



Federal Communications Commission Washington, D.C. 20554

August 20, 2026

Dear Commenters and respondent Harmoni Towers:

The Competition and Infrastructure Policy Division (Division) of the Federal Communications Commission's (FCC or Commission) Wireless Telecommunications Bureau has reviewed the Environmental Assessment (EA) filed on behalf of Harmoni Towers, LLC (Harmoni Towers) on November 18, 2025 for the proposed tower with Antenna Structure Registration (ASR) application number A1280552.¹ Harmoni Towers proposes to construct a 260-foot above ground level (AGL) communications tower in Condon, Montana. For the reasons discussed below, we find that the EA submitted by Harmoni Towers complies with the Commission's requirements set forth in sections 1.1308 and 1.1311 of the Commission's rules.² We find that the tower will not have a significant impact on the quality of the human environment.

Background

Harmoni Towers filed the current pending ASR application on May 1, 2024. Commenters Erika and Peter Guynn, Friends of the Wild Swan, the Swan View Coalition, the Upper Swan Valley Historical Society, and Kari Gunderson, PhD filed Requests for Environmental Review and similar filings in response to the ASR application.³ These filings raised a broad range of issues as the basis for requesting that the Commission conduct further environmental review of the proposed tower or prohibit construction of the tower entirely.⁴ Harmoni Towers filed an opposition to the EA request,⁵ but ultimately filed an EA on November 24, 2025. Both the original commenters as well as an additional commenter, Missoula County Board of Commissioners (County Board of Commissioners), filed comments in response to the

¹ Email from FCC Tower Comments to Jacqueline Brown, Harmoni Towers (Nov. 8, 2024) (Division Request). The EA was prepared for Harmoni Towers by EBI Consulting.

² See 47 CFR §§ 1.1308, 1.1311.

³ See Letter from Steve Lamar, President, Upper Swan Valley Historical Society (December 7, 2023) (*2023 Lamar Letter*); Request for Environmental Review from Erika Guynn (May 23, 2024) (*2024 Erika Guynn Request*); Letter from Arlene Montgomery, Program Director, Friends of the Wild Swan to Ramon Williams, FCC, requesting environmental review (May 24, 2024) (*2024 Friends of the Wild Swan Request*); Request for Environmental Review from Kari Gunderson (May 25, 2024) (*2024 Gunderson Request*); Request for Environmental Review from Peter Guynn (May 29, 2024) (*2024 Peter Guynn Request*); Reply to Opposition to Requests for Environmental Review from Peter Guynn (August 1, 2024) (*2024 Guynn Reply*); Reply to Opposition to Requests for Environmental Review from Keith Hammer, Chair, Swan View Coalition (August 2, 2024) (*2024 Swan View Coalition Reply*); Letter from Arlene Montgomery, Program Director, Friends of the Wild Swan to CIPD FCC (August 1, 2024) (*2024 Friends of the Wild Swan Letter*); Reply to Opposition to Requests for Environmental Review from Peter Guynn (August 19, 2024) (*2024 Guynn Reply*).

⁴ See, e.g., *2023 Lamar Letter*; *2024 Friends of the Wild Swan Request*; *2024 Gunderson Request*; and *2024 Friends of the Wild Swan Letter*.

⁵ Opposition to Requests for Environmental Review from Jacqueline Brown, Director – Project Management, Harmoni Towers (July 26, 2024) (*2024 Harmoni Towers Opposition*).



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EA arguing that it is inadequate.⁶ Harmoni Towers responded by filing an opposition to the filings.⁷ Several commenters, including new commenter Stewards of the Swan Valley, filed replies to this opposition.⁸

Discussion

As a preliminary matter, we are dismissing the comments from Stewards of the Swan Valley because it filed its comments in this proceeding as a reply to Harmoni Towers's opposition to comments made in response to its EA.⁹ Pursuant to section 1.45 of the Commission's rules, replies to oppositions may only be filed by those parties who filed initial petitions—in this case, by those commenters responding to the EA.¹⁰ The rules explain that replies "shall be limited to matters raised in the oppositions."¹¹ Because Stewards of the Swan Valley did not timely file comments in response to the EA comments, the attached supporting documentation is also dismissed as procedurally barred by section 1.45.

The issues raised by the commenters can be categorized as: (a) environmental concerns related to endangered species, the presence of wetlands, migratory birds and eagles, impacts of RF emissions on humans, impacts of RF emissions on animals and fauna, aesthetics concerns under NEPA, and alternatives considered; (b) historic preservation concerns; and (c) non-environmental concerns, including distracted drivers, whether the tower is needed, safety and local zoning issues, objections to the Commission's EA comment procedures; and failure to adequately consider alternative sites for the tower.

The National Environmental Policy Act (NEPA) imposes on federal agencies a duty to assess the environmental effects of their proposed actions.¹² NEPA "is purely procedural" and "does not mandate particular results, but simply prescribes the necessary process" for an agency's environmental review of a

⁶ Comments in Response to EA from Arlene Montgomery, Program Director, Friends of the Wild Swan and from Keith Hammer, Chair, Swan View Coalition (January 6, 2026) (*2026 Friends of the Wild Swan EA Response*); Comments in Response to EA from Kari Gunderson, PhD (January 9, 2026) (*2026 Gunderson EA Response*); Comments in Response to EA from Board of County Commissioners, Missoula County (January 13, 2026) (*2026 Missoula County Board of County Commissioners Comments*); Comments in Response to EA from Taylor Heggen, Ferguson & Coppes PLLC, counsel for Peter Guynn (January 9, 2026) (*2026 Guynn Response to EA*).

⁷ Opposition to Comments in Response to EA from Jacqueline Brown, Director – Project Management, Harmoni Towers (January 23, 2026) (*2026 Harmoni Towers Opposition*).

⁸ Reply to Opposition to Comments from Kari Gunderson (January 29, 2026) (*2026 Gunderson Reply to Opposition*); Reply to Opposition to Comments from Keith Hammer, Chair, Swan View Coalition (January 30, 2026) (*2026 Swan View Coalition Reply to Opposition*); Reply to Opposition to Comments from Arlene Montgomery, Program Director, Friends of the Wild Swan (February 2, 2026) (*2026 Friends of the Wild Swan Reply to Opposition*); Reply to in Support of Objections to the EA from Stewards of the Swan Valley (February 2, 2026) (*2026 Stewards of the Swan Valley Objection to EA*); Opposition Reply on behalf of Peter Guynn from Taylor Heggen, Ferguson & Coppes PLLC, counsel for Peter Guynn (February 2, 2026) (*2026 Guynn Reply to Opposition*); Reply to Opposition to Comments from Taylor Heggen, Ferguson & Coppes PLLC, counsel for Peter Guynn (February 2, 2026) (*2026 Guynn Reply to Opposition*).

