

*Draft Environmental Assessment*

# **Vossburg Wireless Communications Tower**

***Vossburg, Jasper County, Mississippi***

Mississippi Interoperable Communications Grant Program

FEMA 2008-MS-MX-0001, MSWIN 20602

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Prepared by:  
Environmental Engineers, Inc.  
11578 US Highway 411, Odenville, Alabama 35120

Phone: (205) 629-3868 • Fax: (877) 847-3060  
*Project No.: JSE01P1003*

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## **1.0 INTRODUCTION**

The State of Mississippi created the Mississippi Wireless Communication Commission (MWCC) by statute in 2005 to oversee the construction and operation of the Mississippi Wireless Integrated Network (MSWIN) project. MSWIN is wireless voice and data capable infrastructure, providing all users with a public-safety grade, statewide, interoperable, seamless roaming radio system. This 700 MHz Public Safety System is intended to provide highly reliable, fast access, private (within groups and individuals) communications to a wide variety of government and first-responder users within the State of Mississippi. MSWIN is funded largely by federal funds administered through the Department of Homeland Security and the Federal Emergency Management Agency.

This project is being funded using a FEMA grant (2008-MS-MX-0001) and the State of Mississippi's expenditures at this site would include construction of a telecommunications facility, purchase and installation of 700 MHz RF equipment and microwave telecommunication backbone network, equipment shelter, network integration, acceptance testing, communication hardware optimization and system exercising and piloting of interoperability capabilities of the network. As part of the MSWIN network, this tower would support a myriad of equipment that would provide emergency response communications for the population within approximately fifteen miles surrounding this proposed site.

## **2.0 PURPOSE AND NEED**

This Environmental Assessment has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations implementing NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508), and FEMA's 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 proposed construction of a communications tower facility. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The purpose of the MSWIN is to establish a better communications network for State system users, varying from public safety to governmental executive and administrative personnel to road maintenance crews. The MSWIN network would also be used extensively during life threatening conditions and emergency situations. Flooding, hurricanes, earthquakes, tornadoes, and other natural or man-made catastrophes often require effective wide-area, interoperable communications. Following Hurricane Katrina, there was a significant lack of communication or communication delays between government agencies due to inadequate coverage or inadequate capacity-handling capabilities. A high degree of redundancy and fail-safe design is essential to the success of this project since communications within the State of Mississippi are most critical when they are most susceptible to failure.

### **3.0 ALTERNATIVES CONSIDERED**

The State of Mississippi considered six alternatives to meet the purpose and need stated in Section 2.0. These alternatives included the Proposed Action, No-Action Alternative, and four alternatives that were considered but dismissed for reasons discussed in greater detail below. Two alternatives, the No Action and Proposed Action, are evaluated in this EA.

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

Under the No-Action Alternative the proposed project would not be constructed. The No-Action alternative is being included to provide a baseline for comparison purposes.

#### **3.2 PROPOSED ACTION**

The Proposed Action would consist of construction of a 600-foot guyed communications tower and associated equipment compound to facilitate installation and operation of wireless communications antennae to provide integrated emergency communications between federal, state, and local agencies. These antennae would include microwave dishes that are to be used to send and receive information over long distances without the limitations associated with connection to land lines/cables (primarily interruptions in service due to damage to land lines/cables during emergencies or natural disasters).

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

The State of Mississippi considered four additional alternatives to meet the purpose and need. These alternatives were collocation, satellite communications, commercial cellular communications, and use of the existing State operated networks; all were dismissed from further consideration for the reasons described below.

Collocation opportunities were considered as an alternative to the proposed action. However, the technical loading requirements for this project are for all used structures to be engineered and constructed to the latest tower standards of ANSI/TIA-222-G (class III supporting public safety and mission critical communications). As this is the latest engineering standard and the Class III (public safety) level is the most rigorous engineering standard in the tower industry, there are no existing towers within the coverage area for this project that can be modified to meet this standard and handle the loading requirements MSWIN would place on the tower.

Satellite communications are commercially available and are currently used as a backup communications method in the event the primary systems fail. Satellite communications are cost prohibitive for the 30,000 users who would be a part of the MSWIN radio network.

Commercial cellular communication services are available in much of the service area MSWIN would provide, but not all of the State of Mississippi is covered by a single cellular operator. MSWIN would

provide 97% radio coverage over the state, is more secure than commercial cellular service, is more survivable in the event of natural disasters, and is dedicated to public safety missions. Cellular is an adequate limited backup to the routine and emergency requirements of public safety, but is not adequate for daily operational usage and extreme emergency situations, as compared to the MSWIN system.

The existing State operated radio systems are aging and limited in their coverage reach. The field and dispatch radios are nearing obsolescence and are difficult to find new replacement parts for.

The needs of a growing Mississippi would best be met by the new technology the MSWIN network provides.

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

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast ¼ of the northwest ¼ of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude 31° 56' 34.551" north and longitude 88° 57' 23.229" west (Figures 1 through 3). The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel.

The proposed tower facility would be accessed via locked gate off of County Road 35. The tower would have two parking spaces at the entrance of the fenced tower compound. The compound surrounding the tower and equipment would consist of a seven-foot tall security fence with an additional foot of barbed wire surrounding the site. The tower would be built to withstand extreme weather conditions and engineered and constructed to the latest tower standards of ANSI/TIA-222-G (class III supporting public safety and mission critical communications). All radio equipment on the tower would be operated in compliance with all requirements of frequency and power output as regulated by the Federal Communications Commission. Additionally, the gates and fence would have attached no trespassing and other notice and warning signs as may be required by applicable local and federal laws.

Routine operations of the tower facility would have limited vehicular traffic excepting maintenance and routine periodic inspections. Running water or sanitary facilities would not be provided at the facility. Power facilities are available and would be routed in during construction. The tower would not interfere with local residence or the use of the surrounding properties. The increase of vehicular traffic into the area is anticipated to be negligible. The tower and communication systems located thereon would not interfere with other communication systems in the area.

The tower is designed to allow other users on the structure to promote collocation with up to three positions suitable for cellular telephone type wireless service providers. This would potentially reduce the need for additional towers in the area. In addition, the tower is designed to accommodate additional government communications equipment as needed to provide mission critical radio infrastructure increases in the future. A copy of the portion of the 2009 aerial photograph depicting the site layout has been included as Figure 4 and site photographs have been included as Figures 5 through 9. A copy of the site survey is included as Appendix A.

A table summarizing the potential impacts of the proposed action is included at the end of Section 4.

## **4.1 PHYSICAL RESOURCES**

### **4.1.1 Geology and Soils**

Under the no action alternative there would be no impact to geologic resources or soils.

#### ***4.1.1.1 Geology***

According to the Mississippi Geological Survey, Geologic Map of Mississippi, dated 1969 and reprinted 1985, the site is underlain by the Citronelle Formation of Quaternary Age. The Citronelle Formation consists of red sand and gravel and white clay. Geologic resources may be minimally impacted by drilling or excavation of footings for the proposed communications tower and associated equipment. However, the proposed communications facility would have no significant or wide-spread impacts to geologic resources.

#### ***4.1.1.2 Soils***

Prime farmland, unique farmland, and land of statewide or local importance is protected under the Farmland Protection Policy Act (FPPA) of 1981 (7 U.S.C. § 4201 *et seq.*). The intent of the FPPA is to minimize the impact Federal programs have on the irreversible conversion of farmland to non-agricultural uses. Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. Prime farmland cannot be areas of water or urban or built-up land. Unique farmland is defined as land other than prime farmland that is used for the production of specific high value food and fiber crops such as citrus, tree nuts, olives, cranberries, fruit, and vegetables.

According to the USDA's Soil Survey of Jasper County, Mississippi, issued July 1979, site soils are classified as Heidel-Troup association, hilly. The Heidel soil has a surface layer of dark grayish-brown sandy loam about four inches thick. The subsurface layer is pale-brown sandy loam about eight inches thick. The upper part of the subsoil is yellowish-red sandy loam about 30 inches thick, and the lower part is red sandy loam to a depth of 70 inches.

The Troup soil has a surface layer of very dark grayish-brown loamy sand about four inches thick. The subsurface layer is pale-brown to yellowish-brown loamy sand about 52 inches thick. The subsoil is yellowish-red sandy clay loam to a depth of 85 inches.

A portion of the proposed access road soils are classified as McLaurin loamy sand, two to five percent slopes. A representative profile of this soil is as follows: dark brown loamy sand to a depth of three inches; yellowish-brown loamy sand to a depth of ten inches; red sandy loam to a depth of 38 inches; yellowish-red sandy loam to a depth of 47 inches; and red sandy loam to 80 inches.

According to information available at the United States Department of Agriculture Natural Resource Conservation Service (NRCS) Web Soil Survey Internet website, Heidel-Troup association, hilly is not classified as prime farmland and McLaurin loamy sand, two to five percent slopes is classified as prime farmland.

EI submitted information regarding the proposed project to the USDA NRCS office in Jackson, Mississippi via letter dated May 29, 2010. The NRCS responded via letter dated June 21, 2010 stating "No permanent conversion of farm land. No FPPA determination required." Copies of the correspondence to and from the NRCS are included as Appendix B.

Although soil at the proposed project site is classified as prime farmland, the proposed communications facility would have no significant impact on soils protected by the FPPA because the NRCS does not consider the action to be a permanent conversion of farmland to non-agricultural use.

#### **4.1.2 Air Quality**

The Clean Air Act (CAA) was established in 1970 (42 U.S.C. § 7401 *et seq.*) to reduce air pollution nationwide. The US Environmental Protection Agency (EPA) has developed primary and secondary National Ambient Air Quality Standards (NAAQS) under the provisions of the CAA. The EPA classifies the air quality within an air quality control region (AQCR) according to whether the region meets or exceeds Federal primary and secondary NAAQS. An AQCR or a portion of an AQCR may be classified as being in attainment, non-attainment, or it may be unclassified for each of the seven criteria pollutants (carbon monoxide, lead, nitrogen dioxide, coarse particulates, fine particulates, ozone, and sulfur dioxide).

Under the no action alternative there would be no short or long term impacts to air quality.

According to information available through the Mississippi Department of Environmental Quality (MDEQ) Internet website, the State of Mississippi is currently designated as attainment and meets all ambient air quality standards. Short-term impacts to air quality such as exhaust emissions from grading and equipment, and dust from grading activities may occur during site grading and construction activities. Equipment used for these activities would meet local, state, and federal requirements for air emissions, and dust would be controlled as necessary by wetting the surface of the work areas. The only long-term air emissions anticipated at the site would be from the emergency

generator. The generator would only operate briefly while being tested and during power failure events affecting the electrical power supply to the site. Therefore, the proposed communications facility would have no significant impact to air quality.

## **4.2 WATER RESOURCES**

### **4.2.1 Wild and Scenic Rivers**

Under the no action alternative there would be no impact to wild or scenic rivers.

A review of information available through the Rivers.gov Internet website indicates that one Wild and Scenic River is located in Mississippi. This Wild and Scenic River is a section of Black Creek located in the DeSoto National Forest in southeastern Mississippi. The County in which the site is located is more than 25 miles north of the DeSoto National Forest. Therefore, the proposed communications facility would have no impact to any designated Wild and Scenic River.

### **4.2.2 Water Quality**

The Federal Water Pollution Control Act (FWPCA), also known as the Clean Water Act (CWA) was passed by congress in 1972 (33 U.S.C. § 1251 *et seq.*) with an objective of restoring and maintaining the chemical, physical, and biological integrity of waters of the United States. The National Pollutant Discharge Elimination System (NPDES) was established under the CWA and regulates wastewater discharges from point sources. NPDES regulations require that construction sites resulting in greater than one acre of disturbance obtain a permit from the EPA, or the corresponding state agency where the permitting role has been assumed by the state. The MDEQ is the state agency that has assumed this responsibility for Mississippi.

Under the no action alternative there would be no short- or long-term impacts to water quality.

No water bodies are located on or immediately adjacent to the proposed tower site. Land-disturbing activities at this facility would be approximately 0.48 acres, which is below the one acre threshold requiring an NPDES permit. However, appropriate best management practices (BMPs) would be implemented during site development to minimize sediment migration from the site into nearby water bodies. Examples of BMPs that may be used during site development to further minimize any impacts to nearby water resources include, but are not limited to, silt fence, hay or straw bales, hay or straw mulch, gravel, erosion control blankets, and riprap. Therefore, the proposed communications facility would have no significant short- or long-term impacts to water quality in the area of the site.

### **4.2.3 Wetlands**

According to Executive Order (EO) 11990, wetlands are defined as "...those areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil

conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. EO 11990 requires that each federal agency take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands.

Section 404 of the CWA established a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. The United States Department of the Army Corps of Engineers (USACE) administers the permitting process created under Section 404 of the CWA.

Under the no action alternative there would be no impacts to wetlands.

Information on the USFWS Wetlands Geodatabase website (digital NWI map) was reviewed to determine if any wetlands were delineated on or near the site. Based on a review of information available on this website, the site is not mapped within a jurisdictional wetland. A copy of the portion of the Digital National Wetlands Inventory map depicting the site location has been included as Figure 10.

A site reconnaissance which included observations to determine if the subject site or immediately adjacent property contained jurisdictional wetlands (as defined by the USACE) was conducted on March 1, 2010 by Environmental Engineers, Inc. No potential jurisdictional wetland indicators were noted on the site at the time of site reconnaissance.

Information regarding the proposed project was submitted to the USACE for review. The USACE returned response with a letter dated June 14, 2010 which stated “Based on our review of the information you provided and information available to our office, it appears that Federally-regulated wetlands or other ‘waters of the United States’ do not occur on the project site. Therefore, no permit, pursuant to our regulations, is required for your project.” Copies of the correspondence submitted to and response from the USACE are included as Appendix C. The proposed communications facility would have no impacts to wetlands.

#### **4.2.4 Floodplain Information**

According to EO 11988, the term floodplain refers to the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. This EO requires that each federal agency take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.

Under the no action alternative there would be no impacts to floodplains.

According to the Federal Emergency Management Agency's (FEMA) Flood Hazard Boundary Map (FHBM) "Page 6 of 8, Jasper County, Mississippi Unincorporated Areas" converted by letter effective December 1, 2003, the site is not located in a special flood hazard area. Therefore, the site is not located in a floodplain. It should be noted that the towers that comprise the MSWIN system are considered critical facilities and project design requirements include that the communications equipment at each facility be elevated at least five feet above the 500-year flood elevation (where mapped). In areas where the 500-year floodplain is not mapped, the equipment will be elevated a minimum of five feet above the 100-year base flood elevation. The FHBM depicting the site location does not include areas of 500-year flood. The support equipment at this facility would be elevated at least five feet above the 100-year base flood elevation. Therefore, the proposed communications facility would have no impacts to floodplains and would not be impacted by floodplains. The portion of the FEMA FIRM depicting the site is included as Figure 11.

### **4.3 COASTAL RESOURCES**

The Coastal Zone Management Act (CZMA) was established in 1972 (16 U.S.C. § 1451 *et seq.*) to preserve, protect, and (where possible) restore or enhance the resources of the coastal zones of the United States.

Under the no action alternative there would be no impact to coastal resources.

The Coastal Zone in Mississippi includes the three counties along the coast (Hancock, Harrison, and Jackson) and the adjacent coastal waters. The site is located more than 100 miles from the Gulf of Mexico and is not located in the Mississippi Coastal Zone. Therefore, the proposed communications facility would have no impacts to coastal resources.

### **4.4 BIOLOGICAL RESOURCES**

#### **4.4.1 Threatened and Endangered Species**

The Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 – 1544) provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. The ESA prohibits actions that may harm or jeopardize the continued existence of any threatened or endangered species, or critical habitat.

Under the no action alternative there would be no impact to threatened or endangered species.

The proposed communications facility would not adversely affect federally-listed threatened or endangered species. Information regarding the proposed wireless telecommunications tower was submitted to the USFWS by Environmental Engineers, Inc. The USFWS responded via letter dated March 31, 2010 stating "The threatened Louisiana black bear (*Ursus americanus leteolus*), threatened gopher tortoise (*Gopherus polyphemus*), and endangered red-cockaded woodpecker (*Picoides borealis*)

are found in Jasper County. The photographs of the two burrows do appear to be inactive but if a gopher tortoise were to be found or seen during tower construction, all activity should cease until further consultation. With a small project footprint and the information and photographs provided in your letter, it is unlikely that these listed species inhabit the project site. Therefore, the Service [USFWS] determines that this project will have no effect on listed species or critical habitat.” Therefore, the proposed communications facility would have no impact on threatened or endangered species. Copies of the correspondence to and the response from the USFWS are included as Appendix D.

#### **4.4.2 Migratory Birds**

The Migratory Bird Treaty Act (16 U.S.C. 703) established a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, or any part, nest, or egg of any such bird."

Under the no action alternative there would be no impact to migratory birds.

The United States Fish and Wildlife Service (USFWS) developed voluntary recommendations regarding communications tower siting, construction, operation, and decommissioning. These recommendations include collocating of antennae on existing towers or other structures, limiting the height of new towers to less than 199 feet above ground level (AGL), if taller than 199 feet use of the minimum amount of pilot warning and obstruction avoidance lighting required (preferably white strobes), use of non-guyed towers (monopoles, self-supporting towers), consideration of cumulative impacts on migratory birds, locating towers within “antenna farms” where possible, use of the minimum lighting permissible, use daytime visual markers on guy wires, minimization of the footprint of the facility to avoid habitat loss, design of new towers to accommodate additional comparable antennae for at least two additional users, and down-shielding security lighting for on-ground facilities. A copy of the USFWS communications tower siting, construction, operation, and decommissioning recommendations are included in Appendix E.

A basic principal of radio communication coverage is increasing the height extends signal range. Effective coverage is a function of height so to lower each site to less than 199 feet increases the potential tower count over 300 to accomplish the coverage requirements, resulting in roughly 3,000,000 square feet of ground disturbance, or well over twice the current footprint disturbance requirements. Such an increase in ground impact risks a much greater adversity to terrestrial based habitat such as animals and plants, plus the additional carbon footprint produced by the increased development and construction activities.

The build plan for the MSWIN project generally involves construction of one to three towers per county with a total of approximately 140 towers covering the 46,907 square miles (121,489 square

kilometers) of land area in the state. This averages out to one tower for every 335 square miles (867 square kilometers) of land area in the state. No county will contain more than five MSWIN towers and many counties will contain only one tower. It is important to note that fewer towers are to be constructed in the delta along the Mississippi River due to the flat terrain and corresponding longer transmit and receive distances achieved. This would reduce potential impacts to migratory birds utilizing the Mississippi Flyway migratory route along the Mississippi River.

The Federal Aviation Administration (FAA) has jurisdiction over all tower lighting and conducts aeronautical studies under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning the impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use airports, as well as aeronautical facilities.

For purposes of MSWIN tower development, obstruction lighting may be one of three types:

- (1) Medium intensity flashing white obstruction lights (white strobes in both day and night (D-1 or D-2); or
- (2) Dual lighting with red / medium intensity flashing white lights (white strobes in daylight and red strobes at night – E-1 or E-2); or
- (3) Marking and lighting with painted towers and red night beacons. This applies to towers over 500 feet in height (E-2 light system).

The proposed tower would be equipped with red lighting at night and painted orange and white for daytime visibility.

Construction of a self-supporting tower is not practical to provide the required service. According to Towers of Mississippi, the cost of a self-support tower is roughly 2.5 times the cost of a guyed tower, and if all the remaining towers in the MSWIN project were constructed as self supporting towers the extended cost would well exceed an additional \$50-70 million in additional construction costs. Though not favored by USFWS, the impact area of this 600-foot guyed tower in the air is roughly 5,400 square feet whereas the impact area of a 600-foot self -supporting tower is much larger at 54,000 square feet.

Bird flight diverters will not be installed on the proposed tower. According to Towers of Mississippi, bird flight diverters are expensive and difficult to maintain over the life of the tower. Adding daytime warning devices to the remainder of the towers in this project would exceed \$5 million in additional capital requirements.

As stated in Section 1.0, the proposed tower would be designed to accommodate equipment for up to three additional wireless communications providers thereby reducing the need for additional towers in the service area of the proposed project. Security lighting at this facility would consist of motion-

activated wall-mounted lights on the equipment shelter at the site.

The construction of the proposed tower would not have a significant impact on migratory birds. However, this tower is part of the MSWIN program that may have the potential for cumulative impacts to migratory birds.

FEMA has identified that the statewide MSWIN program has the potential for cumulative impacts to migratory birds, as birds could be injured or killed by colliding into guy wires and/or the tower structure, or could be disoriented by the tower lighting. FEMA has worked with MWCC and Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP) to develop an Avian Mitigation Plan (Appendix F) to address this potential for cumulative impacts. The mitigation includes monitoring the presence of deceased birds at MSWIN tower sites and providing a collection kit on site to collect the remains and record the location of any deceased bird. The remains of the bird along with the data will be delivered to MDWFP and included in the state's Avian Mortality database. USFWS will also be given access to this database. If an injured bird is found, all efforts will be made to help the bird recover so that it can be released back into the wild. In addition, MDWFP and USFWS (Jackson, MS Ecological Services office) will be given access to the MSWIN tower sites for monitoring. If a particular tower is found to have adverse effects to migratory birds (greater than 10 kills per night) the towers will be reported to MDWFP, USFWS, and FEMA. MWCC will also provide an annual report documenting the number of avian deaths and provide that report to MDWFP, FEMA, and USFWS for five years after all towers have been constructed. This mitigation plan will contribute scientific data that can be used by MDWFP and USFWS in determining the significance of potential impacts of towers on migratory birds. The implementation of the Avian Mitigation Plan will lower the potential for the MSWIN program to have adverse cumulative impacts on migratory birds.

#### **4.4.3 Wildlife and Fish**

The Wilderness Act (16 U.S. C. 1131-1136) established the National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas."

Under the no action alternative there would be no impact to wilderness areas.

The proposed communications facility would not adversely affect wilderness areas. Based on a review of information available through the Wilderness.net Internet website, two wilderness areas are located in Mississippi – Black Creek Wilderness and Leaf Wilderness. The site is not located within the boundaries of, or adjacent to either wilderness area. Therefore, the proposed communications facility would have no impact on wilderness areas.

On October 9, 1997, President Clinton signed the National Wildlife Refuge System Improvement Act of 1997 (P.L. 105-57) into law. This new law amended and built upon the National Wildlife Refuge System Administration Act of 1966 to ensure that the National Wildlife Refuge System is managed as a national system of related lands, waters, and interests for the protection and conservation of the Nation's wildlife resources.

The 1966 Act provides guidelines and directives for administration and management of all areas in the system, including "wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas."

Under the no action alternative there would be no impact to wildlife refuges.

Based on a review of information available at the USFWS Internet website and at the Nationalatlas.gov Internet website, the site is not located within the boundaries of, or adjacent to, any wildlife refuges. Therefore, the proposed communications facility would have no impacts to wildlife refuges.

#### **4.4.4 General Vegetation**

Impacts to general vegetation are anticipated to be limited to the areas that are to be excavated and/or graded in preparation of the site for construction of the proposed communications tower and access road. The site is currently wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with a moderate understory. The total area of vegetation to be impacted at this site is approximately 0.48 acres. Therefore, the proposed communications facility would have no significant impact on general vegetation.

### **4.5 CULTURAL RESOURCES**

Under Section 106 of the National Historic Preservation Act (NHPA), Federal agencies are required to consider the impacts of their actions on historic properties. Historic properties are those that are listed on or eligible for listing on the National Register of Historic Places, and are defined as districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. The goal of the NHPA is to have federal agencies act as responsible stewards of the nation's resources when their actions affect historic properties. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the Advisory Council on Historic Preservation (ACHP) (36 CFR Part 800). The ACHP is an independent federal agency that promotes the preservation, enhancement, and productive use of the nation's historic resources, and advises the President and Congress on national historic preservation policy. The ACHP is the only agency with the legal responsibility to encourage federal agencies to integrate historic preservation compliance considerations into their project requirements.

#### **4.5.1 ACHP Program Comment**

FEMA is required under Section 106 of NHPA to consider the impacts of its grant-funded projects on historic properties. Similarly, the Federal Communications Commission (FCC) is required under NHPA to consider the impacts to historic properties of communications facilities that receive an FCC license to operate. The FCC has executed two nationwide Programmatic Agreements (PA) under NHPA that streamline the Section 106 review process for new tower construction and collocation

projects. On October 23, 2009, the ACHP issued a Program Comment for “Streamlining the Section 106 Review for Wireless Communication Facilities Construction and Modification Subject to Review Under the FCC Nationwide Programmatic Agreement and/or the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.” Under the ACHP’s Program Comment, FEMA is not required to conduct its own Section 106 review with regard to the effects of communication facilities construction or modification projects that have undergone Section 106 review by the FCC or that are exempt from Section 106 review by the FCC under the FCC Nationwide PA or the FCC Collocation PA. Therefore, the Section 106 review conducted for the proposed project to meet FCC requirements is described in this EA, but no separate 106 review was required for FEMA.

#### **4.5.2 FCC Nationwide Programmatic Agreement**

On March 7, 2005 the FCC implemented a Nationwide Programmatic Agreement (NPA) regarding Section 106 reviews (State Historic Preservation Officer and Indian tribal consultation) for wireless telecommunications tower sites. In summary, the NPA set forth rules regarding consultation with the State Historic Preservation Officer (SHPO) in each state where a proposed wireless telecommunications tower is to be constructed; consultation with Indian tribes and Native Hawaiian Organizations (NHOs) that would have been historically located in the area of the proposed wireless telecommunications tower or had indicated an interest in the geographical area containing the proposed wireless telecommunications tower; and involvement of the public and/or local government. As part of the process associated with the NPA the FCC developed the Tower Construction Notification System (TCNS) and FCC Form 620. The TCNS is described in Section 4.5.3 and FCC Form 620 is described in Section 4.5.4.

The NPA requires that a response be received from each Indian tribe or NHO that has indicated an interest in the state or geographical area containing the proposed tower. If no response is received from a particular Indian tribe or NHO within a reasonable time (typically 30 days), the NPA requires that the non-responding Indian tribe or NHO be contacted a second time in an effort to obtain a response. If the Indian tribe or NHO continues to be unresponsive to the initial or follow-up inquiries, the FCC must be contacted to consult with the non-responding Indian tribe or NHO.

#### **4.5.3 FCC Tower Construction Notification System**

The TCNS is an Internet-based notification system developed by the FCC that allows input of basic information regarding the proposed location, type, and height of a new wireless telecommunications tower. This information is then made available to Indian tribes and NHOs that have expressed an interest in the state or geographical location containing the proposed wireless telecommunications tower via electronic or regular mail. According to the FCC the TCNS can be used as the initial contact to Indian tribes or NHOs.

Information regarding the proposed wireless telecommunications tower was submitted to Indian tribes, NHOs, and SHPOs via the TCNS on February 17, 2010. The FCC assigned Notification I.D. #60732 to the notification submitted for this proposed wireless telecommunications tower. The FCC sent an

electronic mail notification on February 26, 2010 listing the Indian tribes, NHOs, and SHPOs that were contacted through the TCNS regarding the proposed tower. As noted in Section 4.5.2 the NPA requires a response be obtained from each Indian tribe or NHO that has indicated an interest in the geographical area or state containing the site.

Environmental Engineers, Inc. used the list of Indian tribes that had defined their area of geographical interest on the FCC Internet web site, conversations with Tribal Historic Preservation Officers (THPOs), Internet web sites for many of the Indian tribes and Alaskan villages, and the *Encyclopedia of North American Indians* by Frederick E. Hoxie (published in 1996 by Houghton Mifflin) to determine which Indian tribes included in the TCNS list would be interested in this wireless telecommunications tower site. This review indicated that the following Indian tribes would have a potential interest in this wireless telecommunications tower site: Choctaw Nation of Oklahoma, Kialegee Tribal Town, Mississippi Band of Choctaw Indians, Seminole Tribe of Florida, and the Tunica-Biloxi Indians of Louisiana. A description of the follow-ups to and responses from each of these Indian tribes are included in Sections 4.5.5.1 through 4.5.5.5. Copies of the TCNS notifications and list of Indian tribes and SHPOs are included in Appendix G.

#### **4.5.4 State Historic Preservation Officer**

MRS Consultants, LLC and Environmental Engineers, Inc. completed the FCC Form 620 required for submittal to the SHPO and to those Indian tribes requesting additional information regarding the proposed wireless telecommunications tower. MRS Consultants, LLC personnel satisfy the United States Secretary of the Interior's Professional Qualification Standards. A copy of the FCC Form 620 prepared for this site is included in Appendix H.

The FCC Form 620 was submitted to the Mississippi Department of Archives and History (MDAH) for review. Based on the review of this report, the MDAH responded via letter dated April 22, 2010 stating "...we concur that no cultural resources listed in or eligible for listing in the National Register of Historic Places will be directly or visually affected. Therefore, we have no reservations with the undertaking." Copies of the correspondence to and from the MDAH are included in Appendix I.

