

Draft Environmental Assessment

Ackerman Wireless Communications Tower

Ackerman, Choctaw County, Mississippi

Mississippi Interoperable Communications Grant Program

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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 650-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 "Ackerman, Mississippi," dated 1972. The site is located in the northwest ¼ of the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 Mabus Road. 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 Wilcox Formation, which consists of irregularly-bedded fine to coarse sand, more or less lignitic clay, and lignite; includes bauxite bearing Fearn Springs sand member at the base.. 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 Choctaw County, Mississippi, issued September 1986, site soils are classified as Smithdale-Sweatman association, hilly. The surface layer of Smithdale soils is typically dark grayish-brown fine sandy loam about five inches thick. The subsurface layer is brown fine sandy loam about five inches thick. The upper 37 inches of the subsoil is yellowish-red sandy clay loam, and the lower part, which extends to a depth of 80 inches or more is red sandy loam and contains pockets of uncoated sand grains.

The Sweatman soils typically have a surface layer of dark grayish-brown fine sandy loam about five inches thick. The upper 17 inches of the subsoil is yellowish-red silty clay, and the lower 11 inches is yellowish-red silty clay with gray shale fragments. The underlying material extends to a depth of 60 inches or more. It is stratified layers of partially weathered gray shale and yellowish-red and strong brown sandy material.

According to information available at the United States Department of Agriculture Natural Resource Conservation Service (NRCS) Web Soil Survey Internet website, Smithdale-Sweatman association, hilly is not classified as prime farmland.

In addition, EEI submitted information regarding the proposed project to the USDA NRCS office in Jackson, Mississippi via letter dated June 29, 2010. The NRCS responded via letter dated August 5, 2010 stating "No permanent conversion of land. No FPPA required." Copies of the correspondence to and from the NRCS are included as Appendix B.

The proposed communications facility would have no impact on soils protected by the FPPA.

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 50 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 Mississippi Department of Environmental Quality (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 0.29 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 23, 2010 by Environmental Engineers, Inc. Potential jurisdictional wetland indicators were noted on the site at the time of site reconnaissance. The proposed northwestern and southwestern guy easements contained wetlands (Palustrine-forested and Palustrine-scrub/shrub) and the eastern guy easement contained a Seasonal Relatively Permanent Water (RPW) stream. The proposed tower compound and access road did not contain wetlands or streams.

A Jurisdictional Evaluation Report and Request for Comment was prepared by EEI and submitted to the USACE for review. The USACE responded via letter dated October 18, 2010 which stated “Based upon the information provided (enclosure 1), it appears that Department of the Army permit requirements for the proposed activities will be authorized by Nationwide Permit No. 33, as specified in the March 12, 2007, Federal Register, Issuance of Nationwide Permits; Notice (72 FR 11092-11198), provided the activity complies with the Nationwide Permit No. 33 Special Conditions (enclosure 2), the Nationwide Permit General Conditions (enclosure 3), and the Regional Conditions (enclosure 4).” Cori Shiers of the USACE, Vicksburg District also commented on the project via electronic mail dated October 25, 2010 stating that “Based upon the information provided, the impacts to jurisdictional waters in this project are temporary and minimal and do not require compensatory mitigation. The proposed project (MVK-2010-1604) does not constitute significant impacts, therefore a nationwide permit has been issued.” Copies of the correspondence submitted to and response from the USACE are included as Appendix C.

Potential impacts to wetlands would be temporary and minor. The proposed action would be covered by Nationwide Permit No. 33 and the conditions of the Nationwide Permit would be followed. Therefore, the proposed communications facility would have no significant 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 Insurance Rate Map (FIRM) "Panel 235 of 400, Choctaw County, Mississippi and Incorporated Areas" effective date September 28, 2007, the site is located in Zone X (no shading) which is described as areas located outside the 0.2% annual chance floodplain. 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 FIRM depicting the site location includes areas of 500-year flood. The support equipment at this facility would be elevated at least five feet above the 500-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 125 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.

Information regarding the proposed wireless telecommunications tower was submitted to the USFWS by Environmental Engineers, Inc. The USFWS responded via letter dated June 21, 2008 stating “There are no federally listed threatened or endangered species, or their habitats, within the project areas. Therefore, the Service anticipates no impacts to any listed species to occur as a result of the proposed project.” Therefore, the proposed communications facility would have no impact on threatened or endangered species or critical habitat. 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 lights for night visibility 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 650-foot guyed tower in the air is roughly

5,850 square feet whereas the impact area of a 650-foot self-supporting tower is much larger at 63,375 square feet (a 1,000% increase in the amount of airspace taken).

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.

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 is expected to 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 consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory. The total area of vegetation to be impacted at this site is approximately 1.65 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 April 6, 2010. The FCC assigned Notification I.D. #62330 to the notification submitted for this proposed wireless telecommunications tower. The FCC sent an electronic mail notification on April 9, 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: Alabama-Coushatta Tribe of Texas, 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 4.5.5.6. 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 June 16, 2010 stating "...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." 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 4.5.5.6 describe follow-up contacts to each of these Indian tribes and their responses.

4.5.5.1 Alabama-Coushatta Tribe of Texas

Mr. Bryant Celestine of the Alabama-Coushatta Tribe of Texas provided comment via electronic mail dated July 2, 2010 regarding TCNS #62330 stating “On behalf of Mikko Oscola Clayton Sylestine and the Alabama-Coushatta Tribe, our appreciation is expressed on your efforts to consult us regarding TCNS #62330 (JSE01P1007) in Choctaw County...Upon review of your June 4, 2010 submission, no impacts to religious, cultural, or historical assets of the Alabama-Coushatta Tribe of Texas should occur based upon the level of previous disturbances existing in this location. In the event of inadvertent discovery of human remains and/or archaeological artifacts, activity in proximity to the location must cease and appropriate authorities, including this office, notified without delay for additional consultation.” Copies of the correspondence to and from the Alabama-Coushatta Tribe of Texas are included in Appendix J.

4.5.5.2 Choctaw Nation of Oklahoma

Ms. Caren Johnson of the Choctaw Nation of Oklahoma provided comment via electronic mail on July 26, 2010 stating that “The Choctaw Nation of Oklahoma has reviewed cell tower(s) FCC # 62330 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.

