

Environmental Assessment

# Poarch Band of Creek Indians Communications Tower

Poarch Band of Creek Indians

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FEMA

U.S. Department of Homeland Security  
3003 Chamblee Tucker Road  
Atlanta, GA 30341



This document was prepared by:

April Sells, Tribal Emergency Management Agency/Fire Director

Chris McGhee, Tribal Fire Inspector/Training Officer

Poarch Band of Creek Indians

5811 Jack Springs Road

Atmore, Alabama 36502

B. Kevin Molloy, Director Tactical Management, LLC

803 River Rock Boulevard

Murfreesboro, TN 37128-6701

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## LIST OF ACRONYMS

AIRFA -	American Indian Religious Freedom Act
AC -	Advisory Council
ACHP -	Advisory Council on Historic Preservation
AQI -	Air Quality Index
AL -	Alabama
ALSHPO	Alabama State Historic Preservation Office
CAA -	Clean Air Act
CFR -	Code of Federal Regulations
C.R.	County Road
CWA -	Clean Water Act
dba -	Decibels (A weighted decibels, filtered to match human hearing)
EA -	Environmental Assessment
EIS -	Environmental Impact Statement
EMA -	Emergency Management Agency
EO -	Executive Order
EPA -	Environmental Protection Agency
ESA -	Endangered Species Act
FAA -	Federal Aviation Administration
FCC -	Federal Communications Commission
FEMA -	Federal Emergency Management Agency
FONSI-	Finding of No Significant Impact
GPS -	Global Positioning System
IHS -	Indian Health Service
MBTA -	Migratory Bird Treaty Act
NAAQS -	National Ambient Air Quality Standards
NEPA -	National Environmental Policy Act
NHPA -	National Historic Preservation Act
P25 -	Project 25 standards based integrated voice and data network
RF -	Radio Frequency
SIP -	State Implementation Plans
SHPO -	State Historic Preservation Officer
SPCC -	Spill Prevention and Control Countermeasure
The Tribe	The Poarch Band of Creek Indians
THSGP -	Tribal Homeland Security Grant Program
UHF -	Ultra High Frequency
U.S. -	United States

## 1.0 INTRODUCTION

The Poarch Band of Creek Indians (referred to as the “Tribe” throughout this document) is comprised of descendants of a segment of the original Creek Nation that once covered almost all of Alabama and Georgia. Unlike many Eastern American Indian tribes, the Poarch Creek were not removed from their ancestral tribal lands and have lived together for almost 200 years in and around the Reservation in Poarch, Alabama. The Reservation is located eight miles northwest of Atmore, Alabama in rural Escambia County and 57 miles east of Mobile.

The Tribe is the only federally recognized Indian Tribe in the state of Alabama operating as a sovereign nation with its own system of government and by laws. The Tribe operates a variety of economic enterprises that employ hundreds of area residents. The Tribe is an active partner with many entities in the state of Alabama contributing to economic, educational, social, and cultural projects benefitting both tribal members and residents of local communities and neighboring towns.

The Tribe’s Emergency Management, Fire and Law Enforcement programs are examples of programs operated by the Tribe that not only benefit tribal members, but also residents and visitors of the surrounding communities. Due to its capabilities and mutual aid agreements, the Tribe’s Emergency Management, Fire, and Law Enforcement programs respond both on and off the reservation. Reliable and full coverage communications are vital in these operations for the protection of life, health, and safety of all involved. Current communications systems are subject to interference and inadequate coverage of the area, causing threats to the public and responder safety.

The Tribe is a federally recognized Tribe organized pursuant to 25 Code of Federal Regulations (CFR) Part 83. Due to this deferral recognition status the Poarch Band of Creek Indians were able to apply directly to the Federal Emergency Management Agency (FEMA) through the Grants.gov portal for the fiscal year 2011 Tribal Homeland Security Grant Program (THSGP). The THSGP is one tool among a comprehensive set of initiatives authorized by Congress and implemented by the Administration to help strengthen the Nation against risks associated with potential terrorist attacks. The Tribe applied for this grant and was awarded funding to improve its First Responder’s communications ability to respond not only to each other (Tribal Emergency Management, Fire and Law Enforcement), but also to other responding agencies in the event of a disaster or other emergency whether it is from man-made or natural causes.