#### **4.5.5 Indian Tribal Consultation**

Environmental Engineers, Inc. followed up with each of the Indian tribes identified (as necessary) through a review of the TCNS listing provided by the FCC for this site. Sections 4.5.5.1 through 4.5.5.5 describe follow-up contacts to each of these Indian tribes and their responses.

##### **4.5.5.1 Choctaw Nation of Oklahoma**

Ms. Caren Johnson of the Choctaw Nation of Oklahoma provided comment via electronic mail on April 28, 2010 stating that "The Choctaw Nation of Oklahoma has reviewed cell tower(s) FCC # 60732 and based on the information provided to the best of our knowledge it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction

expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, or should it uncover evidence of buried historic building materials such as rock foundations, brick, or hand poured concrete, this office should be contacted immediately.” Copies of the correspondence to and from the Choctaw Nation of Oklahoma are included in Appendix J.

#### **4.5.5.2 Kialegee Tribal Town**

The TCNS listing (Appendix G) for this site included information from the Kialegee Tribal Town that states “If the Applicant receives no response from the Kialegee Tribal Town within 30 days after notification through TCNS, the Kialegee Tribal Town has no interest in participating in pre-construction review for the site. The Applicant, however, must immediately notify the Kialegee Tribal Town in the event archaeological properties or human remains are discovered during construction.” The TCNS notification for this site is dated February 26, 2010 and the end of the 30-day period indicated by the Kialegee Tribal Town was March 28, 2010. Environmental Engineers, Inc. had not received a response from the Kialegee Tribal Town as of the date of this draft EA. Therefore, additional consultation with the Kialegee Tribal Town is not necessary.

#### **4.5.5.3 Mississippi Band of Choctaw Indians**

The TCNS listing (Appendix G) for this site included information from the Mississippi Band of Choctaw Indians that stated “If the applicant/tower builder receives no response from the Mississippi Band of Choctaw Indians within 30 days after you have e-mailed the [FCC Form 620]...then the Mississippi Band of Choctaw Indians has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Mississippi Band of Choctaw Indians in the event archaeological properties or human remains are discovered during construction...” The Mississippi Band of Choctaw Indians was notified via electronic mail dated April 6, 2010 and the end of the 30-day period indicated by the Mississippi Band of Choctaw Indians was May 6, 2010. No response has been received from the Mississippi Band of Choctaw Indians as of the date of this draft EA. Therefore, additional consultation with the Mississippi Band of Choctaw Indians is not necessary. A copy of the electronic mail submitted to the Mississippi Band of Choctaw Indians is included in Appendix J.

#### **4.5.5.4 Seminole Tribe of Florida**

Ms. Jennifer Pietarila of the Seminole Tribe of Florida (STOF) provided comment via TCNS on April 6, 2010 in response to TCNS #60732 stating, “The STOF-THPO concurs with your findings of ‘no historic properties’. However, the STOF-THPO would like to be informed should any archaeological and/or historic resources be discovered inadvertently during the construction process.” Copies of the correspondence to and from the Seminole Tribe of Florida are included in Appendix J.

#### **4.5.5 Tunica-Biloxi Indians of Louisiana**

Mr. Earl Barbry of the Tunica-Biloxi Indians of Louisiana was contacted via electronic mail on May 3, 2005 regarding submittal of wireless telecommunications projects. Mr. Barbry responded via electronic mail on May 3, 2005 and indicated that he wanted to be notified regarding cell tower requests via electronic mail and that if he had not responded within 30 days of contact, the project could proceed. Mr. Barbry was contacted regarding this site via electronic mail on April 6, 2010, and the end of the 30-day response period as indicated by Mr. Barbry was May 6, 2010. No response was received from Mr. Barbry. Copies of the electronic mail to and from Mr. Barbry are included in Appendix J.

Based on the information presented above, the proposed communications facility would have no impact on cultural resources.

#### **4.5.6 Inadvertent Discovery**

The personnel that would have a potential to be involved in land-disturbing activities must be instructed to stop work immediately in the event of an inadvertent discovery of human remains or cultural or archaeological materials and contact FEMA and SHPO. A copy of this information must be provided to all personnel that would have a potential to be involved in land-disturbing activities at the site.

### **4.6 SOCIOECONOMIC CONCERNS**

Under the no action alternative there would be no impact to socioeconomic resources.

No significant adverse impacts to socioeconomic resources, economic development, demographics, demand for public housing, or public services are anticipated. The emergency communications coverage provided by this project would benefit all populations in the coverage area.

#### **4.6.1 Human Health and Safety**

Under the no action alternative, there could be adverse impacts to human health and safety because of a lack of adequate communication between emergency response personnel during an emergency event.

The results of a Phase I Environmental Site Assessment (ESA) conducted at the site by EEI for the MSWIN 20602 C communications tower site in March 2010 (EEI Project No.: JSE01P1003) did not indicate the presence of hazardous materials or petroleum products at the site at that time. The equipment (including the emergency generator and associated propane/natural gas tank) that would be installed at the site would meet local, state, and federal regulations regarding hazardous materials. The Phase I ESA is included in Appendix K. The antennae and equipment that would be installed at the site would meet local, state, and federal regulations regarding radiofrequency emissions. Lastly, this

project is intended to provide better communications between emergency response personnel which would have a beneficial effect on human health and safety. Therefore, the proposed communications facility would have no significant impacts to human health and safety.

#### **4.6.2 Environmental Justice**

Section 1-101 of EO 12898 states “To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall 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 programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.”

Under the no action alternative there would be no impact to minority or low income populations.

No disproportionately high or adverse effects on minority or low-income populations are anticipated by development of the proposed communications facility. The proposed communications facility would benefit all populations in the project service area by providing better communications between emergency service personnel.

#### **4.6.3 Noise**

Noise is generally described as unwanted sound. Sound becomes unwanted when it either interferes with normal activities such as sleeping, conversation, or disrupts or diminishes one’s quality of life.

Under the no action alternative there would be no noise generation.

Short-term noise generation is anticipated to result from grading and construction activities. Long-term noise generation is anticipated to be minimal and to result primarily from equipment used to cool electronic components and from testing or operation of an emergency generator at the site. However, the generator would only operate briefly when tested, and during power failure events affecting the electrical power supply to the site. Therefore, the proposed communications facility would not generate significant noise.

#### **4.6.4 Infrastructure, Utilities, Transportation, and Waste Management**

Under the no action alternative there would be no impact to infrastructure, utilities, transportation, or waste management.

No significant impacts are anticipated to infrastructure, utilities, transportation, or waste management from the proposed communications facility. Traffic to and from the site would be minimal and would be associated with maintenance and repair of equipment at the site. Minimal waste would be generated

at the site during maintenance activities. All waste generated at the site would be disposed of in compliance with federal, state, and local regulations. The project is intended to provide enhanced communications services for emergency response personnel. This could have a beneficial effect on the ability to identify and correct problems with infrastructure, utilities, transportation, and waste management.

#### **4.6.5 Aesthetics and Visual Impacts**

Under the no action alternative there would be no aesthetic or visual impacts.

The proposed project will not impact national scenic or historic trails. No national scenic or historic trails are located in Jasper County, Mississippi.

The proposed tower would not be equipped with high intensity white lighting.

Lastly, the site is not located within the boundaries of any state or national park, national forest, or wildlife management area. No city or other community parks are depicted within 1,000 feet of the proposed project on the USGS Topographic Quadrangle "Heidelberg, Mississippi," (Figure 3). Therefore, the proposed communications facility would have no significant impacts to aesthetics and visual resources.

#### **4.7 CUMULATIVE IMPACTS**

Under the no action alternative there would be no cumulative impacts.

Cumulative impacts are an incremental impact on either the natural environment or human environment by an action when added to past and anticipated future actions. No ongoing or proposed actions are known for the project area. According to information available through the FCC Antenna Structure Registration (ASR) System Internet website, there are 3,313 registered towers in the state of Mississippi (generally only those towers over 200 feet in height are included in this database). Construction of the towers comprising the MSWIN network would result in an increase of approximately 4.25% in the number of towers in the state of Mississippi. As described in Section 1.0 of this document, the proposed tower is designed to allow collocation of up to three additional cellular-type service providers, thereby potentially reducing cumulative impacts as new/changing technologies and increased demand for service, both public and private, create more pressure on existing infrastructure.

The statewide MSWIN program would not have cumulative impacts on geology, air quality, noise, water resources, cultural resources, fish and wildlife, threatened or endangered species, vegetation, or socioeconomics. However, cumulative impacts to migratory birds may result from the MSWIN program, as birds could be injured or killed by colliding into guy wires and/or the tower structure, or could be disoriented by the tower lighting. FEMA has worked with MWCC and MDWFP to develop an Avian Mitigation Plan (Appendix F) to address this potential for cumulative impacts to birds.

The mitigation includes monitoring the presence of deceased birds at MSWIN tower sites and providing a collection kit on site to collect the remains and record the location of any deceased bird. The remains of the bird along with the data will be delivered to the MDWFP and included in the state's Avian Mortality database. USFWS will also have access to this database. If an injured bird is found, all efforts will be made to help the bird recover so that it can be released back into the wild. In addition, MDWFP and USFWS (Jackson, MS Ecological Services office) will be given access to the MSWIN tower sites for monitoring. If a particular tower is found to have adverse effects to migratory birds (greater than 10 kills per night) the towers will be reported to MDWFP, USFWS, and FEMA. MWCC will also provide an annual report documenting the number of avian deaths and provide that report to FEMA, USFWS (Jackson, MS Ecological Services office), and MDWFP for five years after all towers have been constructed. This mitigation plan will contribute scientific data that can be used by MDWFP and USFWS in determining the significance of potential impacts of towers on migratory birds. The implementation of the Avian Mitigation Plan will lower the potential for the MSWIN program to have adverse cumulative impacts on migratory birds.

**Table 1. Summary of Impacts**

<b>Resource</b>	<b>No Impact</b>	<b>No Significant Impact</b>	<b>Significant Impact</b>	<b>Mitigation/Best Management Practices</b>
Geology		X		None
Prime/unique farmland; farmland of statewide or local importance		X		None
Air Quality		X		Fugitive dust emissions from construction activities would be controlled by wetting the ground
Wild and Scenic Rivers	X			None
Water Quality		X		Examples of BMPs that may be used during construction activities include, but are not limited to, silt fence, hay or straw bales, hay or straw mulch, gravel, erosion control blankets, and riprap
Wetlands and Sensitive Vegetation	X			None
Floodplains	X			None
Coastal Resources	X			None
Threatened and Endangered Species	X			None
Migratory Birds		X		Tower lighting would be in accordance with USFWS recommendations and tower design would allow for future collocation
Wildlife and Fish	X			None
General Vegetation		X		None

<b>Table 1. Summary of Impacts, Continued</b>				
<b>Resource</b>	<b>No Impact</b>	<b>No Significant Impact</b>	<b>Significant Impact</b>	<b>Mitigation/Best Management Practices</b>
Cultural Resources	X			If any human remains or cultural or archaeological materials are discovered, grantee would stop work immediately and contact FEMA and SHPO.
Socioeconomic Resources		X		None
Human Health and Safety		X		None – project would improve interoperable communications
Environmental Justice	X			None – project would benefit all communities
Noise		X		None
Infrastructure, Utilities, Transportation, and Waste Management		X		None
Aesthetics and Visual Impacts		X		None

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

The Jasper County Board of Supervisors was contacted regarding the proposed wireless communications tower via letter dated March 15, 2010. No response has been received from the Jasper County Board of Supervisors as of the date of this report. A public notice was published in *Jasper County News* on February 24, 2010 requesting comment regarding potential impacts to historical or archaeological properties by the proposed wireless communications tower. No comments have been received as of the date of this report in response to the public notice. Copies of the letter submitted to the Jasper County Board of Supervisors and the public notice from *Jasper County News* are included in Appendix L. In addition, notice of availability of this draft Environmental Assessment will be published in *The Clarion Ledger*.

## **6.0 LIST OF PREPARERS**

- Henry A. Fisher, Environmental Engineers, Inc.
- Anne B. Gilbert, Environmental Engineers, Inc.
- Jennifer Hirsch, FEMA
- Laura Shick, FEMA

*Draft Environmental Assessment  
Proposed MSWIN 20602 Vossburg Wireless Communications Tower  
Vossburg, Jasper County, Mississippi*

## **7.0 INFORMATION SOURCES**

Completion of this Draft Environmental Assessment included utilization of the following sources:

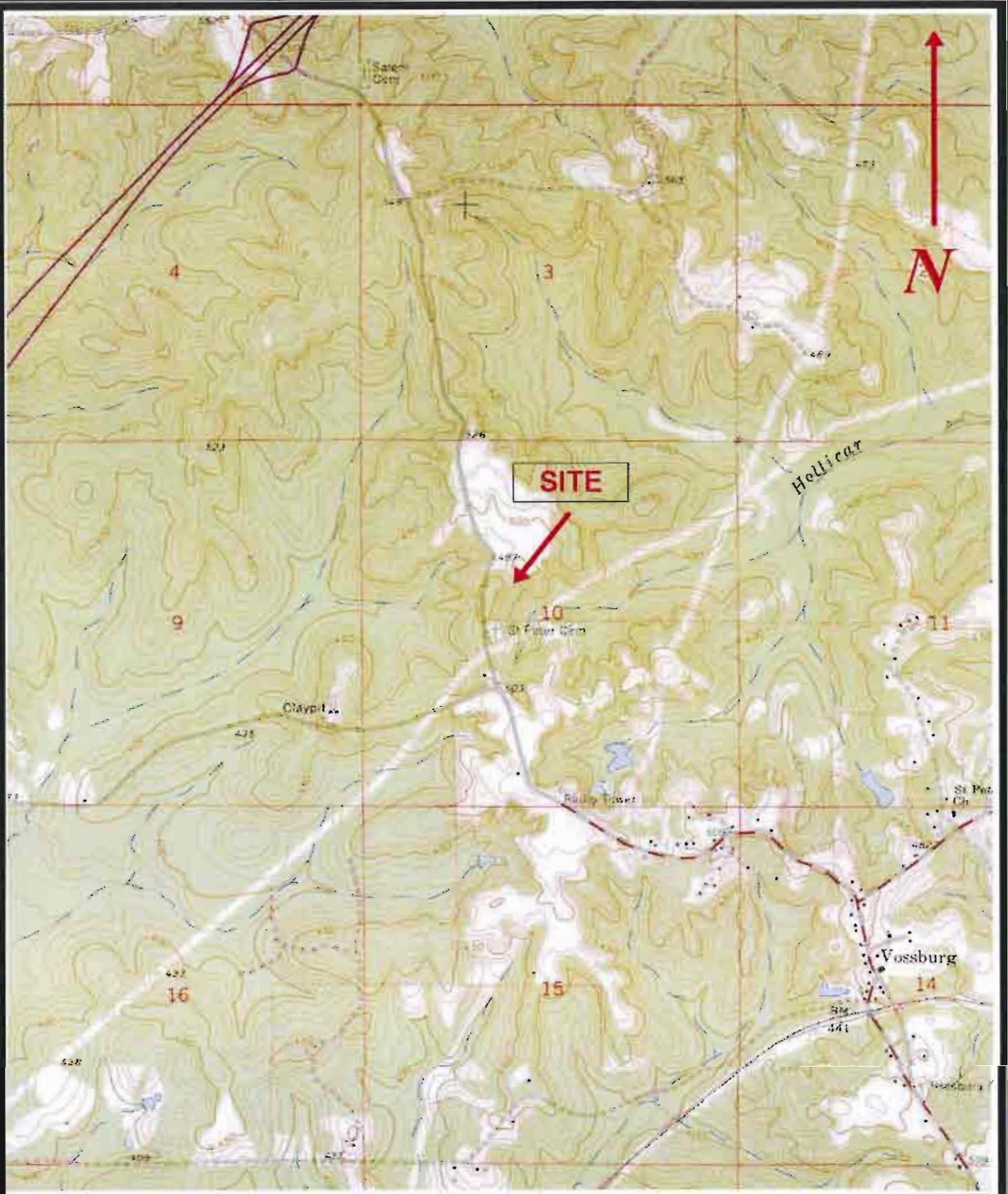
1. Review of the portion of the 2009 aerial photograph depicting the site available through Maptech.
2. Review of the USGS Topographic Quadrangle “Heidelberg, Mississippi” dated 1963 with photorevisions dated 1982 depicting the site.
3. Review of the site survey prepared by SMW Engineering, Inc.
4. Review of information regarding National Scenic Trails and All-American Roads available on the Mississippi Department of Transportation Internet website.
5. State and county maps available through the Mississippi Department of Transportation Internet website.
6. Review of information regarding wild and scenic rivers in the vicinity of the proposed project available at Rivers.gov.
7. Review of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission.
8. Correspondence to and from the United States Army Corps of Engineers regarding potential impacts to jurisdictional wetlands by the proposed project.
9. A review of information available on the USFWS Internet website, at Nationalatlas.gov, and on Wilderness.net regarding officially designated wilderness areas or wildlife refuges.
10. Correspondence from the USFWS regarding threatened and endangered species on or near the site.
11. Review of the FCC Form 620 prepared for the site by MRS Consultants, LLC and Environmental Engineers, Inc.
12. Correspondence from the Mississippi Department of Archives and History regarding historical resources and properties listed on or eligible for listing on the National Register of Historic Places on or near the site.
13. Review of the Tower Construction Notification System Notice of Organizations Which Were Sent Proposed Tower Construction Notification Information provided by the FCC.

14. Correspondence and conversations with representatives of the Choctaw Nation of Oklahoma, Kialegee Tribal Town, Mississippi Band of Choctaw Indians, Seminole Tribe of Florida, and the Tunica-Biloxi Indians of Louisiana regarding wireless telecommunications projects.
15. Review of information available on the USFWS National Wetlands Inventory Internet website regarding potential jurisdictional wetlands on or adjacent to the site.
16. Review of the portion of the FEMA Flood Insurance Rate Map depicting the site location regarding flood zone designations for the site.
17. Information regarding the MSWIN system provided by Towers of Mississippi.
18. Soil information from the USDA's Soil Survey of Jasper County, Mississippi, issued July 1979 and available at the USDA Web Soil Survey Internet website.
19. Correspondence to and from the USDA Natural Resource Conservation Service (NRCS) office in Jackson, Mississippi regarding impacts to prime farmland, unique farmland, and land of statewide or local importance.
20. A reconnaissance of the subject property.

# Figures





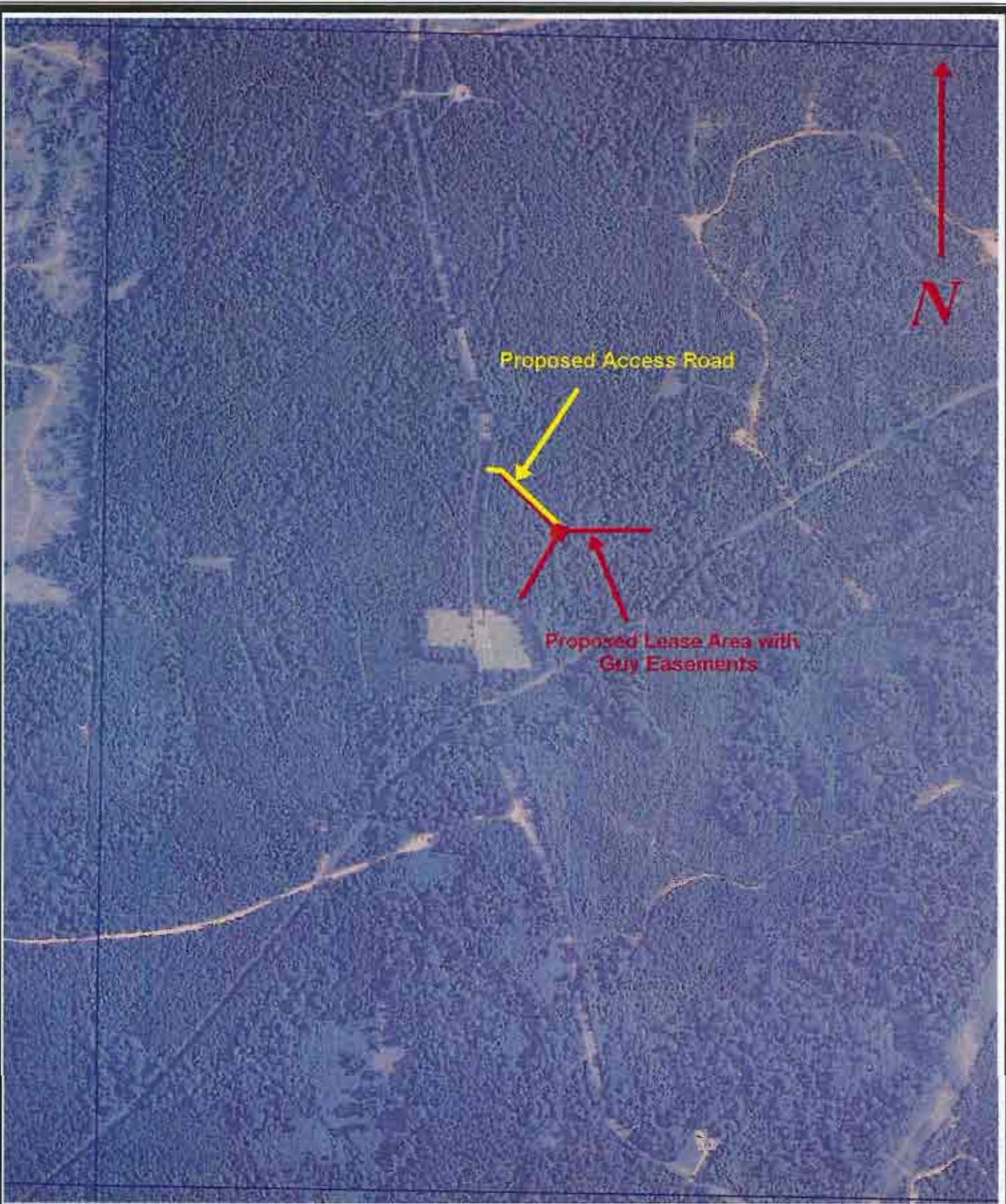


### Environmental Engineers, Inc.

Subject:  
Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 3  
Site Location Map  
Scale: 1" = 2,000'





**Environmental Engineers, Inc.**

Subject:  
Draft Environmental Assessment  
State of Mississippi MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 4  
2009 Aerial Photograph

Scale Unknown





View from the center of the site toward the north.



View from the center of the site toward the east.

## Environmental Engineers, Inc.

Subject:  
Draft Environmental Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 5  
Site Photographs





View from the center of the site toward the south.



View from the center of the site toward the west.

## Environmental Engineers, Inc.

Subject:  
Draft Environmental Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 6  
Site Photographs





View along the eastern guy anchor easement looking toward the site.



View along the northwestern guy anchor easement looking toward the site.

## Environmental Engineers, Inc.

Subject:  
Draft Environmental Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 7  
Site Photographs





View along the southwestern guy anchor easement looking toward the site.



View of the access road entrance.

## Environmental Engineers, Inc.

Subject:  
Draft Environmental Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 8  
Site Photographs





View of the existing portion of the site access road.



View of the proposed access road portion from the existing portion looking toward the site.

## Environmental Engineers, Inc.

Subject:  
Draft Environmental Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 9  
Site Photographs





U.S. Fish and Wildlife Service

# National Wetlands Inventory

MSWIN 20602 C  
Vossburg

Jul 9, 2010



## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deciduous
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

## Status

- Digital
- Scan
- Non-Digital
- No Data



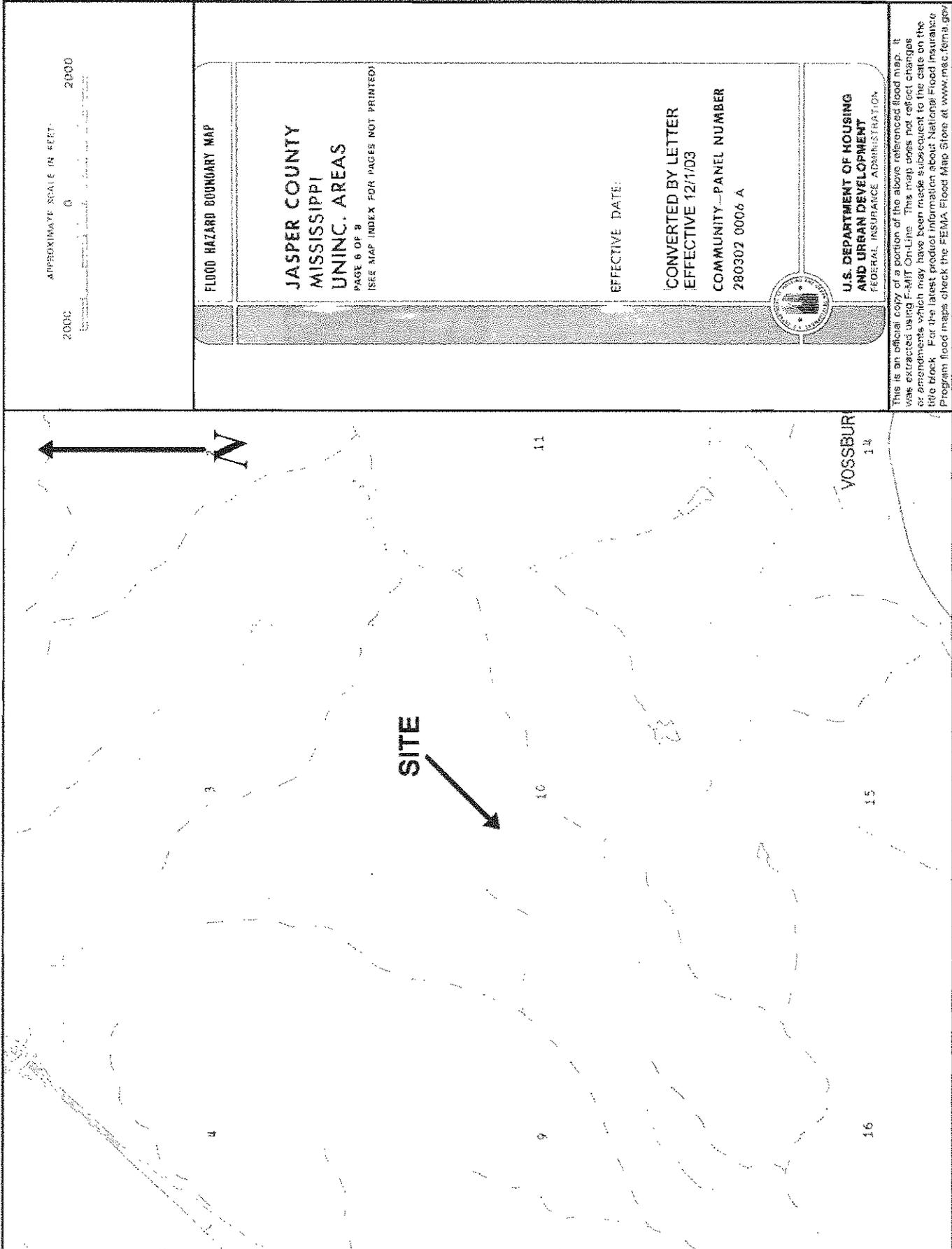
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

Digital National Wetland Inventory Map - MSWIN 20602 C Vossburg Tower

JSE01P1003

Figure 10



2000  
 APPROXIMATE SCALE IN FEET  
 0 2000

FLOOD HAZARD BOUNDARY MAP

JASPER COUNTY  
 MISSISSIPPI  
 UNINC. AREAS

PAGE 6 OF 9  
 (SEE MAP INDEX FOR PAGES NOT PRINTED)

EFFECTIVE DATE:

CONVERTED BY LETTER  
 EFFECTIVE 12/1/03

COMMUNITY - PANEL NUMBER  
 280302 0006 A

U.S. DEPARTMENT OF HOUSING  
 AND URBAN DEVELOPMENT  
 FEDERAL INSURANCE ADMINISTRATION

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

Flood Insurance Rate Map - MSWIN 20602 C Vossburg Tower JSE01P1003 Figure 11

# Appendix A





**SURVEYOR'S NOTES**  
 1. This is a Rawland Tower Survey made on the ground under the supervision of a Mississippi Registered Land Surveyor. Date of this survey is 1/15/10.  
 2. The following surveying instruments were used at time of field work: Nikon MP1-3102 Total Station, Reflectometer and Tripod + Levely E. RR, GO 142.  
 3. Bearings are based on Mississippi East State Plane Coordinates NAD 83 by USGS observation.  
 4. No underground utilities, underground encroachments or building foundations were measured or located as part of this survey.  
 5. Benchmark used is a concrete monument and brass disk, N200 88 (datum with an established elevation of 562.3 feet, 1722.0 meters), FPO 8V1574. One (1) benchmark is shown herein. Elevation shown on it is not and refer to VAND 88.  
 6. This survey was conducted for the purpose of a Rawland Tower Survey only, and as not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity.  
 7. The survey was conducted on the ground and not by means of aerial photography or other similar means. It is intended to be used in lieu of a reproduction. This should be taken into consideration when obtaining scaled data on an Abstract Title sheet.  
 8. This survey was conducted without the original signature and the original seal of a state licensed surveyor are missing.  
 9. Surveyor hereby states the Geographic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- .35 feet horizontally and to within +/- .3 feet vertically (FPA Accuracy Code "X").  
 10. The survey shows nearest contours to the minimum requirements as set forth by the State Board for a Class "X" Survey.  
 11. Field notes were taken and are available for review. The field notes are located in a binder with a total of 15,000 feet (1.111,000) and an angular error that does not exceed 10 seconds times the square root of the number of angles measured. Field notes were not adjusted.  
 12. This survey is not void without the original signature and the original seal of a state licensed surveyor are missing.  
 13. This survey does not constitute a complete boundary survey of the Parcel Tract.