⁹ See *2026 Stewards of the Swan Valley Objection to EA* and *2026 Harmoni Towers Opposition*.

¹⁰ 47 CFR § 1.45(c).

¹¹ *Id.*

¹² 42 U.S.C. § 4332.



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project.¹³ Most Commission actions “are deemed individually and cumulatively to have no significant effect on the quality of the human environment” and therefore the Commission categorically excludes from needing to produce an EA any new tower that does not meet one of the enumerated extraordinary circumstances under section 1.1307(a), (b)(1)(i)(C), and the note to (d).¹⁴ If a proposed project triggers one of the extraordinary circumstances, the applicant is required to submit an EA. Additionally, under section 1.1307(c), the public can request further environmental review and can raise concerns beyond those specifically listed among the enumerated extraordinary circumstances.¹⁵ The Commission will consider these concerns and determine whether an EA should be completed for the project. If an EA is necessary, the Commission will review the EA to determine if the action will have a significant environmental impact.¹⁶

The Telecommunications Act preserves state and local authority “over decisions regarding the placement, construction, and modification of personal wireless facilities.”¹⁷ With limited exception, purely local issues such as tower site location, compliance with local zoning laws, and impacts on property values are matters of local jurisdiction and not subject to review by the Commission under NEPA.

Environmental Concerns

Allegations regarding harmful effects of radiofrequency (RF) emissions on humans.

Section 1.1307(b)(i)(C) of the Commission’s rules requires preparation of an EA only if RF propagation sources associated with the provision of spectrum-based communications service regulated by the Commission “would cause human exposure to levels of RF radiation in excess of the limits in § 1.1310.”¹ Under the rules, “[i]f an interested person alleges that a particular action” “will have a significant environmental effect,” the person shall . . . set [] forth in detail the reasons justifying or circumstances necessitating environmental consideration in the decision-making process.”

Commenter Peter Guynn alleges that the Commission should not issue a finding of no significant impact (FONSI) because compliance with the Commission’s rules limiting human exposure to RF limits was not verified in the NEPA Checklist screening report prepared by Harmoni Towers’s environmental consultant, EBI.¹⁸ EBI has prepared an EA which includes an attachment from the anchor tenant for the site indicating that the proposed facility is compliant with all applicable FCC requirements.¹⁹ Accordingly, we find the project at hand to be compliant with the Commission’s RF exposure limit requirements and categorically excluded from requiring additional environmental review on the basis of RF emissions.

For typical wireless communications base station antennas, including cell towers and small cells, the power levels are relatively low and the transmitting antennas are located high enough and distant enough

¹³ *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colorado*, 145 S. Ct. 1497, 1510 (2025) (Internal citations and quotations omitted).

¹⁴ 47 CFR §§ 1.1306(a), 1.1307(a), (b)(1)(i)(C), and (d).

¹⁵ 47 CFR § 1.1307(a), (b)(1)(i)(C), (c), and (d).

¹⁶ 47 CFR § 1.1308.

¹⁷ 47 U.S.C. § 332(c)(7)(A).

¹⁸ *2026 Guynn Reply to Opposition* at 10

¹⁹ See EA at Appendix B, Letter from Kristopher Staszczuk, Manager RF System Design, Verizon to Federal Communications Commission (May 28, 2025).



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from areas accessible to the public, including residential buildings, that levels of exposure to the public are substantially below the FCC's RF exposure limits for general population/uncontrolled exposure,²⁰ also known as the Maximum Permissible Exposure (MPE) limits for general population.²¹ As a general matter, the RF energy transmitted by a conventional base station antenna is only likely to exceed the MPE limits for the general population within a localized spatial region at approximately the same height and directly in front of the antenna. Our experience shows that for wireless base station antennas (either on cell towers or small cells), this spatial region does not extend significantly below the lowest part of the antenna, and levels of exposure at ground level, inside nearby residences, or in other publicly accessible areas nearby tend to be substantially below the MPE limits.²² All entities holding or seeking an FCC authorization must determine compliance with FCC rules and regulations for their equipment or facility. In many cases, RF levels are evaluated for worst-case assumptions such as maximum transmit power in order to conservatively demonstrate and ensure compliance.

Allegations of RF Impacts on Wildlife and Fauna

Several individuals and groups, including Peter Guynn, Friends of the Wild Swan, and Swan View Coalition (collectively, Commenters), have submitted comments opposing a FONSI and alleging the tower will have impacts from RF and non-ionizing electromagnetic fields (EMF) on non-human species. Through their filings, which rely in part on articles in two journals, the Commenters allege harmful impacts on an array of non-human species including mammals, birds, insects, amphibians, reptiles, microbes, and flora.²³ We disagree with these oppositions due to material procedural and substantive deficiencies, as discussed below.

In applying the Commission's rules to the facts of this case, we disagree that an EA should evaluate alleged RF and EMF impacts on non-human species. Specifically, with respect to RF emissions limits, section 1.1307(b)(1)(C) requires preparation of an EA if an action exceeds the RF emissions limits set

²⁰ See FCC, RF Safety FAQ, Are Cellular and Other Radio Towers Located Near Homes or Schools Safe for Residents and Students ("radiofrequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits.") (FCC RF Safety FAQ), <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety>.

²¹ See FCC, RF Safety FAQ, What Levels Are Safe For Exposure to RF Energy.

²² See FCC, RF Safety FAQ, Are Cellular and Other Radio Towers Located Near Homes or Schools Safe for Residents and Students.