This Environmental Assessment (EA) for the Tribe has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President’s Council on Environmental Quality regulations to implement NEPA (40 CFR) Parts (500 – 1508), and FEMA regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the erection of a new communications tower for the Tribe. FEMA will use the findings in the EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

## 2.0 PURPOSE AND NEED

### Purpose

Tribal Homeland Security Grant Program supports the building, sustainment and delivery of core capabilities to enable Tribes to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards. Therefore, the purpose is for the Tribe to improve communications that will be used by Tribal First Responders to respond quickly to emergencies in the Tribal Community and surrounding areas.

### Need

The Tribe needs a communication system, which will support Tribal First responders and emergency response. The current communication system is located in the Tribe's gaming facility. It consists of a repeater system and all of its components including a roof-mounted antenna. At times the computer servers located within the gaming facility cause interference with Tribal First Responder's communication equipment; thus, interrupting the responder's ability to communicate with each other or with Tribal Dispatch. This is a critical issue requiring resolution. In addition to the problems resulting from the interference of the computer servers, should an adverse event occur at the gaming facility, whether it was natural or man-made it is possible that the incident would cause a total failure of communications capabilities throughout the Tribal First Responder Community. This could impact emergency response not only on the Reservation, but also in surrounding communities since as previously mentioned Tribal First Responders cover areas that are beyond the exterior boundaries of the Reservation. Loss of communications would have a widespread impact affecting the lives of many people. For example, the Tribal Police Officers are cross deputized by the Escambia County, Alabama Sheriff's Department. This relationship allows the Tribal Police to offer mutual aid to Escambia County Deputies in emergency situations. Reliable communications are vital to these and all First Responder operations.

The Tribal Fire Department's primary district is approximately 40 square miles – that also includes 15 miles of Interstate 65 (The State of Alabama North-South Corridor). The Fire Department provides Fire Protection Emergency Medical Services, Technical Rescue and HazMat response. The Tribal Fire Department routinely provides mutual aid to the City of Atmore (Escambia County, Alabama) and has provided mutual aid to the Fire Departments of Monroeville (Monroe County, Alabama), Bay Minette (Baldwin County, Alabama) and other surrounding volunteer fire departments. The Tribe's Fire Department and EMS use the same communications system and its lack of reliability adversely impacts these emergency responders.

The topography of the Tribe's geographic response area poses a complex challenge to Tribal First Responders since there are areas in the jurisdiction in which responders experience "dead zones" where they have a total loss of radio communications. This project is needed to improve public safety and interoperable communications among first responders during an emergency event. Capabilities for complete and reliable communications will greatly improve the safety of the responders, residents, and visitors by eliminating these "dead zones" of communications so responders will have the ability to communicate better situational awareness during a response.

### **3.0 ALTERNATIVE ANALYSIS**

#### **3.1 NO ACTION ALTERNATIVE**

If the proposed Communications System is not developed, the Tribal First Responder's ability to communicate with each other will continue to create a problem not only in the tribal community, but also in the surrounding area. The lack of an adequate communications system would also interfere with Tribal First Responders ability to communicate with surrounding departments and other response agencies, in local or large-scale declared emergency. Furthermore, the lack of the ability to communicate extends beyond the Tribal Community. Tribal emergency response encompasses 15 miles of Interstate 65. The Escambia County 911 board has determined that on any given day there are thousands of vehicles traveling through the tribal jurisdiction. In those vehicles, there are multitudes of individuals passing through the Tribe's response area. As a response agency the Tribe must look not only at the safety of those individuals, but beyond individual people and consider the products that these vehicles may be transporting that could be hazardous to people in the surrounding area. Every day, there are unidentified Hazardous Materials that could pose a dangerous challenge to our Tribal First Responders. Vehicles carrying loads under a certain weight do not have to be placarded with warnings of their hazardous cargo; yet they still pose a threat to the public and the First Responders. Should an incident occur, reliable communications are vital to the life and safety of responders and the public. Another challenge, in regard to response to Hazardous Materials incidents, is Volunteer Fire Departments that often do not have the trained personnel or equipment needed to handle a hazardous materials incident that surrounds the Tribe. Therefore, in these instances the Poarch Fire Department is called upon by Escambia County to respond to and mitigate the hazardous materials situation.

