prairie-chicken's critical habitat and proximity to the species' winter range, as well as concerns for migratory birds due to the tower's guyed-wires, the USFWS required mitigation to compensate for biological resources potentially affected by the tower. Research has indicated that the lesser prairie-chicken is deterred by vertical structures, such as communications towers, and can abandon known habitats due to these structures. In lieu of deconstructing the tower from its current location, in a letter dated March 3, 2011, the USFWS recommended the Prowers Conservation District,³ as a conservation area that would be used to purchase land or maintain existing ranges to benefit the species. The Prowers Conservation District is a division of the Colorado State Conservation Board, Colorado Department of Agriculture, and is an established organization committed to the protection, stewardship, and conservation of natural resources within the district and on surrounding lands. The Prowers Conservation District manages and provides funding for various projects throughout the range of the lesser prairie-chicken. In addition, the USFWS recommended that diverters and other marking devices should be added to the Holly tower to limit its long-term impacts on migratory birds and other resources.

Historic and Cultural Resources Consultation. Coordination on historic and cultural resources issues was accomplished with the Colorado State Historic Preservation Office (SHPO) to determine whether the construction of the guy wired tower may generate any short- or long-term indirect impacts to historic and cultural resources or may be located within the viewshed of any historic and cultural resources. A review of historic and cultural resources near or at the tower site was conducted by a Secretary of the Interior Qualified-Archaeologist. No historic properties were identified within a 1.5 mile radius of the tower site. A consultation letter was submitted to the Colorado SHPO related to any potential impacts to historical or archaeological resources within the area of potential effect (APE) of the site. The Colorado SHPO concurred in a letter dated November 30, 2010 with the findings that no cultural resources were located within the APE. The appropriate Tribal Historic Preservation Officers of the federally recognized Native American tribes with known ancestral rights in the area received letters requesting a review of the project using the Federal Communications Commission (FCC) Tower Construction Notification System. In addition to consultation with the Colorado SHPO, the Prowers County Historical Society was also sent materials requesting information regarding any known resources within the APE. To date, no comments were received. No cultural or archaeological resources concerns are located within the area.

Findings and Conclusions

The Proposed Action required construction of a 150-ft guy wired communications tower with total ground disturbance estimated at less than 1,000 square feet (0.02 acres). In accordance with 47 Code of Federal Regulations Section 1.1307(a) (1) through (8), an evaluation was made to determine whether any of the listed FCC special interest items would be significantly affected if a tower structure and associated equipment control cabinets were constructed at the site location. No FCC special interest items were identified.

NTIA Review

NTIA determined that the March 2011 Holly Tower in Prowers County, Colorado EA accurately assessed the potential individual and cumulative environmental impacts of the project including a 150-ft guy wired communications tower and that the scope, alternatives considered, and content of the EA are adequate.

This FONSI is based on the attached EA which has been independently evaluated by the NTIA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining that an environmental impact statement is not required.

³ Prowers Conservation District Web site: <http://www.colorado.gov/cs/Satellite/Agriculture-Main/CDAG/1178305637596>

Based on the best available information and NTIA's independent review, NTIA has decided to adopt the March 2011 EA for Holly Tower in Prowers County, Colorado. The EA is available for public review at http://www.ntia.doc.gov/psic/NEPA_sub3.html. This FONSI has therefore been prepared and is being submitted to document environmental review and evaluation in compliance with NEPA. The decision documents for the environmental review of the Proposed Action are attached.

I have considered the information contained in the EA, and supporting documentation, which is the basis for this FONSI. Based on the information in the EA and this FONSI document, I agree that the Proposed Action as described above, and in the EA, would have no significant impact on the environment.

Laura M. Pettus

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Responsible Program Manager

Department of Commerce, National Telecommunications and Information Administration

9/19/11

Date

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Title of document being adopted Holly Tower Environmental Assessment (EA)

Proponent: Southeast Homeland Security Region

Site location: no postal address, site is located approximately 4½ miles south of the Town of Holly in the SW1/4 of Section 2, Township 24 South, and Range 42 West, Holly, Colorado

Agency that prepared document being adopted: Southeast Homeland Security Region / Trileaf

Date adopted document was prepared: March 2011

Description of document (or portion) being adopted: The project was to implement the Holly tower, a 150 foot (ft) guyed-wire tower with three guy-wires, located in a 22-ft by 44-ft fenced compound, and a gravel access road approximately 350-ft long and 12-ft wide that leads from County Road AA to the tower compound. A backup generator and 500 gallon propane tank were also installed at the site. The project site is approximately 4½ miles south of the Town of Holly in Prowers County. The site is within a rural area used predominately for agriculture and pasture land used for grazing and is surrounded by rangeland in all directions with County Road AA to the south, State Route 89 to the west, and a residential property located to the east. The new dirt road provides access from County Road AA and extends approximately 350 ft to reach the tower site. Total ground disturbance was estimated at less than 1,000 square feet (0.02 acres). The tower is located within the critical habitat for a candidate species for listing, the lesser prairie-chicken (*Tympanuchus pallidicinctus*). Due to the tower site's location within the lesser prairie-chicken's critical habitat and proximity to the species' winter range, as well as concerns for migratory birds due to the tower's guyed-wires, the U.S. Fish and Wildlife Service Colorado Field Office required mitigation to compensate for biological resources potentially affected by the tower as research has indicated that this species is deterred by vertical structures, such as towers, and can abandon known habitats due to these structures. In lieu of removing the tower from its current location, the Southeast Homeland Security Region worked with the Prowers Conservation District, to provide funding towards a conservation area that would benefit the species. In addition, bird flight diverters and other marking devices would be placed on the guy wires to prevent collisions with migratory birds.

The document is available to be read at: http://www.ntia.doc.gov/psic/NEPA_sub3.html

The Department of Commerce has identified and adopted this document as being appropriate for National Telecommunications and Information Administration's (NTIA) purposes after independent review. The document meets its environmental review needs for approval under the PSIC Grant Program and will accompany the proposal to the decision maker.

Name of agency adopting the document: NTIA

Responsible Official: Laura M. Pettus

Position/Title: Responsible Program Manager

Address: NTIA, Room 4812, 1401 Constitution Avenue, NW, Washington, DC 20230

Contact: Laura Pettus

Phone: (202) 482-4509 **Fax:** (202) 501-8013 **e-mail:** lpettus@ntia.doc.gov

Signed:

Date:




