

**DECISION MEMO**  
Crandall Area Telecommunications Facility

USDA Forest Service  
Shoshone National Forest  
North Zone/Clarks Fork Ranger District  
Park County, Wyoming  
Legal Description: SW ¼, Section 16, T 56 North, R 104 West

**Decision**

I have reviewed the environmental documentation and results of the public comment period and decided to implement the proposal for construction of a single passive reflector telecommunications structure to be located on Upper Dillworth Bench, including mitigation measures. The initial proposal made by Qwest Communications to build a passive reflector was in response to a need identified by a majority of the residents in the Crandall area to have reliable phone service. The project is important to address the need for public health and safety in the Crandall area where the current phone lines are unreliable and many residents do not have any phone service at this time. The project may be initiated in fiscal year 2004 but will most likely be completed during fiscal year 2005.

This action falls under 1909.15 of the Forest Service Handbook on Environmental Policy and Procedures.

Category 3- Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.

**Background and Purpose of Project**

Qwest currently has requests from many Crandall residents for telecommunication service that cannot be met due to existing facilities currently operating at 100% capacity. The existing 18 mile section of underground copper phone line between the existing Sunlight phone building and the Crandall area is old and unreliable. Although it is under frequent repair, the line is at capacity and is also unreliable due to past damage and high susceptibility to lightning strikes. These conditions result in a high frequency of shorting out and the entire Crandall phone system being out of service for lengthy periods of time.

The structure that Qwest is proposing to build will be technologically advanced and will be designed to provide adequate capacity and reliability to the Crandall area for the foreseeable future.

**Proposed Action and Mitigation Measures**

Several options to meet the purpose and need were considered in terms of facilities, cost, locations, and potential environmental effects. I have decided to authorize Qwest to implement their initial proposed action as described below:

Install a 24 by 34 foot passive reflector panel in the upper Dillworth Bench area (see Figure 1) to relay signals from the existing Sunlight building to the Crandall area. It would involve an area of less than one quarter of one acre and would be located on National Forest System land. The passive reflector will be anchored into the ground, however it does not require electrical service to operate, nor does it require road access for maintenance. Access to install the panel would generally be by helicopter and maintenance needs would be minimal once the structure is in place. It would be located well outside of the Wild and Scenic Clarks Fork River corridor, and not visible from the river itself because of the incised nature of the canyon. The location would also be in the South Beartooth Highway Roadless Area Review and Evaluation (RARE II) area, however there is no need for any road construction as part of this project. The proposal is in conformance with the interim directive (ID 1920-2004-1) for the management of inventoried roadless areas.

The exact placement of the structure is important in order to reflect the phone signal through line of sight from the Sunlight building to the Crandall area. To mitigate the possible visual impact of the structure from the Chief Joseph Highway, the structure will be painted to match the naturally occurring colors of the area, and placed below the skyline with mountainous terrain for a backdrop. This is expected to minimize visual effects as viewed from the Chief Joseph Highway.

#### Mitigation Measures

1. The passive reflector will be located below the skyline as viewed from the locations on the Chief Joseph Highway. Disruption of the skyline by the passive reflector is to be avoided.
2. The passive reflector structure is to be painted with a color(s), pattern, and form line to match the natural features of the geology and vegetation of the site.
3. The passive reflector is to be painted to minimize visual impacts as viewed during the high recreation use season of spring and summer.
4. Construction of the passive reflector will be completed outside of the winter period of November 15 – April 30 to avoid negative effects on big game winter range.
5. In the event construction activities are to occur in the spring prior to July 15, coordination with the district wildlife biologist and approval by the district ranger will be required to avoid impact on mountain goats and bighorn sheep.

#### Alternatives

Alternatives to the proposed action were considered but were either determined to be of more environmental impact, would not meet the purpose and need for improved phone service, or were extremely costly and could not be implemented by Qwest. The other alternatives considered were:

- Install a multiple reflector system electronic site system in the Dead Indian, Sunlight, Deadman Bench, and Crandall area to obtain an improved phone signal to the Crandall area. This alternative, although expensive was determined to be of higher environmental impact on National Forest System lands due to the need for multiple structures and a new electronic site.
- Continue to spot repair the existing phone line along the 18 mile section of copper line between Sunlight and Crandall. This option has proven not to be feasible for meeting the need to improve the unreliable phone service to the Crandall area. In addition, continued repair of the existing copper line will not increase the capacity of the phone service to the Crandall area. Full replacement was not an option considered in detail due to expense and logistic limitations.

### **Public Involvement**

On March 24, 2004, letters were sent to approximately 255 individuals, Native American Indian Tribal governments, and to environmental organizations asking for their ideas and asking for any concerns or issues they may have with the proposed project. Comments were received from many of the Crandall residents, Wyoming Game & Fish Department, and the U.S. Fish & Wildlife Service. In addition, two public meetings were held by Qwest in cooperation with the Shoshone National Forest to describe the proposed action and other options. The first public meeting was held in Cody on March 31 and a second meeting in Crandall on May 14.

### **Issues and Concerns**

- A majority of the Crandall residents supported the proposed actions and need to implement as soon as possible. Most residents expressed concerns about the unreliable phone system and public health and safety issues it generates when “911” emergency calls cannot be made due to out of service phone system.
- A few Crandall residents expressed concerns about the visual impact of the 6 foot diameter dish to be mounted on a pole in the vicinity of the Painter Store area on private land. The initial proposed location of the pole was in front of three summer homes which created visual impacts. The location of the pole was moved behind the homes, but still on private ground, to mitigate this concern.
- Wyoming Game & Fish identified the need to mitigate the possible effects on wildlife by timing the construction of the passive reflector on Dillworth Bench to avoid spring lambing seasons of bighorn sheep and elk calving season. It was also recommended that construction take place outside of the main fall hunting season to avoid conflicts with hunters in the area.
- The U.S. Fish and Wildlife Service identified the need to assess the effects of project work on threatened and/or endangered (T&E) species. The Forest Service wildlife biologist completed a biological assessment for the known T&E species in the area and found there was no effect.