In summary, the lives, health and safety of not only the general public, but also the responders both on and off the Reservation are closely linked to the development of a new communications system and failure to create such a system would continue to endanger the lives and safety of many.

#### **3.2 PROPOSED ACTION**

The Tribe's proposed action is to erect a communications tower and antenna system at a height of approximately 225 feet. The tower will be a self-supporting structure with guy wires and a six-foot security chain link fence, which will enclose the tower and necessary appurtenances including a climate, controlled equipment shelter. According to the Federal Aviation Administration (FAA) Advisory Circular (AC) AC 70/7460-1K Obstruction Marking and Lighting, Chapter 5 Section 53, 2, "Structures Exceeding 150 Feet (46m) AGL. At least one red flashing L-864 beacon should be installed in a manner to ensure an unobstructed view of one or more lights by a pilot." However, an FAA aeronautical study may reveal that the absence of marking or lighting will not impair aviation safety. The proposed tower would have lighting and marking as determined appropriate by the FAA and the Federal Communications Commission. The footprint of the purposed area is 100ft. x 100ft. The project site would be accessed utilizing an existing earthen access road that runs west from the parking lot of existing fire station and connection to existing utilities will be done by utilizing a bore under the Fire Station parking lot. The location of proposed site is directly behind Fire Station #2 located at 845 Poarch Road,

Atmore, AL. The Global Position Satellite (GPS) coordinates for the tower location are 31°6'31"N, and 87°29'26"W, and project location information and area photographs can be found in Appendix 1 for area photographs. This height is necessary to achieve adequate coverage of all emergency service area. It will allow for the ability to communicate in areas outside the jurisdiction of the Tribe for mutual aid responses.

This communications tower is a part of a Master Communications Plan for the Tribe. The communications plan includes tower erection, acquisition of a Project 25 (P25) integrated voice and data communications site, and acquisition of compatible mobile and handheld radios. The State of Alabama recently formed a First Responder Wireless Commission. The Tribe is an active member and was appointed by the Governor of the State of Alabama. This is the first step into bringing the Tribe's Communication equipment in line with the State of Alabama's Master Plan and a major step toward making our system move forward to reach the goal of interoperability with all Response Organizations.

### **3.3 ALTERNATIVES CONSIDERED AND DISMISSED**

The Tribe has tried alternatives to resolve the communications issues, however, due to the inability of these actions to resolve the communications issues, these alternatives have been dismissed. Originally, the Tribe's antennas were located on a 255-foot tower located behind the Tribe's Dispatch Center. There were problems with the location of this tower. The tower was prone to lightning strikes that destroyed the communications equipment. High winds have caused the tower to fail and fall during Hurricane Ivan and again in another high wind event. These issues stem from the construction and design of this tower. The tower was also located near a residential area, causing concern for the potential of it falling into the housing area. For example, the tower almost hit several houses during one failure.

Due to the above-mentioned situations, the antennas were relocated to the Tribe's water tower. The mounting system required that the antennas be placed on the side of the water tank. The tank acted as a shield to radio frequency signals, therefore preventing the ability to pick up radio signals from all directions. Radio signals were strong in a direct path from the antennas, but did not function for the signals on the opposite side of the tower that the antennas were mounted on. This created a "dead zone" or radio signal shadow where communications were not effective. As a result, radio signals on Interstate 65 to the south and east of the water tower were non-existent due to this shadowing effect. This posed significant threats to public safety in the area without communications signals.

