



PUBLIC NOTICE

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DA 12-731
May 9, 2012

THE WIRELESS TELECOMMUNICATIONS BUREAU PROVIDES GUIDANCE ON THE IMPLEMENTATION OF THE ENVIRONMENTAL NOTIFICATION PROCESS FOR THE REGISTRATION OF ANTENNA STRUCTURES

Public Demonstration To Be Held May 21

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) provides guidance on the implementation of the environmental notification process for the registration of antenna structures. This Public Notice includes guidance on changes in the process for applicants to file FCC Form 854, Antenna Structure Registration (Form 854) and on the new process for members of the public to file requests for environmental review.

Additional guidance materials relating to the environmental notification process will become available on or about May 14, 2012, on the FCC's website at: www.fcc.gov/help/antenna-structure-registration-asr-help. This content will be updated as needed over time. In addition, the Bureau will host a live and webcast demonstration of the changes to the filing system on May 21, 2012, at 11:00 AM EDT.

The environmental notification process and the corresponding rule changes will become effective upon publication in the Federal Register of their approval by the Office of Management and Budget.

Background

On December 9, 2011, the Commission released an *Order on Remand*¹ that includes procedural measures to ensure, consistent with the Commission's obligations under federal environmental statutes, that environmental effects of proposed communications towers, including their effects on migratory birds, are fully considered prior to construction. The *Order on Remand* states that technical details about the environmental notification process would be provided in a Public Notice prior to the rules taking effect.²

The Filing Process for Applicants

The environmental notification process applies to new tower registrations and to certain modifications of registered towers that may have a significant environmental effect. The process for submitting an Antenna Structure Registration (ASR) application that is subject to environmental notification involves two parts.

¹ In the Matter of National Environmental Policy Act Compliance for Proposed Tower Registrations, In the Matter Effects of Communications Towers on Migratory Birds, WT Docket Nos. 08-61, 03-187, *Order on Remand*, 26 FCC Rcd 16700 (2011) (*Order on Remand*).

² *Id.* at 17650, Appendix E.

Part 1: Part 1 requires the applicant to submit a partially completed Form 854 in the ASR system. The partially completed Form 854 includes information that was previously required on Form 854, as well as information regarding the proposed lighting of the tower and the date the applicant requests that the proposed tower registration be posted on the FCC's website for comment. Federal Aviation Administration (FAA) clearance can be obtained prior to or after submitting the partially completed Form 854. Once the partially completed Form 854 is submitted, an ASR File Number will be assigned.

After submitting the partially completed Form 854, the applicant is required to provide local notice of the proposed tower registration by publication in a local newspaper or by other means. The applicant must provide this local notice on or before the date it has selected for posting its proposed registration on the FCC website. Beginning on the date the applicant has requested, the FCC will post the proposed tower registration on its website for a 30-day comment period. Members of the public will have an opportunity to file a request for further environmental review. After approximately 40 days, if the appropriate Bureau has determined that the application does not require additional environmental processing, the applicant will be able to complete Part 2. Part 2 may not be completed until the Bureau has determined that no further environmental processing is required (or, in cases where an Environmental Assessment (EA) is required, has issued a Finding of No Significant Impact). Applicants will be able to determine which of their pending applications are ready for completion of Part 2 by logging into the ASR system, where these applications will be listed as Ready for Certification.

Part 2: Part 2 requires the applicant to amend the Form 854 to provide the FAA Study Number and Issue Date (if not provided in Part 1), provide the local notice date, and certify that the tower will have no significant environmental impact. At this point, if all required information has been provided, the Form 854 will be deemed complete and can be processed accordingly.

Filings To Which the Environmental Notification Process Applies

The environmental notification process applies to the following types of filings that are submitted in the ASR system.

1. All new tower registrations unless:
 - Another federal agency has taken responsibility for the environmental review; or
 - An emergency waiver is granted.
2. Modifications to existing tower registrations if:
 - An antenna is being placed on an existing tower or non-tower structure and the placement of the antenna would increase the existing height of the structure by more than 10% or 20 feet, whichever is greater; or
 - Lighting is being added to a previously unlit tower; or
 - Existing lighting is being modified from a more preferred lighting configuration to a less preferred lighting configuration.³
3. Amendments to pending applications outlined in 1 and 2 above if:
 - There is any change in the type of structure; or
 - There is any change in the coordinates of the tower location; or
 - There is an increase in the overall height of the structure; or
 - There is a change from a more preferred lighting configuration to a less preferred lighting configuration; or

³ “[L]ighting styles are ranked as follows (with the most preferred lighting style listed first and the least preferred listed last): (1) no lights; (2) FAA Lighting Styles that do not involve use of red steady lights; and (3) FAA Lighting Styles that involve use of red steady lights.” 47 C.F.R. § 17.4(c)(1)(C).

- An Environmental Assessment is added.

Service-Specific Applications and Environmental Assessments

When an antenna structure requires registration in the ASR system and the same antenna structure is referenced on a service-specific application, any Environmental Assessment (EA) that is required for that antenna structure must be filed in the ASR system. A broadcast applicant or earth station applicant must also file a copy of the EA with its service-specific application.