4.5.5.3 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 April 9, 2010 and the end of the 30-day period indicated by the Kialegee Tribal Town was May 9, 2010. Environmental Engineers, Inc. did not receive 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.

4.5.5.4 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 June 4, 2010 and the end of the 30-day period indicated by the Mississippi Band of Choctaw Indians was July 4, 2010. No response was 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.

4.5.5.5 Seminole Tribe of Florida

Ms. Jennifer Pietarila of the Seminole Tribe of Florida (STOF) provided comment via TCNS on June 7, 2010 in response to TCNS #62330 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.

4.5.5.6 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. We contacted Mr. Barbry regarding this site via electronic mail on June 4, 2010, and the end of the 30-day response period as indicated by Mr. Barbry was July 4, 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 20504 communications tower site in May 2010 (EEI Project No.: JSE01P1007) 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.

One national scenic or historic trail, the Natchez Trace Parkway, is located in Choctaw County, Mississippi. The proposed MSWIN 20504 communications tower project is located more than five miles east of the Natchez Trace Parkway. Therefore, the proposed project will not impact national scenic or historic trails.

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 "Ackerman, 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				
Resource	No Impact	No Significant Impact	Significant Impact	Mitigation/Best Management Practices
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		X		The conditions of NWP No. 33 will be followed
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
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 Choctaw County Chancery Clerk was contacted regarding the proposed wireless communications tower via letter dated May 7, 2010. No response was received from the Choctaw County Chancery Clerk as of the date of this draft EA. A public notice was published in the *Choctaw Plaindealer* on April 14, 2010 requesting comment regarding potential impacts to historical or archaeological properties by the proposed wireless communications tower. No comments were received as of the date of this draft EA in response to the public notice. Copies of the correspondence to the Choctaw County Chancery Clerk and a copy of the public notice from *Choctaw Plaindealer* 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

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

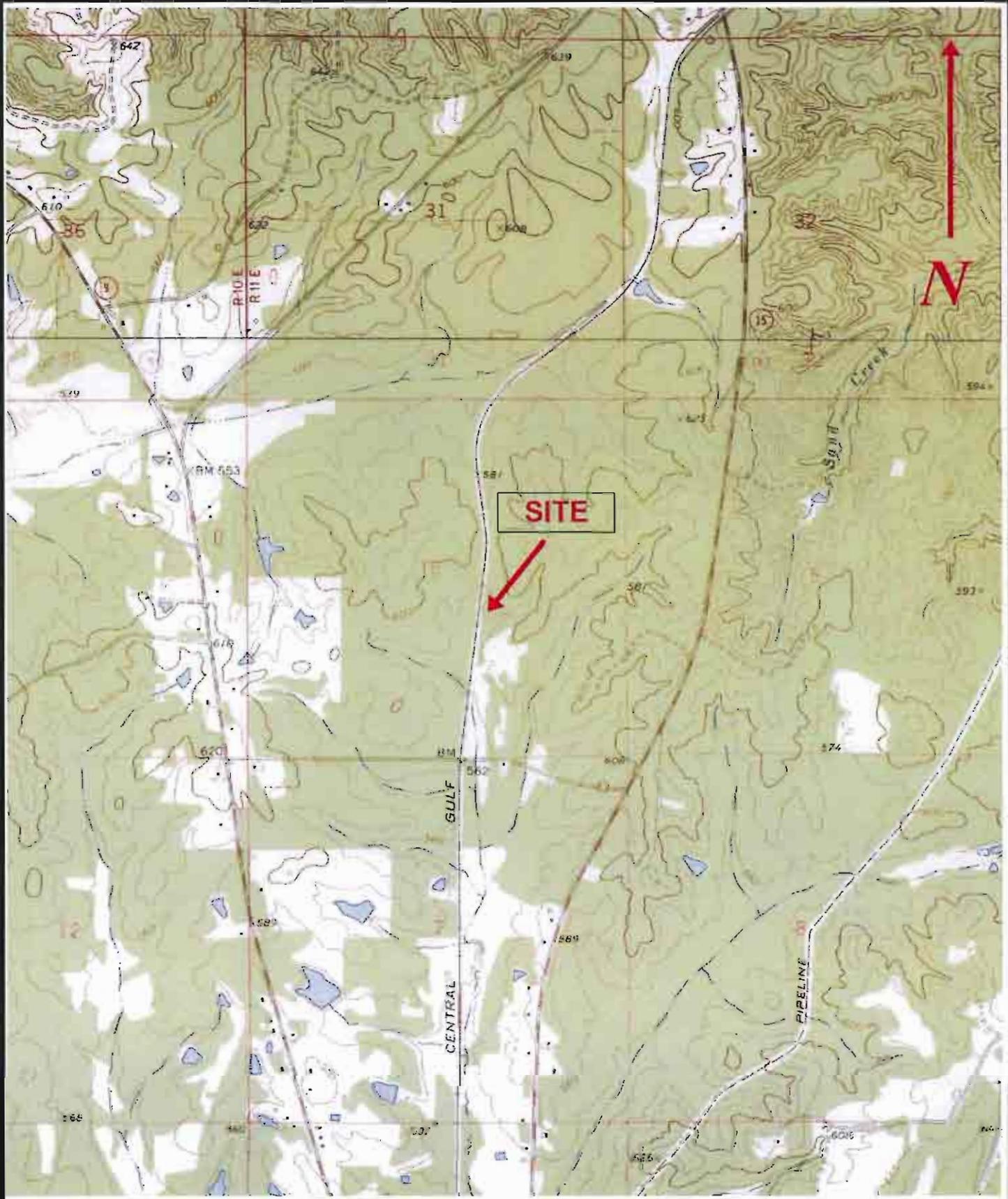
7.0 INFORMATION SOURCES

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 site survey prepared by SMW Engineering, Inc.
3. USGS 7.5-minute Topographic Quadrangle “Ackerman, Mississippi,” dated 1972.
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 Alabama-Coushatta Tribe of Texas, 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 Choctaw County, Mississippi, issued September 1986.
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:
Draft Environmental Assessment
Proposed MSWIN 20504 C Ackeman Communications Tower
Ackeman, Choctaw County, Mississippi
Project No.: JSE01P1007

Figure 3
Site Location Map

Scale: 1" = 2,000'





Environmental Engineers, Inc.

