



# Procedures Implementing the National Environmental Policy Act of 1969 (NEPA)

Maribel Martinez-Bradwell  
NPSTC Support Office  
Baltimore, MA  
November 19, 2008

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# Discussion Topics

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- Scope
- Significant Impact Actions
- Exclusions
- Environmental Assessment (EA)
  - Radiofrequency Radiation Exposure (RF Exposure)
- EA Considerations
  - Findings of no significant Impact
- Application Amendments
- Radiation Exposure Limits

# Discussion Topics

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- EA Information
- Preconstruction Requirements
- Objections
- Environmental Impact Statements
- Draft Environmental Impact Statements (DEIS) and Comments
- Final Environmental Impact Statement (FEIS)
- EIS Considerations

# Scope

## 40 CFR Part 90 Subpart I (1.1301-1.1319)

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- **Question associated with environmental consequences**
  - FCC 601 Form – FCC Application for Wireless Telecommunications Bureau Radio Service Authorization
  - FCC Form 854 – Antenna Structure Registration
- **All Commission actions that may or will have a significant impact on the quality of the human environment**
- **Environmental Assessment may involve**
  - Endangered Species Act of 1973
  - Historic Preservation 36 CFR Part 800

# Significant Impact Actions

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- **EA is required for facilities**
  1. Wilderness Areas
  2. Wildlife Preserve
  3. May affect
    1. Endangered Species
    2. Likely to threatened species or result in destruction or adverse modification of proposed critical habitats
    3. Indian Religious Sites
  4. National Register of Historic Places
  5. Flood Plain
  6. Involve significant change in surface features
  7. High Intensity white lights
  8. RF Exposure limits are exceeded

# Exclusions

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- **Categorically Excluded Actions**

1. Actions not covered by 1.1307 (a) and (b)
2. New applications, minor or major modifications of existing or authorized facilities that do not
  1. Fall under 1.1307 (a) (1)-(7)
  2. Involve High Intensity Lighting
  3. Exceed the applicable safety standards for RF Exposure

# Environmental Assessment

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EA explains environmental consequences and helps the Commission determine there will/will not have a significant environmental effect.

# Environmental Assessment

## RF Exposure

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- **EA Required for**
  - Private LMR Services Paging Operations (Part 90 Subpart P)
    - Non-Building Mounted Antennas
      - AGL to lowest point <10 meters
      - Power >1000 W ERP
    - Building Mounted Antennas
      - Power > 1000 W ERP
  - Private LMR Services Specialized Mobile Radio (Part 90 Subpart S)
    - Non-Building Mounted Antennas
      - AGL to lowest point <10 meters
      - Power of all channels >1000 W ERP
    - Building Mounted Antennas
      - Power of all channels > 1000 W ERP

# Environmental Assessment Considerations

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- **Impact**
  - FCC notifies applicant of their findings
  - Opportunity to Amend Application
  
- **No Impact**
  - Application is processed without documentation of environmental impact
  - Community notice of FCC Findings

# Application Amendments

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- **Applicant can amend their application (30 days)**
  - Reduce/minimize impact
  - Eliminate impact
- **Applicant unable to eliminate impact**
  - FCC publishes in Federal Register that EIS will be prepared

# Radiation Exposure Limits

## §1.1310 Radiofrequency Radiation Exposure Limits

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- **Proposed Facility**
  - Power density must not exceed 5% of the PD exposure limit applicable to that transmitter or facility
  - Field strength that, when squared, must not exceed 5% of the square of the electric or magnetic field strength limit applicable to that transmitter or facility
- **Limits are exceeded then EA is required and applicant must comply with RF Exposure**
  - Guidelines -OST/OET Bulletin Number 65-"Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation"

## EA Information

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- Proposed facility description
- Statement as to whether the proposal has been a source of controversy or environmental ground in local community
- Discuss environmental considerations
- Other information requested by FCC
- Endangered or threatened species or their critical habitats
- Approval evidence from local or Federal land use authority

# Preconstruction Requirements

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- **No Impact**
  - No problem
  - Proceed with construction
  
- **Impact**
  - Environmental processing shall be completed
  - Do not begin construction of the facility

# Objections

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- **Objections based on environmental considerations can be filed**
  - Petitions to deny
- **Petitions to deny must be filed**
  - Prior to grant of construction permit
  - Prior to authorization of facility (where construction permit is not required)

# Environmental Impact Statements

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- **Environmental Impact cannot be resolved**
  - Bureau responsible for processing proposal shall prepares EIS
    - DEIS/FEIS
  - Notice of Intent to prepare EIS » Federal Register
    - Brief description of the proposal and its environmental effects
    - Invite affected parties to participate
  - EA, DEIS and FEIS and associated/supporting documents are available for public inspection
  - Applicant shall provide
    - Community with availability of environmental documents
    - Hearing schedules

# Environmental Impact Statements

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- **Notice of availability of EIS in Federal Register**
  - DEIS
    - 90 days – Decision
  - FEIS
    - 30 days – Decision
- **Time periods can run concurrently**

# Draft Environmental Impact Statement (DEIS)

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- **Should contain:**
  - Description of the proposal (environmental significance)
  - Analysis of the proposal
    - Reasonable alternatives
- **FCC sends copies to The Office of Federal Activities, Environmental Protection Agency**
- **PN is published in the Federal Register**
- **45 day Comment Period**
- **15 day Reply Comments**

# Final Environmental Impact Statement (FEIS)

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- **Prepared by the Bureau**
  - Summarizes
    - Comments
    - Response to the comments
    - Analysis of proposal in terms of environmental consequences and reasonable alternatives

# Environmental Impact Statements Considerations

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- **Action subject to hearing**
  - FEIS is further considered
  - Affected parties can comment on the FEIS
  - Commission will render decision

## Contact Information

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### **Maribel Martinez-Bradwell**

NPSTC Support Office

518-506-4373

[mmartinez5@nycap.rr.com](mailto:mmartinez5@nycap.rr.com)