²³ 2026 Guynn Reply to Opposition at 4, 10; 2024 Guynn Reply at 1; 2026 Guynn Opposition Reply at 10; Letter from Taylor K. Heggen, Ferguson & Coppes PLLC, Attorney for Peter Guynn at 5 (Jan. 15, 2025) (2025 Guynn Reply to Additional Info) (citing to B. Blake Levitt, Henry C. Lai, and Albert M. Mainville, "Effects of non-ionizing electromagnetic fields on flora and fauna, Part 2 impacts: how species interact with natural and man-made EMP," *Reviews on Environmental Health*, Vol. 37, No. 3, 2022, 327-406 (2022 *Environmental Health* article); Letter from Arlene Montgomery, Program Director, Friends of Wild Swan (Aug. 1, 2024) (Friends of Wild Swan EA Request) (citing to B. Blake Levitt, Henry C. Lai, and Albert M. Mainville II, "Low-level EMF effects on wildlife and plants: What research tells us about an ecosystem approach," *Frontiers in Public Health*, Vol. 10 - 2022:1000840 (Nov. 24, 2022) (2022 *Frontiers* article) (alleging "potential adverse effects. . . to some avian, aquatic and insect species from RFR [(radiofrequency radiation)]"); Letter from Keith J. Hammer, Chair, Swan View Coalition (Aug. 2, 2024) (concurring with and attaching August 1, 2024 Swan View Coalition Letter, including 2022 *Frontiers* article).



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forth in the Commission's rules.²⁴ The Commission, through notice and comment rulemaking and consideration of relevant scientific evidence, determined that exceeding these limits may have a significant environmental effect, requiring the preparation of an EA. In this case, the Applicant has provided a letter from the anchor tenant's RF systems designer indicating that the proposed facility is compliant with the FCC's emissions limits.²⁵ That submission and Commission analysis of the proposed project leads us to find the project at hand to be compliant with the Commission's RF exposure limit requirements and categorically excluded from requiring additional environmental review on the basis of RF emissions. Nothing in the record indicates that the Commission's RF exposure limits will be exceeded. The claims that an EA for the proposed tower should evaluate RF and EMF impacts on wildlife and fauna, therefore, appear to be predicated on the position that the Commission should change its current RF rules. A request to change the Commission's rules, however, is beyond the scope of this proceeding.²⁶

Because the Commission's rules pertain to human exposure to RF and the applicant has evaluated and provided information related to compliance with the Commission's rules, any allegations related to potential RF and EMF impacts to wildlife and fauna are considered under 1.1307(c) of the Commission's rules. Claims raised pursuant to section 1.1307(c) must include sufficient detail to support the complaining party's allegation that the proposed facility may have a significant environmental effect. The sources referenced by the Commenters do not demonstrate with sufficient detail that the action may have a significant environmental impact under section 1.1307(c). First, the sources are not specific to the tower project being evaluated but, rather, relate to a broader claim by the Commenters that the Commission should change its RF rules. Second, relevant standard-setting institutions have not established standards recognizing alleged RF and EMF effects on non-human species, which is a point that the referenced articles concede.²⁷ In contrast, the Commission's RF rules are based upon the findings of established scientific and technical standard-setting institutions, and evaluating such evidence would require a broader examination with a more fulsome record than with respect to this particular proposed construction. Therefore, any questions raised regarding the adequacy of the Commission's RF rules in the limited context of this proposed construction would be considered outside the scope of this proceeding.²⁸

For the foregoing reasons, we find that commenters have not met the burden under section 1.1307(c) to demonstrate in detail why a FONSI should not be granted under the Commission's rules based on alleged RF and EMF impacts to wildlife and fauna.

²⁴ See 47 CFR § 1.1307(b)(1)(C).

²⁵ EA at Appendix B, Letter from Kristopher Staszczuck, Manager RF System Design, Verizon to Federal Communications Commission (May 28, 2025).

²⁶ See 47 CFR § 1.1401. See also *Viasat Inc. v. FCC*, 47 F.4th 769, 776 (D.C. Cir. 2022) ("an agency need not - indeed should not - entertain a challenge to a regulation, adopted pursuant to notice and comment, in an adjudication or licensing proceeding" (quoting *Trib. Co. v. FCC*, 133 F.3d 61, 68 (D.C. Cir. 1998), internal quotation marks omitted)). See also *AT&T Corp. v. FCC*, 448 F.3d 426, 434 (D.C. Cir. 2006) ("[I]t is elementary that an agency must adhere to its own rules and regulations.") (quoting *Reuters Ltd. v. FCC*, 781 F.2d 946, 950 (D.C. Cir. 1986) (internal quotation marks omitted)).

²⁷ See e.g. 2022 *Frontiers* article at note 1. The authors acknowledge the absence of the recognition of RF and EMF impacts on non-human species from established scientific and medical standards setting institutions. ("No radiofrequency (RFR) emissions guidelines today take non-human species into consideration. . . .") (article is unpaginated).

²⁸ 47 CFR § 1.1310(a)-(d), Note, *supra* note 4.



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Allegations regarding impacts on migratory birds

Several commenters argue that the proposed tower may have harmful effects on migratory birds.²⁹ The FCC has provisions in its environmental rules that protect migratory birds from risks associated with collisions. Specifically, under the Commission's rules, a company proposing to construct a tower is required to complete an EA if the tower is at least 450 feet in height in order to ensure the EA evaluates potential significant effects to migratory birds, which are more likely to be impacted by towers 450 feet high or greater.³⁰ In this case, the EA requirement was not triggered due to height, which Harmoni Towers has limited to 260 feet.

In addition, the FCC considers the best practices from the federal government's expert agency on wildlife preservation, the U. S. Fish and Wildlife Service (FWS), when evaluating NEPA compliance with regard to migratory birds.³¹ Although the tower will be over 200 feet in height, Harmoni Towers's proposed communication tower otherwise conforms to the FWS best practices. Harmoni Towers proposes a lattice tower that will not utilize guy wires, will be equipped with migratory bird friendly medium intensity flashing lights on the tower—white for daytime and red for night—and minimum intensity, heat and motion activated down-shielded lighting on ground level equipment.³²

Beyond impacts to migratory birds due to collisions, Commenters argue that the RF emitted from the proposed tower will also have significant negative impacts on migratory birds.³³ As discussed above, Commenters appear to base their arguments on claims that the Commission should change its RF rules, but such claims are beyond the scope of this proceeding. Further, Commenters have not submitted sufficiently detailed evidence that RF from the operation of *this particular tower* will have material negative effects on the circumstances of any local migratory birds in the vicinity and have failed to satisfy the "specific detail" element of section 1.1307(c) of the Commission's rules.

For the foregoing reasons, we find that Commenters have not met the burden under section 1.1307(c) to demonstrate in detail why a FONSI should not be granted under section 1.1308(d) of the Commission's

²⁹ See 2024 Friends of the Wild Swan Request at 1; 2024 Gunderson Request; 2024 Swan View Coalition Reply; 2024 Friends of the Wild Swan Letter at 1-2; 2026 Friends of the Wild Swan EA Response; 2026 Guynn Response to EA at 2, 5-6; 2026 Guynn Reply to Opposition at 9.