Subject:
Draft Environmental Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Figure 4
2009 Aerial Photograph





View from the center of the site looking toward the north.



View from the center of the site looking toward the east.

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Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
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Figure 5
Site Photographs





View from the center of the site looking toward the south.



View from the center of the site looking toward the west.

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Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Figure 6
Site Photographs





View from the northwestern guy anchor looking toward the site.



View from the southwestern guy anchor looking toward the site.

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Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Figure 7
Site Photographs





View of a drainage ditch traversing the proposed access road, southwestern, and northwestern guy anchor easements.



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

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Draft Environmental Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Figure 8
Site Photographs





View from the proposed access road looking south along the existing portion of the access road.



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

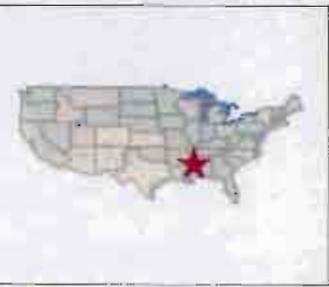
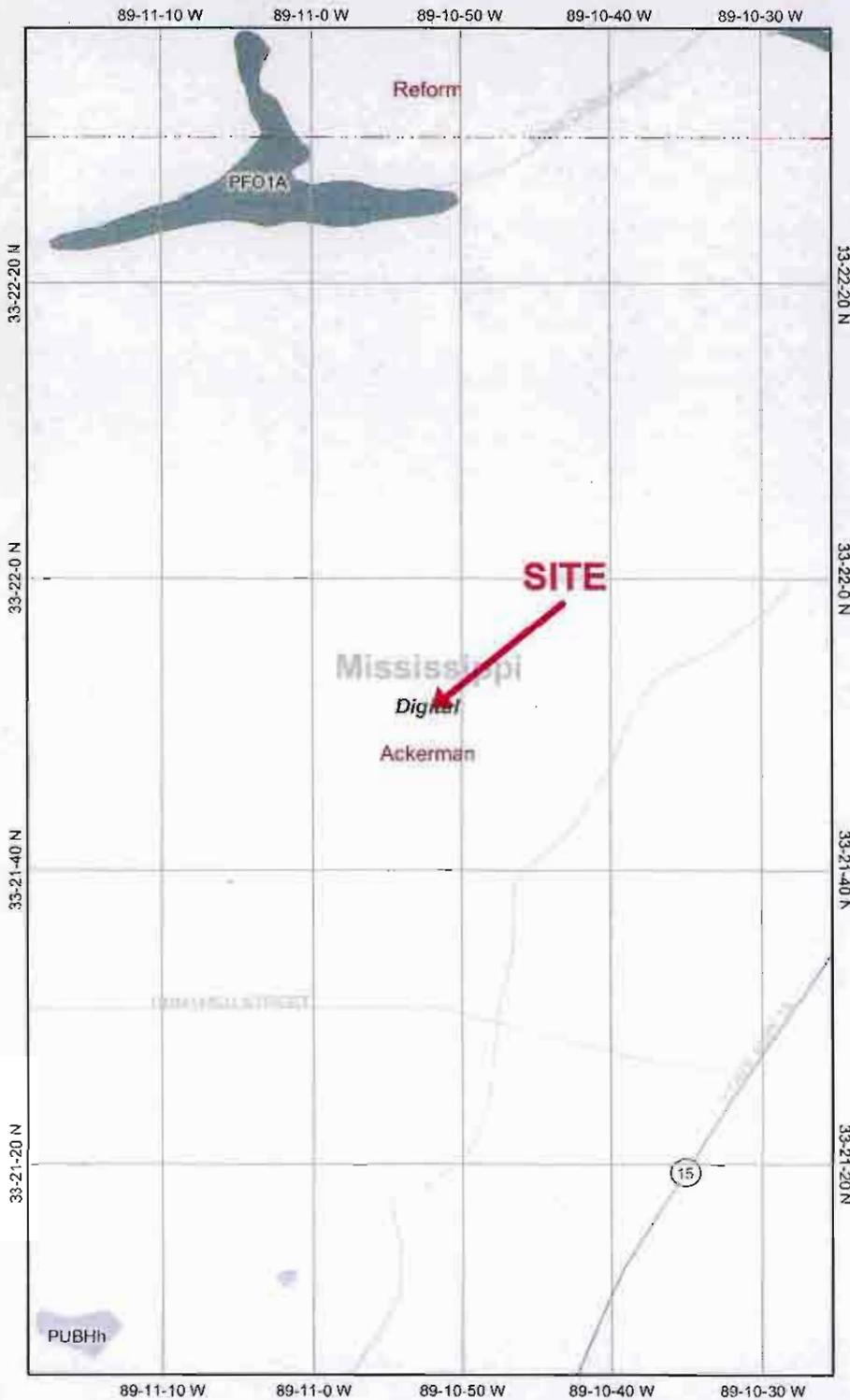
Environmental Engineers, Inc.

Subject:
Draft Environmental Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Figure 9
Site Photographs



Internet Mapping Framework



Legend

- Ohio_wet_scan**
- 0
 - 1
 - Out of range
 - Interstate
 - Major Roads
 - Other Road
 - interstate
 - State highway
 - US highway
 - Roads
 - Cities
 - USGS Quad Index 24K
 - Lower 46 Wetland Polygons
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine
 - Lower 46 Available Wetland Data
 - Non-Digital
 - Digital
 - No Data
 - Scan
 - NHD Streams
 - Counties 100K
 - States 100K
 - South America
 - North America

Map center: 33° 21' 52" N, 89° 10' 52" W

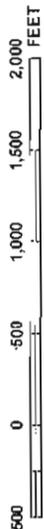


Scale: 1:13,618

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



MAP SCALE 1" = 1000'



