Decision and Rationale
I have selected Alternative B and have decided to authorize the construction and operation of AT&T/Walker Range Patrol Association Facilities. Prior to authorization of the communication use lease, a 30-day technical review period among Walker Mountain users, or holders of written instruments, will be completed pursuant to Forest Service Handbook 2709, Chapter 90, 94.5. This decision also includes the removal of five existing towers from the area and removal of the building currently occupied by Walker Range Patrol Association and their tenants.

Construction activities include assembly of two 95-foot towers and one multi-user building, consisting of up to a total five modules with the capacity to be added on as needed. Using this system of construction, it would provide space and capacity for additional future communications users up to the maximum size footprint of 49 by 20 feet to ensure orderly development of the electronic site. No new access to the site is needed because it overlaps an existing use; however an approximate 120-foot gravel apron would surround the facility.

I also hereby incorporate all the Project Design Features and mitigations in the EA to maintain scenic quality, an invasive plant-free site, and to protect potential effects to bats when the aged building is dismantled.

Alternative B fulfills the Purpose and Need and there are several associated public benefits, which includes equal access among commercial users in the spirit of the Telecommunications Act. Its goal is to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers. It also encourages the rapid deployment of new telecommunications technologies. Also, this decision allows the non-profit Walker Range Patrol Association to better serve Lake and Klamath County Residents by upgrading their fire protection communication network, with relatively little burden to the taxpayers they serve.

My decision continues the orderly development of the Walker Mountain Electronic Site as prescribed in the 1982 Walker Mountain Electronic Site Plan as amended by the 1995 Revision Environmental Assessment and 2009 Walker Mountain/BPA Decision Notices and Findings of No Significant Impact. There has been an increasing demand from the public and the telecommunication service industry on all Deschutes National Forest communication sites as a result of recent gains in technology. This is particularly true with Walker Mountain Electronic Site as it is in a key location. It is a designated electronic site by the Deschutes National Forest Plan and one of the few peaks in the central Cascades with road access and electrical power to the summit. The Cascade Mountain range in Oregon is a major obstacle to line of sight electronic communication between the heavily populated west side and the growing communities in central Oregon. It also is situated where thousands of travelers on Highways 58 and 97 utilize the towers for communication and other network-related functions.
The main environmental and economic issues I considered and addressed besides orderly development and scenery is the effect to other existing users on Walker Mountain. AT&T and Walker Range Patrol Association solicited comments and offered a site visit since October 2010 after their application for a lease to the Forest Service was accepted. They have been flexible in locating their equipment to minimize potential for interference and allowed the towers a variance of up to 20 feet to eliminate physical blockage of anybody’s signal. Using the Federal Communication Commission with their licensing procedure and good faith efforts between the users, I am convinced all the uses would be compatible. Prior to issuing authorization for construction, there will be a 30-day coordination among users per Forest Service Handbook 2709, Chapter 90, Section 94.5 direction. There has never been a documented case of interference among users on Walker Mountain Electronic Site.

Last, I believe the analysis has shown there would be no noticeable change to scenery from the existing condition as viewed from Highways 58 and 97. It is an existing electronic site where the Deschutes National Forest Plan allows facilities to be seen; as long as they are subordinate to the main scenery which is a mountaintop enframed by vegetation several miles away. I have determined this project to be consistent with those values.

**Public Involvement**

AT&T approached the Crescent Ranger District with a proposal for construction of facilities at an existing site at the Walker Mountain Communications Site. The proposal followed Forest Service Handbook screening processes (2709.11, chapter 90, 94-1) and the proposal was accepted. On October 22, 2010, AT&T began engaging Walker Mountain users with a letter which included a plan of proposed construction plus an invitation for a site visit on November 9, 2010. Following the site visit which was attended by a representative of US Cellular One (a tenant of Western Radio), the process of coordination among Walker Mountain users was initiated. In response, on November 20, 2010, Western Radio requested additional information regarding the size of the multi-user building, equipment and components, and wanted to know the purpose and need for the project. A scoping letter notifying interested people of the NEPA process dated December 15, 2011 then was released, describing the proposal in detail. Technical comments on frequencies, beam paths, and global positioning system location of the proposed towers were directed to AT&T staff to answer and more detailed information was provided with the Preliminary EA. A follow-up letter with additional detail was released on January 4, 2011. The project was initially published in the Deschutes National Forest Schedule of Projects spring publication (covering April 1- June 30, 2011).

