Federal Communications Commission
Washington, D.C. 20554

April 10, 2002

Steve Williams
Director
U.S. Fish and Wildlife Service
U.S. Dept. of the Interior
1849 C Street
Washington, DC 20240

BY FIRST CLASS MAIL AND FASCIMILE (202) 208-6965

Dear Mr. Williams:

We have received requests from various U.S. Fish and Wildlife Service (FWS) field offices for a designation letter from the Federal Communications Commission (FCC) for FCC licensees, applicants, tower companies and their representatives when they request informal consultations and or request species lists, pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1543) (ESA). Pursuant to 50 C.F.R. § 402.08, this letter designates all FCC licensees, applicants, tower companies and their representatives as non-federal representatives for purposes of Section 7 consultation.

The FCC has generally deregulated the construction of proposed communications facilities unless they "may significantly affect" certain categories of environmental concerns. (The FCC still does issue construction permits for broadcast facilities.) Thus, the FCC generally is not involved in its regulatees' initial planning and construction activities. However, the FCC environmental rules require that all licensees and applicants prepare environmental assessments if their proposed facilities "may significantly affect" listed threatened or endangered species or designated critical habitats. 47 C.F.R. § 1.1307(a)(3). Moreover, the Note to section 1.1307(a)(3) of the FCC's environmental rules, 47 C.F.R. § 1.1307(a)(3) Note, specifically authorizes FCC licensees and applicants and their representatives to contact FWS to determine whether their proposed facilities will affect threatened or endangered species or designated critical habitats and to obtain FWS concurrence in this regard. Licensees and applicants are also required to notify the FCC and file an environmental assessment if threatened or endangered species or their critical habitats may be affected. 47 C.F.R. § 1.13 11 (a)(6).

Accordingly, under the FCC's environmental rules, all FCC licensees, applicants, tower companies and their representatives have a blanket designation and are authorized to contact and work with the FWS to ensure that any effects on threatened and endangered species and their critical habitats are evaluated in siting proposed communications facilities. The FCC intends to post this letter on the FCC website, http://wireless.fcc.gov/siting.

Sincerely,

Susan H. Steiman

Susan H. Steiman
Associate General Counsel

cc: Richard Sayres, Endangered Species Division