PANEL 0235B

FIRM

FLOOD INSURANCE RATE MAP
CHOCTAW COUNTY,
MISSISSIPPI
AND INCORPORATED AREAS

PANEL 235 OF 400

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ACKERMAN TOWN OF	280032	0235	B
CHOCTAW COUNTY	280059	0235	B

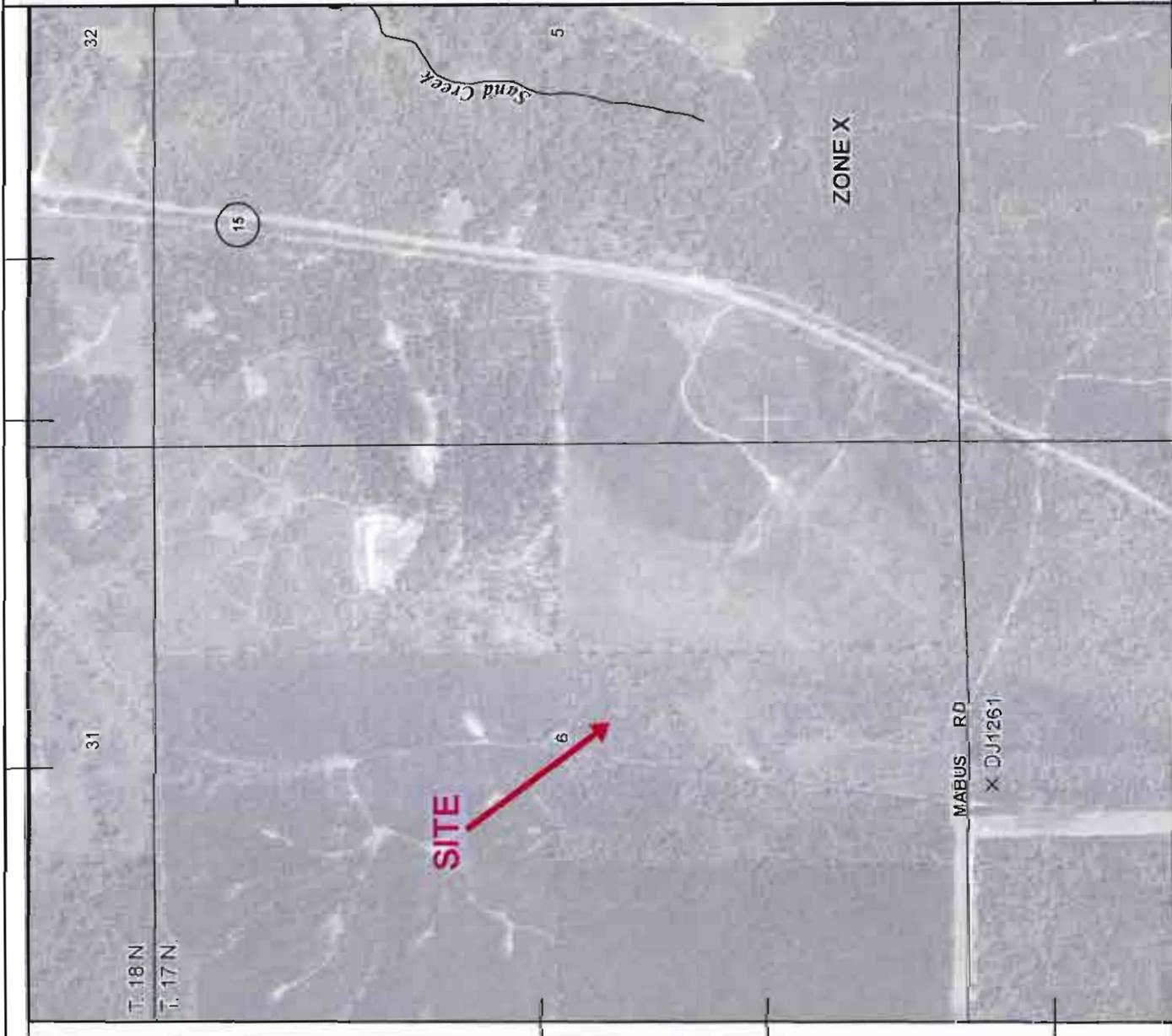
Note to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
28019C0235B



EFFECTIVE DATE
SEPTEMBER 28, 2007
Federal Emergency Management Agency

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



Appendix A

TOWER INFO
 TOWER TYPE: 400' GUTED @ 80%
 LATITUDE: 33°21'51.540" NORTH (NAD83)
 LONGITUDE: 89°10'52.177" WEST
 GROUND ELEVATION: 589.0' ABOVE MEAN SEA LEVEL (NAVD83)
 SITE ADDRESS: COLLIER ROAD ACKERMAN, MS 39735

GUY WIRE INFORMATION FROM CENTER OF TOWER

GUY A	S 03°24'32" E	421.03'	ANCHOR EL: 592.4'
GUY B	S 36°35'28" W	433.65'	ANCHOR EL: 574.2'
GUY C	N 23°24'32" W	410.55'	ANCHOR EL: 581.1'

FROM CREEK CONTRIBUTION PARTNERS
 PARCEL NO. 057006000000 1711
 DEED BOOK 183, PAGE 551

JIM ALVINS ADAMS
 PARCEL NO. 057006000000 1711
 DEED BOOK 183, PAGE 121

PARENT TRACT
 TOWERS OF MISSISSIPPI II, LLC.
 PARCEL NO. XXXXXX
 DEED BOOK XXX PAGE XXX
 12.00 ACRES

JIM ALVINS ADAMS
 PARCEL NO. 057006000000 1711
 DEED BOOK 183, PAGE 121

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 DEED BOOK 183, PAGE 121

ACKERMAN 20504
 SE 1/4, SEC. 6, T-17-N, R-11-E
 CHOCTAW COUNTY, MISSISSIPPI

LEGEND

- = 5/8" MARKED REBAR SET (SMW LS 6285)
- = FOUND PROPERTY MARKER
- = SET PIN NAIL
- POB = POINT OF BEGINNING
- POE = POINT OF COMMENCEMENT
- POF = POINT OF FINDING
- ▲ = CALCULATED POINT
- △ = RECORDED INFORMATION
- ⊗ = POWER POLE
- ⊕ = GUY ANCHOR
- ⊖ = POWER BOX
- ⊞ = TELEPHONE PEDESTAL
- = FRONT-OR-BACK
- = OVERHEAD POWER