Another alternative considered was for the Tribe's antennas to be located on a tower located in front of the nearby prison system operated by the State of Alabama located in Escambia, County. This alternative was quickly dismissed due to the fact that the Tribe could not utilize the total height of this tower since the Escambia County, Alabama Sheriff's Department was already using the tower. In addition, the Sheriff's Department Ultra High Frequency (UHF) antennas and the Tribes UHF antennas would have interfered with each other therefore causing problems for both agencies.

The final alternative considered and dismissed was to lease tower space from another entity, however, due to the fact the Tribe is in a rural area there was no adequate tower space available.

#### **4.0 AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS**

<b>Table 1: Summary of Impacts</b>				
<b>Affected Environment/Resource</b>	<b>No Impact</b>	<b>No Significant Impact</b>	<b>Significant Impact</b>	<b>Mitigation/Best Management Practices (BMPs)/Other Information</b>
Geology	X			None.
Soils		X		The Public Works Department will mitigate soil erosion concerns.
Air Quality		X		Fuel-burning equipment running times would be minimized and engine would be properly maintained.
Wild and Scenic Rivers	X			None.
Water Quality		X		Site will be prepared with soil erosion control berms and seeding will be done to control run-off.
Wetlands	X			None.
Floodplains	X			None.
Threatened and Endangered Species	X			As per USFWS consultation letter regarding migratory birds.
Migratory Birds		X		As per USFWS consultation letter regarding migratory birds.
Wildlife and Fish	X			None.
Historic Properties	X			In the unlikely event that human remains or cultural or archeological materials or artifacts are discovered, all work would stop immediately, and the appropriate authorities In the unlikely event that human remains or cultural or archeological materials or artifacts are discovered, all work would stop immediately, and the appropriate authorities

American Indian/ Cultural/ Religious Sites	X			None.
Socioeconomic Concerns		X		Improved communications in Escambia County and parts of surrounding counties, will improve public safety services.
Environmental Justice	X			No adverse impacts on any people.
Noise		X		Noise producing activities would be done during normal working hours of 7:00a.m. to 5:00p.m. local time.
Traffic		X		Site would be accessed utilizing an existing earthen access road at the fire station.
Public Service and Utilities		X		Existing services would be used to provide electrical and internet services.
Public Health and Safety		X		Improved interoperable communications in Escambia County and parts of the surrounding counties, for better public health and safety.

## 4.1 PHYSICAL RESOURCES

### 4.1.1 Geology and Soils

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. The FPPA does not authorize the Federal Government to regulate the use of private or nonfederal land or, in any way, affect the property rights of owners. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built land.

The proposed site of the Tribe's communications tower will be located on Tribal land in an area in which site grading and excavation has already occurred due to the construction in 2009 of a Fire Station and an East-West Water Interconnection Project. The site for the communications tower is located approximately 65 feet from the permanent generator installed for the Fire Station and approximately 350 feet from the water line. In a letter from Robert Beaty, Resource Soil

Scientist, Natural Resources Conservation Services, dated April 2, 2009 (see Appendix 2) Mr. Beaty references soil types and states that the projected area did not contain any prime farmland.

No Action Alternative – The no action alternative will have no impact on the geology and soils.

Proposed Action - Minor erosion and surface runoff was mitigated by the Poarch Creek Public Works Department when the Training/Drill field for Emergency Services Department (Fire and Police) was developed. Adding topsoil and planting rye grass at the site accomplished the mitigation. The proposed site for the communications tower will be approximately 100 feet from the training drill field area and similar mitigation practices will be conducted for any disturbance to the soil caused by building the tower. Therefore, the proposed action will not have a significant impact on the geology and soils.

#### **4.1.2 Air Quality**

The Clean Air Act (CAA) (42 U.S.C. §7401 et seq. (1970)) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. One of the goals of the Act was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The Act was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines.

