## FEDERAL COMMUNICATION COMMISSION CATEGORICAL EXCLUSIONS

**GENERAL**: Except as provided in § 1.1307 (c) [petition of interested party] or and (d) [based on FCC determination of significant environmental impact], **Commission actions** not covered by § 1.1307 (a) [specific facility locations] and (b) [above RF radiation standards] are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing. 47 CFR 1.1306(a).

SPECIFIC (47 CFR 1.1306(b)): Commission actions with respect to any **new application**, or **minor or major modifications of existing or authorized facilities or equipment**, will be categorically excluded, provided such proposal **do not**:

(1) Involve a site location specified under § 1.1307(a) (1)-(7). 47 CFR 1.1306 (b)(1).

(1) Facilities that are to be located in an officially designated wilderness area, 47 CFR 1.1307(a)(1)).

(2) Facilities that are to be located in an officially designated wildlife preserve. 47 CFR 1.1307(a)(2)).

(3) Facilities that: (i) May affect listed threatened or endangered species or designated critical habitats; or (ii) are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973. 47 CFR 1.1307(a)(3))

(4) Facilities that may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places. (See 16 U.S.C. 470w(5); 36 CFR part 60 and 800.) . 47 CFR 1.1307(a)(4))

(5) Facilities that may affect Indian religious sites. 47 CFR 1.1307(a)(5)).

(6) Facilities to be located on a flood plain (See EO 11988) 47 CFR 1.1307(a)(6)).

(7) Facilities whose construction will involve a significant change in surface features. 47 CFR 1.1307(a)(7)).

(2) Involve high intensity lighting under § 1.1307(a)(8). 47 CFR 1.1306 (b)(2).

(3) The proposed antenna structure will be over 450 feet in height above ground level (AGL) and involves either:

- 1. Construction of a new antenna structure;
- 2. Modification or replacement of an existing antenna structure involving a substantial increase in size as defined in paragraph I(C)(1)(3) of Appendix B to part 1 [NPA Definition] of this chapter; or
- 3. Addition of lighting or adoption of a less preferred lighting style as defined in  $\S 17.4(c)(1)(iii)$  [FAA Standards].
- 4. The Bureau shall consider whether to require an EA for other antenna structures subject to § 17.4(c) of this chapter in accordance with § 17.4(c)(8) of this chapter [FCC Process/Petition/Review]. (See Note to 47 CFR 1.1307(d).)

(4) An interested party alleges a particular action will have significant environmental effect and petitions the FCC for review and FCC concurs.  $47\ CFR\ 1.1307(c)$ .

(5) The Bureau determines that a particular actions requires an environmental assessment. 47 CFR 1.1307(d).

EXEMPTION

Unless § 1.1307(a)(4) [NHPA subject to NPA] is applicable, the provisions of § 1.1307(a) requiring the preparation of EAs do not encompass the construction of wireless facilities, including deployments on new or replacement poles, if:

1. The facilities will be **located in a right-of-way** that is **designated by a Federal, State, local, or Tribal government** for communications towers, above-ground utility transmission or distribution lines, or any associated structures and equipment;

2. The right-of-way is in active use for such designated purposes; and

3. The facilities would **not:** 

to Exemption

A. Increase the height of the tower or non-tower structure by more the 10% or twenty feet over existing support structures located in the ROW.

B. Involve the installation of more than four new equipment cabinets or more than one new equipment shelter;

C. Add an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater (except that the deployment may exceed this size limit if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable); or

D. Involve excavation outside the current site, defined as the area that is within the boundaries of the leased or owned property surrounding the deployment or that is in proximity to the structure and within the boundaries of the utility easement on which the facility is to be deployed, whichever is more restrictive.

Such wireless facilities are subject to § 1.1307(b) and require EAs if their construction would result in human exposure to radiofrequency radiation in excess of the applicable health and safety guidelines cited in § 1.1307(b).

**Exception to Exemption**