VICINITY MAP
 GRID - MISSISSIPPI EAST
 GRID - MISSISSIPPI NORTH
 TRUE NORTH TO MAGNETIC DECLINATION 1710 W
 GRS SCALE FACTOR 0.999992813
 CK NO 12
 NOT TO SCALE

POB
 30' INGRESS/EGRESS & UTILITY EASEMENT 1.81 ACRES±

POB
 100' X 100' LEASE AREA 0.23 ACRES±
 50' X 50' LEASE AREA 0.05 ACRES±

POB
 50' GUY ANCHOR EASEMENT A 0.47 ACRES±
 50' GUY ANCHOR EASEMENT B 0.48 ACRES±
 50' GUY ANCHOR EASEMENT C 0.44 ACRES±

POB
 100' X 100' LEASE AREA 0.23 ACRES±
 50' X 50' LEASE AREA 0.05 ACRES±

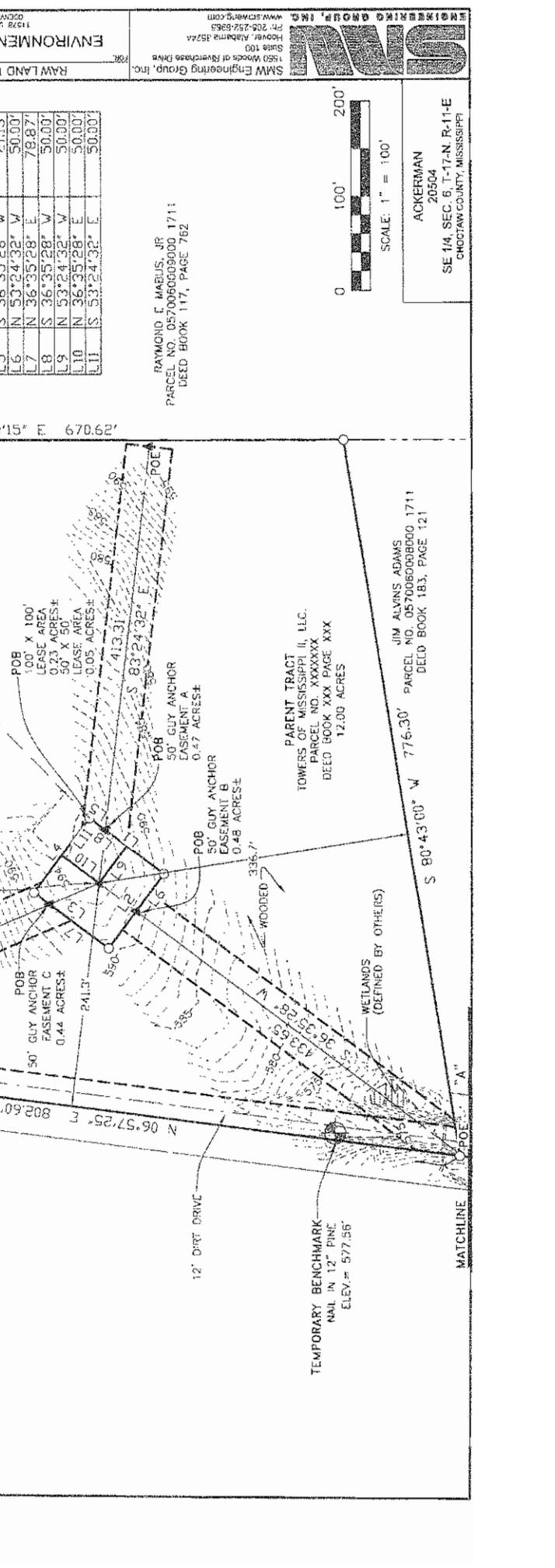


LINE	BEARING	DISTANCE
L1	S 36°35'28" W	100.00'
L2	N 53°24'32" W	100.00'
L3	N 36°35'28" E	100.00'
L4	S 36°35'28" W	21.13'
L5	S 36°35'28" W	50.00'
L6	N 53°24'32" W	78.87'
L7	S 36°35'28" W	50.00'
L8	N 53°24'32" W	50.00'
L9	N 53°24'32" W	50.00'
L10	N 36°35'28" E	50.00'
L11	S 53°24'32" E	50.00'

RAYMOND C. MARBUS, JR.
 PARCEL NO. 057006000000 1711
 DEED BOOK 117, PAGE 762



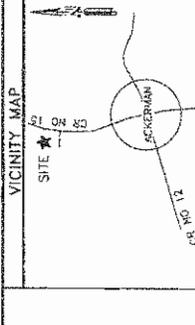
ACKERMAN 20504
 SE 1/4, SEC. 6, T-17-N, R-11-E
 CHOCTAW COUNTY, MISSISSIPPI



TOWER INFO
 TOWER TYPE: 60' COTED 80X
 LATITUDE: 33°21'51.540" NORTH (NAD83)
 LONGITUDE: 89°10'52.177" WEST
 GROUND ELEVATION: 588.0' ABOVE MEAN SEA LEVEL (NAVD83)
 SITE ADDRESS: COLLIER ROAD ACKERMAN, MS 39725