The Air Quality Index (AQI) is an index for reporting daily air quality. This index lets individuals know how clean or how polluted their air is and associated health effects. The AQI focuses on health effects one may experience within a few hours or days after breathing polluted air. The Environmental Protection Agency (EPA) calculates the AQI for five major air pollutants regulated by the CAA ground-level ozone, particle pollution (also known as particulate matter), carbon monoxide, sulfur dioxide, and nitrogen dioxide. For each of these pollutants, EPA has established national air quality standards to protect public health. Ground-level ozone and airborne particles are the two pollutants that pose the greatest threat to human health in this country.

No Action Alternative – The no action alternative will have no impact on the Air Quality.

Proposed Action - The normal operating hours for the project will be from 7:00am to 5:00pm and the use of construction vehicles and equipment would have very little impact on the air quality of the area in which the communications tower would be located (see Appendix 3). Furthermore, the communications tower will be connected to an existing Diesel 250 KW Generator that provides emergency power for the Fire Station. Therefore, construction of the new Tower would not cause any significant impact to the Air Quality for this area nor will the no action alternative.

### **4.1.3 Climate Change**

Demonstrating a commitment to lead by example, on October 5, 2009, President Obama signed Executive Order 13514, that set sustainability goals for Federal agencies and focuses on making improvements in their environment, energy and economic performance. The Executive Order required Federal agencies to submit a 2020-greenhouse gas pollution reduction target within 90 days, and to increase energy efficiency, reduce fleet petroleum consumption, conserve water, reduce waste, support sustainable communities, and leverage Federal purchasing power to promote environmentally responsible products and technologies.

No Action Alternative – The no action alternative will have no impact on climate change.

Proposed Action - There will be no noted change in climate due to the erection or operation of the communications tower.

## **4.2 WATER RESOURCES**

### **4.2.1 Water Quality**

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. “Clean Water Act” became the Act’s common name with amendments in 1972. The CWA provides States and Tribes the option of assuming administration of the Federal Section 404 permit program in certain waters within State or Tribal jurisdiction. States and Tribes assume the Federal Section 404 program only in certain “no navigable” waters. The U.S. Army Corps of Engineers retains jurisdiction in tidal waters, their adjacent wetlands, navigable waters, and their adjacent wetlands.

No Action Alternative – The no action alternative will have no impact on the water quality.

Proposed Action - The nearest moving body of water to the proposed location of the communications tower is the Little River State Forest, located on the Monroe/Escambia County, Alabama line, approximately 12 miles from the proposed site. Based upon area topography and distance to the nearest surface water, the communications tower would not adversely affect this body of water or its water quality.

Surface runoff at the construction site will be limited due to the fact that the site has previously been developed for the Fire Department’s Training Field and this tower will be located in the same area. The site has been graded and has been replanted with rye grass by the Tribe’s Public Works Department.

The potential of a spill contaminating the area from the refueling of the generator will be minimal since the generator has an existing berm around it to prevent this runoff from occurring. Therefore, the proposed action will have no impact the water quality in the area.

## **4.2.2 Wetlands**

Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged and fills material into waters of the United States, including wetlands. Executive Order 11990 is an order given by President Carter in 1977 to avoid the adverse impacts associated with the destruction or modification of wetlands.

No Action Alternative – The no action alternative will have no impact on wetlands.

Proposed Action - According to the National Wetlands Inventory Map (see Appendix 4), the proposed site for the communications tower is not located within or near a wetland. The proposed action will not impact wetlands since there are none in the area of the site.

## **4.2.3 Floodplains**

Executive Order 11988 is an order given by President Carter in 1977 to avoid the adverse impacts associated with the occupancy and modification of floodplains.

No Action Alternative – The no action alternative will have no impact on floodplains.

