

ENVIRONMENTAL NOTIFICATION STEPS FOR COMMUNICATIONS TOWERS



To address potential impacts to migratory birds, on December 9, 2011, the FCC adopted Environmental Notification Steps for Communications Towers. The new steps require a pre-application, pre-construction notification process to provide members of the public with an opportunity to comment on the environmental effects of proposed antenna structures for which Antenna Structure Registration (ASR) application is filed.

WHEN DID THE NEW RULES TAKE EFFECT?

The rules became effective June 18, 2012. The rules are not retroactive so that ASR applications that were pending on the effective date of the rules are not required to complete the environmental notification process (see Amended Notices section for exceptions).

WHAT IS THE PROCESS FOR PUBLIC COMMENT?

An ASR Applicant is required to provide notice at the local level (generally a publication in a newspaper of local general circulation) and national level. The national notice is filed electronically with the FCC by the Applicant and the Commission posts the notice on the FCC website. An interested member of the public who believes that a proposed tower may have a significant impact on the environment may submit a request for further environmental review to the FCC. The request must be received by the FCC within 30 days after the notice date.

DOES THE NOTIFICATION PROCESS CAUSE DELAYS?

A request for further environmental review by an interested party must contain a supported statement explaining the basis for belief that the proposed tower may have a significant environmental impact. This process has not materially caused delays.

SUMMARY REQUIREMENTS OF THE NOTIFICATION RULES

The Notification rules require:

- An Environmental Assessment (EA) for any proposed tower over 450 feet in height;
- Notices requesting public comment for any tower requiring filing of an ASR Application;

- Notices requesting public comment for any tower that is registered by filing an ASR Application as a vehicle for filing an EA;
- Notices for any tower requiring filing of an ASR Application where the lighting of an existing tower is to be changed to a less preferred lighting style (see below), or;
- Notices for any tower requiring filing of an ASR Application where there is a substantial increase in size vertically or more than 30 feet on the ground beyond the existing tower site.

The Notification rules do not require notice for towers for which no ASR Application is filed and also do not apply to ASR administrative changes (e.g., ownership or contact information changes, etc.)

The rules became effective June 18, 2012.

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WHEN MUST AN APPLICANT PLACE NEW/ AMENDED NOTICES?

Where tower configuration is changed after notification but prior to grant of an ASR application, the rules require a new notification only if the change is of a nature that would have required notification in the context of an application for replacement or modification of an existing tower. The rules require the applicant to provide a new notification for any increase to the proposed tower height, even if it does not constitute a substantial increase in size.

WHEN WOULD LIGHTING CHANGES REQUIRE NOTIFICATION?

There is a three-tiered system, which ranks styles from most to least preferred depending on whether they employ: (1) no lights; (2) no red steady lights; or (3) red steady lights. The environmental notification process would be required where the lighting is changed

to a less preferred lighting style.

ECA has completed thousands of NEPA projects at communications facilities since 1989. If you have questions about the FCC NEPA requirements, please call Marvin Webster of ECA at (770) 667-2040 x101 or email marvin.webster@eca-usa.com.

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