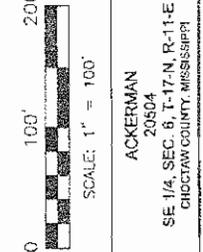
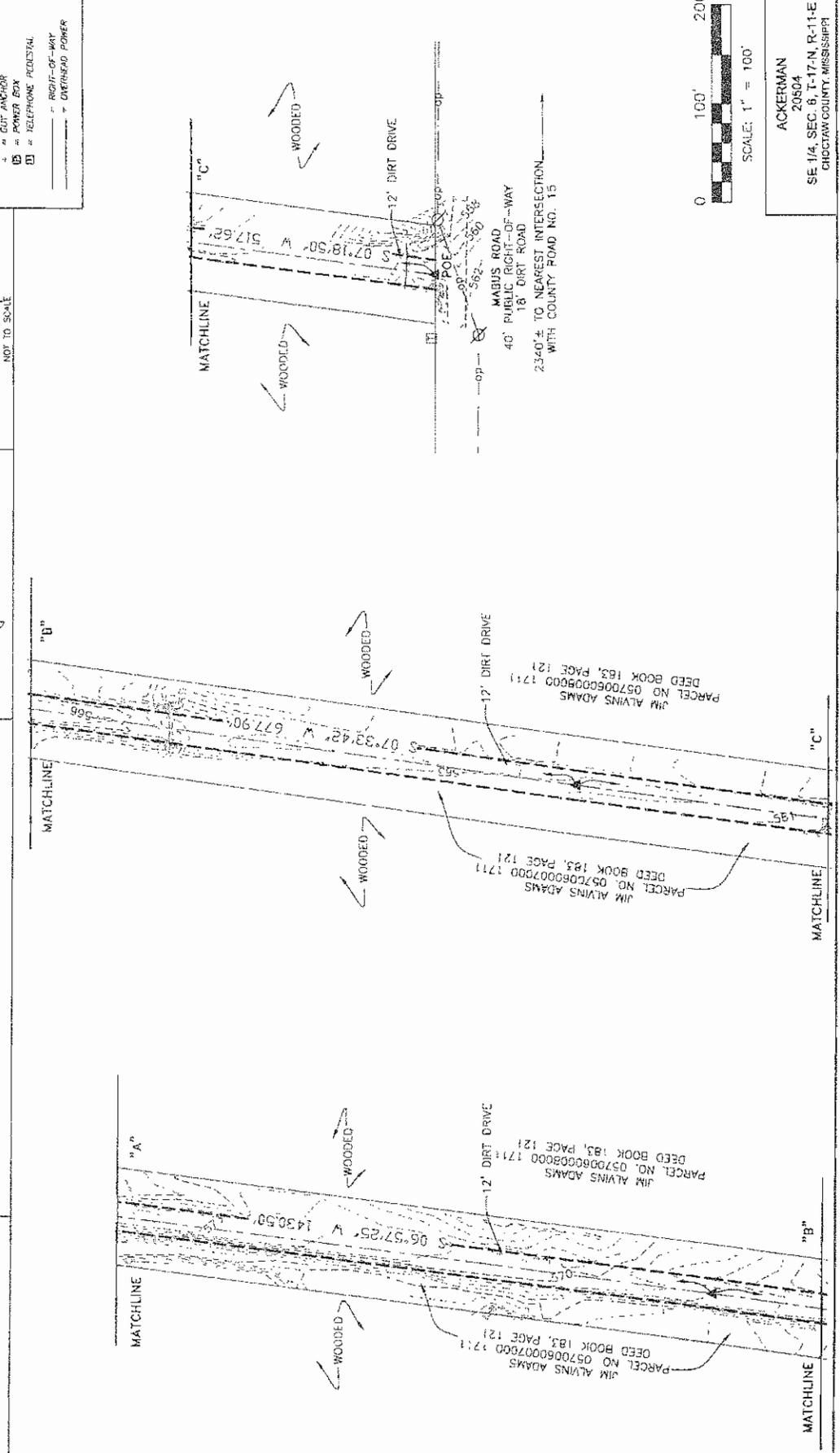
PLOTTABLE TITLE EXCEPTIONS
 XXX/llr Company, Commitment No. [redacted]
 Easement: [redacted]
 Deed Book xx, Page xx: As shown on survey
 Deed Book xx, Page xx: As shown on survey

MISSISSIPPI EAST GRID - NORTH
 GRID TO INFL NORTH CONFORMANCE: 0.11"
 TRUE NORTH TO MAGNETIC DECLINATION: 0°35' W
 GPS SCALE FACTOR: 0.999962813



LEGEND

- = 5/8" CAPROD RESUR SET (SHOW LS (2285))
- = TRANG PROPERTY MARKER
- = SET PIN NAIL
- POB = POINT OF BEGINNING
- POE = POINT OF COMMENCEMENT
- POC = POINT OF ENDING
- ▲ = CALCULATED POINT
- (S) = RECORDED INFORMATION
- ⊗ = POWER POLE
- ⊕ = CUT ANCHOR
- ⊞ = POWER BOX
- ⊠ = TELEPHONE pedestal
- = RIGHT-OF-WAY
- = OVERHEAD POWER



ACKERMAN
 20504
 SE 1/4, SEC. 8, T-17-N, R-11-E
 CHOCTAW COUNTY, MISSISSIPPI

Appendix B



ENVIRONMENTAL ENGINEERS, INC.

11578 US Highway 411, Odenville, Alabama 35120

Environmental, Remediation, and Geological Consultants

June 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 20504 C Ackerman Communications Tower

Ackerman, Choctaw County, Mississippi

Environmental Engineers, Inc. Project No.: JSE01P1007

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 Choctaw 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 "Ackerman, Mississippi," dated 1972. The site is located in the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude $33^{\circ} 21' 51.549''$ north and longitude $89^{\circ} 10' 52.177''$ west (Figure 1) in the Noxubee watershed. 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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. 28019C235B which bears effective date of September 28, 2007 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 (JSE01P1007) 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, 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, 2009 Aerial Photograph

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

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	6/29/10
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$6.60	JSECD1P1007 JSECD1P1010 JSECD1P1011

Sent to: Dr. Homer L. Wilkos, State Cons.
 Street, Apt. No. or PO Box No.
 City, State, ZIP+4

PS Form 3811, August 2004

7010 0290 0003 5708 0882

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> J. Ward <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 7/1/10</p> <p>D. Is delivery address different from Item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: Dr. Homer L. Wilkos, State Cons. US Dept of Agriculture, NRCS 100 W Capital Street Suite 1321 Federal Bldg Jackson, MS 39269</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 0882</p>	

United States Department of Agriculture



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

JSELI P1007

August 5, 2010

Environmental Engineers Inc.

AUG 07 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 June 29, 2010, regarding the Request for Project Review Proposed MSWIN 20504 C Ackerman Communications Tower in Ackerman in Choctaw County, Mississippi.

No permanent conversion of land. No FPPA required.