Proposed Action - The proposed location is not located in a floodplain, based on the FEMA Flood Insurance Rate Map (FIRM) Panel 425 #01053C0425E dated June 5, 2012 (see Appendix 5). The proposed action will have no impact on floodplains.

## **4.3 Biological Resources**

### **4.3.1 Threatened and Endangered Species and Critical Habitat**

The purpose of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544, 87 Stat. 884), as amended –Public Law 93-205, approved December 28, 1973) under the ESA species may be listed as either endangered or threatened. “Endangered” means a species is in danger of extinction throughout all or a significant portion of its range. “Threatened” means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened, is to protect and recover imperiled species and the ecosystems upon which they depend.

No Action Alternative – The no action alternative will have no impact on threatened and endangered species and critical habitats.

Proposed Action - According to the attached letter (see Appendix 6) received from U.S. Fish and Wildlife Service, there are no federally listed species, or critical habitats known to occur in the project area, therefore the proposed action will not impact threatened and endangered species or critical habitats.

### **4.3.2 Migratory Birds**

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended implemented the 1916 Convention between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Soviet Union (now Russia). The MBTA makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The migratory bird species protected by the Act are listed in 50 CFR 10.13.

No Action Alternative – the no action alternative will have no impact on migratory birds.

Proposed Action - According to the Alabama Fall Migration schedule for birds, the Northern Waterthrush (Scientific Name – *Seiurus noveboracensis*) migrates to the city of Brewton, Alabama. The approximate date of departure for this bird is October 8<sup>th</sup> of each year. The city of Brewton is located approximately 32 miles away therefore the proposed action will not be a factor in the migration of the Northern Waterthrush.

### **4.3.3 Wildlife and Fish**

The Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; the Act of March 10, 1934; Ch. 55; 48 Stat. 401), as amended authorizes the Secretaries of Agriculture and Commerce to provide assistance to and cooperate with Federal and State agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife.

The Act also directs the Bureau of Fisheries to use impounded waters for fish-culture stations and migratory birds resting and nesting areas and requires consultation with the Bureau of Fisheries prior to the construction of any new dams to provide for fish migration. In addition, this Act authorizes the preparation of plans to protect wildlife resources, the completion of wildlife surveys on public lands, and the acceptance by the Federal agencies of funds or lands for related purposes provided that land donations received the consent of the State in which they are located.

The amendments enacted in 1946 require consultation with the Fish and Wildlife Service and the fish and wildlife agencies of States where the “waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted...or otherwise controlled or modified” by any agency under a Federal permit or license. Consultation is to be undertaken for the purpose of “preventing loss of and damage to wildfire resources.”

No Action Alternative – The no action alternative will have no impact on wildlife and fish.

Proposed Action - The general site for the location of the Communication Site has already been prepared for the Tribe’s Fire Department’s Training Area and was also adjacent to the water line crossing. A previous assessment conducted due to the construction in 2009 of a Fire Station and an East-West Water Interconnection Project concluded that there was no known species

inhabiting the area. Therefore, the proposed action will not impact wildlife or fish since it is in the same location.

## **4.4 CULTURAL RESOURCES**

### **4.4.1 Historic Properties**

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP. The responsible Federal agency first determines whether it has an undertaking that is a type of activity that could affect historic properties. Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. The regulations also place major emphasis on consultation with Indian tribes and Native Hawaiian organizations, in keeping with the 1992 amendments to NHPA.

No Alternative Action – The no action alternative will have no impact on historic properties.

Proposed Action - The Tribe's Historic Preservation Officer surveyed the land and found that it was not historically relevant to the Tribe and therefore neither the proposed action nor the no action alternative will significantly impact historic properties (see Appendix 7).

### **4.4.2 American Indian/Native Hawaiian/Native Alaskan Cultural/Religious Sites**

The American Indian Religious Freedom Act of 1978(AIRFA) affirms the right of Native Americans to have access to their sacred places. If a place of religious importance to American Indians may be affected by an undertaking, AIRFA promotes consultation with Indian religious practitioners, which may be coordinated with Section 106 consultation. Amendments to Section 101 of NHPA in 1992 strengthened the interface between AIRFA and NHPA by clarifying that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register. Also in carrying out its responsibilities under Section 106, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A).*[16 U.S.C. 470a (a)(6)(A) and (B)]*.

