

28 January 2015

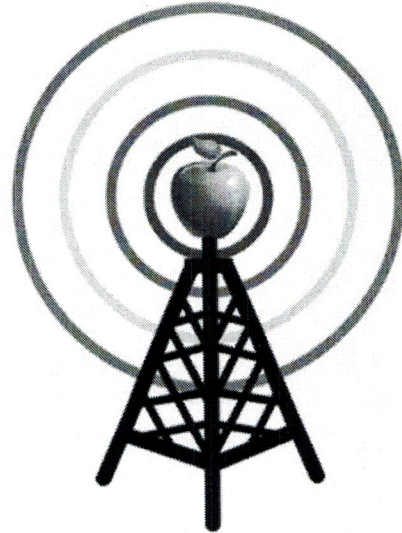
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Delivered Via Electronic Mail

Salt Lake City Planning Division
451 South State St. Rm 306
Salt Lake City, Utah 84111

Re: Environmental Assessment

Dear Salt Lake City Planning Commission,



I come before you this evening, representing the good people of District 2 of the Salt Lake City School District.

In a prior communication, I addressed the fact that the public process for this Conditional Use application was flawed in that it bypassed the Glendale Community Council, Glendale Middle School Community Council and the Salt Lake City Board of Education.

The excuse that the Glendale Community Council did not meet in December is a poor reason for the absence of notification, as they did meet in the proceeding months and in January prior to this Planning Commission meeting.

Tonight, I would like to acknowledge the fact that I recognize that **47 U.S.C. 332** has eviscerated your ability to weigh the health risks this cell tower will pose to the students and surrounding residents at Glendale Middle school.

Federal Law States: *No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities **comply with the Commission's regulations concerning such emissions.***

Therein lies the rub: this **WARNING SIGN** is displayed on the Cell Tower at Uintah Elementary and it clearly states that the "Radio Frequency Fields at this site **exceed the FCC Rules for Human Exposure**".

"Local school boards are the bedrock of our society, yet they are invisible to the public"

Señor Florez -Deseret News

In order to receive approval of the Conditional Use application, they tell you they will meet FCC guidelines on radiation emissions and then turn around and post signage stating they have now exceeded the limits set forth by the FCC. What is wrong with this picture?

While in this setting, federal law may indeed prohibit me from protecting the children of my community, it does not however, prevent me from invoking the established safeguards on behalf of the wild life in my neighborhood.

Title 47-Chapter 1 –Subchapter A-Subpart I –Section 1.1307 states:


"The filing of an Environmental Assessment is required... if the facilities may affect listed threatened or endangered species or designated critical habitats;"

The Glendale Middle School is two blocks from the Jordan River which serves as a habitat for the Peregrine Falcon and the Bald Eagle which are currently on the endangered species list.

I am to understand that no Environmental Assessment has been conducted. I would respectfully ask that we implement all aspects of federal law as they pertain to the installation of Cell Towers in my habitat.

UPDATE: PEREGRINE FALCON IS
NO LONGER ON THE
ENDANGERED SPECIES LIST

Shalom,


J. Michael Clára
Board Member, District 2

Enclosure

P.S. During the 2014 legislative session, **House Bill 250** was passed which added the following language to the powers and responsibilities to the office of a local school board member: Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board.

cc: Ms. Melissa Burns – U.S. Fish and Wildlife Service





WARNING



**Beyond this point:
Radio frequency fields at this site
exceed the FCC rules for human
exposure.**

**Failure to obey all posted signs and site
guidelines for working in radio frequency
environments could result in serious injury.**

In accordance with Federal Communications Commission rules on radio
frequency emissions 47 CFR 1.1307(b)

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Common Birds of the Jordan River

compiled by Dan Potts, local naturalist, revised 2011

Terminology / Abbreviations

Native=(N) - native species

Exotic=(E) - introduced/non-native species

Migrant=(M) - only migrates through the Jordan River corridor

Resident=(R) - some individuals live and breed along the Jordan River year round

Habituated=(H) - the species lives and feeds near humans

Resident Populations=(RP) - resident populations of a species that normally migrate

Game Species=(G) - a species that is currently listed as hunt-able with appropriate hunting regulations found in appropriate "Hunting Guides@ published by the Utah Division of Wildlife Resources

Year-round=(YR)

Spring=(SP)

Summer=(S)

Fall=(F)

Winter=(W)

NOTE: Common names of species that can be usually found in appropriate habitat year round are listed in **Bold**.