- The visual impact of the passive reflector was identified as an issue. The primary concern was the visual impact as viewed from the Chief Joseph Highway. This issue was mitigated by placement of the reflector structure below skyline and painting to match the naturally occurring colors of the area. In addition, the upper Dillworth Bench area is a few miles from the highway corridor and the likelihood of seeing the structure will be low.

### **Forest Plan Direction**

This proposal is consistent with laws, regulations, and policy, as well as standards and guidelines in the Shoshone National Forest Land and Resource Management Plan (LRMP). The management area is 3A, semiprimitive nonmotorized recreation in both roaded and unroaded areas. Recreation opportunities such as hiking, horseback riding, hunting and cross-country skiing are available. The installation of a passive reflector will not reduce other opportunities to use this area of the National Forest. Visual resources are managed so that management activities are not visually evident or remain visually subordinate.

This decision was coordinated with the Wyoming Historic Preservation Officer (SHPO). Qwest contracted with a private archaeologist to survey the proposed construction site for cultural resources and none were found. The survey was documented in a report submitted to the Shoshone National Forest's archaeologist.

### **Finding of No Extraordinary Circumstances**

Under the Forest Service Handbook definition, extraordinary circumstances exist, only when *conditions* associated with the proposed action are identified "as potentially having effects which may significantly affect the environment." Scoping was conducted to identify any conditions associated with a normally excluded action as potentially having effects, which may significantly affect the environment.

Extraordinary circumstances include, but are not limited to, steep slopes or highly erosive soils, threatened and endangered species or their critical habitat, wetlands and flood plains, wetlands, or municipal watersheds, inventoried roadless areas, Congressionally designated areas (such as wilderness, wilderness study areas, or National Recreation Areas), Research Natural Areas, or Native American religious or cultural sites, archaeological sites, or historic properties or areas. These are summarized in the table below to describe the situation for extraordinary circumstances and the effects the project would or would not have.

Determinations for extraordinary circumstances were reviewed in the context of the Forest Service Handbook (1909.15 chpt. 30.3-30.5) and definition and the court decision below<sup>1</sup>. Extraordinary circumstances exist, or are "present" only when *conditions*

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<sup>1</sup> The United States District Court for the District of Utah recently reviewed the provisions of the FSH related to categorical exclusions in *Utah Environmental Congress v. U.S. Forest Service*, Case No. 2:01-CV-00390B. In a Memorandum Opinion and Order issued June 19, 2001, the court found the above interpretation of the FSH to be reasonable. Specifically, the court found that the phrase "presence of"

associated with the proposed action are identified “as potentially having effects which may significantly affect the environment.”

Extraordinary Circumstances	Conditions that may lead to a finding of extraordinary circumstances (Yes or No). If needed, the discussions of <i>conditions</i> that may lead to a finding of extraordinary circumstances are discussed in greater detail following the table.
a. Steep slopes or highly erosive soils	No. The passive reflector is to be located on level ground and will not create an erosion concern due to very limited ground disturbance.
b. Threatened and endangered species or their critical habitat (Attach concurrence from fisheries/wildlife biologist and botanist as needed)	No. Grizzly bears do occupy this area, the proposed action is not associated with any condition that would have any effect on the bear.
c. Flood plains, wetlands, or municipal watersheds	No. Flood plains, wetlands, or municipal watersheds are not present on the site or in the immediate vicinity of the area where the passive reflector is to be constructed.
d. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.	No. The location of the passive reflector is outside of a designated wilderness area, and it is outside the Clarks Fork Wild and Scenic River corridor.
e. Inventoried roadless areas.	Yes. The location of the passive reflector is within the South Beartooth Highway Roadless area. However, there are no conditions associated with the passive reflector that diminish the value of the roadless area. This determination is also associated with the fact that the passive reflector is adjacent to the historic Morrison Jeep Trail road which is an existing feature generally not consistent with roadless qualities. The proposal is also consistent with the interim direction for management of roadless areas.
f. Native American religious or cultural sites, archaeological sites, or historic properties or areas.	No. The area was surveyed and no sites were found.

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referred to *conditions* that may lead to a finding of extraordinary circumstances, not to the phrase “extraordinary circumstances.”

## Summary

I have reviewed the proposal and determined that no significant effects would occur from its implementation. The effects of the actions, as determined through internal scoping, are not highly controversial and are similar to other actions that have been implemented in the area. The effects on the human environment are not highly uncertain or involve unique risks. The proposed action is of very minimal impact, and the expected effect on visual quality as viewed from the Chief Joseph Highway can be well mitigated. The project does not represent a decision in principle about future considerations and does not violate federal, state, or local laws or requirements imposed for protection of the environment.

## Implementation and Contacts

This decision can be implemented immediately and is not subject to appeal pursuant to 36 CFR 215.8(a)(4). Actual implementation of the project will be completed by Qwest and the issuance and authorization of a special use permit.

For further information on the project, contact Dave Myers, District Ranger at 307-527-6921. For additional information on this decision, contact Dave Myers at 203A Yellowstone Ave., Cody, Wyoming 82414.

*/s/ Rebecca Aus*

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Rebecca Aus  
Forest Supervisor

Date July 29, 2004