No Action Alternative – American Indian Religious sites will not be impacted by the no action alternative.

Proposed Action - The Tribe also contacted the State's Historic Preservation Officer. The Section 106 consultation letter is found in Appendix 7. Also, previously, IHS conducted a NEPA assessment of the area for this project and concluded that there was no significant impact on American Indian Religious Sites.

## **4.5 SOCIOECONOMIC CONCERNS**

### **4.5.1 Environmental Justice**

Presidential Executive Order (EO) 12898 (Environmental Justice) directs federal agencies "... to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority in the United States."

No Action Alternative – The no action alternative would adversely impact area populations, including low-income or minority populations, since currently, there are inadequate emergency communications systems in the area. This poses a threat to health and safety of tribal members as well as non-tribal people in the area.

Proposed Action - The Proposed Action would not adversely affect any low-income or minority populations. It would positively affect all segments of the population in Escambia County, by improving public safety and emergency communications. The Proposed Action will have the greatest positive impact on the public safety and emergency communications of the Tribe who are a minority population.

### **4.5.2 Noise**

The Noise Control Act 42 U.S.C. §4901 et seq. (1972) states that inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas. The major sources of noise include transportation vehicles and equipment, machinery, appliances, and other products in commerce. The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products.

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. EPA is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control.

Noise levels requisite to protect public health and welfare against hearing loss, annoyance, and activity interference were identified by the EPA in the 1974 EPA document, "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety."

No Action Alternative – The no action alternative would not have any impact on noise.

Proposed Action – The proposed site is located in a rural portion of Escambia County that is within a half of mile from Interstate 65 in undeveloped forest and low-density residential use.

The Proposed Action would temporarily increase local noise. The type and amount will vary depending on the type of machinery used, distance from the construction site and noise source, construction schedule and duration and site specific, and area specific conditions. Heavy machinery use would have minor, temporary noise impacts on nearby low-density residences. Interstate 65 is located with a half-mile or less from proposed site and produces a continuous noise of traffic for the area. The nearest residence from the proposed tower site and noise source is about a quarter of a mile to the west. Construction noise would typically occur during normal working hours of 0700 to 1700 and would be temporary (no more than eight hours a day during weekdays for a total of about six weeks). Noise levels at 50 feet or more from proposed Action site should be under 85 dBA. The noise levels would be partly masked by trees and other vegetation around the site. Ambient noise levels caused by traffic from nearby public roads should also partly mask the construction noise levels. Noise levels after completion of construction will drop back to the project area's normal ambient noise level.

Temporary operations-related noise increases would be caused by the proposed action's air conditioning unit and existing emergency generator. The air conditioner regulates the equipment shelter's internal temperature. The diesel fueled emergency generator provides electric power to the equipment shelter, as needed, in emergency situations when normal electrical power supply is interrupted. The generator is already at the proposed site and in use, as it provides emergency power to the current manned fire station. This generator would not increase site ambient noise since it is an existing system. The generator is only used during power outages and routine maintenance and testing. Federal regulations limit emergency generator use to 500 hours per year, therefore the Proposed Action would not have a significant long-term noise impact.

#### **4.5.3 Traffic**

The project site would be accessed utilizing an existing earthen access road that runs west from the parking lot of existing fire station. The parking lot is accessed from Poarch Road a two-lane asphalt county maintained road.

No Action Alternative – The no action alternative would not have any impact on traffic.

Proposed Action - The Proposed Action would use existing roads during construction and normal operations. Additionally, traffic flow and control during construction would meet all local and State traffic requirements. Proposed Action construction and operations traffic would be occasional, temporary, and would not significantly affect local traffic.