**SURVEYOR'S CERTIFICATE**  
 I, William H. Spivey, III, do hereby certify to Federal Aviation Administration, Statewide Title Guaranty Company, The State of Mississippi and Towers of Mississippi, LLC, that this survey was made on the ground under my personal supervision and that this plan is a true, correct, and accurate representation of the facts as found at the time of the survey, and more specifically, I do hereby certify that the survey conforms to the conditions and stipulations as checked (X) below.

- (X) 1. The boundary lines and dimensions of the Lease Parcel and Access and Utilities Encasement ("Encasement"), indicated hereon is correct.
- (X) 2. To the extent the Lease Parcel and Encasement indicated herein is part of a parent parcel, such Lease Parcel and Encasement is shown relative to an approximation of the location of the boundaries of the parent tract to be indicated on the next shown hereon.
- (X) 3. Copies from pins are set at each Lease Parcel corner unless otherwise indicated hereon.
- (X) 4. The evidence from the nearest intersecting public street or road is as shown hereon.
- (X) 5. Correctly shows the location and dimension of all alleys, streets, road, rights-of-way, easement and other matters of record which the surveyor has been advised affects the Lease Parcel and Encasement (each has been identified by instrument volume and page number if available).
- (X) 6. Except as shown, there are no visible encasements, rights-of-way, party walls or covelets affecting the Lease Parcel and Encasement; further, this survey is not subject to any easements or rights-of-way not visible on the ground.
- (X) 7. The location of all buildings, structures and other improvements of visible items affecting the Lease Parcel and Encasement, if shown hereon, are shown in relation to the Lease Parcel and Encasement, except that the Lease Parcel and Encasement are entirely located within the boundaries of the parent parcel, as shown on this map.
- (X) 8. Except as shown, there are no visible encasements on adjoining premises, streets or alleys by any building, structure or other improvements situated on the Lease Parcel and Encasement.
- (X) 9. Except as shown, there are no visible encroachments onto the Lease Parcel and Encasement by any building, structure or other improvements situated on adjoining premises.
- (X) 10. By electronic plotting only, the subject property lies in Zone "C" of the Flood Insurance Rate Map Community Flood Map 260302 00060, which shows an effective date of December 1, 2003 and is not in a special flood hazard area.
- (X) 11. Correctly describes and shows the location of all public streets and roads visibly providing access to and from the subject property, and correctly sets forth the municipal address of the subject property.
- (X) 12. Correctly depicts the latitudinal and longitudinal coordinates of the tower(s) location(s), to the nearest tenth of a second, the elevation above mean sea level of the base and top of each tower, plus or minus 20 feet, the elevation of the top of each tower as measured from ground level, and additionally, the elevation of the tip of the highest appendage on the tower as measured from ground level. If such appendage is higher in elevation than the highest point of the tower structure itself, to the nearest foot, on the survey drawing and on a separate 8 1/2 X 11 certified letterhead.
- (X) 13. Survey of the Lease Parcel and Encasement results or exceeds the minimum technical standards for Land Boundary surveys set forth by Mississippi State Law.
- (X) 14. If the survey is developed electronically (CAD File), it is essential that a disk be provided/kept with the survey.

William H. Spivey, III  
 Registered Land Surveyor No. 02859

**PARENT TRACT LEGAL DESCRIPTION (DEED BOOK 81 AT PAGE 20)**  
 NW 1/4 of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, containing 160 acres, more or less.  
 100' X 100' LEASE AREA (AS SURVEYED)  
 An agreement being a portion of that certain tract of land as described in Deed Book 81 at Page 20, as recorded in the Office of the Chancery for Jasper County, Mississippi, lying in Section 10, Township 1 North, Range 13 East and being more particularly described as follows:  
 Commence at a fence post marking the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 9 North, Range 8 West, Wayne County, Mississippi; thence North 33°25'30" West, a distance of 102.31073 feet to a PK nail set at the intersection of the centerlines of Jasper County Road 3511 and Jasper County Road 35; thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859).  
 The above described parcel of land contains 0.23 acres, more or less.  
 30' X 50' SUB-LEASE AREA (AS SURVEYED)  
 An agreement being a portion of that certain tract of land as described in Deed Book 81 at Page 20, as recorded in the Office of the Chancery for Jasper County, Mississippi, lying in Section 10, Township 1 North, Range 13 East and being more particularly described as follows:  
 Commence at a fence post marking the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 9 North, Range 8 West, Wayne County, Mississippi; thence North 33°25'30" West, a distance of 102.31073 feet to a PK nail set at the intersection of the centerlines of Jasper County Road 3511 and Jasper County Road 35; thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859).  
 The above described parcel of land contains 0.05 acres, more or less.  
 30' INGRESS/EGRESS & UTILITY EASEMENT (AS SURVEYED)  
 An agreement being a portion of that certain tract of land as described in Deed Book 81 at Page 20, as recorded in the Office of the Chancery for Jasper County, Mississippi, lying in Section 10, Township 1 North, Range 13 East and being more particularly described as follows:  
 Commence at a fence post marking the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 9 North, Range 8 West, Wayne County, Mississippi; thence North 33°25'30" West, a distance of 102.31073 feet to a PK nail set at the intersection of the centerlines of Jasper County Road 3511 and Jasper County Road 35; thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859).  
 The bounds of said described easement to adjoin these areas and right-of-way contingently, and contain 0.25 acres, more or less.  
 50' DIRT ANCHOR EASEMENT (AS SURVEYED)  
 An agreement being a portion of that certain tract of land as described in Deed Book 81 at Page 20, as recorded in the Office of the Chancery for Jasper County, Mississippi, lying in Section 10, Township 1 North, Range 13 East and being more particularly described as follows:  
 Commence at a fence post marking the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 9 North, Range 8 West, Wayne County, Mississippi; thence North 33°25'30" West, a distance of 102.31073 feet to a PK nail set at the intersection of the centerlines of Jasper County Road 3511 and Jasper County Road 35; thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859).  
 The bounds of said described easement to adjoin these areas contingently, and contain 0.37 acres, more or less.  
 50' DIRT ANCHOR EASEMENT (AS SURVEYED)  
 An agreement being a portion of that certain tract of land as described in Deed Book 81 at Page 20, as recorded in the Office of the Chancery for Jasper County, Mississippi, lying in Section 10, Township 1 North, Range 13 East and being more particularly described as follows:  
 Commence at a fence post marking the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 9 North, Range 8 West, Wayne County, Mississippi; thence North 33°25'30" West, a distance of 102.31073 feet to a PK nail set at the intersection of the centerlines of Jasper County Road 3511 and Jasper County Road 35; thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859).  
 The bounds of said described easement to adjoin these areas contingently, and contain 0.19 acres, more or less.  
 50' DIRT ANCHOR EASEMENT (AS SURVEYED)  
 An agreement being a portion of that certain tract of land as described in Deed Book 81 at Page 20, as recorded in the Office of the Chancery for Jasper County, Mississippi, lying in Section 10, Township 1 North, Range 13 East and being more particularly described as follows:  
 Commence at a fence post marking the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 9 North, Range 8 West, Wayne County, Mississippi; thence North 33°25'30" West, a distance of 102.31073 feet to a PK nail set at the intersection of the centerlines of Jasper County Road 3511 and Jasper County Road 35; thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859); thence South 84°37'43" West, a distance of 100.00 feet to a 5/8" capped rebar set (S&W LS 02859); thence North 03°03'36" East, a distance of 1,526.85 feet to a 5/8" capped rebar set (S&W LS 02859).  
 The bounds of said described easement to adjoin these areas contingently, and contain 0.40 acres, more or less.  
 LESS AND EXCEPT any and all rights-of-way over and across the above described easement.

VOSSBURG  
 23602  
 NW 1/4, SEC. 10, T-1-N, R-13-E  
 JASPER COUNTY, MISSISSIPPI

# Appendix B



## **ENVIRONMENTAL ENGINEERS, INC.**

**11578 US Highway 411, Odenville, Alabama 35120**

*Environmental, Remediation, and Geological Consultants*

May 29, 2010

Dr. Homer L. Wilkes, State Conservationist  
U.S. Department of Agriculture, Natural Resources Conservation Service  
100 W. Capital Street  
Suite 1321 Federal Building  
Jackson, MS 39269

Subject:

### **Request for Project Review**

### **Proposed MSWIN 20602 C Vossburg Communications Tower Vossburg, Jasper County, Mississippi**

Environmental Engineers, Inc. Project No.: JSE01P1003

Dear Dr. Wilkes:

Environmental Engineers, Inc. is requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) regarding construction of a wireless communications tower in Jasper County, Mississippi. This project is being funded using a FEMA grant (2008-MS-MX-0001) and the State of Mississippi's expenditures at this site will include construction of a telecommunications facility, purchase and installation of 700 MHz RF equipment and microwave telecommunication backbone network, equipment shelter, network integration, acceptance testing, communication hardware optimization and system exercising and piloting of interoperability capabilities of the network.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude  $31^{\circ} 56' 34.551''$  north and longitude  $88^{\circ} 57' 23.229''$  west (Figure 1). The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel. The proposed project is depicted on the Flood Insurance Rate Map Community Panel No. 280302 0006 A which bears a converted date of December 1, 2003 and is not in a special flood hazard area. I have included a site location map, site photographs, and the portion of the 2009 aerial photograph depicting the site for your review.

**Phone: (205) 629-3868 • Fax: (877) 847-3060**

Environmental Engineers, Inc. has been retained by Towers of Mississippi and the State of Mississippi to prepare an Environmental Assessment (EA) for the proposed project. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. Thank you for your time and assistance and we look forward to your response. Please contact me by telephone at (205) 629-3868, electronic mail at [hfisher@envciv.com](mailto:hfisher@envciv.com), or U.S. mail at the letterhead address if you have any questions or comments.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.



Henry A. Fisher, P.E.  
Principal Engineer

Attachments Site Location Map, Site Photographs, Aerial Photograph

7010 0290 0003 5708 0367

U.S. Postal Service  
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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.66	

Sent To: Dr. Homer L. Wilkes, State Con.  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

PS Form 3811, August 2006 Basic Revisions for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <u>[Signature]</u> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>B. Received by (Printed Name) <u>J. Ward</u> C. Date of Delivery <u>6/3/10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  <u>Dr. Homer L. Wilkes, State Conser.</u>  <u>US Dept of Ag, NRCS</u>  <u>1000 W. Capital Street</u>  <u>Suite 1321 Federal Bldg</u>  <u>Jackson, MS 39269</u></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7010 0290 0003 5708 0367</p>	

United States Department of Agriculture



Natural Resources Conservation Service  
Suite 1321, Federal Building  
100 West Capitol Street  
Jackson, MS 39269

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Environmental Engineers Inc.

June 21, 2010

JUL 02 2010

RECEIVED

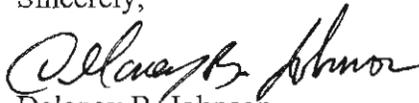
Henry A. Fisher, P.E.  
Principal Engineer  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, AL 35120

Dear Mr. Fisher:

This is in response to your letter dated May 29, 2010, regarding the Proposed MSWIN 20602 C Vossburg Communications Tower in Vossburg in Jasper County, Mississippi.

No permanent conversion of farmland. No FPPA determination required.

Sincerely,

  
Delaney B. Johnson  
State Soil Scientist

# Appendix C



## **ENVIRONMENTAL ENGINEERS, INC.**

**11578 US Highway 411, Odenville, Alabama 35120**

*Environmental, Remediation, and Geological Consultants*

April 23, 2010

U.S. Army Corps of Engineers  
Regulatory Division  
109 Saint Joseph St.  
Mobile, Alabama 36602

Subject:

### **Request for Project Review**

**Proposed MSWIN 20602 C Vossburg Communications Tower**

**Vossburg, Jasper County, Mississippi**

Environmental Engineers, Inc. Project No.: JSE01P1003

To Whom It May Concern:

Environmental Engineers, Inc. is requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) regarding construction of a wireless communications tower in Jasper County, Mississippi. This project is being funded using a FEMA grant (2008-MS-MX-0001) and the State of Mississippi's expenditures at this site will include construction of a telecommunications facility, purchase and installation of 700 MHz RF equipment and microwave telecommunication backbone network, equipment shelter, network integration, acceptance testing, communication hardware optimization and system exercising and piloting of interoperability capabilities of the network.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude  $31^{\circ} 56' 34.551''$  north and longitude  $88^{\circ} 57' 23.229''$  west (Figure 1). The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel. The proposed project is located in "Zone X (no shading)" of the Flood Insurance Rate Map Community Panel No. 280302 0006 A which bears a converted date of December 1, 2003 and is not in a special flood hazard area. I have included a site location map, site photographs, and the portion of the 2009 aerial photograph depicting the site for your review.

**Phone: (205) 629-3868 • Fax: (877) 847-3060**

Environmental Engineers, Inc. has been retained by Towers of Mississippi and the State of Mississippi to prepare an Environmental Assessment (EA) for the proposed project. Please reference the Environmental Engineers, Inc. project number (JSE01P1004) in correspondence regarding this site. Thank you for your time and assistance and we look forward to your response. Please contact Mr. Henry Fisher by telephone at (205) 629-3868, electronic mail at [hfisher@envciv.com](mailto:hfisher@envciv.com), or U.S. mail at the letterhead address if you have any questions or comments.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

A handwritten signature in cursive script that reads "Anne B. Gilbert".

Anne B. Gilbert, P.E.  
Principal Engineer

Attachments Site Location Map, Site Photographs, Aerial Photograph

7009 2250 0003 7241 9674

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Sent To U.S. Army Corps of Engineers Street, Apt. No., or PO Box No. City, State, ZIP+4		
PS Form 3811, August 2005		See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. Army Corps of Engineers  
Regulatory Division  
109 Saint Joseph St.  
Mobile, Alabama 36682

2. Article Number  
(Transfer from service label)

7009 2250 0003 7241 9674

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *Charles Bud*  Agent  
 Addressee

B. Received by (Printed Name) *Charles Bud* C. Date of Delivery *4-26-10*

D. Is delivery address different from Item 1?  Yes  
If YES, enter delivery address below:  No



3. Service Type *6604*  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

JSEC111003



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, MOBILE  
CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, ALABAMA 36628-0001

REPLY TO  
ATTENTION OF

April 30, 2010

Inland Branch South  
Regulatory Division

Environmental Engineers, Inc.  
Attention: Ms. Anne B. Gilbert, P. E.  
11578 US Highway 411  
Odenville, Alabama 35120

RECEIVED  
MAY 05 2010  
MOBILE

Dear Ms. Gilbert:

We are in receipt of a request for Department of the Army request for No Permit Required, the project is in Jasper County, Mississippi.

This request has been assigned project file number **SAM-2010-00649-SMZ** and is also identified as Tower of Mississippi, Hollicar Creek, in Jasper County, Mississippi.

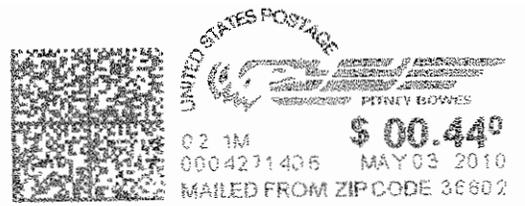
I will be reviewing this project and can be reached by telephone at (251) 690-2349, or by e-mail at [sheri.m.zettle@usace.army.mil](mailto:sheri.m.zettle@usace.army.mil) or by mail to U. S. Army Engineer District, Attention: CESAM-RD-I-S, Sheri Zettle, P.O. Box 2288, Mobile, Alabama, 36628-0001. I will let you know if additional information is needed before we can complete your request.

Please take a moment to visit our website where you can track the status of your application and complete our customer satisfaction survey. Our website is <http://www.sam.usace.army.mil/RD/reg/>

Sincerely,

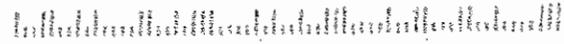
Sheri M. Zettle, P.G.  
Project Manager, Inland Branch  
Regulatory Division

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, MOBILE  
CORPS OF ENGINEERS  
P. O. BOX 2288  
MOBILE, ALABAMA 36628-0001  
CESAM-RD-I



Environmental Engineers, Inc.  
Attention: Ms. Anne B. Gilbert, P. E.  
11578 US Highway 411  
Odenville, Alabama 35120

36120+3404





REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, MOBILE  
CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, ALABAMA 36628-0001

Environmental Engineers Inc.

JUN 16 2010

RECEIVED

June 14, 2010

Inland Branch South  
Regulatory Division

SUBJECT: Request for Department of the Army Review, Towers of Mississippi, Jasper County, Mississippi, USACE Action Number SAM-2010-0649-SMZ

Environmental Engineers, Inc.  
Attention: Ms. Anne Gilbert  
11578 US Highway 411  
Odenville, Alabama 35120

Dear Ms. Gilbert:

Reference is made to your request for Department of the Army (DA) review of the Proposed MSWIN 20602 C Vossburg Communications Tower, Project Number JSE01P1003. The request has been assigned file number SAM-2010-0649-SMZ, which should be referred to in all future correspondence with this office.

Based on our review of the information you provided and information available to our office, it appears that Federally-regulated wetlands or other "waters of the United States" do not occur on the project site. Therefore, no permit, pursuant to our regulations, is required for your project. You should note that this determination is primarily based on upon the information you submitted, and you are ultimately responsible for its accuracy.

Enclosed is an approved jurisdictional determination (JD). If you are not in agreement with that approved JD, you can make an administrative appeal under 33 CFR Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part D and submit the completed RFA form to the letterhead address.

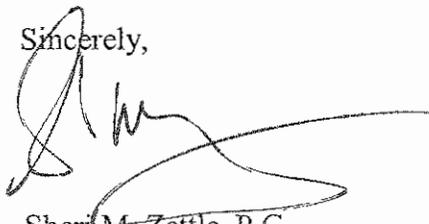
In order for an RFA to be accepted by the U.S. Army Corps of Engineers (Corps), the Corps must determine it is complete, that it meets the criteria under 33 CFR Part 331.5, and it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by within 60 days

of the date of this letter. It is not necessary to submit an RFA form to the District office, if you do not object to the determination enclosed to this letter.

The statements contained herein do not convey any property rights or any exclusive privileges and do not authorize any injury to property or obviate the requirements to obtain other local, State or Federal assent required by law for the activities discussed above.

If the scope of work or project location changes, you are urged to contact this office for a verification of this determination. Thank you for your cooperation with our permit program. If you have any questions concerning this matter, please contact me at (251) 690-2349. For additional information about our Regulatory Program, visit our web site at: [www.sam.usace.army.mil/rd/reg](http://www.sam.usace.army.mil/rd/reg) and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheri M. Zettle', with a long horizontal flourish extending to the right.

Sheri M. Zettle, P.G.  
Project Manager, Inland Branch  
Regulatory Division

Enclosure

JUN 16 010

RECEIVED

APPROVED JURISDICTIONAL DETERMINATION FORM  
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): June 11, 2010**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAM-RD-I**  
Towers of Mississippi  
SAM-2010-0649-SMZ

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Mississippi County/parish/borough: Jasper County City:  
Center coordinates of site (lat/long in degree decimal format): Lat. 31.942931° N, Long. -88.95645° W  
Universal Transverse Mercator:

Name of nearest waterbody: N/A

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): N/A

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: June 11, 2010
- Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There ~~are no~~ "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain:

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There ~~are no~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.  
Wetlands: 0 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **No waters or wetlands in the review area.**

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

##### 1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

##### 2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

##### 1. Characteristics of non-TNWs that flow directly or indirectly into TNW

###### (i) General Area Conditions:

Watershed size: Pick List

Drainage area: Pick List

Average annual rainfall: inches

Average annual snowfall: inches

###### (ii) Physical Characteristics:

###### (a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW<sup>5</sup>:

Tributary stream order, if known:

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width:           feet  
Average depth:           feet  
Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

- |  |  |                                   |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts           | <input type="checkbox"/> Sands                     | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles         | <input type="checkbox"/> Gravel                    | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock         | <input type="checkbox"/> Vegetation. Type/% cover: |                                   |
| <input type="checkbox"/> Other. Explain: |  |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope):           %

(c) Flow:

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Bed and banks  |   |
| <input type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |   |
| <input type="checkbox"/> clear, natural line impressed on the bank            | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                                  | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                                       | <input type="checkbox"/> abrupt change in plant community           |
| <input type="checkbox"/> other (list):  |   |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain:            |   |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> High Tide Line indicated by:   | <input checked="" type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list):                             |  |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
  - Discrete wetland hydrologic connection. Explain:
  - Ecological connection. Explain:
  - Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note:** the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands. then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.

Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

Demonstrate that impoundment was created from "waters of the U.S.," or

Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

which are or could be used by interstate or foreign travelers for recreational or other purposes.

from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

which are or could be used for industrial purposes by industries in interstate commerce.

Interstate isolated waters. Explain: .

Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: .
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): .  
or  Other (Name & Date): Google Earth.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: TOWERS OF MISSISSIPPI		File Number: SAM-2010-0649-SMZ	Date: 06/14/10
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
<b>X</b>	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
MS. SHERI M. ZETTLE  
CESAM-RD-C-M  
U.S. ARMY CORPS OF ENGINEERS  
POST OFFICE BOX 2288  
MOBILE, ALABAMA 36601-2228  
(251) 690-2349

If you only have questions regarding the appeal process you may also contact:  
MR. MICHAEL F. BELL  
CESAD-CM-OR  
ROOM 9M15  
60 FORSYTH STREET SOUTHWEST  
ATLANTA, GEORGIA 30303-8801  
(404) 562-5137

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

# Appendix D



**ENVIRONMENTAL ENGINEERS, INC.**

**11578 US Highway 411, Odenville, Alabama 35120**

*Environmental, Remediation, and Geological Consultants*

March 15, 2010

Mr. Stephen Ricks  
United States Fish and Wildlife Service  
6578 Dogwood View Parkway  
Jackson, Mississippi 39213

Subject:

**Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi**  
Environmental Engineers, Inc. Project No.: JSE01P1003

Dear Mr. Ricks:

Environmental Engineers, Inc. is requesting comment from the U.S. Fish and Wildlife Service on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency regarding impact to threatened or endangered species by construction of a wireless communications tower in Jasper County, Mississippi.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude  $31^{\circ} 56' 34.551''$  north and longitude  $88^{\circ} 57' 23.229''$  west (Figure 1). The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel.

It should be noted that two burrows were found on the site. One is located near the northwest guy anchor and the other is located near the center of the propose tower. Both burrows appeared to be inactive. Photographs of these burrows are attached as Figure 7.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1004) in correspondence regarding this site. Thank you for your time and assistance and we look forward to your response. Please call us at (205) 629-3868 if you have any questions or comments.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Anne B. Gilbert, P.E.  
Principal Engineer

Attachments: Site Location Map, Site Photographs

**Phone: (205) 629-3868 • Fax: (877) 847-3060**

7007 2680 0002 3656 3641

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	3/15/10 Postmark Here JSE01P1001 JSE01P1003 JSE01P1004
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.66	

Sent To Mr. Stephen Hicks  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <u>[Signature]</u> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>[Signature]</u> C. Date of Delivery <u>3/17/10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes        If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  <u>Mr. Stephen Hicks</u>  <u>USF&amp;NS</u>  <u>6578 Dogwood View Drwy</u>  <u>Jackson, MS 39213</u></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number        (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7007 2680 0002 3656 3641



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Mississippi Field Office  
6578 Dogwood View Parkway, Suite A  
Jackson, MS 39213



March 31, 2010

Anne Gilbert  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, Alabama 35120

ENVIRONMENTAL ENGINEERS

APR 02 2010

RECEIVED

RE: Telecommunications Tower in Jasper County, Project No. JSE01P1003

Dear Ms. Gilbert:

The U.S. Fish and Wildlife Service (Service) received your letter dated March 15, 2010, regarding construction of a new communication tower located off County Road 35 in Vossburg, Jasper County, Mississippi. The proposal is for construction of a 600-foot guyed wire tower in a leased wooded area, enclosing the compound in a fence, placement of equipment building within the compound, and covering the compound with gravel. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and the Migratory Bird Treaty Act (16 U.S.C. 703-711).

The threatened Louisiana black bear (*Ursus americanus luteolus*), threatened gopher tortoise (*Gopherus polyphemus*), and endangered red-cockaded woodpecker (*Picoides borealis*) are found in Jasper County. The photographs of the two burrows do appear to be inactive but if a gopher tortoise were to be found or seen during tower construction, all activity should cease until further consultation. With a small project footprint and the information and photographs provided in your letter, it is unlikely that these listed species inhabit the project site. Therefore the Service determines that this project will have no effect on listed species or critical habitat. However, due to the adverse impact these towers can have on migratory birds, we are including Service guidance on reducing tower impact to migratory songbirds.

Thank you for the opportunity to comment on this project. Please contact Terri Jacobson at (601) 321-1129 if your project plans change or if you have any questions.

Sincerely,

  
for Stephen Ricks  
Field Supervisor

# Appendix E

**U.S. Fish and Wildlife Service**  
**Tower Guidance**  
**Communications Tower Siting, Construction, Operation, and Decommissioning**

The Migratory Bird Treaty Act (16 U.S.C. 703-712) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the Act has no provision for allowing an unauthorized take, it must be recognized that some birds may be killed at structures such as communications towers even if all reasonable measures to avoid it are implemented. The Service's Division of Law Enforcement carries out its mission to protect migratory birds not only through investigations and enforcement, but also through fostering relationships with individuals and industries that proactively seek to eliminate their impacts on migratory birds. While it is not possible under the Act to absolve individuals or companies from liability if they follow these recommended guidelines, the Division of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals or companies who have made good faith efforts to avoid the take of migratory birds. Due to the adverse impact telecommunications towers can have on migratory birds, we would like to make the following recommendations:

1. Co-locate communications equipment on an existing communication tower or other structure (*e.g.*, billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.
2. If co-location is not feasible and a new tower or towers are to be constructed, towers should be no more than 199 feet above ground level (AGL), use construction techniques which do not require guy wires (*e.g.*, use a lattice structure, monopole, etc.). Towers should be unlighted if Federal Aviation Administration regulations permit.
3. If constructing multiple towers, consider the cumulative impacts of all towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.
4. If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (*e.g.*, state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.
5. If taller (>199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights. Red strobe lights have not yet been studied.

6. Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species. (For guidance on markers, see *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* - a profile of the research and safeguards available to remedy the issue of avian electrocutions. Copies can be obtained from Edison Electric Institute by calling 1-800-334-5453 or via the Internet at [http://www.eei.org/products\\_and\\_services/descriptions\\_and\\_access/index.htm](http://www.eei.org/products_and_services/descriptions_and_access/index.htm).)
7. Towers and appendant facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint". However, a larger tower footprint is preferable to the use of guy wires in construction. Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight.
8. If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternate site is recommended.
9. In order to reduce the number of towers needed in the future, new towers should be designed structurally and electrically to accommodate comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.
10. Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.
11. Service personnel or researchers from the Communication Tower Working Group should be allowed, if asked, access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.
12. Towers no longer in use or determined to be obsolete should be removed within twelve months of cessation of use.

These voluntary recommendations are based on the Service's Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers which can be found at <http://www.fws.gov/migratorybirds/issues/towers/comtow.html>

In order to obtain information on the usefulness of these guidelines in preventing bird strikes, and to identify any recurring problems with their implementation which may necessitate modifications, please advise us of the final location and specifications of the proposed tower. In your response please explain which of the recommended measures were implemented and if the recommended measures could not be implemented, please explain why they were not feasible.

# Appendix F

Avian Mitigation Plan  
Mississippi Wireless Integrated Network  
Mississippi Interoperable Communications Grant 2008-MS-MX-0001  
February 3, 2011

The Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD) is providing funding through its Mississippi Interoperable Communications Grant 2008-MS-MX-0001 to the Mississippi Wireless Communication Commission (MWCC) to construct a statewide public safety radio system known as the Mississippi Wireless Integrated Network (MSWIN). The MSWIN program will result in the construction of approximately 140 communication towers (see attached map) throughout the state of Mississippi.

In accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations implementing NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508), and FEMA's regulations implementing NEPA (44 CFR Part 10), Environmental Assessments (EA) were prepared for several proposed towers to be constructed under the MSWIN program. The purpose of the EAs is to evaluate the potential impacts of the proposed towers on the environment. Through the preparation of these EAs, FEMA identified a potential for cumulative impacts to migratory birds as a result of the MSWIN project as birds could be injured or killed by colliding in to guy wires and/or the tower structure, or could be disoriented by tower lighting. This Avian Mitigation Plan was developed by FEMA, MWCC and the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP) to address these potential cumulative impacts. The U.S. Fish and Wildlife Service (USFWS) Jackson, MS Ecological Services Office reviewed this Avian Mitigation Plan. MWCC is responsible for the cost of implementing the Avian Mitigation Plan.

**Background**

Following Hurricane Katrina in 2005, the Mississippi Legislature created the MWCC with the mission of implementing a statewide reliable, survivable, interoperable voice and data communication system for public safety and first responders. Congress appropriated \$140 million toward this effort. The MWCC has completed implementation of MSWIN on 71 sites in the southern half of the State and anticipates completion of the entire system (approximately 140 sites) in early 2012.

The MSWIN radio system is reliant on communication towers in order to operate. While MSWIN is vitally important to the first responders, the State recognizes the importance of building towers that will avoid possible harm to migratory birds. The conservation of birds will help sustain ecological integrity and ecosystem services, including insect control, pollination, and seed dispersal. Migratory bird conservation also meets the growing public interest in outdoor education and recreation.

In building MSWIN and using Federal funding, the State must be compliant with Federal, State and local regulations and guidelines pertinent to the project. These regulations include those of the Federal Communications Commission (FCC), the U. S. Fish and Wildlife Service (USFWS) and the Federal Aviation Administration (FAA) relative to

FEMA  
Avian Mitigation Plan  
Mississippi Wireless Integrated Network

frequency licensing and tower construction, as well as the NEPA requirements previously discussed.

The FCC maintains jurisdiction over tower sites and its rules, 47 C.F.R. §1.1307(a)(3), require applicants, licensees, and tower owners (Applicants) to consider the impact of proposed facilities under the Endangered Species Act (ESA), 16 U.S.C. s. 1531 et seq. Applicants must determine whether any proposed facilities may affect listed, threatened or endangered species or designated critical habitats, or are likely to jeopardize the continued existence of any proposed threatened or endangered species or designated critical habitats. In addition, USFWS has formulated and published voluntary guidelines for the siting and operation of towers intended to address potential effects on migratory birds. These guidelines and an accompanying tower site evaluation form are posted on the USFWS website (<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>).. According to USFWS, the guidelines reflect USFWS' judgment of "the most prudent and effective measures for avoiding bird strikes at towers."

The documented avian collision risk is primarily towers taller than 1000' that use steady burning red lights at night. Towers of this height are always supported with guyed wire cables. Steady burning red lights are part of the FAA's A-2 lighting system where a tower is painted aviation orange for daytime obstruction avoidance and red lights at night.

The MSWIN towers which have an average height of 425 feet, generally use two types of lighting systems, the white mid intensity strobes, FAA designation as D1 or D2 and the A1 or A2 system which uses orange and white paint in seven alternating bands for day time obstruction avoidance along with red lights at night for night time obstruction avoidance. Towers 500 feet or less use white mid intensity strobes and towers 500 to 600 feet use orange paint and red lights.

The MSWIN system uses the most avian friendly lights possible for tower sites, however the FAA does not approve the use of white lights in all geographic areas and on numerous occasions has denied such request, based primarily on the premise that white lights are more difficult to distinguish at night than red lights and are more problematic in areas where emergency medical helicopters and other low flying aircraft such as military may be present

*Mitigation, Monitoring and Reporting of Avian Injuries and Deaths at MSWIN Tower Sites*

MWCC has in the past and will continue to include the following mitigation measures in the design and deployment of MSWIN.

1. White tower lights are used where allowed by the FAA. Where red lights are required, halogen strobes are used instead of pulsing incandescent beacons.

FEMA  
Avian Mitigation Plan  
Mississippi Wireless Integrated Network

2. Site construction incorporates limited road improvements and site fencing to reduce land disturbance.
3. Tower locations are placed to avoid known bird rookeries and nesting grounds, and inspection of tower sites post-construction will help identify instances of avian injuries and deaths.
4. Towers are designed to allow for future use of other radio systems to reduce the number of towers required in the area. The average height of MSWIN towers is 425 feet allowing MSWIN to provide coverage of 97% of Mississippi's land area with only 135 RF sites.
5. Security lighting for on ground equipment is designed to focus in the secure compound to minimize disturbance of surrounding areas.

Additionally, the State of Mississippi will monitor avian mortality around its tower sites by providing a collection kit at each site along with a process to record the location of the deceased bird and deliver its remains to the MDWFP for inclusion of the deceased avian into a central state data system. Over time, this practice will contribute scientific data that can be used by MDWFP and USFWS in determining the significance of potential impacts of towers on migratory birds. Where possible, attempts will be made to determine the cause of the bird's death (e.g., from a predator, virus, hunter or tower strike).

Each site will have a weather-proof enclosure containing rubber gloves, sealable containers of sufficient size to collect, contain and transport the deceased bird, and a form to document the circumstances of the bird's death. The carcasses will be collected in a manner to preserve the integrity of the find and transported to the MDWFP office in Jackson, MS for examination and documentation into the Avian Mortality database. USFWS will also be given access to the MDWFP's Avian Mortality database. If possible, the bird will be photographed in the field and at MDWFP.

In the unlikely event field technicians encounter an injured and living bird, all efforts will be made to recover, rehabilitate and release back to the wild. MWCC will work closely with the MDWFP to request assistance in those situations.

MDWFP and USFWS, upon request, will be allowed access to tower sites to document avian mortalities and injuries, monitor bird behavior, assess lighting impacts on migratory birds, and conduct similar research. If a tower is discovered to have adverse affects to migratory bird populations (i.e., greater than 10 bird kills per night), these towers will be reported immediately to the MDWFP, USFWS, and FEMA.

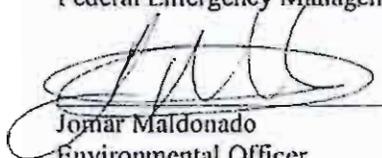
An annual report documenting the number of avian deaths recorded at MSWIN sites will be prepared for five consecutive years following conclusion of the construction of the towers comprising the MSWIN system. The reporting period will begin a year from the execution of this mitigation plan and extend until 5 years after the last FEMA funded tower is constructed. The report will be submitted to FEMA's Office of Environmental

FEMA  
Avian Mitigation Plan  
Mississippi Wireless Integrated Network

Planning and Historic Preservation and the Grant Program Directorate. The report will also be submitted to the USFWS in Jackson, MS (Ecological Services Office) and MDWFP.

Approved

 02/15/11  
Elizabeth M. Harman Date  
Assistant Administrator, Grant Program Directorate  
Federal Emergency Management Agency

 2/8/2011  
Jonar Maldonado Date  
Environmental Officer  
Federal Emergency Management Agency

 02/8/2011  
Bill Roach Date  
Executive Officer  
Mississippi Wireless Communication Commission

# Appendix G

## Henry Fisher

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Wednesday, February 17, 2010 4:08 PM  
**To:** towerinfo@envciv.com  
**Subject:** Proposed Tower Structure Info - Email ID #2413949

Dear Henry A Fisher,

Thank you for submitting a notification regarding your proposed construction via the Tower Construction Notification System. Note that the system has assigned a unique Notification ID number for this proposed construction. You will need to reference this Notification ID number when you update your project's Status with us.

Below are the details you provided for the construction you have proposed:

Notification Received: 02/17/2010

Notification ID: 60732

Tower Owner Individual or Entity Name: Towers of Mississippi/State of Mississippi

Consultant Name: Henry A Fisher

Street Address: 11578 U.S. Highway 411

City: Odenville

State: ALABAMA

Zip Code: 35120

Phone: 205-629-3868

Email: [towerinfo@envciv.com](mailto:towerinfo@envciv.com)

Structure Type: GTOWER - Guyed Tower

Latitude: 31 deg 56 min 34.6 sec N

Longitude: 88 deg 57 min 23.2 sec W

Location Description: off of CR 35

City: Vossburg

State: MISSISSIPPI

County: JASPER

Ground Elevation: 152.3 meters

Support Structure: 182.9 meters above ground level

Overall Structure: 182.9 meters above ground level

Overall Height AMSL: 335.2 meters above mean sea level

**Henry Fisher**

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Friday, February 26, 2010 2:00 AM  
**To:** towerinfo@envciv.com  
**Cc:** kim.pristello@fcc.gov; diane.dupert@fcc.gov  
**Subject:** NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2417898

Dear Sir or Madam:

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this electronic mail message is to inform you that the following authorized persons were sent the information you provided through TCNS, which relates to your proposed antenna structure. The information was forwarded by the FCC to authorized TCNS users by electronic mail and/or regular mail (letter).

Persons who have received the information that you provided include leaders or their designees of federally-recognized American Indian Tribes, including Alaska Native Villages (collectively "Tribes"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribes and in making further contacts, the City and State of the Seat of Government for each Tribe and NHO, as well as the designated contact person, is included in the listing below. We note that Tribes may have Section 106 cultural interests in ancestral homelands or other locations that are far removed from their current Seat of Government. Pursuant to the Commission's rules as set forth in the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA), all Tribes and NHOs listed below must be afforded a reasonable opportunity to respond to this notification, consistent with the procedures set forth below, unless the proposed construction falls within an exclusion designated by the Tribe or NHO. (NPA, Section IV.F.4).

The information you provided was forwarded to the following Tribes and NHOs who have set their geographic preferences on TCNS. If the information you provided relates to a proposed antenna structure in the State of Alaska, the following list also includes Tribes located in the State of Alaska that have not specified their geographic preferences. For these Tribes and NHOs, if the Tribe or NHO does not respond within a reasonable time, you should make a reasonable effort at follow-up contact, unless the Tribe or NHO has agreed to different procedures (NPA, Section IV.F.5). In the event such a Tribe or NHO does not respond to a follow-up inquiry, or if a substantive or procedural disagreement arises between you and a Tribe or NHO, you must seek guidance from the Commission (NPA, Section IV.G). These procedures are further set forth in the FCC's Declaratory Ruling released on October 6, 2005 (FCC 05-176).

1. THPO Kenneth H Carleton - Mississippi Band of Choctaw Indians - Choctaw, MS - electronic mail

Details: Please send all information via e-mail (and only via e-mail - no paper copies please) to: choctawhp@gmail.com (9 meg attachment limit)

The Mississippi Band of Choctaw Indians wishes to see full information packets for all towers within the designated areas for consultation.

Form 620, if it includes the a full text of the cultural resource survey with maps, is adequate for our needs. If your 620 does not include the text of the cultural resource survey, then attach it seperately.

Please include the tower identification (TCNS#, name, and any other information that may help us identify this site) and the county and state where the facility is proposed in the subject line.

If the applicant/tower builder receives no response from the Mississippi Band of Choctaw Indians within 30 days AFTER YOU HAVE E-MAILED THE AFOREMENTIONED INFORMATION TO US (begin counting the 30 day period AFTER the e-mail with all of the information has been sent), then the Mississippi Band of Choctaw Indians has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Mississippi Band of Choctaw Indians in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

2. Archaeological Data Analyst Jennifer L Pietarila - Seminole Tribe of Florida - Clewiston, FL - electronic mail

Details: The Seminole Tribe of Florida Tribal Historic Preservation Office requests that all correspondence be conducted via email and email attachments. We also would like to request a Form 620 or 621 be provided for every cell tower submitted to us for review. Should you have any questions, please feel free to contact me at jenniferpietarila@semtribe.com or 863-983-6549 Ext. 12217. Thank you.

3. Director of Cultural Resources & THPO Terry D Cole - Choctaw Nation of Oklahoma - Durant, OK - electronic mail and regular mail

Details: The Applicant may conclude that the Choctaw Nation of Oklahoma has no interest in a site if there is existing disturbance wherein the depth of the previous disturbance exceeds the proposed construction depth (excluding footing and other anchoring mechanisms) by at least 2 feet (Applying VI - D(2)(c)(i) of the Nationwide Programmatic Agreement concerning Field Surveys; 'In the Matter of Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process,' Report and Order, 20 FCC Rcd. 1073, WT Docket No. 03-128, October 5, 2004).

Furthermore, the Choctaw Nation of Oklahoma does not have an interest in a Tower that will be constructed on an existing structure, developed land, or within city limits. However, any of the above mentioned criteria should be communicated to us if not evident in the initial Notification Details. For all other towers, we request a signed field survey report that meets the Federal guidelines set forth by the Department of the Interior and a site location map along with pictures for each project.

Additionally, the Choctaw Nation of Oklahoma has informed FCC Staff that if the Applicant does not receive a response from the Tribe within 30 days of a TCNS notification, then the Applicant SHOULD MAKE A GOOD FAITH EFFORT WITH A FOLLOW-UP PHONE CALL to make sure that the tribe is aware of the proposed tower project. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historical crockery, glass or metal items, this office should be contacted immediately @ 1-800-522-6170 ext. 2137. [n.b. Please reference the TCNS number in all communications that follow the initial notification.]

4. MEKKO and Acting Tribal Administrator Jennie Lillard - Kialegee Tribal Town - Wetumka, OK - regular mail

Details: If the Applicant receives no response from the Kialegee Tribal Town within 30 days after notification through TCNS, the Kialegee Tribal Town has no interest in participating in pre-construction review for the site. The Applicant, however, must immediately notify the Kialegee Tribal Town in the event archaeological properties or human remains are discovered during construction.

5. THPO Earl J Barbry Jr - Tunica-Biloxi Indians of Louisiana - Marksville, LA - regular mail

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS, and therefore they are currently receiving tower notifications for the entire United States. For these Tribes and NHOs, you are required to use reasonable and good faith efforts to determine if the Tribe or NHO may attach religious and cultural significance to historic properties that may be affected by its proposed undertaking. Such efforts may include, but are not limited to, seeking information from the relevant SHPO or THPO, Indian Tribes, state agencies, the U.S. Bureau of Indian Affairs, or, where applicable, any federal agency with land holdings within the state (NPA, Section IV.B). If after such reasonable and good faith efforts, you determine that a Tribe or NHO may attach religious and cultural significance to historic properties in the area and the Tribe or NHO does not respond to TCNS notification within a reasonable time, you should make a reasonable effort to follow up, and must seek guidance from the Commission in the event of continued non-response or in the event of a procedural or substantive disagreement. If you determine that the Tribe or NHO is unlikely to attach religious and cultural significance to historic properties within the area, you do not need to take further action unless the Tribe or NHO indicates an interest in the proposed construction or other evidence of potential interest comes to your attention.

None

The information you provided was also forwarded to the following SHPOs in the State in which you propose to construct and neighboring States. The information was provided to these SHPOs as a courtesy for their information and planning. You need make no effort at this time to follow up with any SHPO that does not respond to this notification. Prior to construction, you must provide the SHPO of the State in which you propose to construct (or the Tribal Historic Preservation Officer, if the project will be located on certain Tribal lands), with a Submission Packet pursuant to Section VII.A of the NPA.

6. SHPO Lee Warner - Alabama Historical Commission - Montgomery, AL - electronic mail

7. Deputy SHPO Elizabeth Ann Brown - Alabama Historical Commission - Montgomery, AL - electronic mail

8. SHPO Cathie Matthews - Department of Arkansas Heritage - Little Rock, AR - electronic mail

9. Deputy SHPO Ken Grunewald - Department of Arkansas Heritage - Little Rock, AR - electronic mail

10. SHPO Elbert Hilliard - Mississippi Dept of Archives & History - Jackson, MS - regular mail

11. Deputy SHPO Kenneth H P'Pool - Division of Historic Preservation - Jackson, MS - electronic mail

If you are proposing to construct a facility in the State of Alaska, you should contact Commission staff for guidance regarding your obligations in the event that Tribes do not respond to this notification within a reasonable time.

Please be advised that the FCC cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. The following information relating to the proposed tower was forwarded to the person(s) listed above:

Notification Received: 02/17/2010  
Notification ID: 60732  
Tower Owner Individual or Entity Name: Towers of Mississippi/State of Mississippi  
Consultant Name: Henry A Fisher  
Street Address: 11578 U.S. Highway 411  
City: Odenville  
State: ALABAMA  
Zip Code: 35120  
Phone: 205-629-3868  
Email: towerinfo@envciv.com

Structure Type: GTOWER - Guyed Tower  
Latitude: 31 deg 56 min 34.6 sec N  
Longitude: 88 deg 57 min 23.2 sec W  
Location Description: off of CR 35  
City: Vossburg  
State: MISSISSIPPI  
County: JASPER  
Ground Elevation: 152.3 meters  
Support Structure: 182.9 meters above ground level  
Overall Structure: 182.9 meters above ground level  
Overall Height AMSL: 335.2 meters above mean sea level

If you have any questions or comments regarding this notice, please contact the FCC using the electronic mail form located on the FCC's website at:

<http://wireless.fcc.gov/outreach/notification/contact-fcc.html>.

You may also call the FCC Support Center at (877) 480-3201 (TTY 717-338-2824). Hours are from 8 a.m. to 7:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

Thank you,  
Federal Communications Commission

# Appendix H

## General information

1) (Select only one) ( NE ) NE – New                      UA – Update of Application                      WD – Withdrawal of Application	
2) If this application is for an Update or Withdrawal, enter the file number of the pending application currently on file.	File Number:

## Applicant Information

3) FCC Registration Number (FRN):
4) Name: Towers of Mississippi/State of Mississippi

## Contact Name

5) First Name: Taylor	6) MI:	7) Last Name: Robinson	8) Suffix:
9) Title:			

## Contact Information

10) P.O. Box:	And /Or	11) Street Address: 31560 Blakeley Way	
12) City: Spanish Fort		13) State: AL	14) Zip Code: 36527
15) Telephone Number: (205) 266-4466		16) Fax Number: (    )	
17) E-mail Address: trobinson@vulcancompany.com			

## Consultant Information

18) FCC Registration Number (FRN): 0019057413
19) Name: MRS Consultants, LLC.

## Principal Investigator

20) First Name: Beth	21) MI: A	22) Last Name: Ryba	23) Suffix:
24) Title: Cultural Resource Specialist			

## Principal Investigator Contact Information

25) P.O. Box: 3146	And /Or	26) Street Address:	
27) City: Tuscaloosa		28) State: AL	29) Zip Code: 35403
30) Telephone Number: (205) 759-1621		31) Fax Number: (205) 759-1621	
32) E-mail Address: earyba@earthlink.net			

**Professional Qualification**

33) Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?	<input checked="" type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>
34) Areas of Professional Qualification:	
<input checked="" type="checkbox"/> Archaeologist	
<input type="checkbox"/> Architectural Historian	
<input type="checkbox"/> Historian	
<input type="checkbox"/> Architect	
<input type="checkbox"/> Other (Specify) _____	

**Additional Staff**

35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?	<input type="checkbox"/> <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u>
--	---

If "Yes", complete the following:

36) First Name:	37) MI:	38) Last Name:	39) Suffix:
40) Title:			
41) Areas of Professional Qualification:			
<input type="checkbox"/> Archaeologist			
<input type="checkbox"/> Architectural Historian			
<input type="checkbox"/> Historian			
<input type="checkbox"/> Architect			
<input type="checkbox"/> Other (Specify) _____			

**This page may be copied to include additional staff.**  
**Consultant Information Attachments required – See instructions for details.**

Site Information

Tower Construction Notification System

1) TCNS Notification Number: 60732

Site Information

2) Site Name: Vossburg

3) Site Address: CR 35

4) City: Vossburg

5) State: MS

6) Zip Code: 39348

7) County/Borough/Parish: Jasper

8) Nearest Crossroads: CR 35 & CR 3511

9) NAD 83 Latitude (DD-MM-SS.S): 31-56-35.5

( X ) N or ( ) S

10) NAD 83 Longitude (DD-MM-SS.S): 88-57-23.2

( ) E or ( X ) W

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): 600 ( X ) Feet ( ) Meters

12) Tower Type (Select One):

( X ) Guyed lattice tower

( ) Self-supporting lattice

( ) Monopole

( ) Other (Describe):

Project Status

13) Current Project Status (Select One):

( X ) Construction has not yet commenced

( ) Construction has commenced, but is not completed

Construction commenced on: \_\_\_/\_\_\_/\_\_\_

( ) Construction has been completed

Construction commenced on: \_\_\_/\_\_\_/\_\_\_

Construction completed on: \_\_\_/\_\_\_/\_\_\_

Site Information Attachments required - See instructions for details.

**Determination of Effect**

14) Direct Effects (Select One):

- No Historic Properties in Area of Potential Effects (APE)
- No Effect on Historic Properties in APE
- No Adverse Effect on Historic Properties in APE
- Adverse Effect on one or more Historic Properties in APE

15) Visual Effects (Select One):

- No Historic Properties in Area of Potential Effects (APE)
- No Effect on Historic Properties in APE
- No Adverse Effect on Historic Properties in APE
- Adverse Effect on one or more Historic Properties in APE

**Determination of Effect Attachments required – See instructions for details.**

### Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>60732</u>	Number of Tribes/NHOs: <u>5</u>
2b) Tribes/NHOs contacted through an alternate system: None	Number of Tribes/NHOs: <u>None</u>

#### Tribes/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Choctaw Nation of Oklahoma

#### Contact Name

5) First Name: Terry	6) MI: D	7) Last Name: Cole	8) Suffix:
9) Title: Director of Cultural Resources and THPO			

#### Dates & Response

10) Date Contacted <u>2 / 17 / 10</u>	11) Date Replied <u>    /    /    </u>
( <input checked="" type="checkbox"/> ) No Reply	
( <input type="checkbox"/> ) Replied/No Interest	
( <input type="checkbox"/> ) Replied/Have Interest	
( <input type="checkbox"/> ) Replied/Other _____	

This page may be copied to include additional Tribes/NHOs contacted.  
Tribal/NHO Involvement Attachments may be required – See instructions for details.

### Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>60732</u>	Number of Tribes/NHOs: <u>5</u>
2b) Tribes/NHOs contacted through an alternate system: <u>None</u>	Number of Tribes/NHOs: <u>None</u>

#### Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: <u>Kialegee Tribal Town</u>

#### Contact Name

5) First Name: <u>Jennie</u>	6) MI:	7) Last Name: <u>Lillard</u>	8) Suffix:
9) Title: <u>MEKKO and Acting Tribal Administrator</u>			

#### Dates & Response

10) Date Contacted <u>2 / 17 / 10</u>	11) Date Replied <u>    /    /    </u>
( <input checked="" type="checkbox"/> ) No Reply	
( <input type="checkbox"/> ) Replied/No Interest	
( <input type="checkbox"/> ) Replied/Have Interest	
( <input type="checkbox"/> ) Replied/Other _____	

This page may be copied to include additional Tribes/NHOs contacted.  
Tribal/NHO Involvement Attachments may be required – See instructions for details.

### Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?		( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>60732</u>	Number of Tribes/NHOs: <u>5</u>	
2b) Tribes/NHOs contacted through an alternate system: None	Number of Tribes/NHOs: <u>None</u>	

#### Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Mississippi Band of Choctaw Indians

#### Contact Name

5) First Name: Kenneth	6) MI: H	7) Last Name: Carleton	8) Suffix:
9) Title: THPO			

#### Dates & Response

10) Date Contacted <u>2 / 17 / 10</u>	11) Date Replied <u>    /    /    </u>
( <input checked="" type="checkbox"/> ) No Reply	
( <input type="checkbox"/> ) Replied/No Interest	
( <input type="checkbox"/> ) Replied/Have Interest	
( <input type="checkbox"/> ) Replied/Other _____	

This page may be copied to include additional Tribes/NHOs contacted.  
Tribal/NHO Involvement Attachments may be required – See instructions for details.

### Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?		( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>60732</u>	Number of Tribes/NHOs: <u>5</u>	
2b) Tribes/NHOs contacted through an alternate system: None	Number of Tribes/NHOs: <u>None</u>	

#### Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Seminole Tribe of Florida

#### Contact Name

5) First Name: Jennifer	6) MI: L	7) Last Name: Pietarila	8) Suffix:
9) Title: Archaeological Data Analyst			

#### Dates & Response

10) Date Contacted <u>2 / 17 / 10</u>	11) Date Replied <u>    /    /    </u>
( <input checked="" type="checkbox"/> ) No Reply	
( <input type="checkbox"/> ) Replied/No Interest	
( <input type="checkbox"/> ) Replied/Have Interest	
( <input type="checkbox"/> ) Replied/Other _____	

This page may be copied to include additional Tribes/NHOs contacted.  
Tribal/NHO Involvement Attachments may be required – See instructions for details.

### Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects? ( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) <u>No</u>	
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>60732</u>	Number of Tribes/NHOs: <u>5</u>
2b) Tribes/NHOs contacted through an alternate system: None	Number of Tribes/NHOs: <u>None</u>

#### Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Tunica-Biloxi Indians of Louisiana

#### Contact Name

5) First Name: Earl	6) MI: J	7) Last Name: Barbry	8) Suffix: Jr.
9) Title: THPO			

#### Dates & Response

10) Date Contacted <u>2 / 17 / 10</u>	11) Date Replied <u>    /    /    </u>
<input checked="" type="checkbox"/> No Reply	
<input type="checkbox"/> Replied/No Interest	
<input type="checkbox"/> Replied/Have Interest	
<input type="checkbox"/> Replied/Other _____	

This page may be copied to include additional Tribes/NHOs contacted.  
Tribal/NHO Involvement Attachments may be required – See instructions for details.

### Other Tribes/NHOs Contacted

#### Tribe/NHO Information

1) FCC Registration Number (FRN): None

2) Name:  
None

#### Contact Name

3) First Name:

4) MI:

5) Last Name:

6) Suffix:

7) Title:

#### Contact Information

8) P.O. Box:

And  
/Or

9) Street Address:

10) City:

11) State:

12) Zip Code:

13) Telephone Number: ( )

14) Fax Number: ( )

15) E-mail Address:

16) Preferred means of communication:

( ) E-mail

( ) Letter

( ) Both

#### Dates & Response

17) Date Contacted \_\_\_\_/\_\_\_\_/\_\_\_\_

18) Date Replied \_\_\_\_/\_\_\_\_/\_\_\_\_

( ) No Reply

( ) Replied/No interest

( ) Replied/Have interest

( ) Replied/Other \_\_\_\_\_

This page may be copied to include additional Tribes/NHOs.

## Historic Properties

### Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	( <input type="checkbox"/> ) <u>Yes</u> ( <input checked="" type="checkbox"/> ) <u>No</u>
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	( <input type="checkbox"/> ) <u>Yes</u> ( <input checked="" type="checkbox"/> ) <u>No</u>
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	( <input type="checkbox"/> ) <u>Yes</u> ( <input checked="" type="checkbox"/> ) <u>No</u>

### Historic Property

4) Property Name:
5) SHPO Site Number:

### Property Address

6) Street Address:		
7) City:	8) State:	9) Zip Code:
10) County/Borough/Parish:		

### Status & Eligibility

11) Is this property listed on the National Register?  Source: _____	( <input type="checkbox"/> ) <u>Yes</u> ( <input type="checkbox"/> ) <u>No</u>
12) Is this property eligible for listing on the National Register?  Source: _____	( <input type="checkbox"/> ) <u>Yes</u> ( <input type="checkbox"/> ) <u>No</u>
13) Is this property a National Historic Landmark?	( <input type="checkbox"/> ) <u>Yes</u> ( <input type="checkbox"/> ) <u>No</u>

14) Direct Effects (Select One):  <input type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One):  <input type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

**This page may be copied to include additional Historic Properties.  
Historic Property Attachments required – See instructions for details.**

### Local Government Involvement

#### Local Government Agency

1) FCC Registration Number (FRN):
2) Name: Jasper County Board of Supervisors

#### Contact Name

3) First Name: Johnny	4) MI:	5) Last Name: Rowell	6) Suffix:
7) Title: President			

#### Contact Information

8) P.O. Box: 406	And /Or	9) Street Address:	
10) City: Bay Springs	11) State: MS	12) Zip Code: 39422	
13) Telephone Number: ( )		14) Fax Number: ( )	
15) E-mail Address:			
16) Preferred means of communication: <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Both			

#### Dates & Response

17) Date Contacted 3 / 15 / 10	18) Date Replied ____ / ____ / ____
<input checked="" type="checkbox"/> No Reply <input type="checkbox"/> Replied/No Interest <input type="checkbox"/> Replied/Have Interest <input type="checkbox"/> Replied/Other _____	

#### Additional Information

19) Information on local government's role or interest (optional):
--

This page may be copied to include additional local government agencies.  
Local Government Attachments required – See instructions for details.