Comments on the preliminary environmental assessment were solicited on March 23, 2011 when the legal ad appeared in the paper of record, The Bulletin. It also was simultaneously posted on the central Oregon website at [http://www.fs.usda.gov/goto/centraloregon/projects](http://www.fs.usda.gov/goto/centraloregon/projects). The comment period ended April 22, 2011. There was only one respondent, and comments and responses to those comments are displayed in Appendix A of the EA.

Pursuant to 36 CFR 251.93, Resolution of Issues, the authorized Forest Service Officer, Holly Jewkes, offered to meet holders of written instruments on the Walker Mountain electronic site on May 3, 2011. The purpose was to discuss issues or concerns related to the authorized use and to reach a common understanding and agreement where possible prior to issuance of a written decision. On May 11, 2011, a representative from Western Radio met with Holly Jewkes. There were no new issues raised and were identical to those provided by Western Radio during the 30-day comment period. There was no common understanding, or agreement reached. Response to comments can be found in Appendix A of the EA.

The Forest Service is operating under a memorandum of agreement with the State Historic Preservation Office (SHPO) and supporting documentation regarding electronic communications site management on Walker Mountain (1994). Based on monitoring and that agreement, a finding of “No Effect” to cultural
resources was determined. On January 12, 2011, Government to Government collaboration occurred between the Forest Service and the Klamath Tribe regarding proposed activities on Walker Mountain. No concerns were expressed at that meeting.

**Alternatives Considered**

Only one other alternative, No Action, was considered in detail. There were no key issues that had potential to solve the Purpose and Need (EA, page 6), although there were several analysis issues that were brought forward into the Environmental Consequences section. There was a variety of Alternatives Considered but Eliminated from Further Detailed Analysis (EA, page 11). The Forest Service considered several locations and options for the requested facilities, such as collocation with existing facilities on the electronic site (EA, starting on page 12). The lack of space in buildings and on towers plus their structural integrity eliminated them from further detailed analysis. This includes an apparent inability of Western Radio and AT&T to reach a mutual solution to collocate.

If I had selected No Action, Alternative A, AT&T would not be able to provide the desired coverage in that key location. Also, Walker Range Patrol Association would not be able to take advantage of an opportunity to substantially upgrade their aging communication facilities. Plus, there would be no opportunity for the Forest Service to better serve the public interest and accommodate future communication users on Walker Mountain.

**Finding of No Significant Impact and Other Laws and Regulations**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant adverse or beneficial effects that is not biased or offset by a combination of actions. I have determined the scenery will have minimal to no change from the current condition and the environmental consequences related to recreation, wildlife, and other resources of interest is relatively benign. It is a highly developed site with buildings and towers (EA, Figure 11, page 24), it receives very little recreation use, it provides marginal habitat for wildlife and plant species with very few species present (EA, pages 37-56). This is a designated electronic site that is occupied with many users and potential adverse effects are mainly limited to the site itself (EA, pages 23-58).

2. There will be no significant effects on public health and safety because this action is relatively neutral to the human environment and would have no measurable effect to water or air quality. Walker Mountain Patrol Association, who supplies fire protection services for approximately 5,500 homes and surrounding private lands, would have an improved and reliable wildfire communication and response network. Also, AT&T would be able to provide better coverage for the customers they serve (EA, page 7).

3. There will be no significant effects on unique characteristics of the area, because it is a designated electronic site with no existing unique characteristics or ecologically critical areas such as park lands, prime farmlands, wetlands, wild and scenic rivers because none are nearby (EA, page 64) or within the project area.

4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project. The CEQ
defines scientific controversy as when experts disagree with the Forest Service cited science. There has been no public comment or disagreement on how science was used for this project.

5. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. The Forest Service has considerable experience with the types of activities to be implemented and has assigned routine Project Design Features that have been extensively used on other similar projects with no unexpected consequences (EA, starting on page 11).

6. The action is not likely to establish a precedent for future actions with significant effects, because the dismantling activities and construction of the multi-unit building and towers is a site-specific activity and does not represent a decision in principle that causes future considerations.

7. Cumulative impacts are absent or are not significant. Effects are very limited in context and intensity to the electronic site itself with a duration of one season with a construction window typically June through October. Disturbance will cease once construction is completed and the facilities are on the landscape for the foreseeable future. Foreseeable actions, such as implementation of the Travel Mangement Rule or Three Trails OHV project which limits motorized travel to designated roads and trails would likely have an insignificant additive effect to big game. Also, the scale of the project is relatively small. Construction and operation of the AT&T/Walker Mountain Patrol Association communication facility will occur on less than one acre (EA, pages 8 and 36).