Sincerely,

A handwritten signature in black ink, appearing to read "Delaney B. Johnson".

Delaney B. Johnson
State Soil Scientist

Appendix C

Chad Stinnett

From: Shiers, Cori MVK [Cori.Shiers@usace.army.mil]
Sent: Monday, October 25, 2010 4:08 PM
To: cstinnett@envciv.com
Subject: MVK-2010-1604 Towers of Mississippi

Chad:

Based upon the information provided, the impacts to jurisdictional waters in this project are temporary and minimal and do not require compensatory mitigation. The proposed project (MVK-2010-1604) does not constitute significant impacts, therefore a nationwide permit has been issued.

If you need additional information please let me know.
Thanks,

Cori Shiers
Environmental Specialist
USACE, Vicksburg District
Regulatory Branch
601-631-5369
601-631-5459 (Fax)

In order to assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

October 18, 2010

Operations Division

SUBJECT: Towers of Mississippi, Jurisdictional Evaluation and Request for Comment, Proposed MSWIN 20504 C Ackerman Communications Tower, Choctaw County, Mississippi, Environmental Engineers Project No. JSE01P1007

Mr. Taylor Robinson
Towers of Mississippi
31560 Blakely Way
Spanish Fort, Alabama 36532

Dear Mr. Robinson:

Based upon the information provided (enclosure 1), it appears that Department of the Army permit requirements for the proposed activities will be authorized by Nationwide Permit No. 33, as specified in the March 12, 2007, Federal Register, Issuance of Nationwide Permits; Notice (72 FR 11092-11198), provided the activity complies with the Nationwide Permit No. 33 Special Conditions (enclosure 2), the Nationwide Permit General Conditions (enclosure 3), and the Regional Conditions (enclosure 4). It is your responsibility to read and become familiar with the enclosed conditions in order for you to ensure that the activity authorized herein complies with the Nationwide Permits.

This verification is valid until the Nationwide Permit is modified, reissued, or revoked. All of the existing Nationwide Permits are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the Nationwide Permits. We will issue a public notice when the Nationwide Permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant Nationwide Permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the Nationwide Permit to complete the activity under the present terms and conditions of this Nationwide Permit. Upon completion of the activity authorized by this Nationwide Permit, please fill out the enclosed certification of compliance (enclosure 5) and return it to our office.

This verification of Department of the Army regulatory requirements does not convey any property rights, either in real estate or material or any exclusive privileges, and does not authorize any injury to property or invasion of rights or local laws or regulations, or obviate the requirement to obtain State or local assent required by law for the activity discussed herein.

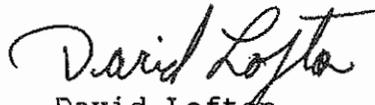
This authorization was based upon a preliminary determination that there may be jurisdictional areas on the property subject to regulation pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. An appeals form has been enclosed for your review (enclosure 6).

The Vicksburg District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. If it is more convenient for you, please complete and return the enclosed postage-paid post card (enclosure 7).

Thank you for advising us of your plans. If you change your plans for the proposed work, or if the proposed work does not comply with the conditions of the Nationwide Permit, please contact Ms. Cori Shiers of this office, telephone (601) 631-5369, fax (601) 631-5459, or e-mail address: regulatory@usace.army.mil. In any future correspondence concerning this project, please refer to identification no. MVK-2010-1604.

I am forwarding a copy of this letter to Mr. Chad Stinnett, Environmental Engineers, Incorporated, 11578 US Highway 411, Odenville, Alabama 35120.

Sincerely,



David Lofton
Chief, Permit Section
Regulatory Branch

Enclosures

SPECIAL CONDITIONS

NATIONWIDE PERMIT No. 33

TEMPORARY CONSTRUCTION, ACCESS, and DEWATERING

1. Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction, temporary fill must be entirely removed to upland areas, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.) (Sections 10 and 404)

2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Sections 10 and 404)

Enclosure 2

2007 NATIONWIDE PERMIT GENERAL CONDITIONS

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream

smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be re-vegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under

the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of

protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps,

the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and

opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district

engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the district engineer that the activity may proceed under the NWP with any

special conditions imposed by the district or division engineer; or

(2) If 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms

of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies

concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within

10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would

reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

D. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN MISSISSIPPI

A. Regional Conditions for All Nationwide Permits

1. For all Nationwide Permit (NWP) authorizations in the Coastal Zone of Mississippi, which includes Hancock, Harrison, and Jackson Counties:

On March 26, 2007, the Mississippi Department of Marine Resources (DMR) found that all Nationwide Permits are consistent to the maximum extent practicable with the Mississippi Coastal Program (copy attached) provided that the following Regional Conditions are followed in the Coastal Zone of Mississippi.

a. For all Nationwide Permit (NWP) authorizations, including those for activities that do not require Pre-Construction Notification (PCN) to the District Engineer (DE), activities in the following waters of the U.S. cannot be initiated until the applicant has received a Coastal Use Permit (CUP) or waiver from the Mississippi Department of Marine Resources (MS-DMR). Those waters of the U.S. requiring a CUP or waiver from MS-DMR prior to project initiation include:

1. All tidal waters in Hancock, Harrison, and Jackson counties, Mississippi, and
2. All waters of the U.S. having a hydrological connection to tidal waters in "a" above and that are located no more than 200 feet landward of the mean high tide mark.

b. For all regulated activities in (i) tidal waters and/or (ii) waters of the U.S. adjacent to tidal waters located in Hancock, Harrison, or Jackson counties, all Pre-Construction Notifications (PCNs) required by a specific NWP shall be completed using the Joint Application Form and shall be submitted to the Mississippi Department of Marine Resources (DMR) at the following address:

Mississippi Department of Marine Resources
Bureau of Wetlands Permitting
1141 Bayview Drive
Suite 101
Biloxi, MS 39530

Joint Application Forms may be printed or downloaded from the Mississippi Department of Marine Resources (DMR) website at: <http://www.dmr.state.ms.us/Coastal-Ecology/permitting/Joint-ApplicationNotification-Form2.pdf>, from the Vicksburg District

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Regulatory Program website at:

<http://www.mvk.usace.army.mil/offices/od/odf/main.htm>, or from the Mobile District Regulatory Program website at:

<http://www.sam.usace.army.mil/RD/reg/application.htm>.