### Other Consulting Parties

#### Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?	( ) Yes ( X ) No
--	------------------

#### Consulting Party

2) FCC Registration Number (FRN):
3) Name:

#### Contact Name

4) First Name:	5) MI:	6) Last Name:	7) Suffix:
8) Title:			

#### Contact Information

9) P.O. Box:	And /Or	10) Street Address:		
11) City:		12) State:	13) Zip Code:	
14) Telephone Number: ( )		15) Fax Number: ( )		
16) E-mail Address:				
17) Preferred means of communication:				
( ) E-mail				
( ) Letter				
( ) Both				

#### Dates & Response

18) Date Contacted ____/____/____	19) Date Replied ____/____/____
( ) No Reply	
( ) Replied/No Interest	
( ) Replied/Have Interest	
( ) Replied/Other _____	

#### Additional Information

20) Information on other consulting parties' role or interest (optional):
---

This page may be copied to include additional consulting parties.  
Consulting Parties Attachments required – See instructions for details.

### Designation of SHPO/THPO

1) Designate the Lead State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) based on the location of the lower.

#### SHPO/THPO

Name: H.T. Holmes, Mississippi Department of Archives and History

2) You may also designate up to three additional SHPOs/THPOs if the APEs include multiple states. If the APEs include other countries, enter the name of the National Historic Preservation Agency and any state and provincial Historic Preservation Agency.

SHPO/THPO Name: \_\_\_\_\_

SHPO/THPO Name: \_\_\_\_\_

SHPO/THPO Name: \_\_\_\_\_

**Designation of SHPO/THPO Attachments may be required – See instructions for details.**

### Certification

I certify that all representations on this FCC Form 620 Submission Packet and the accompanying attachments are true, correct, and complete.

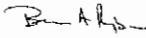
**Party Authorized to Sign** MRS Consultants, LLC. Principal Investigator

First Name: Beth

Mi: A

Last Name: Ryba

Suffix: \_\_\_\_\_

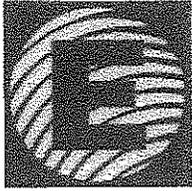
Signature: 

Date: 2 / 25 / 10

**FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.**

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).**

# Appendix I



**ENVIRONMENTAL ENGINEERS, INC.**  
**11578 US Highway 411, Odenville, Alabama 35120**  
*Environmental, Remediation, and Geological Consultants*

April 6, 2010

Mr. Jim Woodrick  
Mississippi Department of Archives and History  
Charlotte Capers Archives and History Building  
100 South State St.  
Jackson, MS 39201

Subject:  
**Section 106 Review**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
Environmental Engineers, Inc. Project No.: JSE01P1003

Dear Mr. Woodrick:

Environmental Engineers, Inc. is requesting a Section 106 review, on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) for the above referenced site. Enclosed you will find a copy of the completed FCC Form 620 for the project site, including all attachments.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. If you have any questions or need additional information, please contact me at (205) 629-3868.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Henry A. Fisher, P.E.  
Principal Engineer

Enc. FCC Form 620

**Phone: (205) 629-3868 • Fax: (877) 847-3060**

From: Origin ID: CZCA (205) 629-3868  
HENRY FISHER  
ENVIRONMENTAL ENGINEERS, INC  
11578 U.S. Highway 411



Odenville, AL 35120

Ship Date: 06APR10  
ActWgt: 1.0 LB  
CAD: 4760346/NET3010

Delivery Address Bar Code



Ref # JSE01P1001 & JSE01P1003  
Invoice #  
PO #  
Dept #

SHIP TO: (601) 359-6940 BILL SENDER

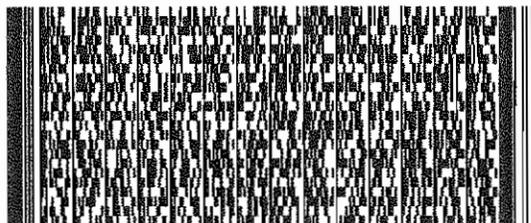
Mr. Jim Woodrick  
MS Dept of Archives & History  
100 S STATE ST

JACKSON, MS 39201

WED - 07 APR A2

TRK# 7934 2204 4446  
0201

STANDARD OVERNIGHT

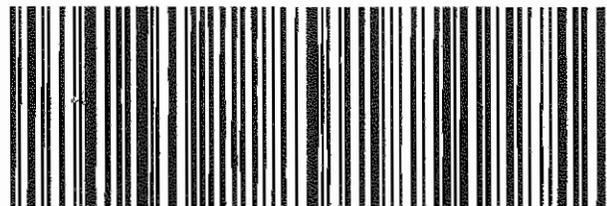


39201

MS-US

MEM

XX JANA



06010025FB

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning:** Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**Cheryl Johnson**

**From:** TrackingUpdates@fedex.com  
**Sent:** Wednesday, April 07, 2010 12:07 PM  
**To:** cjohnson@envciv.com  
**Subject:** FedEx Shipment 793422044446 Delivered

This tracking update has been requested by:

Company Name: ENVIRONMENTAL ENGINEERS, INC  
Name: HENRY FISHER  
E-mail: cjohnson@envciv.com

Our records indicate that the following shipment has been delivered:

Reference: JSE01P1001 & JSE01P1003  
Ship (P/U) date: Apr 6, 2010  
Delivery date: Apr 7, 2010 12:01 PM  
Sign for by: D.SMITH  
Delivered to: Receptionist/Front Desk  
Service type: FedEx Standard Overnight  
Packaging type: FedEx Envelope  
Number of pieces: 1  
Weight: 2.00 lb.  
Special handling/Services: Deliver Weekday

Tracking number: 793422044446

## Shipper Information

HENRY FISHER  
ENVIRONMENTAL ENGINEERS, INC  
11578 U.S. Highway 411  
Odenville  
AL  
US  
35120

## Recipient Information

Mr. Jim Woodrick  
MS Dept of Archives & History  
100 S STATE ST  
JACKSON  
MS  
US  
39201

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 12:06 PM CDT on 04/07/2010.

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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to [fedex.com](http://fedex.com).

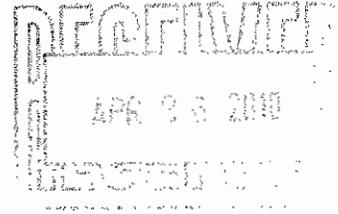
4/7/2010



PO Box 571, Jackson, MS 39205-0571  
601-576-6850 • Fax 601-576-6975  
mdah.state.ms.us  
*H. T. Holmes, Director*

April 22, 2010

Henry A. Fisher, P.E.  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, Alabama 35120



RE: Proposed MSWIN 20602 C Vossburg Communications Tower, Vossburg (EE Project No. JSE01P1013), MDAH Project Log #04-046-10 (Report #10-0317), Jasper County

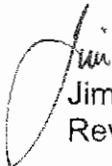
Dear Henry:

We have reviewed your April 6, 2010, cultural resources assessment request and February 26, 2010, cultural resources survey report by Beth Ryba, Principal Investigator, received on April 7, 2010, for the above referenced undertaking, pursuant to our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, we concur that no cultural resources listed in or eligible for listing in the National Register of Historic Places will be directed or visually affected. Therefore, we have no reservations with the undertaking.

There remains the possibility that unrecorded cultural resources may be encountered during the project. Should this occur, we would appreciate your contacting this office immediately in order that we may offer appropriate comments under 36 CFR 800.13.

Please provide a copy of this letter to Ms. Ryba. If you need further information, please let me know.

Sincerely,

  
Jim Woodrick  
Review and Compliance Officer

FOR: H.T. Holmes  
State Historic Preservation Officer

# Appendix J

## Henry Fisher

---

**From:** Henry Fisher [hfisher@envciv.com]  
**Sent:** Tuesday, April 06, 2010 12:16 PM  
**To:** 'Caren Johnson'  
**Subject:** Proposed MSWIN 20602 C Vossburg Communications Tower TCNS 60732  
**Attachments:** FCC Form 620 MSWIN 20602 C Vossburg TCNS 60732.pdf

Mr. Terry Cole  
Choctaw Nation of Oklahoma

Subject:  
**TCNS 60732**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
**Environmental Engineers, Inc. Project No.: JSE01P1003**

Dear Mr. Cole:

I am requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) regarding potential impacts to Native American religious or cultural sites by construction of a wireless communications tower in Jasper County, Mississippi. This project was also submitted through the FCC TCNS on February 17, 2010 (TCNS ID # 60732).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast ¼ of the northwest ¼ of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude 31° 56' 34.551" north and longitude 88° 57' 23.229" west. The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel. I have attached the FCC Form 620 prepared for this project by MRS Consultants, LLC and Environmental Engineers, Inc.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. Thank you for your time and assistance and I look forward to your response. Please call us at (205) 629-3868 or email me at [hfisher@envciv.com](mailto:hfisher@envciv.com) if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

Henry A. Fisher  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, Alabama 35120  
Tel (205) 629-3868  
Fax (877) 847-3060

## Henry Fisher

---

**From:** Caren Johnson [cjohnson@choctawnation.com]  
**Sent:** Wednesday, April 28, 2010 7:22 AM  
**To:** Henry Fisher  
**Subject:** RE: Proposed MSWIN 20602 C Vossburg Communications Tower TCNS 60732

April 28, 2010

Mr. Henry Fisher:

The Choctaw Nation of Oklahoma has reviewed cell tower(s) FCC # **60732** and based on the information provided to the best of our knowledge it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, or should it uncover evidence of buried historic building materials such as rock foundations, brick, or hand poured concrete, this office should be contacted immediately @ 1-800-522-6170 ext. 2137.

Sincerely,

**Caren A. Johnson,**  
**Administrative Assistant**  
**Choctaw Nation of Oklahoma**  
**P. O. Box 1210, 16th & Locust**  
**Durant, OK 74702-1210**  
**1-580-924-8280 Ext. 2133**  
**Fax 1-580-920-3181**

---

**From:** Henry Fisher [mailto:hfisher@envciv.com]  
**Sent:** Tuesday, April 06, 2010 12:16 PM  
**To:** Caren Johnson  
**Subject:** Proposed MSWIN 20602 C Vossburg Communications Tower TCNS 60732

Mr. Terry Cole  
Choctaw Nation of Oklahoma

Subject:  
**TCNS 60732**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
**Environmental Engineers, Inc. Project No.: JSE01P1003**

Dear Mr. Cole:

I am requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) regarding potential impacts to Native American religious or cultural sites by construction of a wireless communications tower in Jasper County, Mississippi. This project was also submitted through the FCC TCNS on February 17, 2010 (TCNS ID # 60732).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast ¼ of the northwest ¼ of

Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude 31° 56' 34.551" north and longitude 88° 57' 23.229" west. The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel. I have attached the FCC Form 620 prepared for this project by MRS Consultants, LLC and Environmental Engineers, Inc.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. Thank you for your time and assistance and I look forward to your response. Please call us at (205) 629-3868 or email me at [hfisher@envciv.com](mailto:hfisher@envciv.com) if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

Henry A. Fisher  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, Alabama 35120  
Tel (205) 629-3868  
Fax (877) 847-3060

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This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.

## Henry Fisher

---

**From:** Henry Fisher [hfisher@envciv.com]  
**Sent:** Tuesday, April 06, 2010 12:19 PM  
**To:** 'Carleton, Ken'; 'choctawhp@gmail.com'  
**Subject:** Proposed MSWIN 20602 C Vossburg Communications Tower TCNS 60732  
**Attachments:** FCC Form 620 MSWIN 20602 C Vossburg TCNS 60732.pdf

Mr. Ken Carleton  
Mississippi Band of Choctaw Indians

Subject:  
**TCNS 60732**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
**Environmental Engineers, Inc. Project No.: JSE01P1003**

Dear Mr. Carleton:

I am requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) regarding potential impacts to Native American religious or cultural sites by construction of a wireless communications tower in Jasper County, Mississippi. This project was also submitted through the FCC TCNS on February 17, 2010 (TCNS ID # 60732).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude  $31^{\circ} 56' 34.551''$  north and longitude  $88^{\circ} 57' 23.229''$  west. The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel. I have attached the FCC Form 620 prepared for this project by MRS Consultants, LLC and Environmental Engineers, Inc.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. Thank you for your time and assistance and I look forward to your response. Please call us at (205) 629-3868 or email me at [hfisher@envciv.com](mailto:hfisher@envciv.com) if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

Henry A. Fisher  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, Alabama 35120  
Tel (205) 629-3868  
Fax (877) 847-3060

## Henry Fisher

---

**From:** Henry Fisher [hfisher@envciv.com]  
**Sent:** Tuesday, April 06, 2010 12:19 PM  
**To:** 'Jennifer Pietarila'  
**Subject:** Proposed MSWIN 20602 C Vossburg Communications Tower TCNS 60732  
**Attachments:** FCC Form 620 MSWIN 20602 C Vossburg TCNS 60732.pdf

Ms. Jennifer Pietarila  
Seminole Tribe of Florida

Subject:  
**TCNS 60732**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
**Environmental Engineers, Inc. Project No.: JSE01P1003**

Dear Ms. Pietarila:

I am requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) regarding potential impacts to Native American religious or cultural sites by construction of a wireless communications tower in Jasper County, Mississippi. This project was also submitted through the FCC TCNS on February 17, 2010 (TCNS ID # 60732).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast ¼ of the northwest ¼ of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude 31° 56' 34.551" north and longitude 88° 57' 23.229" west. The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel. I have attached the FCC Form 620 prepared for this project by MRS Consultants, LLC and Environmental Engineers, Inc.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. Thank you for your time and assistance and I look forward to your response. Please call us at (205) 629-3868 or email me at [hfisher@envciv.com](mailto:hfisher@envciv.com) if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

Henry A. Fisher  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, Alabama 35120  
Tel (205) 629-3868  
Fax (877) 847-3060

## Henry Fisher

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Tuesday, April 06, 2010 3:51 PM  
**To:** towerinfo@envciv.com  
**Cc:** tcns.fccarchive@fcc.gov; jenniferpietarila@semtribe.com  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 60732) - Email ID #2452221

Dear Henry A Fisher,

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this email is to inform you that an authorized user of the TCNS has replied to a proposed tower construction notification that you had submitted through the TCNS.

The following message has been sent to you from Archaeological Data Analyst Jennifer L Pietarila of the Seminole Tribe of Florida in reference to Notification ID #60732:

To Whom It May Concern,

The Seminole Tribe of Florida Tribal Historic Preservation Office (STOF-THPO) has received your email correspondence concerning the aforementioned project. The STOF-THPO concurs with your findings of "no historic properties". However, the STOF-THPO would like to be informed should any archaeological and/or historic resources be discovered inadvertently during the construction process. We thank you for the opportunity to review the information that has been sent to date regarding this project.

We look forward to working with you in the future.

Sincerely,  
W.S. Steele,  
Tribal Historic Preservation Officer

For your convenience, the information you submitted for this notification is detailed below.

Notification Received: 02/17/2010  
Notification ID: 60732  
Tower Owner Individual or Entity Name: Towers of Mississippi/State of Mississippi  
Consultant Name: Henry A Henry  
Street Address: 11578 U.S. Highway 411  
City: Odenville  
State: ALABAMA  
Zip Code: 35120  
Phone: 205-629-3868  
Email: [towerinfo@envciv.com](mailto:towerinfo@envciv.com)

Structure Type: GTOWER - Guyed Tower  
Latitude: 31 deg 56 min 34.6 sec N  
Longitude: 88 deg 57 min 23.2 sec W  
Location Description: off of CR 35  
City: Vossburg  
State: MISSISSIPPI

County: JASPER

Ground Elevation: 152.3 meters

Support Structure: 182.9 meters above ground level

Overall Structure: 182.9 meters above ground level

Overall Height AMSL: 335.2 meters above mean sea level

**Henry Fisher**

**From:** Earl Barbry, Jr. [earlit@tunica.org]  
**Sent:** Tuesday, May 03, 2005 5:51 PM  
**To:** Henry Fisher  
**Cc:** Niki Jeter  
**Subject:** Re: HELP! - I am stuck in FCC NPA!

Mr. Fisher,

Sorry about the delay. I would like to be notified of the cell tower requests, etc. by email. Also, should no comments be received from my department within the 30 day comment period, proceeding with the project can occur. I stand the same as the other Tribes regarding immediate work stoppage and contacting this office should inadvertent discovery occur.

Thank you for taking the time to contact me and getting my input into these matters. Let me know if this response is sufficient or if you need a letter on Tribal stationery mailed to you.

Should you need immediate assistance, and I am out of the office, speak to my Administrative Assistant, Ms. Amber (Niki) Jeter - dial the number below and hit 0 to speak to her.

Many thanks,

Earl J. Barbry, Jr., THPO  
Tunica-Biloxi Tribe of Louisiana  
318-253-0213 ext. 6851

## Henry Fisher

---

**From:** Henry Fisher [hfisher@envciv.com]  
**Sent:** Tuesday, April 06, 2010 12:13 PM  
**To:** 'earlii@tunica.org'  
**Subject:** Proposed MSWIN 20602 C Vossburg Communications Tower TCNS 60732

Mr. Earl Barbry  
Tunica-Biloxi Indians of Louisiana

Subject:  
**TCNS 60732**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
**Environmental Engineers, Inc. Project No.: JSE01P1003**

Dear Mr. Barbry:

I am requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) regarding potential impacts to Native American religious or cultural sites by construction of a wireless communications tower in Jasper County, Mississippi. This project was also submitted through the FCC TCNS on February 17, 2010 (TCNS ID # 60732).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast ¼ of the northwest ¼ of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude 31° 56' 34.551" north and longitude 88° 57' 23.229" west. The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. Thank you for your time and assistance. Based on the electronic mail that you sent to our office on May 3, 2005 it is my understanding that we may assume that the Tunica-Biloxi Indians of Louisiana concurs with the proposed project if we have not received a comment from your office within 30 days of submittal of project information to your office via electronic mail. Please call us at (205) 629-3868 or email me at [hfisher@envciv.com](mailto:hfisher@envciv.com) if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

Henry A. Fisher  
Environmental Engineers, Inc.  
11578 US Highway 411  
Odenville, Alabama 35120  
Tel (205) 629-3868  
Fax (877) 847-3060

# Appendix K



**ENVIRONMENTAL ENGINEERS, INC.**

**11578 US Highway 411, Odenville, Alabama 35120**

*Environmental, Remediation, and Geological Consultants*

March 5, 2010

Mr. Slade Lindsay  
Towers of Mississippi  
State of Mississippi  
31560 Blakely Way  
Spanish Fort, Alabama 36532

Subject:  
**Phase I Environmental Site Assessment**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
Environmental Engineers, Inc. Project No.: JSE01P1003

Dear Mr. Lindsay:

Environmental Engineers, Inc. has completed the requested Phase I Environmental Site Assessment (ESA) for the subject parcel. The enclosed report describes our study and presents our findings.

Environmental Engineers, Inc. appreciates the opportunity to provide this assessment. If you have any questions regarding this report or if we may be of further service to you, please contact us at (205) 629-3868.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Anne B. Gilbert, P.E.  
Principal Engineer

Enc. Phase I ESA Report (3 copies)

Cc w enc. Mr. Taylor Robinson, Towers of Mississippi (electronic copy)  
Ms. Nancy Lindsay, Towers of Mississippi (electronic copy)

**Phone: (205) 629-3868 • Fax: (877) 847-3060**



**ENVIRONMENTAL ENGINEERS, INC.**

**11578 US Highway 411, Odenville, Alabama 35120**

*Environmental, Remediation, and Geological Consultants*

**PHASE I ENVIRONMENTAL SITE ASSESSMENT**  
**Proposed MSWIN 20602 C Vossburg Communications Tower**  
**Vossburg, Jasper County, Mississippi**  
Environmental Engineers, Inc. Project No.: JSE01P1003

Prepared for:  
Towers of Mississippi  
State of Mississippi  
Spanish Fort, Alabama

March 5, 2010

Prepared by:  
ENVIRONMENTAL ENGINEERS, INC.

Anne B. Gilbert, P.E.  
Principal Engineer

Henry A. Fisher, P.E.  
Principal Engineer

**Phone: (205) 629-3868 • Fax: (877) 847-3060**

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## EXECUTIVE SUMMARY

Mr. Taylor Robinson of Towers of Mississippi authorized a Phase I Environmental Site Assessment (ESA) for a lease portion of a larger parcel located off County Road 35 in Vossburg, Mississippi. The Phase I study included the following services:

- a site reconnaissance to look for visual evidence of potential contamination;
- evaluation of land uses on surrounding properties which may have affected the project site;
- a general reconnaissance within a one-mile radius of the project site;
- review of specific environmental regulatory listings;
- review of available aerial photographs and historical records;
- review of published literature concerning site area geology, soils, and hydrology; and
- preparation of this report.

The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel.

Environmental Engineers, Inc. performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of ASTM Standard Practice E 1527-05 of the Proposed MSWIN 20602 C Vossburg Communications Tower located off County Road 35 in Vossburg, Mississippi, the *property*. This assessment has revealed no evidence of on- or off-site *recognized environmental conditions* in connection with the *property*. Based on the results of this assessment, Environmental Engineers, Inc. does not recommend further assessment of site soils or groundwater at this time.

It should be noted that this section is only intended to represent a brief summary of our findings, and is not a detailed account of all the information compiled in preparation of this report. The report should be reviewed in its entirety prior to drawing any final conclusions as to potential environmental conditions associated with the site.



## **1.0 INTRODUCTION**

### **1.1 PURPOSE**

The purpose of this environmental assessment is to investigate and identify *recognized environmental conditions* associated with the site and/or surrounding property. *Recognized environmental conditions*, as defined in the American Society for Testing and Materials (ASTM) Standard Practice E1527-05, include the following:

“The presence or likely presence of any *hazardous substances* or *petroleum products* on a *property* under conditions that indicate an existing release, a past release, or a material threat of a release of any *hazardous substances* or *petroleum products* into structures on the *property* or into the ground, groundwater, or surface water of the *property*. The term includes *hazardous substances* or *petroleum products* even under conditions in compliance with laws. The term is not intended to include *de minimus* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.”

### **1.2 CERTIFICATION**

Environmental Engineers, Inc. declares that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. Environmental Engineers, Inc. has the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed all the appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. We have included the qualifications for the Environmental Engineers, Inc. personnel that participated in this assessment as Appendix A.

### **1.3 SITE LOCATION**

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle “Heidelberg, Mississippi,” dated 1963 with photorevisions dated 1982. The site is located in the southeast ¼ of the northwest ¼ of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude 31° 56’ 34.551” north and longitude 88° 57’ 23.229” west (Figure 1).

This site is referred to as the Proposed MSWIN 20602 C Vossburg Communications Tower and is located off County Road 35 in Vossburg, Mississippi. The current property owners are listed by the Jasper County Tax Assessor’s Office as Eugene C. Thach, Jr. and wife, Jacqueline E. Thach, and the tax number for the parcel containing the site is 0110-10-000-002.00.



## **2.0 SUMMARY OF PREVIOUS ENVIRONMENTAL SITE ASSESSMENTS**

Environmental Engineers, Inc. is unaware of any previous environmental assessments of the site.

## **3.0 CURRENT SITE CHARACTERISTICS**

### **3.1 SITE DESCRIPTION AND OPERATIONS**

The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel.

### **3.2 SITE RECONNAISSANCE**

Environmental Engineers, Inc. conducted a site reconnaissance on March 1, 2010. The purpose of this visit was to observe the property and adjacent properties for evidence of *recognized environmental conditions*, as stated in Section 1.1. Site photographs are included as Figures 2 through 6.

No evidence of aboveground or underground storage tanks (ASTs/USTs), drums, buckets, transformers, stained soil, stressed vegetation, pits, ponds, lagoons, or noxious odors were noted at the site.

### **3.3 SITE UTILITIES**

No utilities were observed on the site.

### **3.4 ADDITIONAL SITE INFORMATION**

#### **3.4.1 Hydrology**

Based on topographic interpretation, surface water runoff from the site is expected to flow generally east towards an unnamed tributary of Hollicar Creek. Groundwater beneath the site is inferred to flow toward the east and may be present at perhaps greater than 20 feet below ground surface (bgs).



### 3.4.2 Geology

According to the Mississippi Geological Survey, Geologic Map of Mississippi, dated 1969 and reprinted 1985, the site is underlain by the Citronelle Formation of Quaternary Age. The Citronelle Formation consist of red sand and gravel and white clay.

### 3.4.3 Soils

According to the USDA's Soil Survey of Jasper County, Mississippi, issued July 1979, site soils are classified as Heidel-Troup association, hilly. The Heidel soil has a surface layer of dark grayish-brown sandy loam about four inches thick. The subsurface layer is pale-brown sandy loam about eight inches thick. The upper part of the subsoil is yellowish-red sandy loam about 30 inches thick, and the lower part is red sandy loam to a depth of 70 inches.

The Troup soil has a surface layer of very dark grayish-brown loamy sand about four inches thick. The subsurface layer is pale-brown to yellowish-brown loamy sand about 52 inches thick. The subsoil is yellowish-red sandy clay loam to a depth of 85 inches.

A portion of the proposed access road soils are classified as McLaurin loamy sand, two to five percent slopes. A representative profile of this soil is as follows: dark brown loamy sand to a depth of three inches; yellowish-brown loamy sand to a depth of ten inches; red sandy loam to a depth of 38 inches; yellowish-red sandy loam to a depth of 47 inches; and red sandy loam to 80 inches.

It should be noted that information listed in Section 3.4 of this report is for the general area of the site, and is not intended as a substitute for site-specific geotechnical and/or hydrological information.

## **4.0 CURRENT AREA CHARACTERISTICS**

### **4.1 ADJACENT PROPERTIES**

Properties adjacent to the site were observed to determine if there was any visible evidence of off-site land uses that might adversely affect the site. The site is immediately surrounded by wooded land.

### **4.2 PROPERTIES WITHIN 1,000-FOOT RADIUS**

Properties within a 1,000-foot radius of the site were observed to determine if there was any visible evidence of off-site land uses that might adversely affect the site. The site is surrounded by wooded land with County Road 35 farther west of the site and a cemetery farther south of the site.



### 4.3 AREA UTILITIES

According to Mr. Gene Thach, Jr., current site owner, electrical service in the area of the site is provided by Southern Pine Electric or Mississippi Electric and telephone service is provided by AT&T or Bay Springs Phone Company. Water and natural gas service are not available in the area of the site.

### 4.4 AREA GEOLOGY AND HYDROLOGY

According to the Mississippi Geological Survey, Geologic Map of Mississippi, dated 1969 and reprinted 1985, the area surrounding the site is underlain by the Citronelle Formation of Quaternary Age or Forest Hill Formation of Quaternary Age. The Citronelle Formation consist of red sand and gravel and white clay. Forest Hill Formation consists of sand, cross-bedded fine gray sand, laminated fine sand and clay, and a little lignite.

Based on topographic interpretation, surface water runoff and groundwater beneath the area surrounding the site are expected to flow toward Hollicar Creek or one of its tributaries.

## 5.0 SITE HISTORY – 1922 TO PRESENT

### 5.1 PROPERTY OWNERSHIP HISTORY

Property ownership information was reviewed in an effort to determine past ownership of the site. Property ownership information available at the Jasper County Courthouse in Bay Springs, Mississippi is listed in the table below. It should be noted that this information does not constitute a formal chain-of-title.

Property Ownership Information	
Years of Ownership	Property Owner
1/12/1995 – Present	Eugene C. Thach, Jr. and wife, Jacqueline E. Thach
1/26/1990 – 1/12/1995	Martha Turner Boice
4/25/1944 – 1/26/1990	Ruth D. Turner
1937 – 4/25/1944	Mrs. Nellie T. Bufkin, Henry G. Turner, A. Denny Turner, Matthew H. Turner, Floyd C. Turner, Clyde B. Turner, and Mrs. Helen T. Clower
At least 1922 - 1937	M.H. Turner and Mrs. Helen A. Turner

### 5.2 AERIAL PHOTOGRAPHS

Aerial photographs dated 1977, early 1990s, 1996, 2006, and 2009 including the subject site were examined. All aerial photographs depict the site as being wooded. Copies of the aerial photographs examined are included in Appendix B.



### 5.3 SANBORN FIRE INSURANCE MAPS

The site is located outside the limits covered by Sanborn Fire Insurance Maps.

### 5.4 SITE INTERVIEWS

A telephone interview was conducted with Mr. Gene Thach, Jr., current site owner, regarding ownership and past use of the site. Mr. Thach said that he and his wife have owned the property containing the site for approximately 18 years and it had always been wooded. Mr. Thach said that he is a local attorney and therefore, has a lot of history of the property. Mr. Thach said that the property had been owned by two Turner brothers in the 1920s and since that time it had always been used for timber production. Mr. Thach said there have never been any structures on the site, it was not used in the past as a garbage dump, and has never been developed. Mr. Thach said he was not aware of any fuel tanks, drums, or buckets of chemicals ever being stored on the site.

## 6.0 AREA HISTORY – 1963 TO PRESENT

### 6.1 AERIAL PHOTOGRAPHS

Aerial photographs dated 1977, early 1990s, 1996, 2006, and 2009 including properties surrounding the site were examined. The portions of the aerial photographs examined are included in Appendix B.