²⁹ Opposition to Comments in Response to EA from Jacqueline Brown, Director – Project Management, Harmoni Towers (January 23, 2026) (2026 Harmoni Towers Opposition).

³⁰ See 47 CFR § 1.1307(d), Note.

³¹ The FWS best practices suggest, *inter alia*, that towers (i) be no more than 199 feet in height; (ii) be lit with "bird friendly" lighting (i.e., only white or red flashing lights should be used at night); (iii) avoid guy wires; (iv) avoid construction during peak bird breeding season, to the extent possible; (v) and use security lighting for on-ground facilities, equipment, and infrastructure that is motion or heat-sensitive, down-shielded, and of minimum intensity to reduce nighttime bird attraction. US Fish & Wildlife Service, *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning* (March 2021). Available at: <https://www.fws.gov/sites/default/files/documents/usfws-communication-tower-guidance.pdf>.

³² EA at 9-10; 2026 Harmoni Towers Opposition, at 5-6 and Attachment A at 6.

³³ 2024 Guynn Reply at 1; 2026 Guynn Response to EA at 3. See also 2026 Guynn Reply to Opposition at 4 and 2026 Guynn Opposition Reply at 10. These two submissions do not specify migratory birds but do specify raptors).



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rules based on migratory birds. We, therefore, deny Commenters' Requests to the extent they rely on the claim that a FONSI should be denied and further environmental review be required on this basis.

Allegations of Adverse Impacts to Bald and Golden Eagles

Several commenters raised concerns that the tower would adversely impact bald and golden eagles that are protected under the Bald and Golden Eagles Protection Act (BGEPA).³⁴ Specifically, these commenters raise concerns that the tower siting may not comply with the BGEPA because the EA does not contain an analysis of the proximity of any eagle nests to the tower.³⁵ They allege that the site location of the proposed tower will have an adverse effect on an existing eagle nest located within 200 yards of the proposed tower, and that monitoring of the eagles "has not been conducted, nor even proposed to be conducted".³⁶ The Division finds these arguments are without merit.

The BGEPA prohibits knowingly or with wanton disregard for the consequences of the action taking, killing, or possessing eagles;³⁷ it does not specifically address the siting of infrastructure.³⁸ Friends of the Wild Swan cite to guidance from the FWS that to protect eagles, towers should be sited away from "nests, foraging areas, and communal roost sites"³⁹ but the commenters provide no support for the claim that a nest is within 200 yards of the tower. In response to these comments, Harmoni Towers engaged an environmental consultant who performed a biological assessment and measured the distance to the closest nest and found it to be 720 feet from the proposed tower, exceeding the 660-foot guideline in the FWS Guidelines for Bald Eagles.⁴⁰ The nest was not occupied at the time of the survey.⁴¹ Harmoni Towers has agreed to follow the USFWS guidelines, to obtain the necessary permits after completing a pre-construction bird survey, and has voluntarily agreed to USFWS minimization measures to protect migratory birds and bald and golden eagles. Specifically, Harmoni Towers has agreed to contact FWS if eagle nesting activity is observed in the project area before or during construction to determine if an eagle permit is required in compliance with BGEPA.⁴² Harmoni Towers has also agreed to limit vegetation clearing activities to periods outside of the eagle and raptor breeding season, which is between April 1 and August 31, or, should construction activities occur during breeding season, to conduct nest clearance surveys in advance of ground disturbance and avoid impacts to active nests.⁴³ Similarly, Harmoni Towers has agreed with the USFWS recommendation that Harmoni Towers determine whether there are any non-

³⁴ See 2024 Friends of the Wild Swan Letter at 1; 2026 Friends of the Wild Swan EA Response at 1, 4-5; 2026 Gunderson EA Response at 1; 2026 Guynn Response to EA at 6; 2026 Guynn Reply to Opposition at 9; Letter from Kristen Frazer, Swan Valley Community Council (Jan. 8, 2026).

³⁵ 2026 Friends of the Wild Swan EA Response at 1, 5. See also 2026 Guynn Reply to Opposition at 2.

³⁶ 2026 Guynn Reply to Opposition at 2.

³⁷ 16 U.S.C. § 668(a).

³⁸ See 16 U.S.C. §§ 668-668(d).

³⁹ 2026 Friends of the Wild Swan EA Response at 1, 5

⁴⁰ Harmoni Towers, Opposition to Comments in Response to EA at 4, n. 24 and Attachment A at 4.2.1 (Jan. 23, 2026) (*Harmoni EA Response*).

⁴¹ *Harmoni EA Response* at Attachment A, 4.2.2.

⁴² *Harmoni EA Response* at 4, n. 25 and Appendix A at 1.

⁴³ *Harmoni EA Response* at 2.



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eagle raptor nests within .5 miles of the project area and, if found, contact the FWS field office.⁴⁴ Harmoni Towers has further agreed to additional measures, including agreeing to complete a migratory bird breeding study in the project area.⁴⁵ They have agreed to employ best management practices (BMP) (i.e. erosion control that could include silt fencing, straw wattles, etc.) during construction to ensure stormwater runoff does not carry construction-related debris into nearby wetland features.⁴⁶ Harmoni Towers also will construct underground fiber and utility lines,⁴⁷ which can protect raptors from potential collision with aerial wires.⁴⁸ Moreover, the tower is being constructed in consultation with the USFWS and in accordance with the published guidance of the USFWS, and the August 15, 2025 USFWS letter specific to this project that discusses migratory birds. This letter alone demonstrates that the tower is not being built with wanton disregard for the safety of eagles, as prohibited by the act. The USFWS is the agency expert in matters pertaining to the protection of eagles and the Commission will not second guess their guidance—particularly in the absence of any clear evidence from the commenters that the site location alone poses a risk to protected birds.

Endangered Species and Critical Habitats (ESA)

Section 1.1307(a)(3) implements the Endangered Species Act (ESA), which includes Section 7 consultation with USFWS, regarding endangered species.⁴⁹ The ESA requires federal agencies, under section 7(a)(2) of the Act, in consultation with and with the assistance of the Secretary of the Interior, to insure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or results in the destruction or adverse modification of critical habitat.⁵⁰ FCC regulations require an EA for facilities that may affect threatened or endangered species or designated critical habitats, or 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.⁵¹ The FCC delegates authority to perform informal Section 7 consultation with the USFWS and the National Oceanic and Atmospheric Administration (NOAA) to its applicants and their representatives.⁵²

Under Section 7 of the ESA, consultation is required if a project *may affect* a listed species. In this case, the FCC biologist, in consultation with the Montana Ecological Services Field Office, determined that the

⁴⁴ Email from Jacqueline Brown, Director Project Management, Harmoni Towers to All Parties (March 2, 2026; 13:30 EDT).