GEESE, SWANS, DUCKS, TEAL, MERGANSERS (ANATIDAE)

| | | |
|--------------------------|---------------------------|----------------------|
| Canada goose | <i>Branta canadensis</i> | N, M, H, RP, G, YR |
| Tundra swan | <i>Cygnus coumbianus</i> | N, M, G, SP, F, W |
| Wood duck | <i>Aix sponsa</i> | N, M, H, G, SP, S, F |
| Mallard (duck) | <i>Anas platyrhynchos</i> | N, M, H, RP, G, YR |
| Gadwall (duck) | <i>Anas strepera</i> | N, M, G, F, W, SP |
| Northern pintail (duck) | <i>Anas acuta</i> | N, M, G, YR |
| Northern shoveler (duck) | <i>Anas clypeata</i> | N, M, G, YR |
| Cinnamon teal | <i>Anas cyanoptera</i> | N, M, G, SP, S, F |
| Green-winged teal | <i>Anas crecca</i> | N, M, G, YR |
| Blue-winged teal | <i>Anas discors</i> | N, M, G, SP, S, F |
| American wigeon (duck) | <i>Anas americana</i> | N, M, G, SP, F |
| Redhead (duck) | <i>Aythya americana</i> | N, M, G, YR |
| Ruddy duck | <i>Oxyura jamaicensis</i> | N, M, G, YR |
| Bufflehead (duck) | <i>Bucephala albeola</i> | N, M, G, W |
| Common goldeneye | <i>Bucephala clangula</i> | N, M, G, W |
| Common merganser | <i>Mergus merganser</i> | N, M, G, F, W, SP |

PHEASANTS, QUAIL (PHASIANIDAE)

| | | |
|-----------------------------|-------------------------------|-------------|
| Ring-necked pheasant | <i>Phasianus colchicus</i> | E, R, G, YR |
| Wild turkey | <i>Meleagris gallopavo</i> | E, R, G, YR |
| California quail | <i>Callipepla californica</i> | E, R, G, YR |

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GREBES (PODICIPEDIDAE)

| | | |
|-------------------|----------------------------------|----------------|
| Clark=s grebe | <i>Aechmophorus clarkii</i> | N, M, SP, S, F |
| Western grebe | <i>Aechmophorus occidentalis</i> | N, M, SP, S, F |
| Eared grebe | <i>Podiceps nigricollis</i> | N, M, SP, S, F |
| Pied-billed grebe | <i>Podilymbus podiceps</i> | N, R, YR |

PELICANS (PELECANIDAE)

| | | |
|------------------------|----------------------------------|----------|
| American white pelican | <i>Pelecanus erythrorhynchos</i> | N, R, YR |
|------------------------|----------------------------------|----------|

CORMORANTS (PHALACROCORACIDAE)

| | | |
|--------------------------|------------------------------|----------------|
| Double-crested cormorant | <i>Phalacrocorax auritus</i> | N, M, SP, S, F |
|--------------------------|------------------------------|----------------|

HERONS, BITTERNs, EGRETS, (ARDEIDAE)

| | | |
|---------------------------|------------------------------|----------------|
| Great blue heron | <i>Ardea herodias</i> | N, R, YR |
| Snowy egret | <i>Egretta thula</i> | N, M, SP, S, F |
| Black-crowned night-heron | <i>Nycticorax nycticorax</i> | N, M, SP, S, F |
| American bittern | <i>Botaurus lentiginosus</i> | N, M, SP, S, F |

IBISES (THRESKIORNITHIDAE)

| | | |
|------------------|-----------------------|----------------|
| White-faced Ibis | <i>Plegadis chihi</i> | N, M, SP, S, F |
|------------------|-----------------------|----------------|

NEW WORLD VULTURES (CATHARITIDAE)

| | | |
|----------------|-----------------------|----------------|
| Turkey vulture | <i>Cathartes aura</i> | N, M, SP, S, F |
|----------------|-----------------------|----------------|

EAGLES, HAWKS, HARRIERS (ACCIPITRIDAE)

| | | |
|-------------------------|---------------------------------|----------------|
| Osprey | <i>Pandion haliaetus</i> | N, M, SP, S, F |
| Bald eagle | <i>Haliaeetus leucocephalus</i> | N, M, F, W, SP |
| Red-tailed hawk | <i>Buteo jamaicensis</i> | N, R, YR |
| Swainson=s hawk | <i>Buteo swainsoni</i> | N, R, SP, S, F |
| Rough-legged hawk | <i>Buteo lagopus</i> | N, M, W |
| Ferruginous hawk | <i>Buteo regalis</i> | N, M, SP, S, F |
| Northern harrier | <i>Circus cyaneus</i> | N, R, YR |
| Sharp-shinned hawk | <i>Accipiter striatus</i> | N, M, SP, S, F |
| Cooper=s hawk | <i>Accipiter cooperii</i> | N, M, SP, S, F |

KESTRELS, FALCONS (FALCONIDAE)

| | | |
|-------------------------|-------------------------|----------|
| American kestrel | <i>Falco sparverius</i> | N, R, YR |
| Prairie falcon | <i>Falco mexicanus</i> | N, R, YR |
| Peregrine falcon | <i>Falco peregrinus</i> | N, R, YR |

(continued)