All aerial photographs depict properties surrounding the site as wooded with a cemetery farther south of the site and County Road 35 farther west of the site. The 1977 aerial photograph shows a grassed area farther north of the site, but it was wooded in all other aerial photographs reviewed. The 1996 through 2009 aerial photographs show the cemetery south of the site to have been expanded to the other side of County Road 35 from the site.

### 6.2 SANBORN FIRE INSURANCE MAPS

The area surrounding the site is located outside the limits covered by Sanborn Fire Insurance Maps.

### 6.3 OTHER HISTORICAL MAPS

The United States Geological Survey 7.5-minute Topographic Quadrangle “Heidelberg, Mississippi,” dated 1963 with photorevisions dated 1982 was reviewed. This map depicted properties surrounding the site to be wooded with a large open area farther north of the site and St. Peter Cemetery located farther south of the site.

## 7.0 ENVIRONMENTAL REGULATORY INFORMATION

Federal and state environmental regulatory records were reviewed by Environmental Engineers, Inc. to determine the environmental regulatory status of facilities identified within specific distances of the



subject site. The databases reviewed and search radii for each database are designated by the ASTM Standard Practice E1527-05. FirstSearch Technology Corporation (FirstSearch) compiled this information (Appendix C). Descriptions of the acronyms used for each database are presented in the FirstSearch report.

## **7.1 SITE ENVIRONMENTAL REGULATORY INFORMATION**

The subject site is not listed on any existing federal or state environmental regulatory databases.

## **7.2 GEOCODED SITES**

FirstSearch identified no facilities as being located within the search radii designated by ASTM.

## **7.3 NON-GEOCODED SITES**

Due to inadequate address or other facility identifier information, FirstSearch could not plot some of the facilities contained within the federal and state databases on a map. However, these facilities are identified in the list of non-geocoded sites provided by FirstSearch. This summary was reviewed by Environmental Engineers, Inc. to determine if any of the facilities on or surrounding the site was included on this list. The review indicated the facilities listed as non-geocoded were located outside the ASTM search distances of the site or were not topographically upgradient of the site.

## **7.4 REGULATORY INTERVIEWS**

A telephone interview was conducted with Mr. Mike Lucas of the Jasper County Emergency Management Agency (EMA) regarding hazardous material/environmental emergency responses in the area of the site. Mr. Lucas, who has been the EMA director for four years but has worked for the EMA for 25 years, said he is not aware of any hazardous material responses or other environmental emergency responses in the area of the site.

## **8.0 ASTM/AAI USER QUESTIONNAIRE**

According to the ASTM E1527-05/EPA All Appropriate Inquiry (AAI) Standard, in order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user must provide the following information (if available) to the environmental professional. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

Environmental Engineers, Inc. contacted Mr. Taylor Robinson of Towers of Mississippi to provide the required information. The ASTM/AAI user questionnaire and Mr. Robinson's answers are summarized in the following paragraphs.



(1.) **Environmental cleanup liens that are filed or recorded against the site (40 CFR 312.25).**

Are you aware of any environmental cleanup liens against the *property* that are filed or recorded under federal, tribal, state or local law?

Mr. Robinson indicated that he was not aware of any such liens.

(2.) **Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26).**

Are you aware of any AULS, such as *engineering controls*, land use restrictions or *institutional controls* that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law?

Mr. Robinson indicated that he was not aware of any land use limitations at the site.

(3.) **Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).**

As the *user* of this *ESA* do you have any specialized knowledge or experience related to the *property* or nearby properties? For example, are you involved in the same line of business as the current or former *occupants* of the *property* or an adjoining *property* so that you would have specialized knowledge of the chemicals and processes used by this type of business?

Mr. Robinson indicated that he did not have specialized knowledge or experience related to the property or nearby properties.

(4.) **Relationship of the purchase price to the fair market value of the *property* if it were not contaminated (40 CFR 312.29).**

Does the purchase price being paid for this *property* reasonably reflect the fair market value of the *property*? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the *property*?

Mr. Robinson indicated that there was only a leasehold interest in the property, which is at fair market value for the purposes they intend.

(5.) **Commonly known or *reasonably ascertainable* information about the *property* (40 CFR 312.30).**

Are you aware of commonly known or *reasonably ascertainable* information about the *property* that would help the *environmental professional* to identify conditions indicative of releases or threatened releases? For example, as *user*,

(a). Do you know the past users of the *property*?

Mr. Robinson stated that he was unaware of the past user of the property.



(b). Do you know of specific chemicals that are present or once were present at the *property*?

Mr. Robinson indicated that he was not aware of specific chemicals formerly or currently present on the property.

(c). Do you know of spills or other chemical releases that have taken place at the *property*?

Mr. Robinson indicated he was not aware of spills or other chemical releases on the property.

(d). Do you know of any environmental cleanups that have taken place at the *property*?

Mr. Robinson indicated that he was unaware if any environmental cleanup had occurred at the site in the past.

(6.) **The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).**

As the *user* of this *ESA*, based on your knowledge and experience related to the *property* are there any *obvious* indicators that point to the presence or likely presence of contamination at the *property*?

Mr. Robinson indicated that he was not aware of any obvious indicators that point to the presence or likely presence of contamination at the property.

## **9.0 CONCLUSIONS AND RECOMMENDATIONS**

Environmental Engineers, Inc. performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of ASTM Standard Practice E 1527-05 of the Proposed MSWIN 20602 C Vossburg Communications Tower located off County Road 35 in Vossburg, Mississippi, the *property*. This assessment has revealed no evidence of on- or off-site *recognized environmental conditions* in connection with the *property*. Based on the results of this assessment, Environmental Engineers, Inc. does not recommend further assessment of site soils or groundwater at this time.

## **10.0 REFERENCES / INFORMATION SOURCES**

Research and evaluation of the environmental conditions at the site and surrounding properties included utilization of the following sources:

1. Geologic information published by the United States Geological Survey and the Geological Survey of Mississippi.

*Phase I Environmental Site Assessment*  
*Proposed MSWIN 20602 C Vossburg Communications Tower*  
*Vossburg, Jasper County, Mississippi*  
*Environmental Engineers, Inc. Project No.: JSE01P1003*



2. USGS 7.5-minute Topographic Quadrangle “Heidelberg, Mississippi,” dated 1963 with photorevisions dated 1982.
3. Soils information and an aerial photograph published in the USDA’s Soil Survey of Jasper County, Mississippi, issued July 1979.
4. Property ownership records and deeds reviewed at the Jasper County Courthouse in Bay Springs, Mississippi.
5. Aerial photographs available at the USDA’s Farm Service Agency (FSA) and Natural Resource Conservation Service (NRCS) offices in Bay Springs, Mississippi and Mapcard.com Internet website.
6. Telephone interview with Mr. Mike Lucas of the Jasper County EMA, regarding hazardous materials responses or other environmental emergency responses in the area of the site.
7. Review of environmental regulatory report for the site prepared by FirstSearch Technology Corporation, having Project Number JSE01P1003 and dated February 26, 2010.
8. Telephone interview with Mr. Gene Thach, Jr., current site owner, regarding past history and use of the site and local utility providers.
9. Review of AAI Questionnaire results provided by Mr. Taylor Robinson of Towers of Mississippi.

### **11.0 SPECIAL TERMS AND CONDITIONS**

This Phase I ESA has been conducted in accordance with the ASTM *Standard Practice for Environmental Site Assessments: Phase I Site Assessment Process*, designation E1527-05.

Historical and environmental information pertaining to the subject site has been included in this report to the extent that such information is “publicly available” and “practically reviewable,” as defined in the above-referenced standard practice manual, within reasonable time and monetary constraints.

Conclusions stated herein are based upon publicly available information and other documented sources. Environmental Engineers, Inc. assumes no responsibility for inaccurate information that is not otherwise obvious in light of information of which Environmental Engineers, Inc. has actual knowledge.

Services not within the scope of this study include, but are not limited to, the following:

- an investigation of mining structures under the project site;
- an investigation of potential asbestos-containing materials at the site;
- an investigation for potential jurisdictional wetlands on the site;

*Phase I Environmental Site Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
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Environmental Engineers, Inc. Project No.: JSE01P1003*



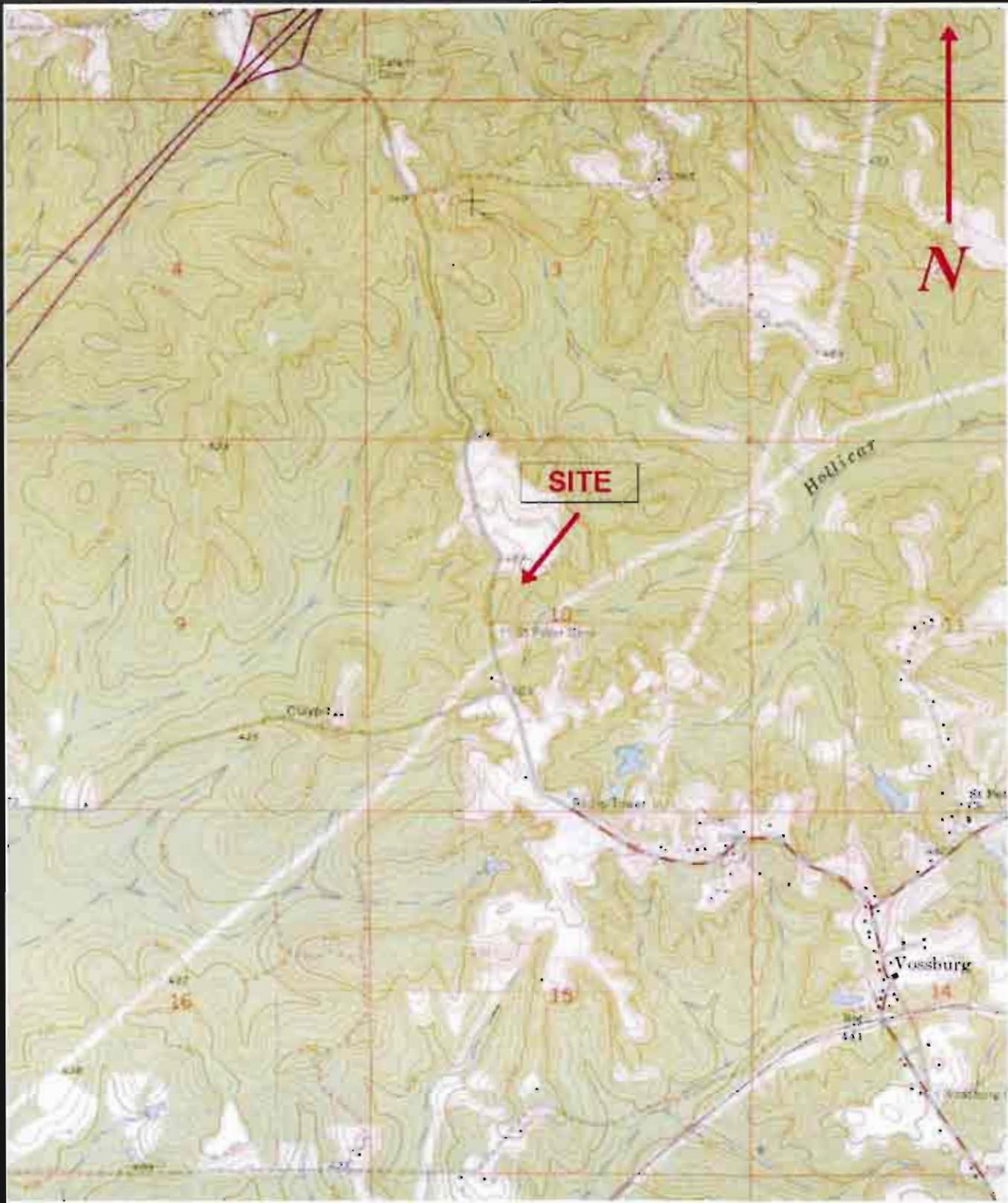
- an investigation for potential mold in any onsite structures;
- an investigation of the likelihood of sinkhole activity around the site; and
- an investigation for the presence of unacceptable levels of radon-producing elements in surface soils on the project site.

This report may be relied upon by Towers of Mississippi, the State of Mississippi, and their lenders, subject to the terms and conditions included as Appendix D. No other person may rely on this report without written authorization from Environmental Engineers, Inc.

This assessment is intended to reduce, not eliminate, the level of environmental uncertainty associated with the site. Environmental Engineers, Inc. is not responsible for the conclusions made by others based on this assessment.



# Figures



**Environmental Engineers, Inc.**

Subject:  
Phase I Environmental Site Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi  
Project No.: JSE01P1003

Figure 1  
Site Location Map

Scale: 1" = 2,000'





View from the center of the site toward the north.



View from the center of the site toward the east.

## Environmental Engineers, Inc.

Subject:  
Phase I Environmental Site Assessment  
Proposed MSWIN 20802 C Vossburg Communications Tower  
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Figure 2  
Site Photographs





View from the center of the site toward the south.



View from the center of the site toward the west.

## Environmental Engineers, Inc.

Subject:  
Phase I Environmental Site Assessment  
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Figure 3  
Site Photographs





View along the eastern guy anchor easement looking toward the site.



View along the northwestern guy anchor easement looking toward the site.

## Environmental Engineers, Inc.

Subject:  
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Figure 4  
Site Photographs





View along the southwestern guy anchor easement looking toward the site.



View of the access road entrance.

## Environmental Engineers, Inc.

Subject:  
Phase I Environmental Site Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
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Figure 5  
Site Photographs





View of the existing portion of the site access road.



View of the proposed access road portion from the existing portion looking toward the site.

## Environmental Engineers, Inc.

Subject:  
Phase I Environmental Site Assessment  
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Vossburg, Jasper County, Mississippi  
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Figure 6  
Site Photographs



**Anne B. Gilbert, P.E.**  
**President/Principal Engineer**

**EXPERTISE:**

Responsible for Phase I and Phase II Environmental Site Assessments, UST Closure Assessments, UST site investigations, preparation of a Confirmatory Sampling Workplan for a RCRA facility, Confirmatory Sampling at a RCRA facility, groundwater and soil sampling, development of Best Management Practices Plans for industrial facilities and construction sites, NPDES compliance inspections and sampling for both industrial and construction sites, and management and supervision of over 40 local stormwater facilities as well as 700 locations for Jefferson County. Responsible for preparation of Asbestos Abatement Plans for schools and commercial and industrial facilities. Responsible for Asbestos Surveys at schools and commercial, industrial, and residential sites.

Geotechnical Investigations including laboratory testing and engineering analysis.

Preparation of Toxic Release Chemical Inventory Reporting Form R's, preparation of EPCRA Tier II reporting forms, compliance with local, state, and federal regulations and reporting requirements for solid waste, hazardous waste, air, groundwater, and stormwater.

**PROJECT EXPERIENCE:**

- Project Manager for geotechnical investigations involving shallow and deep foundations, sinkholes, and rock anchors throughout the Southeastern United States.
- Site Geotechnical engineer and Project Manager for repair of a collapsed 10' diameter sewer line in Ensley, Alabama.
- Project Manager for Phase I and II ESAs: conducted and managed environmental site assessments for real estate transactions throughout the Southeastern United States.
- Project Manager for UST Closure Assessments: conducted and managed UST closure assessments throughout the State of Alabama.
- Project Manager for NPDES Permitting: supervised compliance for industrial facilities and construction sites throughout Jefferson and Shelby Counties in the State of Alabama.
- Project Manager and supervisor for NPDES Permitting: supervised compliance for over 40 industrial facilities and construction sites throughout Jefferson and Shelby Counties in the State of Alabama. Also, supervisor for inspection of 700 outfalls in Jefferson County for Jefferson County during 1995.
- Project Manager for preliminary investigation on possible contaminated facility that was Alabama Underground Storage Tank (AUST) trust fund eligible.
- Project Manager for an Emergency Response incident at a facility in Bessemer, Alabama.
- Responsible for compilation and implementation of a Confirmatory Sampling Workplan at a RCRA facility located in Jefferson County, Alabama.
- Responsible for preparation of an Asbestos Abatement Plan to be implemented at an off-shore oil drilling platform.

### **EMPLOYMENT HISTORY:**

Project Engineer, Gallet & Associates, Inc. Birmingham, Alabama  
1991- 1/98; Engineering Aide, 1990-1991

Environmental Engineer, U.S. Pipe and Foundry Company – North Birmingham Plant,  
2/98 – 11/99

Engineer, Environmental Engineers, Inc., Odenville, Alabama  
1/1999 - Present

### **EDUCATION**

Bachelor of Science in Civil Engineering, University of Alabama, Tuscaloosa, 1991

### **CERTIFICATIONS:**

Professional Engineer certification - Alabama, 1997  
Professional Engineer certification - Georgia, 2000  
Professional Engineer certification - Tennessee, 2003  
Professional Engineer certification - South Carolina, 2003  
Professional Engineer certification - North Carolina, 2005  
Professional Engineer certification - Mississippi, 2005  
Professional Engineer certification - Texas, 2005  
40-Hour OSHA trained, 1995  
AHERA Inspector/Management Planner certification, 1998  
AHERA Asbestos Abatement Project Designer, 1999  
Lead-Based Paint Inspector/Risk Assessor certification, 2007

**Henry A. Fisher, P.E.**  
**Vice-President/Principal Engineer**

**EXPERTISE:**

Responsible for performing NPDES compliance inspections and sampling for industrial facilities and construction sites and development of Best Management Practices Plans for industrial facilities and construction sites. Responsible for groundwater and soil sampling, groundwater remediation; including free product recovery, Phase I and Phase II Environmental Site Assessments, Environmental Transaction Screens, UST Closure Assessments, UST site investigations, preparation of a Confirmatory Sampling Workplan for a RCRA facility, Confirmatory Sampling at a RCRA facility, preparation of SPCC Plans, preparation of EPCRA Tier II reporting forms, and preparation and implementation of soil and surface water sampling programs for a biosolids land-application facility. Responsible for Asbestos Surveys at various commercial, residential, and commercial facilities. Conducted National Environmental Policy Act (NEPA) Checklists for numerous telecommunication facilities throughout the Southeastern United States.

**PROJECT EXPERIENCE:**

- Conducted and managed Phase I and Phase II Environmental Site Assessments for real estate transactions throughout the Southeastern United States.
- Conducted and managed UST Closure Assessments and Preliminary Investigations throughout the State of Alabama.
- Performed NPDES compliance inspections and sampling for construction sites in Blount, Jefferson, Shelby, St. Clair, Talladega, and Tuscaloosa counties.
- Developed Best Management Practices Plans for industrial facilities in Shelby and Talladega counties.
- Developed and maintained a “free-product” recovery system for use in Jackson, MS and Boligee, AL.
- Responsible for development and implementation of sampling plans at three Jefferson County biosolids land application facilities.
- Responsible for implementation of a Confirmatory Sampling Workplan at a RCRA facility located in Jefferson County, Alabama.
- Responsible for performing triennial asbestos inspections and Asbestos Surveys at schools throughout Alabama.
- Provided project coordination and air sampling services for an Asbestos Abatement on an off-shore oil drilling platform.
- Responsible for performing an Asbestos Survey for a large hospital located in Sylacauga, Alabama.
- Conducted and managed National Environmental Policy Act (NEPA) Checklist activities associated with wireless telecommunications facilities throughout the Southeastern United States.

**EMPLOYMENT HISTORY:**

Project Engineer, Gallet & Associates, Inc. Birmingham, Alabama  
12/1994 - 1/1999.

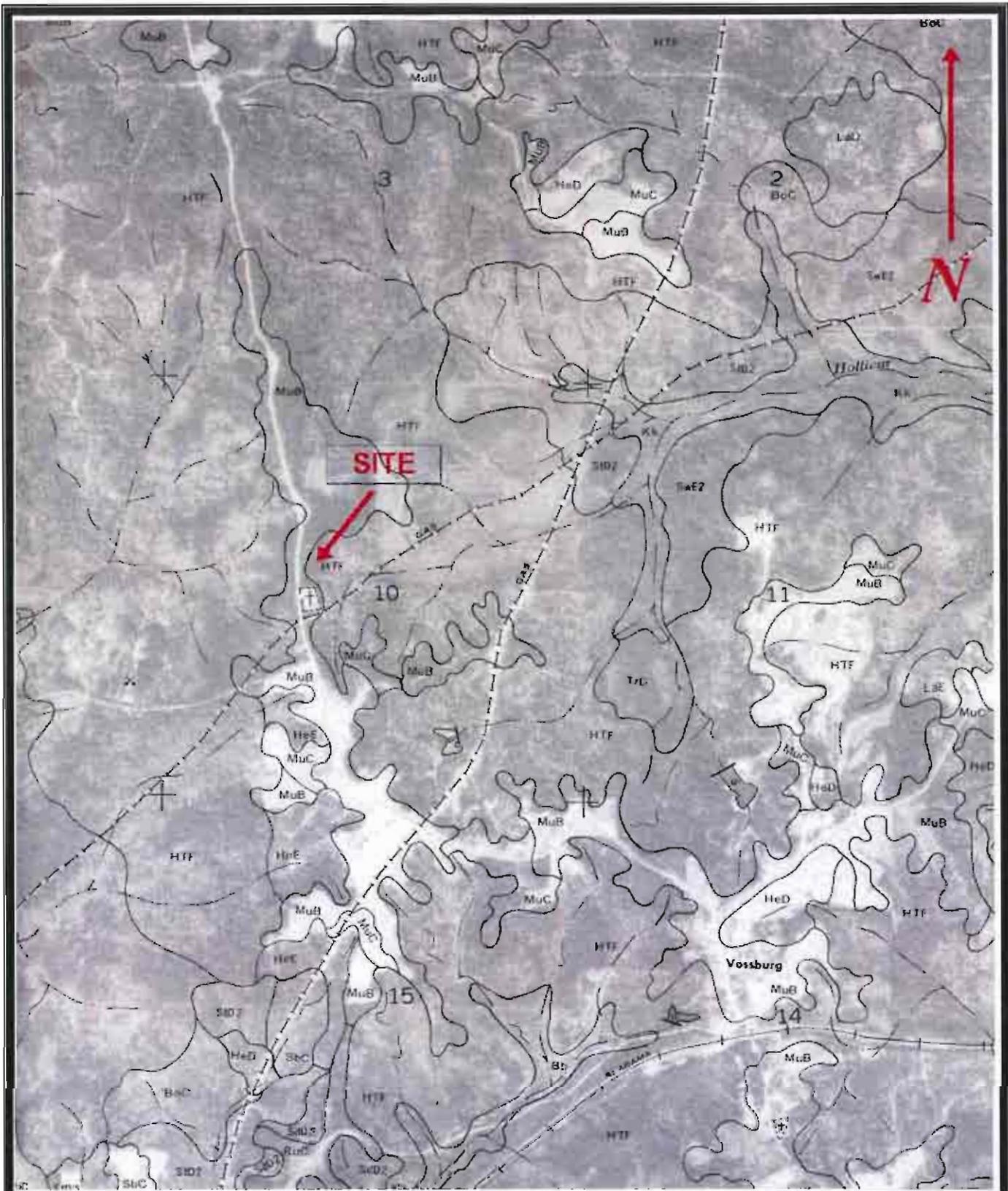
Vice-President/Engineer, Environmental Engineers, Inc. Odenville, Alabama  
1/1999 - Present

**EDUCATION:**

Bachelor of Science in Civil Engineering, August 1994 from the University of Alabama at Birmingham.

**CERTIFICATIONS:**

Professional Engineer certification - Alabama, 1999  
Professional Engineer certification - Mississippi, 2000  
Professional Engineer certification – Florida, 2007  
Professional Engineer certification – Kentucky, 2007  
40-Hour OSHA training, 1999

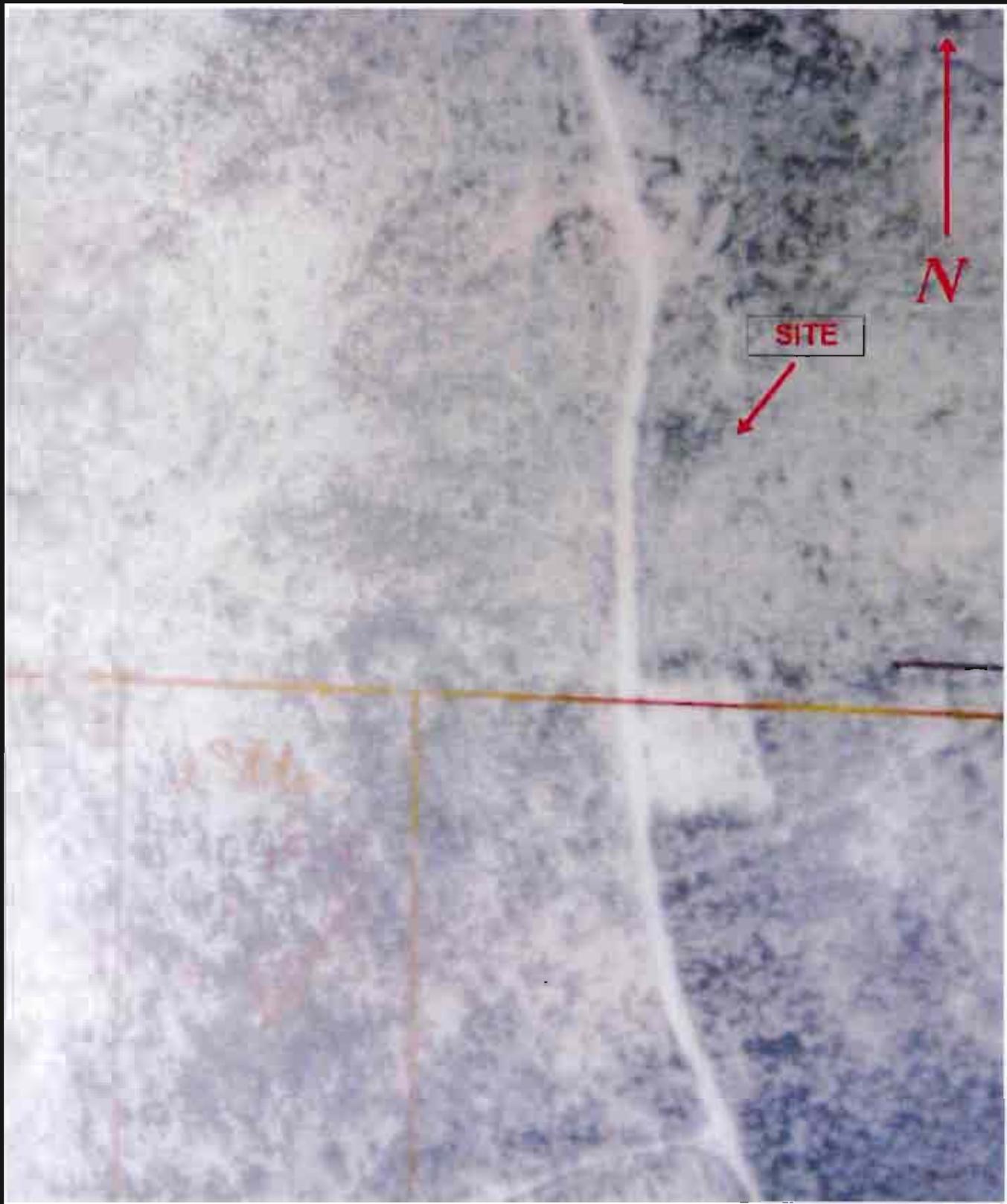


**Environmental Engineers, Inc.**

Subject:  
 Phase I Environmental Site Assessment  
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Appendix B  
 1977 Aerial Photograph