⁴⁵ Email from Jacqueline Brown, Harmoni Towers, to Steve Lamaer, Upper Swan Valley Historical Society (Dec. 6, 2024; 06:05 EDT), attached to EA at 291.

⁴⁶ See December 6, 2024 email from Jacqueline Brown, Harmoni Towers, to CIPD, attached to EA at page 181.

⁴⁷ See EA, Appendix A, June 19, 2025 letter from the United States Fish and Wildlife Service, p. 4; and Appendix C p. 1.

⁴⁸ <https://www.fws.gov/story/avoidance-and-minimization-measures-power-lines>, (FWS Avoidance: Raptors and Power Lines)

⁴⁹ 47 CFR § 1.1306(a)(3) and The Endangered Species Act (ESA; 16 U.S.C. §1531 et seq., 1973).

⁵⁰ 50 CFR § 402.01.

⁵¹ 47 CFR § 1.1307(a)(3)(i) and (ii).

⁵² See, e.g., Letter from Susan H. Steiman, Associate General Counsel, Federal Communications Commission to Mr. Steve Williams, Director, USFWS (July 9, 2003). Available at <https://www.fcc.gov/file/14748/download>.



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project *may affect but is not likely to adversely affect* the grizzly bear, Canada lynx, and North American wolverine (all listed as threatened). On March 21, 2025, the FCC Biologist emailed Harmoni Towers and all parties who had filed in the record that the proposed tower *may affect but is not likely to adversely affect* the grizzly bear, Canada lynx, and the North American wolverine.⁵³ The email indicated that the USFWS had requested that Harmoni follow specific minimization measures during construction to reduce impacts on these species.⁵⁴

Two commenters make arguments that the proposed tower requires formal consultation with the USFWS.⁵⁵ However, Section 7 consultation is complete. The USFWS concurred with Harmoni Towers consultant's determination that the project *may affect but is not likely to adversely affect* the grizzly bear, Canada lynx, and the North American wolverine based on the information and analysis its consultant provided and Harmoni Towers' commitment to implement mitigation measures during construction.⁵⁶ Harmoni Towers has agreed to the following mitigation measures to minimize impacts on federally threatened and endangered species: (1) Harmoni Towers' tower/project construction crew will promptly clean up any project-related spills, litter, garbage, debris, etc.; (2) there will be no overnight camping within the project vicinity, except in designated campgrounds, by any crew member or other personnel associated with the project; (3) all food, food related items, petroleum products, antifreeze, garbage, personal hygiene items, and other attractants will be stored inside a closed, hard-sided vehicle or commercially manufactured bear resistant container; (4) garbage will be removed from the project site daily and disposed of in accordance with all applicable regulations; (5) the project manager will be notified of any animal carcasses found in the area; and (6) the project manager will be notified of any bears observed in the vicinity of the project.⁵⁷ USFWS concluded that ESA Section 7 consultation was complete in its August 15, 2025 letter.⁵⁸ USFWS is the expert agency on endangered species and critical habitats and we have no basis to question their conclusion.

Wetlands

The commenters point to USFWS guidance stating that towers should not be constructed in or near wetlands, and claim that the project site is 125 feet from a wetland and that the EA lacks any analysis of impacts to native plants and waterfowl and that the EA lacks an analysis of impacts to bald and golden eagles despite the proximity to a wetland.⁵⁹ First, as the commenters acknowledge, the project site is proximate to a wetland, and not within a wetland itself. Second, Harmoni Towers has agreed to employ BMPs to protect the nearby wetlands, (i.e. erosion control including silt fencing, straw wattles, etc.)

⁵³ See Email from Nancy Fox-Fernandez, Biologist, Federal Communications Commission Wireless Telecommunications Bureau to All Parties (March 21, 2025; 16:17 EDT), attached to EA at 337.

⁵⁴ *Id.*

⁵⁵ 2026 Guynn Reply to Opposition at 2.

⁵⁶ EA at 8-9.

⁵⁷ *Id.*

⁵⁸ EA at Appendix C.

⁵⁹ Comments in Response to EA from Arlene Montgomery, Program Director, Friends of the Wild Swan and from Keith Hammer, Chair, Swan View Coalition at 2-3 (January 6, 2026).



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during construction to ensure stormwater runoff does not carry construction-related debris into nearby wetland features.⁶⁰

Aesthetics

The commenters allege that the proposed tower would have a negative aesthetic impact, diminishing the historic, cultural, and scenic value of the community of Condon and the surrounding area.⁶¹ They also raise general concerns that a blinking light on a communications tower would impact views of the night sky.⁶² The Commission does not consider visual or aesthetic effects as an EA trigger requirement under section 1.1307(a) and does not require tower builders to evaluate it during their initial NEPA assessment.⁶³ The Commission does, however, permit interested people to raise aesthetic concerns pursuant to section 1.1307(c).⁶⁴ The Commission then decides on a case-by-case basis whether the construction of the proposed tower requires further environmental processing and review because it may have a significant environmental impact.⁶⁵ “In addressing such cases, we give considerable weight to any site approval obtained from a state, or regional land use authority or federal land management agency, if that approval has taken into account the environmental impact of the proposal. Site-specific factors such as the presence of a designated scenic highway or trail are also considered.”⁶⁶ It is not sufficient for a commenter to simply allege a project will have an adverse visual impact because the site of the tower would be unpleasant to the commenter. Section 1.1307(c) requires that a person raising aesthetic concerns electronically submit to the Bureau “a written petition setting forth *in detail* the reasons

⁶⁰ EA at 12.

⁶¹ Letter from Arlene Montgomery, Program Director, Friends of the Wild Swan to Ramon Williams, FCC, requesting environmental review (May 24, 2024); Request for Environmental Review from Kari Gunderson (May 25, 2024); Request for Environmental Review from Peter Guynn (May 29, 2024); Reply to Opposition to Requests for Environmental Review from Peter Guynn at 1 (August 1, 2024); Letter from Steve Lamar, President, Upper Swan Valley Historical Society (December 7, 2023); Request for Environmental Review from Kari Gunderson (May 25, 2024); *2025 Guynn Reply to Additional Info* at 6; Reply to Opposition to Requests for Environmental Review from Peter Guynn at 2 (August 19, 2024); Reply to Opposition to Comments from Kari Gunderson at 1 (January 29, 2026); *2026 Missoula County Board of County Commissioners Comments* at 1-2; Email from Kathy Littlebird to Jennifer Davis, EBI Consulting (Dec. 20, 2023; 08:44 MST).

