

FSH 2709.11 – SPECIAL USES HANDBOOK

CHAPTER 90 – COMMUNICATIONS SITE MANAGEMENT

90.1 – Revises authority section for Title VIII, Subtitle G, Section 8705, of the Agriculture Improvement Act of 2018.

90.3 – Revises policy section with new paragraph 6 to provide direction on a term for communications use authorizations of 30 years, unless case-specific circumstances warrant a shorter term.

90.4 – Revises responsibility section with new direction at paragraph 4 to establish responsibility for the tracking system for communications use applications.

92 – Adds new direction at paragraph 3 to provide for a 30-day review period by holders of communications use authorizations of new or modified communications site management plans.

94.1 – Changes title from “Initial Screening” to “Screening of Communications Use Proposals and Applications,” and revises paragraphs 1, 2, and 4 of that section to implement procedures that would expedite requests to co-locate communications uses in or on existing communications facilities.

94.3 – Adds new direction at paragraph 4 to establish procedures for recording the data needed to maintain the tracking system for communications use applications.

90.1 - Authority

4. Title VIII, Subtitle G, Section 8705, of the Agriculture Improvement Act of 2018. Also known as the Farm Bill. This Act requires the Forest Service to streamline the process for considering applications to locate or modify communications facilities on National Forest System lands.

90.3 - Policy

6. Issue communications use authorizations for a term of 30 years, unless case-specific circumstances warrant a shorter term.

90.4 - Responsibility

4. The National Program Manager for communications sites is responsible for ensuring a tracking system is established in the Special Uses Data System that provides for determining:

- a. The number of communications use applications received, approved, and denied;
- b. For applications that are denied, the reasons for denial; and
- c. The amount of time between receipt and grant or denial of the applications.

92 - COMMUNICATIONS SITE MANAGEMENT PLANS

3. The authorized officer shall give existing authorization holders at a communications site 30 days to review and comment on new communications site management plans and modifications to existing communications site management plans that would change how the communications site is managed. Authorization holders are responsible for coordinating the requirements of the applicable communications site management plan with occupants in or on their communications facilities.

94.1 – Screening of Communications Use Proposals and Applications

1. Encourage proponents of a new communications use at a communications site to co-locate in or on existing authorized communications facilities if the proposed communications use is allowed at that site. After all the requirements in paragraph 2 of this section have been met and the proponent has secured written permission to co-locate from the facility owner or manager, the proponent may co-locate equipment in or on the facility without further approval from the authorized officer.

2. Prior to co-location of communications equipment in or on an existing communications facility by an authorization holder or a prospective occupant, ensure that the holder, either on the holder's behalf or on behalf of the holder's prospective occupant, submit a completed form FS-2700-10, Technical Data for Communication Type Land Use, and a copy of the Federal Communications Commission (FCC) license, if applicable, to the authorized officer for review. Upon receipt of a completed form FS-2700-10 and a copy of the FCC license, if applicable, the authorized officer shall complete an initial review within 5 business days to determine if the proposed use is consistent with the applicable communications site management plan.

If the authorized officer determines based on the information submitted that the proposed use would not be consistent with the applicable communications site management plan, the authorized officer shall deny the proposed use. If the authorized officer determines that the proposed use is consistent with the applicable communications site management plan, the authorized officer shall provide the submitted form FS-2700-10 to other authorization holders at the communications site and give them 5 business days to submit documentation that the proposed use would cause harmful interference with their or any of their occupants' communications uses. If any such documentation is received within 5 business days, the authorized officer shall notify the proponent and provide the proponent an opportunity to mitigate any concerns.

If the proponent is not able to mitigate the concerns to the satisfaction of the authorized officer, the authorized officer shall deny the proposed use. If no such documentation is received within 5 business days, the authorized officer shall notify the proponent within 5 business days of the conclusion of the holders' documentation period that the co-location may proceed. Notification that a proposed use may proceed does not preclude the authorized officer from requiring that the proposed use be removed if it causes harmful interference after it is installed (sec. 93.2).

4. Proposed communications uses must:
 - a. Be consistent with the laws, regulations, orders, and policies governing National Forest System lands; other applicable Federal laws; and applicable State and local laws.
 - b. Be consistent, or be made consistent, with the applicable LMP and communications site management plan or be consistent with the applicable amended LMP and amended communications site management plan, if an amendment is appropriate and feasible.
 - c. Pose no substantial risk to public health or safety.
 - d. Not unreasonably conflict or interfere with administrative use by the Forest Service, other scheduled or existing uses of National Forest System lands, or use of adjacent non-National Forest System lands.
 - e. Not exceed the established noise floor limit.
 - f. Be compatible with existing uses at the communications site where the proposed facilities would be located. When a proponent proposes construction of a new communications facility, give authorization holders at the site 30 days (sec. 94.5, para. 3) to provide documentation that the proposed communications facility or associated proposed communications uses would impede existing uses at the site or cause harmful interference with their or any of their occupants' existing communications uses.
 - g. Not raise the cumulative radio frequency radiation (RFR) level above the FCC and Occupational Safety and Health Administration's standards for the type of site involved.

94.3 - Processing of Applications

4. For each communications use application, maintain a tracking record in the Special Uses Data System that specifies:
 - a. When the application was received and whether it was approved or denied;
 - b. If the application was denied, the reasons for the denial; and
 - c. The amount of time between receipt of the application and its grant or denial.