8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss of or destruction of significant scientific, cultural, or historical resources. The Forest Service is proceeding under a Memorandum of Understanding with the State Historic Preservation Office (SHPO) and consultaion with the Klamath Indian Tribes of Oregon (EA, page 59). There would be no effect to cultural resources with the proposed construction in Zone B since there are no identified cultural resources within and adjacent to the existing Walker Range Patrol Association site and the facilities being dismantled are not eligible to the National Register of Historic Places.

9. Due to their absence, the action will not adversely affect any Threatened, Endangered or Candidate species or its habitat (EA, page 41). Biological Evaluations have been prepared and are available in the project record at the Crescent Ranger District.

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment and is consistent with the Deschutes National Forest and Management Plan. Applicable laws and regulations were considered in the EA starting on page 59. AT&T has coordinated with Klamath County and has been granted appropriate land use approval by planners. All frequencies will be licensed by the FCC.

**Implementation**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

**Administrative Review or Appeal Opportunities**

If you are a holder of a written instrument such as a communication use lease or permit on Walker Mountain electronic site, the decision is subject to appeal under both 36 CFR 251, Subpart C, and 36 CFR 215. Because the decision may be reviewed under both of these regulations, you may elect which process
to use to obtain administrative review. However, you cannot elect to file appeals under both regulations 215.11(d). If you pursue an appeal under the 36 CFR 251 Land Uses, as required by 36 CFR 251.84, I am willing to meet with you to hear and discuss any concerns or issues you may have that relate to my decision. I have available June 8, 2011 at 9:00-9:30 am or June 8, 2011 at 11:00-11:30 am. The meeting place would be at 1001 SW Emkay Drive, Bend, Oregon. Please notify me via email at hjewkes@fs.fed.us by June 3, 2011 if you would like to attend. Please include which time you are available and whether you wish to meet in person or via phone. Pursuant to 36 251.87(c)(1), the appeal for initial review is filed with the Deschutes National Forest Supervisor, John Allen. The address is 1001 SW Emkay Drive, Bend, Oregon, 97702. The time period for filing a notice of appeal begins on the first day following the date on this notice of decision within 45 days.

If there is an appeal under 36 CFR 251, pursuant to 251.93, I have set potential meeting dates and times for July 11, 2011 at 2:00 pm or July 12, at 2:00 pm to narrow issues, agree on facts, and explore opportunities to resolve issues by means other than review. The meeting place would be at 1001 SW Emkay Drive, Bend, Oregon.

If you pursue an appeal under 36 CFR 215.82 for decisions on National Forest System Projects and Activities, the appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at:

**Appeal Deciding Officer, Pacific Northwest Region, USDA Forest Service**  
*Attn: 1570 Appeals, 333 S.W. First Avenue, PO Box 3623, Portland, OR 97208-3623*

FAX to 503-808-2339, or hand-delivered to the above address between 7:45 AM and 4:30 PM, Monday through Friday except legal holidays. Appeals can also be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us

Electronic appeals must be submitted in a format such as an email message, or an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *The Bulletin*, Bend, Oregon, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in, *The Bulletin*, Bend, Oregon, the newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments during the comment period specified at §215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. They are as follows:

(a) It is the appellant’s responsibility to provide sufficient written evidence and rationale to show why the Responsible Official’s decision should be remanded or reversed.
(b) An appeal submitted to the Appeal Deciding Officer becomes a part of the appeal record. An appeal must meet the following requirements:
(c)  
(1) State that the document is an appeal filed pursuant to 36 CFR part 215;  
(2) List the name and address of the appellant and, if possible, a telephone number;  
(3) Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;  
(4) Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects.
(5) State how the Responsible Official’s decision fails to consider comments previously provided, either before or during the comment period specified in §215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

If there is an appeal, pursuant to 36 CFR 215.17 the Responsible Official has set potential meeting dates and times for July 11, 2011 at 2:00 pm or July 12, at 2:00 pm to discuss resolution of the issues raised in the appeal. The meeting place would be at 1001 SW Emkay Drive, Bend, Oregon.

Contact Person
For additional information concerning this decision, please contact Chris Mickle or Meria Page, at the Crescent Ranger District, PO Box 208, Crescent, OR 97733; or by phone at (541) 433-3200.

/s/ Holly Jewkes
May 17, 2011

HOLLY JEWKES
District Ranger
Crescent Ranger District

DATE