⁶² *2024 Gunderson Request*; *2024 Guynn Reply* at 2; *2026 Missoula County Board of County Commissioners Comments* at 1; Email from Kathleen Koors to Donald Johnson, FCC (Jan. 10, 2026; 11:28 MST).

⁶³ See 47 CFR § 1.1307(a).

⁶⁴ 47 CFR § 1.1307(c).

⁶⁵ See SBA Towers III, LLC, Petitions to Deny and Requests for Environmental Review Against Antenna Structure Registration (FCC Form 854) with Environmental Assessment, Copper Harbor, Michigan, ASR App. A0909673, *Memorandum Opinion and Order*, 31 FCC Rcd 1755, 1765-66, para. 38 (2016) (*Copper Harbor*).

⁶⁶ *Id.* In this case, the County Board of Commissioners granted a permit to construct the tower “as part of the Environmental Assessment review.” *2026 Missoula County Board of County Commissioners Comments* at 1-2. Despite this, the County Board of Commissioners states that the tower is inconsistent with strategy number 3 of the proposed County land use policy. However this is only a proposed policy, and the County states it “is not a regulatory tool and cannot be used solely to make decisions on proposed land use projects.” *Id.* at 2. In addition, the comment does not ask the Commission to deny approval of the tower or for any other form of relief. Accordingly, the County Board of Commissioners’ approval weighs in favor of finding that the tower’s impact on the local aesthetics will not significantly impact the human environment.



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justifying or circumstances necessitating environmental consideration in the decision-making process.”⁶⁷ A commenter, therefore, must identify site-specific factors that would be negatively impacted and provide a detailed justification establishing the necessity of further environmental processing for visual impact.⁶⁸

In the instant case, the commenters’ allegations are vague or generic in nature, objecting primarily on the basis of their own subjective preferences. For example, Friends of the Wild Swan state “a 260 foot cell tower with strobe lighting mars the beautiful scenery and is an affront to residents, visitors, and wildlife.”⁶⁹ Commenter Kari Gunderson alleges the tower will “interfere with the landscape” and “alter the viewshed” and she and commenter Peter Guynn suggest that the tower should be shorter so that it better blends with the landscape and so it would not require flashing lights.⁷⁰ These objections do not plead specific facts in sufficient detail or identify factors beyond the commenters’ own personal dislike of the appearance of communication towers to establish a significant impact on the quality of the human environment. We do not find these objections sufficient to deny a FONSI.

Mr. Guynn further argues that the 0.75 area of potential visual effects (APE) used by Harmoni Towers in evaluating the impact of the tower on historic properties “grossly minimizes” the true APE because the project site is on a hill adjacent to a roadway, which makes the tower look taller than it actually is and will make the tower lighting “particularly problematic” to “individuals residing in the hills surround the proposed site.”⁷¹ Mr. Guynn’s argument conflates the impact on historic properties with alleged broader aesthetic impact. We address the impact to historic properties below in the section on the National Historic Preservation Act. Regarding the aesthetic complaints that the tower will be visually displeasing to those driving through the area and the lighting will be “problematic” to residents on surrounding hills, these complaints are too generic and lacking in specific detail to establish a significant impact on the quality of the human environment under section 1.1307(c).⁷² As noted above, a commenter must identify site-specific factors that would be negatively impacted and provide detailed justification establishing the necessity of further environmental processing for visual impact. Accordingly, we do not find these objections sufficient to deny a FONSI.

Alternative Sites Analysis

The Commission’s rules require applicants preparing an EA to identify alternative sites or facilities which might have been or might reasonably be considered.⁷³

⁶⁷ 47 CFR § 1.1307(c). Emphasis added.

⁶⁸ See generally 47 CFR § 1.1307(c).

⁶⁹ Letter from Arlene Montgomery, Program Director, Friends of the Wild Swan to Ramon Williams, FCC, requesting environmental review at 1 (May 24, 2024).

⁷⁰ Request for Environmental Review from Kari Gunderson (May 25, 2024); Reply to Opposition to Requests for Environmental Review from Peter Guynn at 2 (August 19, 2024); and Reply to Opposition to Comments from Kari Gunderson at 1 (January 29, 2026).

⁷¹ 2025 Guynn Reply to Additional Info at 6.

⁷² 47 CFR 1.1307(c).

⁷³ 47 CFR § 1.1311(4).



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Several commenters argue that Harmoni Towers did not adequately consider alternative sites.⁷⁴ Tower builder siting determinations are driven by business and engineering decisions. In general, the siting and construction of communications towers is subject to approval from a local government authority, and the local authority may consider applications for tower construction and enforce its zoning ordinances in a manner consistent with federal law.⁷⁵ The Commission's rules only require that the EA alternative sites analysis provide "[a] discussion of environmental and other considerations which led to the selection of the particular site []; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered."⁷⁶ The Commission's regulations do not require tower builders to identify a site that satisfies all members of a community. To the contrary, "[t]he study of alternatives need not be exhaustive or exacting, only a reasonable choice of alternatives is required."⁷⁷

Because the tower builder is only required to consider a reasonable range of alternatives, and not the public's preferred alternatives, we deny Peter Gynn, Kari Gunderson, and Friends of the Wild Swans' objections. Regarding the objections of Peter Gynn that the alternative sites analysis is too limited, we find that it meets our minimum requirements. Namely, multiple sites were identified and eliminated either because they would have a greater environmental impact or because they were technically unfeasible.⁷⁸

Lastly, with regard to the commenters' arguments that the tower will impact firefighting and air traffic,⁷⁹ as previously noted, siting location decisions are subject to local government authority and the local government approved this location. However, we also note that an FAA Obstruction Evaluation/Airport Airspace Analysis was conducted and the FAA concluded that the tower does not pose a hazard to air traffic.⁸⁰

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties.⁸¹ Sections 1.1307(a)(4) and 1.1320 of the

⁷⁴ 2024 Gynn Reply at 2. See also 2024 Gunderson Request (objecting to the tower, in part, on the basis the equipment could be collocated on a tower 1-mile away); see also 2026 Friends of the Wild Swan EA Response at 1; 2026 Gynn Response to EA at 2-3; Email from Brent Morrow to All Parties (Nov. 24, 2025; 15:15 MST); Email of Brent Morrow to Jennifer Davis, EBI Consulting (Dec. 11, 2023; 19:04 MST).