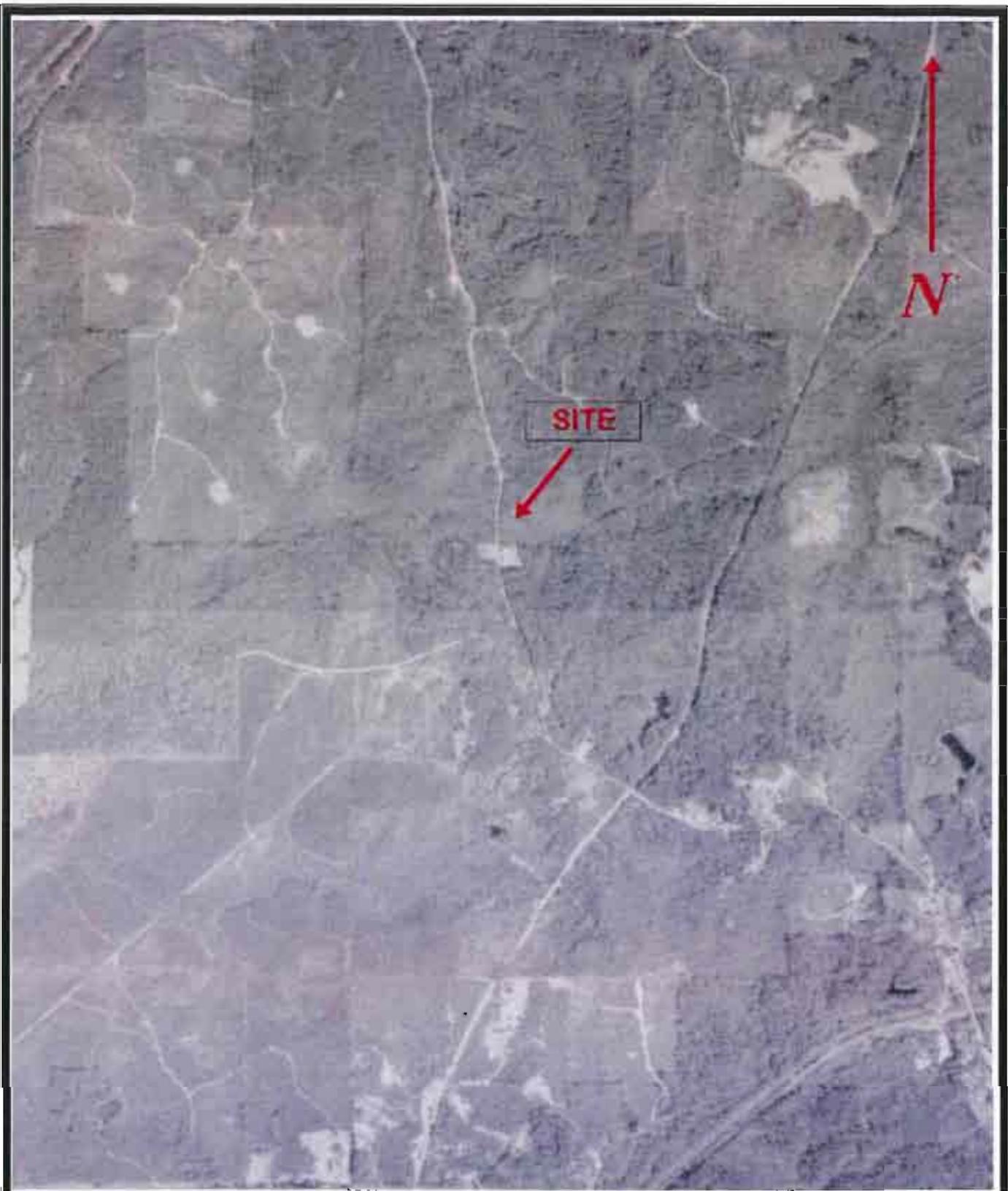


## Environmental Engineers, Inc.

Subject:  
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Appendix B  
Early 1990s Aerial Photograph





**Environmental Engineers, Inc.**

Subject:  
Phase I Environmental Site Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
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Project No.: JSE01P1003

Appendix B  
1996 Aerial Photograph



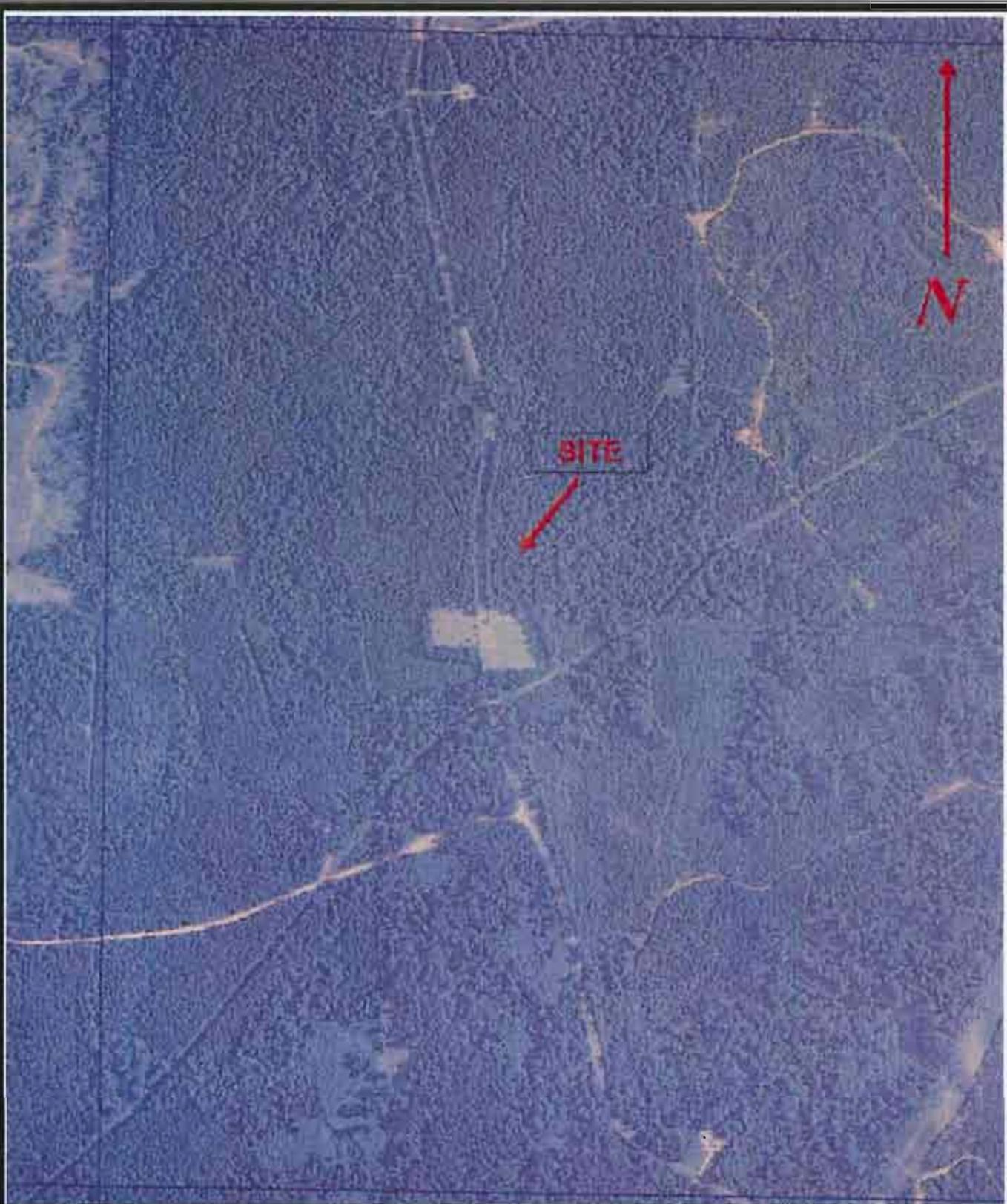


## Environmental Engineers, Inc.

Subject:  
Phase I Environmental Site Assessment  
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Appendix B  
2006 Aerial Photograph





**Environmental Engineers, Inc.**

Subject:  
Phase I Environmental Site Assessment  
Proposed MSWIN 20602 C Vossburg Communications Tower  
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Project No.: JSE01P1003

Appendix B  
2009 Aerial Photograph



# ***FirstSearch Technology Corporation***

## **Environmental FirstSearch™ Report**

Target Property: MSWIN 20602C VOSSBURG

**COUNTY ROAD 35**

**VOSSBURG MS 39366**

Job Number: JSE01P1003

### **PREPARED FOR:**

Environmental Engineers

11578 US Hwy 411

Odenville, AL 35120

02-26-10



*Tel: (407) 265-8900*

*Fax: (407) 265-8904*

**Environmental FirstSearch  
Search Summary Report**

**Target Site:** COUNTY ROAD 35  
VOSSBURG MS 39366

**FirstSearch Summary**

Database	Sel	Updated	Radius	Site	1/8	1/4	1/2	1/2>	ZIP	TOTALS
NPL	Y	02-23-10	1.00	0	0	0	0	0	0	0
NPL Delisted	Y	02-23-10	0.50	0	0	0	0	-	0	0
CERCLIS	Y	01-29-10	0.50	0	0	0	0	-	0	0
NFRAP	Y	01-29-10	0.50	0	0	0	0	-	0	0
RCRA COR ACT	Y	01-13-10	1.00	0	0	0	0	0	0	0
RCRA TSD	Y	01-13-10	0.50	0	0	0	0	-	0	0
RCRA GEN	Y	12-11-09	0.25	0	0	0	-	-	0	0
Federal IC / EC	Y	01-19-10	0.50	0	0	0	0	-	0	0
ERNS	Y	02-08-10	0.25	0	0	0	-	-	2	2
Tribal Lands	Y	01-01-96	1.00	0	0	0	0	0	1	1
State/Tribal Sites	Y	01-01-10	1.00	0	0	0	0	0	0	0
State Spills 90	Y	NA	0.25	0	0	0	-	-	0	0
State/Tribal SWL	Y	07-27-07	0.50	0	0	0	0	-	0	0
State/Tribal LUST	Y	01-28-10	0.50	0	0	0	0	-	0	0
State/Tribal UST/AST	Y	01-28-10	0.25	0	0	0	-	-	1	1
State/Tribal EC	Y	01-01-10	0.50	0	0	0	0	-	0	0
State/Tribal IC	Y	01-01-10	0.25	0	0	0	-	-	0	0
State/Tribal VCP	Y	01-01-10	0.50	0	0	0	0	-	2	2
State/Tribal Brownfields	Y	01-01-10	0.50	0	0	0	0	-	0	0
State Other	Y	01-01-07	0.25	0	0	0	-	-	0	0
FI Map Coverage	Y	07-14-08	0.12	0	0	-	-	-	0	0
- TOTALS -				0	0	0	0	0	6	6

**Notice of Disclaimer**

Due to the limitations, constraints, inaccuracies and incompleteness of government information and computer mapping data currently available to FirstSearch Technology Corp., certain conventions have been utilized in preparing the locations of all federal, state and local agency sites residing in FirstSearch Technology Corp.'s databases. All EPA NPL and state landfill sites are depicted by a rectangle approximating their location and size. The boundaries of the rectangles represent the eastern and western most longitudes; the northern and southern most latitudes. As such, the mapped areas may exceed the actual areas and do not represent the actual boundaries of these properties. All other sites are depicted by a point representing their approximate address location and make no attempt to represent the actual areas of the associated property. Actual boundaries and locations of individual properties can be found in the files residing at the agency responsible for such information.

**Waiver of Liability**

Although FirstSearch Technology Corp. uses its best efforts to research the actual location of each site, FirstSearch Technology Corp. does not and can not warrant the accuracy of these sites with regard to exact location and size. All authorized users of FirstSearch Technology Corp.'s services proceeding are signifying an understanding of FirstSearch Technology Corp.'s searching and mapping conventions, and agree to waive any and all liability claims associated with search and map results showing incomplete and or inaccurate site locations.

**Environmental FirstSearch  
Site Information Report**

**Request Date:** 02-26-10  
**Requestor Name:** Anne Gilbert  
**Standard:** AAI

**Search Type:** COORD  
**Job Number:** JSE01P1003

**Target Site:** COUNTY ROAD 35  
 VOSSBURG MS 39366

*Demographics*

<b>Sites:</b> 6	<b>Non-Geocoded:</b> 6	<b>Population:</b> NA
<b>Radon:</b> NA		

*Site Location*

	<u>Degrees (Decimal)</u>	<u>Degrees (Min/Sec)</u>	<u>UTMs</u>
<b>Longitude:</b>	-88.956452	-88:57:23	<b>Easting:</b> 315068.4
<b>Latitude:</b>	31.94293	31:56:35	<b>Northing:</b> 3535593.415
<b>Elevation:</b>	501		<b>Zone:</b> 16

*Comment*

**Comment:**JASPER CO., MS

*Additional Requests/Services*

<b>Adjacent ZIP Codes:</b> 0 Mile(s)					<b>Services:</b>																																			
<table border="1"> <thead> <tr> <th>ZIP Code</th> <th>City Name</th> <th>ST</th> <th>Dist/Dir</th> <th>Sel</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>					ZIP Code	City Name	ST	Dist/Dir	Sel						<table border="1"> <thead> <tr> <th></th> <th>Requested?</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Fire Insurance Maps</td> <td>No</td> <td></td> </tr> <tr> <td>Aerial Photographs</td> <td>No</td> <td></td> </tr> <tr> <td>Historical Topos</td> <td>No</td> <td></td> </tr> <tr> <td>City Directories</td> <td>No</td> <td></td> </tr> <tr> <td>Title Search/Env Liens</td> <td>No</td> <td></td> </tr> <tr> <td>Municipal Reports</td> <td>No</td> <td></td> </tr> <tr> <td>Online Topos</td> <td>No</td> <td></td> </tr> </tbody> </table>			Requested?	Date	Fire Insurance Maps	No		Aerial Photographs	No		Historical Topos	No		City Directories	No		Title Search/Env Liens	No		Municipal Reports	No		Online Topos	No	
ZIP Code	City Name	ST	Dist/Dir	Sel																																				
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City Directories	No																																							
Title Search/Env Liens	No																																							
Municipal Reports	No																																							
Online Topos	No																																							

***Environmental FirstSearch  
Sites Summary Report***

**Target Property:** COUNTY ROAD 35  
VOSSBURG MS 39366

**JOB:** JSE01P1003  
JASPER CO., MS

**TOTAL:** 6                    **GEOCODED:** 0                    **NON GEOCODED:** 6                    **SELECTED:** 0

<b>Map ID</b>	<b>DB Type</b>	<b>Site Name/ID/Status</b>	<b>Address</b>	<b>Dist/Dir</b>	<b>ElevDiff</b>	<b>Page No.</b>
VCP		GSPC- SHELL OIL CO.2 (00673) MSST-1205-523/SNFA	VOSSBURG MS 39366	NON GC	N/A	N/A
VCP		GSPC- SHELL OIL CO.1 (00672) MSST-1205-522/SNFA	VOSSBURG MS 39366	NON GC	N/A	N/A
TRIBALLAND		BUREAU OF INDIAN AFFAIRS CONTACT I BIA-39366	UNKNOWN MS 39366	NON GC	N/A	N/A
UST		WEST BROTHERS SERVICE STATION 6752/FACILITY INACTIVE	UNITED STATES HIGHWAY 11 VOSSBURG MS 39366	NON GC	N/A	N/A
ERNS		EXIT 118 I-59 NRC-900444/MOBILE	EXIT 118 I-59 VOSSBURG MS 39366	NON GC	N/A	N/A
ERNS		CLARK COUNTY RD 210 NRC-892389/PIPELINE	COUNTY ROAD 210 VOSSBURG MS 39366	NON GC	N/A	N/A



## Environmental FirstSearch Descriptions

**NPL: EPA NATIONAL PRIORITY LIST** - The National Priorities List is a list of the worst hazardous waste sites that have been identified by Superfund. Sites are only put on the list after they have been scored using the Hazard Ranking System (HRS), and have been subjected to public comment. Any site on the NPL is eligible for cleanup using Superfund Trust money.

A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment.

FINAL - Currently on the Final NPL

PROPOSED - Proposed for NPL

**NPL DELISTED: EPA NATIONAL PRIORITY LIST Subset** - Database of delisted NPL sites. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

DELISTED - Deleted from the Final NPL

**CERCLIS: EPA COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY INFORMATION SYSTEM (CERCLIS)**- CERCLIS is a database of potential and confirmed hazardous waste sites at which the EPA Superfund program has some involvement. It contains sites that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL.

PART OF NPL- Site is part of NPL site

DELETED - Deleted from the Final NPL

FINAL - Currently on the Final NPL

NOT PROPOSED - Not on the NPL

NOT VALID - Not Valid Site or Incident

PROPOSED - Proposed for NPL

REMOVED - Removed from Proposed NPL

SCAN PLAN - Pre-proposal Site

WITHDRAWN - Withdrawn

**NFRAP: EPA COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY INFORMATION SYSTEM ARCHIVED SITES** - database of Archive designated CERCLA sites that, to the best of EPA's knowledge, assessment has been completed and has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

NFRAP - No Further Remedial Action Plan

P - Site is part of NPL site

D - Deleted from the Final NPL

F - Currently on the Final NPL

N - Not on the NPL

O - Not Valid Site or Incident

P - Proposed for NPL

R - Removed from Proposed NPL

S - Pre-proposal Site

W - Withdrawn

**RCRA COR ACT: EPA RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM SITES** - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984.

RCRAInfo facilities that have reported violations and subject to corrective actions.

**RCRA TSD: EPA RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM**

**TREATMENT, STORAGE, and DISPOSAL FACILITIES.** - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984.

Facilities that treat, store, dispose, or incinerate hazardous waste.

**RCRA GEN: EPA/MA DEP/CT DEP RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM GENERATORS** - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984.

Facilities that generate or transport hazardous waste or meet other RCRA requirements.

LGN - Large Quantity Generators

SGN - Small Quantity Generators

VGN - Conditionally Exempt Generator.

Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List) facilities.

**CONNECTICUT HAZARDOUS WASTE MANIFEST** - Database of all shipments of hazardous waste within, into or from Connecticut. The data includes date of shipment, transporter and TSD info, and material shipped and quantity. This data is appended to the details of existing generator records.

**MASSACHUSETTES HAZARDOUS WASTE GENERATOR** - database of generators that are regulated under the MA DEP.

VQN-MA = generates less than 220 pounds or 27 gallons per month of hazardous waste or waste oil.

SQN-MA = generates 220 to 2,200 pounds or 27 to 270 gallons per month of waste oil.

LQG-MA = generates greater than 2,200 lbs of hazardous waste or waste oil per month.

**Federal IC / EC: EPA BROWNFIELD MANAGEMENT SYSTEM (BMS)** - database designed to assist EPA in collecting, tracking, and updating information, as well as reporting on the major activities and accomplishments of the various Brownfield grant Programs.

**FEDERAL ENGINEERING AND INSTITUTIONAL CONTROLS**- Superfund sites that have either an engineering or an institutional control. The data includes the control and the media contaminated.

**ERNS: EPA/NRC EMERGENCY RESPONSE NOTIFICATION SYSTEM (ERNS)** - Database of incidents reported to the National Response Center. These incidents include chemical spills, accidents involving chemicals (such as fires or explosions), oil spills, transportation accidents that involve oil or chemicals, releases of radioactive materials, sightings of oil sheens on bodies of water, terrorist incidents involving chemicals, incidents where illegally dumped chemicals have been found, and drills intended to prepare responders to handle these kinds of incidents. Data since January 2001 has been received from the National Response System database as the EPA no longer maintains this data.

**Tribal Lands: MS BCI CHOCTAW INDIAN TRIBAL LANDS** - database of Mississippi Choctaw Indian tribal land boundaries. The database includes information on boundary name and acreage.

**Tribal Lands: DOI/BIA INDIAN LANDS OF THE UNITED STATES** - Database of areas with boundaries established by treaty, statute, and (or) executive or court order, recognized by the Federal Government as territory in which American Indian tribes have primary governmental authority. The Indian Lands of the United States map layer shows areas of 640 acres or more, administered by the Bureau of Indian Affairs. Included are Federally-administered lands within a reservation which may or may not be considered part of the reservation.

**BUREAU OF INDIAN AFFAIRS CONTACT** - Regional contact information for the Bureau of Indian Affairs offices.

**State/Tribal Sites: MDEQ CERCLA/UNCONTROLLED SITES FILE LIST** - database of information on both CERCLA sites as well as facilities defined as a site, facility, plant, or location where hazardous or toxic wastes have been released to the environment and, due to existing regulations, there is no Federal program which can handle the problem.

**State/Tribal SWL:** *MDEQ* SOLID WASTE LANDFILLS LIST - database of active and closed rubbish sites; active, inactive and closed municipal solid waste landfills; waste tire facilities and transfer stations.

**State/Tribal LUST:** *MDEQ* MISSISSIPPI UNDERGROUND STORAGE TANK RELEASE TANK SITES - database of all sites with either a suspected release or confirmed releases.

**State/Tribal UST/AST:** *MDEQ/EPA* MISSISSIPPI UNDERGROUND STORAGE TANK REGISTERED TANK SITES - database of underground storage tank facilities, tanks, and owners.  
TRIBAL LAND UNDERGROUND STORAGE TANKS - database of underground storage tanks that are reported to be on Native American lands.

**State/Tribal EC:** *MDEQ* BROWNFIELD INVENTORY Subset - database of CERCLA/uncontrolled sites file list that have engineering controls.

**State/Tribal IC:** *MDEQ* BROWNFIELD INVENTORY Subset - database of CERCLA/uncontrolled sites file list that have institutional controls.

**State/Tribal Brownfields:** *MDEQ* BROWNFIELD INVENTORY - database of CERCLA/uncontrolled sites file list.

**RADON:** *NTIS* NATIONAL RADON DATABASE - EPA radon data from 1990-1991 national radon project collected for a variety of zip codes across the United States.

**State Other:** *US DOJ* NATIONAL CLANDESTINE LABORATORY REGISTER - Database of addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the U.S. Department of Justice ("the Department"), and the Department has not verified the entry and does not guarantee its accuracy. All sites that are included in this data set will have an id that starts with NCLR.

**FI Map Coverage:** *PROPRIETARY* FIRE INSURANCE MAP AVAILABILITY - Database of historical fire insurance map availability.

## Environmental FirstSearch Database Sources

**NPL:** *EPA* Environmental Protection Agency

*Updated quarterly*

**NPL DELISTED:** *EPA* Environmental Protection Agency

*Updated quarterly*

**CERCLIS:** *EPA* Environmental Protection Agency

*Updated quarterly*

**NFRAP:** *EPA* Environmental Protection Agency.

*Updated quarterly*

**RCRA COR ACT:** *EPA* Environmental Protection Agency.

*Updated quarterly*

**RCRA TSD:** *EPA* Environmental Protection Agency.

*Updated quarterly*

**RCRA GEN:** *EP/MA DEP/CT DEP* Environmental Protection Agency, Massachusetts Department of Environmental Protection, Connecticut Department of Environmental Protection

*Updated quarterly*

**Federal IC / EC:** *EPA* Environmental Protection Agency

*Updated quarterly*

**ERNS:** *EPA/NRC* Environmental Protection Agency

*Updated annually*

**Tribal Lands:** *MS BCI* Mississippi Band of Choctaw Indians

*Updated when available*

**Tribal Lands:** *DOI/BIA* United States Department of the Interior

*Updated annually*

**State/Tribal Sites:** *MDEQ* Mississippi Department for Environmental Quality

*Updated quarterly*

**State/Tribal SWL:** *MDEQ* Mississippi Department for Environmental Quality

*Updated annually*

**State/Tribal LUST:** *MDEQ* Mississippi Department for Environmental Quality, Office of Pollution Control, Groundwater and Solid Waste Division

*Updated quarterly*

**State/Tribal UST/AST:** *MDEQ/EPA* Mississippi Department for Environmental Quality

*Updated quarterly*

**State/Tribal EC:** *MDEQ* Mississippi Department for Environmental Quality

*Updated quarterly*

**State/Tribal IC:** *MDEQ* Mississippi Department for Environmental Quality

*Updated quarterly*

**State/Tribal Brownfields:** *MDEQ* Mississippi Department for Environmental Quality

*Updated quarterly*

**RADON:** *NTIS* Environmental Protection Agency, National Technical Information Services

*Updated periodically*

**State Other:** *US DOJ* U.S. Department of Justice

*Updated when available*

**FI Map Coverage:** *PROPRIETARY* Library of Congress  
Catalogue of Maps Published by Sanborn Mapping and Geographic Information Service in February 1988®  
ProQuest  
Other internally produced datasets

*Updated quarterly*

*Environmental FirstSearch*  
*Street Name Report for Streets within .25 Mile(s) of Target Property*

**Target Property:** COUNTY ROAD 35  
VOSSBURG MS 39366

**JOB:** JSE01P1003  
JASPER CO., MS

<b>Street Name</b>	<b>Dist/Dir</b>	<b>Street Name</b>	<b>Dist/Dir</b>
Jc Rd 35	0.06 SW		



## HISTORICAL FIRE INSURANCE MAPS

**NO MAPS AVAILABLE**

**02-26-10**

**JSE01P1003**

**COUNTY ROAD 35**

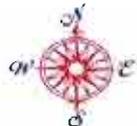
**VOSSBURG MS 39366**

A search of FirstSearch Technology Corporation's proprietary database of historical fire insurance map availability confirmed that there are NO MAPS AVAILABLE for the Subject Location as shown above.

FirstSearch Technology Corporation's proprietary database of historical fire insurance map availability represents abstracted information from the Sanborn® Map Company obtained through online access to the U.S. Library of Congress via local libraries.

### Copyright Policy & Disclaimer

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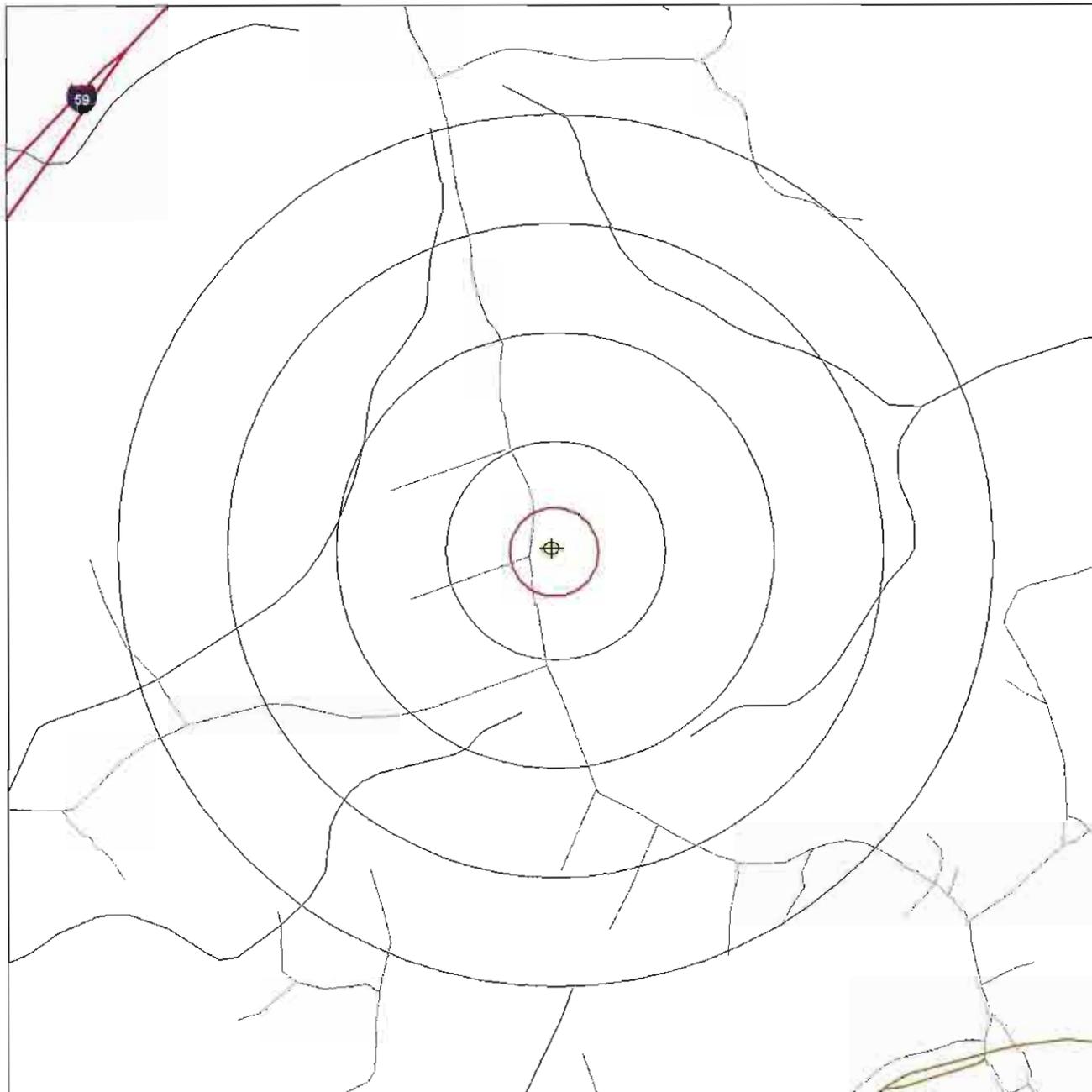


# Environmental FirstSearch

1 Mile Radius  
ASTM Map: NPL, RCRACOR, STATE Sites



## COUNTY ROAD 35 , VOSSBURG MS 39366



Source: 2005 U.S. Census TIGER Files

- Target Site (Latitude: 31.94293 Longitude: -88.956452) ..... 
  - Identified Site, Multiple Sites, Receptor .....   
  - NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste .....  
  - Triballand .....  
  - Railroads ..... 
- Black Rings Represent 1/4 Mile Radius; Red Ring Represents 300 ft. Radius



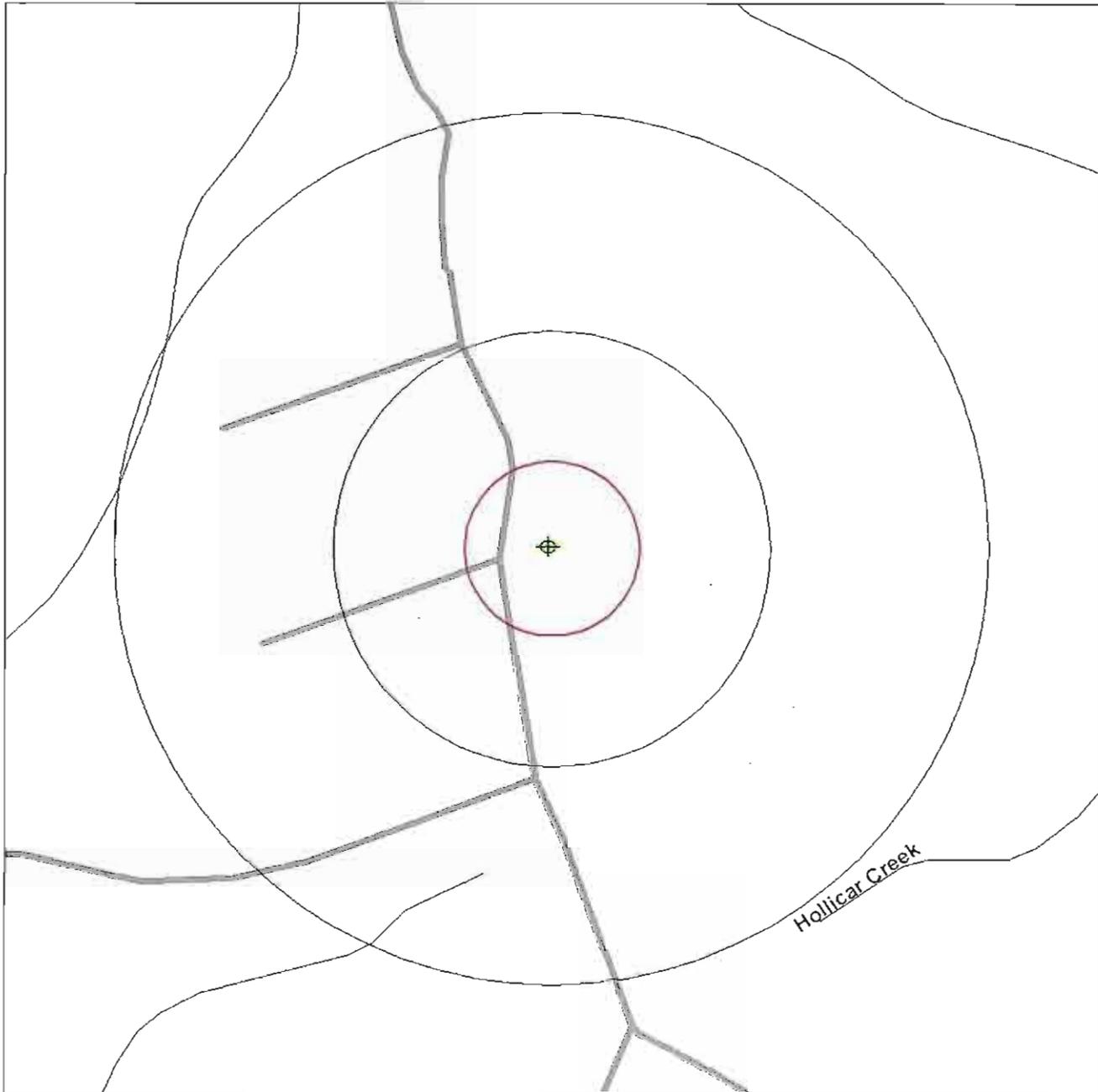
# Environmental FirstSearch

.5 Mile Radius

ASTM Map: CERCLIS, RCRATSD, LUST, SWL



## COUNTY ROAD 35 , VOSSBURG MS 39366



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 31.94293 Longitude: -88.956452) .....