Additional information on the filing processes for broadcast and earth station applicants is set forth in Appendix E of the *Order on Remand*.

Service-Specific Applications Filed in the Universal Licensing System (ULS)

Previously, service-specific license applications filed on the FCC Form 601 (Form 601) in the Universal Licensing System (ULS) were required to include the ASR Registration Number when the antenna structure included on the Form 601 required registration in the ASR system. This meant that a Form 601 could not be filed until the Form 854 application was granted. As part of the environmental notification process, applicants that file service-specific license applications on Form 601 now have two options when the antenna structure requires registration in the ASR system:

1. Applicants can continue to provide the ASR Registration Number on the Form 601, if the Form 854 application has already been granted; or
2. If the Form 854 application has not yet been granted, applicants can provide the ASR File Number on the Form 601 if the following conditions are met:
 - The applicant has obtained an FAA No Hazard Determination and included the FAA Study Number on the Form 854;
 - The applicant has provided local notice of the proposed antenna structure; and
 - The proposed tower has been posted on the FCC's website pursuant to the environmental notice process.

Form 601 applications that include an ASR File Number cannot be granted until the Form 854 application has been granted and the applicant has amended the Form 601 to replace the ASR File Number with the ASR Registration Number. During the pendency of the Form 854 application, the applicant must amend the Form 601 at least every 60 days from the date the Form 601 was filed and provide an exhibit that includes the reason(s) why the Form 601 remains pending. The exhibit must be uploaded to the Form 601 by using a new Attachment Type called "Status of Environmental Review." Failure to provide the status update may result in dismissal of the Form 601 application. This requirement does not apply while action on the environmental notification submission is pending at the Commission.

If the Form 854 File Number is provided on a Form 601 and the Form 854 includes an EA, the environmental question⁴ on the Form 601 must be answered yes. If an EA is added to the Form 854 after the initial submission of the Form 601, the Form 601 must be amended to change the response to the environmental question from no to yes.

⁴ The environmental question on the Form 601 is question 26 on Schedule D, question 22 on Schedule I, and question 48 on Schedule M.

Overview of Changes to Implement the Environmental Notification Process

The following changes were made to implement the environmental notification process.

1. The FCC Form 854 was updated to add:
 - An Environmental Compliance section;
 - A new filing purpose for replacement towers;⁵
 - A proposed marking and/or lighting question; and
 - Administrative changes, including the county and zip code of the antenna structure.
2. The Antenna Structure Registration (ASR) system was updated to:
 - Incorporate the changes from the FCC Form 854; and
 - Redesign the filing interface for all new tower, modified tower, and replacement tower registrations.
3. A website was developed to:
 - Display proposed tower registrations on Environmental Notice for a 30-day period.
4. The existing online Pleadings system was updated to:
 - Allow requests for further environmental review of proposed tower registrations to be filed online.
5. The FCC Form 601 was updated to:
 - Allow an ASR File Number to be provided in lieu of the ASR Registration Number when a Form 854 application is pending.

The Filing Process for Members of the Public

On or before the end of the 30-day posting period on the FCC website, members of the public may submit requests for further environmental review if they believe that a proposed tower or tower modification may have a significant impact on the environment. Instructions for viewing applications that are on notice and for submitting Environmental Requests will be available on the FCC's website at www.fcc.gov/help/antenna-structure-registration-asr-help. These requests can be filed online using the Pleadings system.

The Environmental Request must state the specific reasons that the proposed construction may have a significant impact on the quality of the human environment, as required under the Commission's rules. If the Commission agrees that the proposed construction may have a significant environmental impact, the applicant will be required to file an Environmental Assessment (EA). If the applicant submitted an EA with the application, the Environmental Request must describe why the EA does not adequately evaluate potentially significant environmental impacts. Pleadings that do not meet these standards may be subject to dismissal.

Demonstration of the Changes to the ASR System

On May 21, 2012, the Bureau will host a presentation demonstrating the changes to the ASR system at 11:00 am in the Commission Meeting Room at FCC Headquarters in Washington, DC. Interested members of the public are invited to attend, and the event also will be webcast. Both persons attending the presentation and viewers of the webcast are encouraged but not required to pre-register by e-mail to james.swartz@fcc.gov.

⁵ A replacement tower does not need to go through the environmental notification process if it would be constructed at the same location as an existing tower, would not involve a change in lighting, and would not involve a substantial increase in size (as defined in the rules) or construction or excavation more than 30 feet beyond the tower property. *See Order on Remand*, 26 FCC Rcd at 16721, para. 53.

To view the webcast, go to www.fcc.gov/live on the day of the event and click on the link for this event. Viewers may submit questions by e-mail to livequestions@fcc.gov.

Additional Information

For further information, you can contact the Licensing Support Hotline at (877) 480-3201 option 2, (717) 338-2888, or (717) 338-2824 (TTY). The Hotline is available to assist with questions Monday through Friday 8:00 a.m. to 6:00 p.m. ET. In order to provide better service to the public, all calls to the Hotline are recorded.