⁷⁵ 47 U.S.C. § 332(c)(7).

⁷⁶ 47 CFR § 1.1311(a)(4).

⁷⁷ *Baltimore County*, 4 FCC Red at 5070, para. 16 citing to 47 CFR § 1.311(a)(4). *Omnipoint Holdings, Inc. v. City of Cranston*, 586 F.3d 38, 51–52 (1st Cir. 2009) (explaining that "[j]ust as carriers must present evidence of their efforts to locate alternative sites, once they have done so there are limits on town zoning boards' ability to insist that carriers keep searching regardless of prior efforts to find locations or costs and resources spent.").

⁷⁸ EA at 5.

⁷⁹ Email from Sharon Lamar to Jennifer Davis, EBI Consulting (Dec. 14, 2023; 14:36 MST); Email from Anne Dahl, Program Coordinator Upper Swan Valley Historical Society to Jennifer Davis, EBI Consulting (Dec. 15, 2023; 18:34 MST); and Email from Peter Gynn to Jennifer Davis, EBI Consulting (Dec. 13, 2023; 14:49 MST).

⁸⁰ FAA Study 2023-ANM-7495-OE.

⁸¹ 54 U.S.C. § 306108.



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Commission's rules implements NHPA by requiring applicants to consider the effects of proposed Federal undertakings on properties that are listed or eligible for listing in the National Register of Historic Places (NRHP).⁸² In order to complete Section 106 review under NHPA, the applicant is required to follow the procedures set forth in the Nationwide Programmatic Agreement (NPA), which is incorporated into the Commission's rules.⁸³

A number of comments submitted in E-106, the electronic database used by the Commission to track and coordinate compliance reviews under Section 106 of the National Historic Preservation Act (NHPA), raise NEPA environmental issues rather than, or in addition to, Section 106 historical review issues.⁸⁴ These comments do not raise issues not otherwise raised in the NEPA filings in the ASR record. These arguments are denied for the same reasons already discussed in this decision.

Commenters Peter Guynn and the Upper Swan Valley Historical Society oppose the proposed tower, alleging it will have an adverse effect on the Swan Valley Museum & Heritage Site. The letter describes the museum as consisting of a historic log museum as well as six historic buildings that have been moved to this site, claiming that some of the buildings are over 100 years old.⁸⁵ The Upper Swan Valley Historical Society (USVHS) argues that the proposed location of the tower would destroy the historic and cultural integrity of the area.⁸⁶ As noted above, Commenter Peter Guynn argues that the 0.75 APE used by Harmoni Towers is inadequate in considering impacts to historic properties and as a result limits review to the pad site and relevant tract.⁸⁷ For the reasons discussed below, we find that the tower will not have an adverse impact on protected historic properties.

Peter Guynn's complaint that that Harmoni Towers limits its section 106 review to the pad is factually erroneous.⁸⁸ The record shows that Harmoni Towers conducted a cultural resources analysis assessing the impact of the project on historic properties in the direct and visual APEs that meet the standards in the

⁸² 47 CFR §§ 1.1307(a)(4), 1.320.

⁸³ Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (NPA), 47 CFR pt. 1, Appendix C to Part 1.

⁸⁴ See e.g. Letter from Steve Lamar, President Upper Swan Valley Historical Society to JLB EBI Consulting (Dec. 7, 2023) (arguing that the tower would be located in a scenic, rural area and would "detract from the scenic qualities of our community"); Email from Mark Benedict to Jennifer Davis, EBI Consulting (Dec. 29, 2023; 16:07 MST) (arguing that the tower would disrupt the natural wilderness); Email from Kari Gunderson to Jennifer Davis, EBI Consulting (Dec. 29, 2023; 14:14 MST) (arguing that the tower would negatively impact the rural, scenic value of the area); Email from Sharon Gressle to Jennifer Davis, EBI Consulting (Dec. 11, 2023; 13:10 MST) (endorsing the objections of the Upper Swan Valley Historical Society).

⁸⁵ 2024 Guynn Reply at 1; Upper Swan Valley Historical Society; 2024 Guynn Reply at 1, 3; 2025 Guynn Reply to Additional Info at 7. Several emails were received from the public by EBI consulting—Harmoni Towers' environmental consultant—that are supportive of the position of USVHS. See Email from Sharon Gressle to Jennifer Davis, EBI Consulting (Dec. 11, 2023; 13:10 MST); Email from Kathy Littlebird to Jennifer Davis, EBI Consulting (Dec. 20, 2023; 08:44 MST); Email from Sharon Lamar to Jennifer Davis, EBI Consulting (Dec. 14, 2023; 14:36 MST); Email from Brent Morrow to Jennifer Davis, EBI Consulting (Dec. 11, 2023; 17:04 MST); Email from Sheri Burden to Jennifer Davis, EBI Consulting (Dec. 15, 2023; 18:37 MST); Email from Garold Lazarowski to Jennifer Davis, EBI Consulting (Dec. 12, 2023; 10:52 MST).

⁸⁶ Upper Swan Valley Historical Society at 1.

⁸⁷ 2026 Guynn Reply to Opposition at 9; 2025 Guynn Reply to Additional Info at 6.

⁸⁸ In support of the allegation that the analysis is limited to the project pad, Mr. Guynn simply states "See EA generally for analysis limited to 'Project Site.'" 2026 Guynn Reply to Opposition at 9, n. 20.



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NPA. The cultural resources survey included in the FCC Form 620 shows that Harmoni Towers used a 0.75-mile radius for the visual APE, which is the standard distance for proposed towers between 200 and 400 feet in overall height.⁸⁹ The cultural resources survey did not identify any historic properties within the direct or visual APEs. In a letter dated June 10, 2024, the Montana State Historic Preservation Officer (MT SHPO) concurred with a determination of “No Historic Properties in the Area of Potential Effects.”⁹⁰ Subsequently, Harmoni Towers submitted an addendum letter to the MT SHPO providing comments filed in ASR that expressed concerns about cultural resources.⁹¹ In a letter dated September 9, 2024, the MT SHPO reaffirmed its determination of “No Historic Properties Affected.”⁹²

Regarding the allegation that the .75-mile APE was insufficient to assess visual effects, the NPA allows for an alternative APE if recommended or requested by the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO).⁹³ The Applicant did not receive any requests for an enlarged APE.