#### **4.5.4 Public Service and Utilities**

The Proposed Action area has electrical, communication, and water utilities along Poarch Road. Existing utilities along Poarch Road would be used to provide electrical and Internet services for the Proposed Action. These services are already provided to the fire station located at the proposed site and will be extended to the Tower components. This will be accomplished by utilizing a road bore under the fire station parking lot to connect to the existing utilities.

No Action Alternative – The no action alternative would not have any impact on public service or utilities.

Proposed Action - Construction and operations would not cause major power shortages or require major system changes. Significant impacts on utilities are not anticipated.

#### **4.5.5 Public Health and Safety**

Safety and security issues considered in this document include the areas resident's, the general public's and the Proposed Action construction workers health and safety.

No Action Alternative – The no action alternative would have an adverse impact on public health and safety since no action would continue the existing condition of inadequate emergency communications capacities.

Proposed Action - The Proposed Action would be located in an approximately 20-acre parcel surrounding the Tribal Fire Station that has controlled access. The proposed antennas will be elevated, causing no public safety risk from radio frequency emissions. Since the site will be located in a restricted area with fencing and appropriate signage, the proposed facility is not expected to threaten public health or safety and has been determined to be categorically excluded from further assessment of radio frequency exposure per FCC NEPA regulations in 47 CFR Section 1.1307(b), 1.1307 (b-Table 1), and 1.1310.

Implementation of worker safety rules, per Occupational Safety and Health Administration safety and health standards, would establish a uniform set of safety practices and procedures to protect workers. Construction related to human health and safety would not be significant.

Under the authority of Section 311 (j)(l) of the CWA in Title 40, CFR, Part 112 a facility is not regulated under the Spill Prevention and Control Countermeasure (SPCC) rule Spill Prevention Plan if the total aboveground storage tank capacity is under 1,320 gallons. The existing tank is less than this capacity.

The Proposed Action Operations would not have a significant adverse impact on human health and safety but instead would have substantial positive impact on public health and safety from improved public safety and emergency communications for Tribe, Escambia County, and parts of surrounding counties.

#### **4.6 CUMULATIVE IMPACTS**

The Proposed Action would have very little if any significant, adverse impact on any resource described in this document. Previous construction of the Fire Station, training grounds, and East-West Water Interconnection Project have already taken place at this location. New construction related to the proposed action would be in line with the properties previous and current uses and conditions. Construction impacts on any resource would be minor and temporary. Completion of the project will have a positive impact on the populations in the area, since it will enhance public safety by providing reliable communications for Emergency Services, Police and Fire Departments as well as advancing toward the goal of interoperable communications with other outside entities in surrounding communities and the state.

## **5.0 AGENCY COORDINATION, PUBLIC INVOLVEMENT AND PERMITS**

The Tribe consulted with the local Indian Health Service office, the Federal Emergency Management Agency, the Alabama Ecological Service Field Office of the U.S. Fish and Wildlife Service, Tribal Historic Preservation Officer, State Historic Preservation Office, Army Corp of Engineers, Poarch Creek Indians Utilities Department, and local Natural Resources Conservation Service.

All permits required for this project will be the responsibility of the Contractor that is awarded the contract to complete the Project. Acquisition of permits is part of the Scope of Work for the project. This also includes any Federal Communications Commission (FCC) paperwork for construction of tower or modification to existing licenses.

## **6.0 LIST OF PREPARERS**

April Sells  
Tribal EMA/Fire Director

Chris McGhee  
Fire Inspector/Training Officer

B. Kevin Molloy (Consultant)  
Director, Tactical Management, LLC

Eric M. Thurston  
Environmental Protection Specialist, FEMA

## **7.0 Appendices**

- Appendix 1: Project Location
- Appendix 2: Geology and Soils
- Appendix 3: Air Quality
- Appendix 4: Wetlands
- Appendix 5: Floodplain
- Appendix 6: Biological Resources
- Appendix 7: Cultural Resources