

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

June 23, 1999

Gordon C. Haber, Ph.D.
P.O. Box 64
Denali Park, Alaska 99755

Kneeland Taylor, Esq.
Taylor & Hanlon, P.C.
237 East Fireweed Lane, Suite 302
Anchorage, Alaska 99503

Re: State of Alaska
Application for Renewal of License
File No. 0130-EX-RR-1999
Experimental Station KM2XDK

Dear Dr. Haber and Mr. Taylor:

On March 31, 1999, the State of Alaska filed the above-referenced application for renewal of license of experimental radio Station KM2XDK, and Dr. Haber submitted a letter requesting that the renewal application be denied. On April 6, 1999, Dr. Haber submitted a supplemental letter, and Mr. Taylor submitted a letter in support of Dr. Haber's objection to renewal of license. The objections claim that the renewal of license would have an adverse environmental impact and, therefore, at minimum, the Commission should require the preparation of an environmental assessment pursuant to the provisions of Section 1.1307 of the Commission's Rules, 47 C.F.R. § 1.1307. In particular, you state that, as part of the State of Alaska's program to enhance the growth of caribou herds, the State plans to place radio collars, operating in accordance with the experimental station license, on wolves in order to track and capture them and then, after sterilizing them, reintroduce them into their pack. That is, the State would limit the wolf population in order to enhance the caribou population. You point out that this program would impact the environment by directly affecting the growth and vitality of the wolf population, and by indirectly affecting vegetation and other wildlife in the area. In addition, you state that in its original application for an experimental radio station license, and in subsequent renewal and modification applications, the State did not fully disclose the wolf control purposes for which the station operations would be used. You assert that, had the State fully disclosed this information, it would have had to concede that its proposed operations would possibly create a significant environmental impact, and preparation of an environmental assessment would have been required.

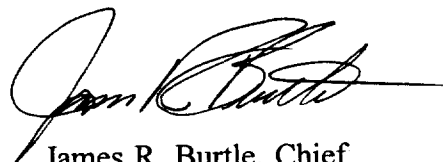
We acknowledge your concerns with the wildlife management program of the State of Alaska but we find that they do not form a legally sufficient basis to require either the preparation of an environment assessment in connection with the State's instant renewal application or the denial of the application. The Commission's jurisdiction in this matter is limited solely to the issue of whether to renew the State's experimental radio license. The Commission's environmental

processing rules are thus limited to the issue of the *direct impact* of radio station construction and operation upon the environment. No allegations have been made that the construction of the experimental radio station or its radio frequency operations, by themselves, would have any significant environmental impact. Instead, the allegations indicate that, as a result of information gleaned through the station's operations, the State may choose to engage in certain wildlife management activities, particularly wolf control, that you find objectionable. The substance of your concerns, thus, relate to the propriety of the State's wildlife management activities, an issue over which the Commission has no jurisdiction. These issues are more appropriately resolved through State authorities or, perhaps, other federal agencies with oversight responsibility over general environmental and/or land management issues.

Since we find that the station's operations raise no significant environmental issues within the Commission's jurisdiction, we also reject the allegation that the State's past applications should have indicated the possibility of a significant environmental impact. Further, we note that the Commission's records reveal that the license for Station KM2XDK was last renewed on May 13, 1997, when the State of Alaska's application for authority to modify the technical operations of the station (File No. 5607-EX-ML-97) was granted. In that application, the State of Alaska explained that its "Department for Fish and Game routinely uses radio-telemetry to monitor the locations and movements of wild animals for management and research projects. Collection of these data improves wildlife management . . . throughout the state. No alternative technique is available for collection of such data." (Application at Exh. 2, Item 9). The instant application (File No. 0130-EX-RR-1999) seeks a renewal of license in exact conformity with the previous license. Accordingly, we do not find any environmental issue warranting our further investigation.

After reviewing the State's renewal application, we find that it complies with the requirements of Section 303(g) of the Communications Act of 1934, as amended, 47 U.S.C. § 303(g), and Part 5 of the Commission's Rules, 47 C.F.R. Part 5, and that a grant of the application will serve the public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Burtle", with a stylized flourish at the end.

James R. Burtle, Chief
Experimental Licensing Branch
Equipment Compatibility Division
Office of Engineering and Technology

cc: Jerry Jasper, State of Alaska Telecommunications