Turning to the specific argument that the proximity of historic properties weighs against approving the FONSI, we disagree. As we have previously noted, Harmoni Towers consulted with the MT SHPO. As part of the consultation, Harmoni Towers specifically inquired about the relocated log buildings associated with the museum.⁹⁴ The MT SHPO stated that the buildings associated with the log museum are of undetermined eligibility for inclusions in the National Register of Historic Places (NRHP).⁹⁵ Unless properties are on or eligible for listing on the NRHP, it is not necessary to consider them when determining visual impact to historic and cultural resources.⁹⁶ Although relocated properties generally do not qualify for inclusion in the NRHP, the MT SHPO noted that some relocated properties may attain historic significance, however, the MT SHPO did not have the information to perform that analysis.⁹⁷ Additionally, it stated that it did not believe that the Commission’s NPA required the applicant to assess the eligibility of unevaluated resources.⁹⁸ Ultimately, the MT SHPO concluded that no historic properties exist within the APE.⁹⁹

⁸⁹ NPA at Section VI.C.4.b.

⁹⁰ EA at 10 and Appendix D at 5.

⁹¹ EA at 10 and Appendix D at 2.

⁹² EA at Appendix D at 1.

⁹³ NPA at VI.C.

⁹⁴ Form 620, Attachment 5 Area of Potential Effects, Email from Jennifer Davis, EBI Consulting to Samantha Gilk, Montana Historical Society (April 10, 2024; 04:54 MST)

⁹⁵ Form 620, Attachment 5 Area of Potential Effects, Email from Lindsay Tran, Historic Architecture Specialist, Montana Historical Society to Jennifer Davis, EBI Consulting (April 11, 2024; 12:12 EDT).

⁹⁶ EA at Appendix D at 1; *see also* Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, 47 CFR pt. 1, app. C (NPA).

⁹⁷ The National Park Service *National Register Bulletin 16 How to Apply the National Register Criteria for Evaluation* (revised 1997) provides guidance on evaluating NRHP eligibility of properties that have been moved. In general buildings that have been moved are not eligible for listing on the NRHP unless a Criteria Consideration applies.

⁹⁸ September 9, 2024 letter from the Montana Historical Society (Montana SHPO) to Jennifer Davis at EBI Consulting.

⁹⁹ EA at Appendix D at 1.



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We further note that in order to evaluate potential effects to Indian religious sites, Harmoni Towers used the Commission's Tower Construction Notification System (TCNS) to identify and notify all Tribal Nations with an interest in the proposed project area, and provide project information as requested.¹⁰⁰ Based on correspondence with the Tribal Nations, Harmoni Towers concluded the project would have no significant impact on Indian religious sites, but committed itself to halting all construction immediately and locating tribal governments and local and state officials if any historic properties, cultural artifacts, archaeological deposits, or human remains are inadvertently discovered during construction.¹⁰¹

The Commission's Federal Preservation Officer (FPO) reviewed the ASR record and the Section 106 documentation regarding historic properties and Indian religious sites. Based on this review of the record, the FPO affirms the recommendation by the MT SHPO that the proposed tower would have no effect on historic properties.¹⁰² Moreover, Harmoni Towers has complied with the Commission's rules regarding consultation with federally-recognized Tribal Nations on any potentially affected sites important to the affected Tribal Nations or Indian religious sites.¹⁰³ Because the record shows that Harmoni Tower has complied with its obligations under the law and both the MT SHPO and the Commission's own FPO have concluded the tower will not have an effect on the historic properties, we deny those objections to construction of the tower based on its purported impact on historic properties.

Other Issues Raised

To the extent that the commenters object to the tower based on issues of tower siting location, fall risk, distracted drivers, violations of local zoning ordinances, or any other similarly local matters, these objections are dismissed. Subject to certain exceptions, the Telecommunications Act preserves state and local authority "over decisions regarding the placement, construction, and modification of personal wireless facilities."¹⁰⁴ These type of issues fall under local jurisdiction and do not fall under the Commission's authority under NEPA.¹⁰⁵

Kari Gunderson objects to the EA arguing that Harmoni Towers buried earlier responses in the 450-page NEPA report.¹⁰⁶ We find no basis to deny the FONSI based on these allegations. Harmoni Towers filed the ASR application in May 2024, so Dr. Gunderson's allegations as presented are factually in error. We also provided interested parties additional time to review the EA,¹⁰⁷ and we further note that the interested parties had the opportunity to review the NEPA report for nearly 12 months before Harmoni Towers filed

¹⁰⁰ *Id.* at 11.

¹⁰¹ *Id.* at 11.

¹⁰² Letter from R.J. Hillman, M.A., Compliance Officer, Montana State Historic Preservation Office to Jennifer Davis, EBI Consulting (Sept. 9, 2024).

¹⁰³ See EA at 11 and Appendix E, Tribal Correspondence Summary Letter from EBI Consulting (July 19, 2024).

¹⁰⁴ 47 U.S.C. § 332(c)(7)(A).

¹⁰⁵ See, e.g. *Gunpowder Riverkeeper v. FERC*, 807 F.3d 267, 274 (D.C. Cir. 2015) ("The zone of interests protected by the NEPA is, as its name implies, environmental; economic interests simply do not fall within that zone.").

¹⁰⁶ 2026 Gunderson Reply to Opposition at 2.

¹⁰⁷ Email from Donald Johnson, FCC to All Parties (Dec. 17, 2025; 12:47 EDT).



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its EA.¹⁰⁸ We see no evidence of any attempt to take advantage of commenters, and nothing in our rules requires that responses to comments be placed at any particular place within a NEPA submission.

Conclusion

For the foregoing reasons, we dismiss those arguments that are untimely filed and procedurally barred by section 1.45 as well as those arguments that pertain to matters of local jurisdiction. We deny the remaining objections to the approval of Harmoni Towers' application A1280552, and find no reason to deny Harmoni Towers the grant of a FONSI.

Competition and Infrastructure Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission

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Kathleen Koors
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Sharon Gressle
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¹⁰⁸ See Harmoni Towers National Environmental Policy Act Screening Report, July 25, 2024 (uploaded to ASR on Dec. 6, 2024) and the EA, dated Nov. 18, 2025 and served on all parties on Nov. 24, 2025.