Identified Site, Multiple Sites, Receptor .....

NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste .....

Triballand .....

Railroads .....

Black Rings Represent 1/4 Mile Radius; Red Ring Represents 0.125 Mile Radius



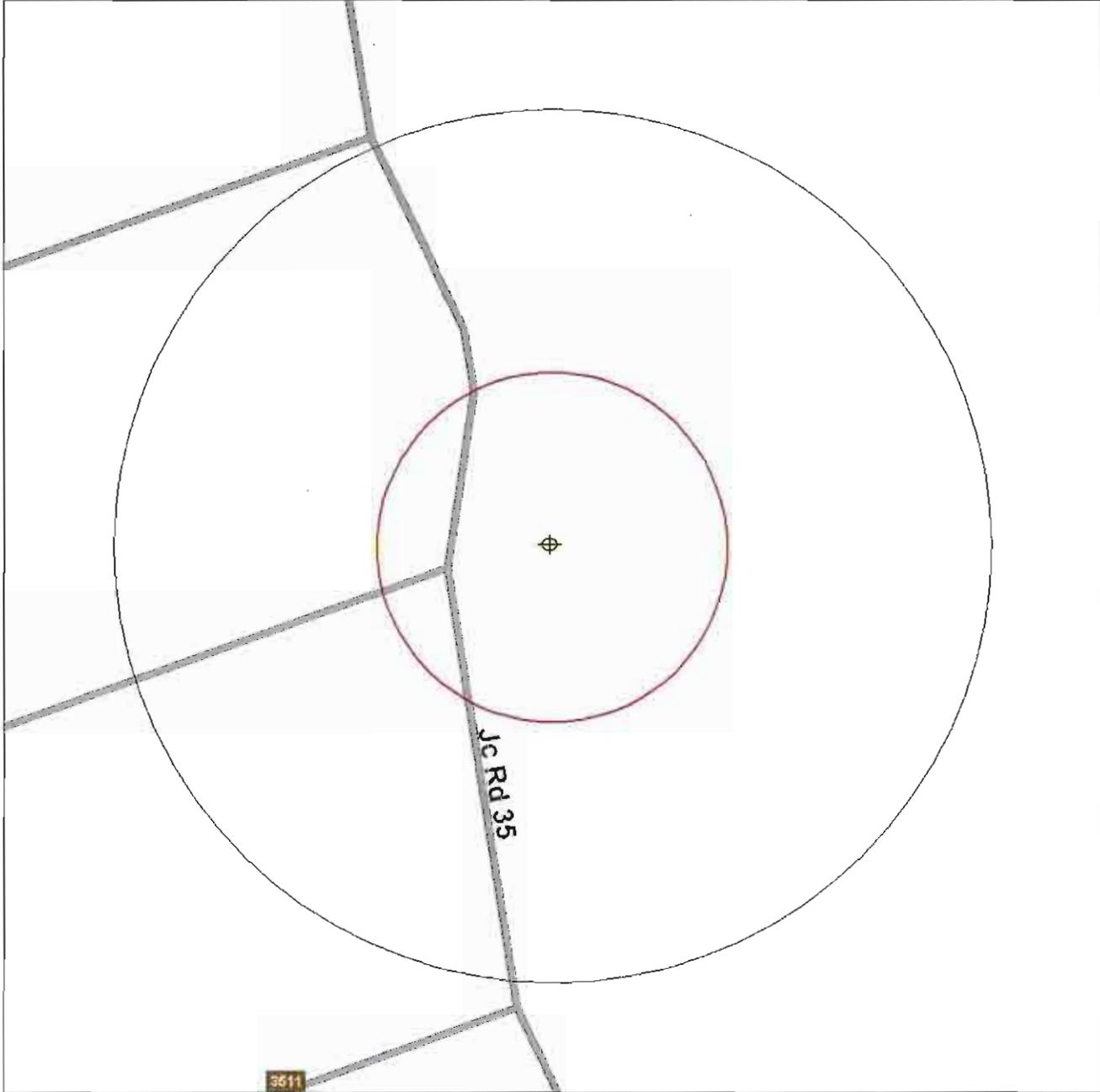


# Environmental FirstSearch

.25 Mile Radius  
ASTM Map: RCRAGEN, ERNS, UST



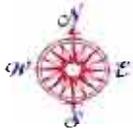
## COUNTY ROAD 35 , VOSSBURG MS 39366



Source: 2005 U.S. Census TIGER Files

- Target Site (Latitude: 31.94293 Longitude: -88.956452) .....
- Identified Site, Multiple Sites, Receptor .....
- NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste .....
- Triballand.....
- Railroads .....
- Black Rings Represent 1/4 Mile Radius; *Red Ring Represents 500 ft. Radius*



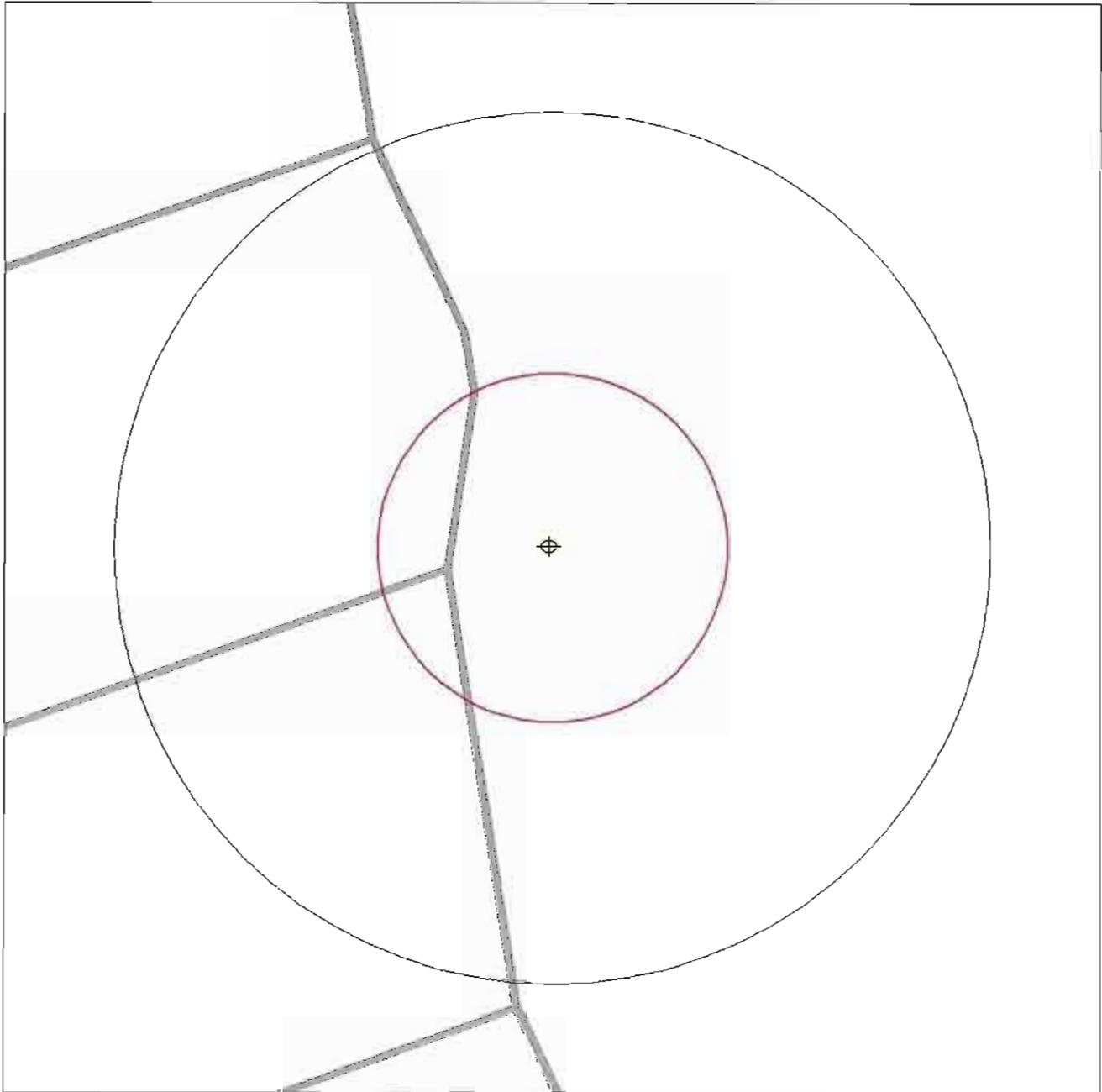


# Environmental FirstSearch

.25 Mile Radius  
Non-ASTM Map: No Sites Found



COUNTY ROAD 35 , VOSSBURG MS 39366



Source: 2005 U.S. Census TIGER Files

- Target Site (Latitude: 31.94293 Longitude: -88.956452) .....
- Identified Site, Multiple Sites, Receptor .....
- NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste  
Triballand.....
- National Historic Sites and Landmark Sites .....
- Railroads .....



Black Rings Represent 1/4 Mile Radius: Red Ring Represents 300 ft. Radius

**GENERAL CONDITIONS**  
Environmental Services

**Payment Terms** – Payment is due upon receipt of our invoice. If payment is not received within 30 days from the invoice date, Client agrees to pay a finance charge on the principal amount of the past due account of one and one-half percent per month, and all cost of collection, including attorney fees. If one and one-half percent per month exceeds the maximum allowed by law, the charge shall automatically be reduced to the maximum legally allowable.

In the event Client requests termination of the services prior to completion, a termination charge in an amount not to exceed thirty percent of all charges incurred through the date services are stopped plus any shutdown costs may, at the discretion of Environmental Engineers, Inc. (Consultant) be made. If during the execution of the services, Consultant is required to stop operations as a result of changes in the scope of services such as requests by the Client or requirements of third parties, additional charges will be applicable.

**General Nature Of Environmental Services** – The Consultant's basic services comprise the specific environmental activities set forth in Proposal. The consultant will access the site pursuant to the scope of services set forth in Proposal. Consultant agrees to strive to perform the services set forth in the Agreement in accordance with generally accepted professional practices. In the same or similar localities, related to the nature of the work accomplished, at the time the services are performed. Consultant makes no warranties whatsoever, whether express or implied, regarding the services to be performed by it hereunder. Consultant's services are intended to solely benefit the client.

**Scope of the Consultant's Basic Services** – The environmental services shall consist of those tasks enumerated in the Proposal to this Agreement. The scope of work outlined in the Proposal represents a minimum program at this time. As the results of the investigation become known, other tests and/or sampling may be recommended to the Client for written approval as Additional Services. In general, an increased frequency of sampling and testing will improve the opinions reached in the Consultant's report. Because geologic and soil formations are inherently random, variable, and indeterminate in nature, the professional services rendered by the Consultant and opinions provided with respect to such services under this agreement (including opinions regarding potential cleanup costs), are not guaranteed to be a representation of actual site conditions or contamination or costs, which are also subject to change with time as a result of natural or man-made processes. Consultant will provide Client with a written ("Report") concerning the services performed. The Report will present such findings and conclusions as the Consultant may reasonably make with the information gathered in accordance with this Agreement. In preparing the Report, Consultant may review and interpret certain information provided to it by third parties, including government authorities, registries of deeds, testing laboratories, and other entities, Consultant will not conduct an independent evaluation of the accuracy or completeness of such information, and shall not be responsible for any errors or omissions contained in such information. The report and other instruments of services are prepared for, and made available for the sole use of, the Client, and the contents thereof may not be used or relied upon by any other person without the express written consent and authorization of the Consultant.

**Additional Services of the Consultant** – If mutually agreed in writing by the Client and the Consultant, the Consultant shall perform or obtain the services of others to perform the activities enumerated in the Proposal to this Agreement. Additional Services are not included as part of Basic Services and will be paid by the Client as provided in Payment Terms.

**Services Excluded by the Consultant** – Services not expressly set forth in writing as Basic or Additional Services and listed in the Proposal to this Agreement are excluded from the scope of the Consultant's services, and the Consultant assumes no duty to the Client to perform such services. The services to be performed by the Consultant shall not include an analysis or determination by the Consultant as to whether the Client is in compliance with federal, state, or local laws, statutes, ordinances, or regulations. The Consultant's services shall not include directly or indirectly storing, arranging for or actually transporting, disposing, treating or monitoring hazardous substances, hazardous materials, hazardous wastes or hazardous site. The Consultant's services shall not include an independent analysis of work conducted and information provided by independent laboratories or other independent contractors retained by the Consultant concerning the Consultant's services provided to the Client. Unless otherwise specifically listed in the Proposal, the Consultant's services exclude testing for the presence of asbestos, nickel, polychlorinated biphenyls (PCBs), radon gas, any airborne pollutants, underground mines or sinkholes.

**Responsibilities of the Client** – The Client shall provide all information in the possession, custody, or control which relates to the site, its present and prior uses, or to activities at the site which may bear upon the services of the Consultant under this Agreement, including, but not limited to, the following: (i) a legal description of the site, including boundary lines and a site plan; (ii) identification of the location of utilities, underground tanks, and other structures and the routing thereof at the site, including available plans of the site; and (iii) a description of activities which were conducted at the site at any time by the Client or by any person or entity which would relate to the services provided by the Consultant. The Client shall be fully responsible for obtaining the necessary authorizations to allow the Consultant, its agents, subcontractors and representatives, to have access to the site and buildings thereon at reasonable times throughout contract performance by the Consultant. Consultant will take reasonable precautions to minimize damage to the site from use of equipment, but unavoidable damage or alteration may occur and Client hereby releases and indemnifies Consultant and agrees to assume responsibility for such unavoidable damage or alteration. To the extent required by law, Client agrees to assume responsibility for personal and property damages due to Consultant's interference with subterranean structures such as pipes, tanks, and utility lines that are not correctly shown on the documents provided above by Client to Consultant. The services, information, and other data required by the Section to be furnished by the Client shall be at the Client's expense, and the Consultant may rely upon all data furnished by the Client and the accuracy and completeness thereof.

Client understands and agrees that the discovery of certain conditions by Consultant may result in economic loss to Client/property owner and/or regulatory oversight. Client agrees that Consultant is not responsible or liable for any loss resulting from a decrease in the market value of the property described in the Proposal. Client further agrees that Consultant is not responsible or liable for any costs associated with corrective or remedial actions necessary at the site. Unless included in Proposal, Client also agrees that Consultant is not responsible for disclosures, notifications, or reports that may be required to be made to third parties (including appropriate government authorities).

**Consultant's Insurance** – Consultant shall obtain, if reasonably available, (1) statutory Workers' Compensation/Employers Liability coverage; (2) Commercial General Liability; (3) Automobile Liability; and (4) Professional Liability insurance coverage in policy amounts of not less than \$1,000,000. Consultant agrees to issue certificates of insurance evidencing such policies upon written request.

**Limitation of Responsibility** – CLIENT HEREBY AGREES THAT TO THE FULLEST EXTENT PERMITTED BY LAW THE CONSULTANT'S TOTAL LIABILITY TO CLIENT FOR ANY AND ALL INJURIES, CLAIMS, LOSSES, EXPENSES, OR DAMAGES WHATSOEVER ARISING OUT OF OR IN ANY WAY RELATING TO THE PROJECT, THE SITE, OR THIS AGREEMENT FROM ANY CAUSE OR CAUSES INCLUDING BUT NOT LIMITED TO THE CONSULTANT'S NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, OR BREACH OF WARRANTY SHALL NOT EXCEED THE GREATER OF THE TOTAL AMOUNT PAID BY THE CLIENT FOR THE SERVICES OF THE CONSULTANT UNDER THIS CONTRACT OR \$50,000.00, WHICHEVER IS GREATER. If Client prefers to have higher limits on professional liability, Consultant agrees to increase the limits up to a maximum of \$1,000,000.00 upon Client's written request at the time of accepting Proposal provided that Client agrees to pay an additional consideration of four percent of our total fee, or \$1,000.00, whichever is greater. Client and the Consultant agree that to the fullest extent permitted by law the Consultant shall not be liable to Client for any special, indirect or consequential damages whatsoever, whether caused by the Consultant's negligence, errors, omissions, strict liability, breach of contract, breach of warranty or other cause or causes whatsoever. To the fullest extent permitted by law, Client agrees to defend, indemnify, and hold Consultant, its agents, subcontractors, and employees harmless from and against any and all claims, defense costs, including attorney's fees, damages, and other liabilities arising out of or in any way related to the services to be performed by Consultant hereunder. Consultant's reports or recommendations concerning this Agreement of Consultant's presence on the project property, provided that Client shall not indemnify Consultant against liability for damages to the extent caused by the negligence or intentional misconduct of Consultant, its agents, subcontractors, or employees.

**Dispute Resolution** – All claims, disputes, and other matters in controversy between Consultant and Client arising out of or in any way related to this Agreement (other than a result of Client's failure to pay amounts due hereunder) will be submitted to "alternate dispute resolution" (ADR) such as mediation and/or arbitration, before and as a condition precedent to other remedies provided by law. If a dispute at law arises related to the services provided under this Agreement and that dispute requires litigation as provided above, then: (a) Client assents to personal jurisdiction in the State of Consultant's principal place of business; (b) The claim will be brought and tried in judicial jurisdiction of the court of the county where Consultant's principal place of business is located and Client waives the right to remove the action to any other county or judicial jurisdiction; and (c) The prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorney's fees, and expert witness fees, and other claim-related expenses.

**Discovery of Unanticipated Pollutants Risks** – If, while performing the services, pollutants are discovered that pose unanticipated risks, it is hereby agreed that the scope of services, schedule, and the estimated project cost will be reconsidered and that this contract shall immediately become subject to re-negotiation or termination. In the event that the Agreement is terminated because of the discovery of pollutants posing unanticipated risks, it is agreed that Consultant shall be paid for total charges for labor performed and reimbursable charges incurred to the date of termination of this Agreement, including, if necessary, any additional labor or reimbursable charges incurred in demobilizing. Client also agrees that the discovery of unanticipated hazardous substances may make it necessary for Consultant to take immediate measures to protect health and safety. Consultant agrees to notify Client as soon as practically possible should unanticipated hazardous substances or suspected hazardous substances be encountered. Client authorizes Consultant to take measures that in Consultant's sole judgment are justified to preserve and protect the health and safety of Consultant's personnel and the public. Client agrees to compensate Consultant for the additional cost of working to protect employees' and the public's health and safety.

**Disposition of Samples and Equipment** – No samples of unpolluted soil and rock will be kept by Consultant longer than thirty (30) days after submission of the final report unless agreed otherwise in the event that samples and/or materials contain or are suspected to contain substances or constituents hazardous or detrimental to health, safety, or the environment as defined by federal, state, or local statutes, regulations, or ordinances. Consultant will, after completion of testing (1) return such samples and materials to client, or (2) reach an agreement in writing to have such samples and materials properly disposed in accordance with applicable laws. Client agrees to pay all costs associated with the storage, transport, and disposal of samples and materials. Client recognizes and agrees that Consultant is acting as a bailee and at no time assumes title to said waste. All laboratory and field equipment contaminated in performing the required services will be cleaned at Client's expense. Contaminated consumables will be disposed of and replaced at Client's expense. Equipment (including tools) which cannot be reasonably decontaminated shall become the property and responsibility of Client. All such equipment shall be delivered to Client or disposed of in a manner similar to that indicated for hazardous samples. Client agrees to pay the fair market value of any such equipment which cannot reasonably be decontaminated.

**Reports, Recommendations, and Ownership of Documents** – Reports, recommendations, and other materials resulting from Consultant's efforts are intended solely for purposes of this Agreement; any reuse by Client or others for purposes outside of this Agreement or any failure to follow Consultant's recommendations, without Consultant's written permission, shall be at the user's sole risk. Client will furnish such reports, data, studies, plans, specifications, documents, and other information deemed necessary by Consultant for proper performance of its services. Consultant may rely upon Client-provided documents in performing the services required under this Agreement; however, Consultant assumes no responsibility or liability for their accuracy. Client-provided documents will remain property of Client. All reports, field notes, calculations, estimates, and other documents which are prepared, as instruments of service, shall remain Consultant's property and Consultant shall retain copyrights to these materials. Consultant will retain all pertinent records relating to services performed for a period of six years following submission of a report during which period the records will be made available to Client at all reasonable times.

**Termination** – This Agreement may be terminated by either party by seven (7) days written notice in the event of substantial failure to perform in accordance with the terms of the Agreement by the other party through no fault of the terminating party. If this Agreement is terminated, it is agreed that Consultant shall be paid for total charges for labor performed to the termination notice date, plus reimbursable charges.

**Force Majeure** – Neither party to this Agreement will be liable to the other party for delays in performing the services, nor for the direct or indirect cost resulting from such delays that may result from labor strikes, riots, war, acts of governmental authorities, extraordinary weather conditions or other natural catastrophes, or any cause beyond the reasonable control or contemplation of either party.

**Severability and Survival** – Any element of this Agreement later held to violate a law shall be deemed void, and all remaining provisions shall continue in force. However, Client and Consultant will in good faith attempt to replace any invalid or unenforceable provision with one that is valid and enforceable, and which comes as close as possible to expressing the intent of the original provision. All terms and conditions of this Agreement allocating liability between Client and Consultant shall survive the completion of the services hereunder and the termination of this Agreement.

**Assignment** – Consultant shall not delegate any duties, nor assign any rights or claims under this Agreement, nor sub any part of the work authorized, without prior consent of Client.

# Appendix L



**ENVIRONMENTAL ENGINEERS, INC.**

**11578 US Highway 411, Odenville, Alabama 35120**

*Environmental, Remediation, and Geological Consultants*

March 15, 2010

Mr. Johnny Rowell, President  
Jasper County Board of Supervisors  
P.O. Box 406  
Bay Springs, MS 39422

Subject:

**Proposed MSWIN 20602 C Vossburg Communications Tower  
Vossburg, Jasper County, Mississippi**

Environmental Engineers, Inc. Project No.: JSE01P1003

Dear Mr. Rowell:

Pursuant to the requirements of the March 2005 Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA) we are requesting comment on behalf of Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency regarding impact to historical or cultural sites listed on, or eligible for listing on the National Register of Historic Places (NRHP) by construction of a wireless communications tower in Jasper County, Mississippi.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Heidelberg, Mississippi," dated 1963 with photorevisions dated 1982. The site is located in the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 10, Township 1 North, Range 13 East, Jasper County, Mississippi, at latitude  $31^{\circ} 56' 34.551''$  north and longitude  $88^{\circ} 57' 23.229''$  west (Figure 1). The site consists of a proposed 100-foot by 100-foot lease area with associated guy anchor easements, and a proposed access road located off County Road 35 in Vossburg, Mississippi 39366. The site is wooded with pine trees ranging from less than two inches in diameter at breast height (dbh) to 12 inches dbh with moderate understory, and the site slopes gently down to the east. Proposed activities consist of construction of a 600-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound with gravel.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1003) in correspondence regarding this site. Please provide comment within thirty days of the date of this letter. Thank you for your time and assistance and we look forward to your response. Please call Mr. Henry Fisher at (205) 629-3868 or email him at [hfisher@envciv.com](mailto:hfisher@envciv.com) if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Anne B. Gilbert, P.E.  
Principal Engineer

Attachments: Site Location Map

**Phone: (205) 629-3868 • Fax: (877) 847-3060**

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

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Sent To Mr. Johnny Rowell, President  
 Street, Apt. No.,  
 or PO Box No.  
 City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature                  x <u>Sherrie P. Campbell</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <u>Sherrie P. Campbell</u></p> <p>C. Date of Delivery  <u>3-18-10</u></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  <u>Mr. Johnny Rowell, President</u>  <u>Jasper County Bd of Supervisors</u>  <u>P.O. Box 406</u>  <u>Bay Springs, MS 39422</u></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number                  (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
7007 2680 0002 3656 3610	

PROOF OF PUBLICATION

The State of Mississippi,  
County of Jasper

PERSONALLY CAME before me, the undersigned a Notary Public in and for JASPER COUNTY, MISSISSIPPI the OFFICE CLERK of the JASPER COUNTY NEWS, a newspaper published in the City of Bay Springs, Jasper County, in said State, who being duly sworn, deposes and says that the JASPER COUNTY NEWS is a newspaper as defined and prescribed in § 13-3-31 of the Mississippi Code 1972 Annotated and that the publication of a notice, of which the annexed is a copy, in the matter of

LEGAL NOTICE

Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) in accordance with Section 106 of the National Historic Preservation Act (NHPA) are requesting comment regarding potential impacts to historical or archaeological properties listed on, or eligible for listing on the National Register of Historic Places (NRHP), by construction of a 600 foot guyed communications tower to be located off CR 35, Vossburg, Jasper County, Mississippi, 39348, at latitude 31° 56' 34.6" north and longitude 88° 57' 23.2" west.

All comments should be submitted within 30 days of the publication of this notice referencing project ISE01P1003 and sent to the attention of Mr. Henry Fisher, Environmental Engineers, Inc., 11578 U.S. Highway 411, Odenville, AL 35120. Mr. Fisher may also be reached via email at towerinfo@envciv.com, via telephone at (205) 629-3868, or via facsimile at (877) 847-3060.

1342  
February 24, 2010

\*\*\*\*\*

Legal Notice- NHRP

has been made in said paper 1 times consecutively, to-wit:

- On the 24 day of February 2010
- On the      day of      20
- On the      day of      20
- On the      day of      20

*Leil Thomas*

OFFICE CLERK

ENVIRONMENTAL ENGINEERS

MAR 01 2010

RECEIVED

SWORN to and subscribed before me,

this the 25th  
day of February 2010

*May Carole Bowers*

NOTARY PUBLIC

Words

Cost