NOTE: Where the Corps District and DMR have developed Programmatic General Permits for the type of activity proposed, DMR may process and issue the appropriate DA permit(s) along with any required Coastal Use Permit requirements. For activities not covered by Programmatic General Permits, DMR shall forward all application materials to the appropriate Corps District office for processing of any required DA permits. If the application is forwarded to the Corps for processing, DMR shall notify the Corps District if a Coastal Use Permit will be required for the activity.

- 1. For all NWP authorizations on Black Creek in Perry County between Moody's Landing, downstream to the Fairley Bridge Road crossing - a federally designated Wild and Scenic River reach in Mississippi - the applicant must obtain a written statement from the U.S. Forest Service (USFS) that the activity will not adversely affect the Wild and Scenic River designation prior to initiating any construction activities (see General Condition 15). If the proposed activity otherwise requires pre-construction notification (PCN) to the Corps, the PCN must include such written statement of approval from the USFS. (U.S. Forest Service, P.O. Box 248, 654 West Frontage Road, Wiggins, MS 39577)**
- 2. For all regulated activities, excluding those authorized under NWP 47, that might affect a Federally-listed threatened or endangered species or critical habitat -Pre-Construction Notification (PCN) shall be required. Waterways in Mississippi with reported occurrences of Federally-listed threatened or endangered species or critical habitat, as of July 1, 2007, are listed below. Applicants are advised that the U.S. Fish and Wildlife Service (USFWS) may change the Endangered Species Act status of species in Mississippi waterways, and those changes would affect the list of waterways and associated "Species of Concern". Further, this Regional Condition does not lessen the restrictions or requirements provided by General Condition 17. As stated in General Conditions 17 and 27 (72 FR 11092 - 11198), the PCN from non-Federal applicants must include the name(s) of the threatened or endangered species that might be affected by the proposed work or that utilize designated critical habitat that might be affected by the proposed work. PCNs from Federal applicants must include documentation of compliance with the Endangered Species Act. For NWP 6, 12, and 14 activities that**

trigger this PCN requirement, the PCN required by this condition may be limited to those portions of the activity that might affect a Federally-listed threatened or endangered species or critical habitat.

NOTE: The following definitions apply to the "listing index" following scientific names of the listed species of concern: C = Candidate Species; the U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species as endangered or threatened under the Endangered Species Act. CH = Critical Habitat; the U.S. Fish and Wildlife Service has designated official critical habitat for this species. LE = Listed Endangered; the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act. LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

Bayou Pierre River and following tributaries: White Oak Creek, Foster Creek, and Turkey Creek - Located in Claiborne, Copiah, and Hinds Counties Species of Concern: bayou darter (*Etheostoma rubrum* -LT)

Bear Creek - Located in Tishomingo County Species of Concern: the cumberlandian combshell mussel (*Epioblasma brevidens* -LE) and the slabside pearl mussel (*Lexingonia dolabelloides* -C)

Bogue Chitto River - Located in Pike County Species of Concern: gulf sturgeon (*Acipenser oxyrinchus desotoi*-LT, CH) from State Highway 570 south

Mississippi River and adjacent land west of Main line levee - Located in the following Counties: Adams Coahoma Jefferson Warren Bolivar DeSoto Sharkey Washington Claiborne Issaquena Tunica Wilkinson Species of Concern: interior least tern (*Sterna antillarum* -LE), pallid sturgeon (*Scaphirhynchus albus* -LE), and/or the fat pocketbook (*Potamilus capax* -LE)

MS Coastal Waterways and Streams including: Back Bay of Biloxi, Biloxi River, Escatawpa River, Old Fort Bayou, Pascagoula River, and Tchoutacabouffa River - Located in Harrison and Jackson Counties Species of Concern: Alabama red-bellied turtle (*Pseudemys alabamensis* -LE) and/or the yellow-blotched map turtle (*Graptemys flavimaculata* -LT)

Mississippi Sound and other back bays - Located in Hancock, Harrison, and Jackson Counties Species of Concern: Brown pelican (*Pelecanus occidentalis* -LE), piping plover (*Charadrius melodus* -LE, CH), West

Indian manatee (*Trichechus manatus* -LE), green turtle (*Chelonia mydas* -LT), kemp's ridley turtle (*Lepidochelys kempii* -LE), loggerhead turtle (*Caretta caretta* -LT), and/or the gulf sturgeon (*Acipenser oxyrinchus desotoi* -LT, CH).

Pascagoula River and the following tributaries: Bouie, Chickasawhay, Okatoma, and Leaf Rivers - Located in the following Counties: Clarke, Greene, Perry, Forrest, Jackson, Stone, George, Jones & Wayne

Species of Concern: yellow-blotched map turtle (*Graptemys flavimaculata* LT), gulf sturgeon (*Acipenser oxyrinchus desotoi* LT, CH), pearl darter (*Percina aurora* -C), and/or Alabama red-bellied turtle (*Pseudemys alabamensis* -LE)

Pearl River - Located in the following Counties: Covich, Leake, Neshoba, Scott, Hinds, Madison, Pearl River, Simpson, Lawrence, Marion & Rankin

Species of Concern: ringed map turtle (*Graptemys oculifera* -LT), gulf sturgeon (*Acipenser oxyrinchus desotoi* -LE, CH), and/or the inflated heelsplitter (*Potamilus inflatus* -LT)

Tombigbee River and the following tributaries: Buttahatchie, Luxapalilla, and Bull Mountain - Located in Itawamba, Lowndes and Monroe Counties Species of Concern: heavy pigtoe mussel (*Pleurobema taitianum* -LE), southern combshell mussel (*Epioblasma penita* -LE), southern clubshell mussel (*Pleurobema decisum* -LE), the ovate clubshell mussel (*Pleurobema perovatum* LT), the black clubshell mussel (*Pleurobema curtum* -LE), the threatened Alabama moccasinshell (*Medionidus acutissimus* -LT), the threatened orange-nacre mucket (*Lampsilis perovalis* -LT)

NOTE: For all proposed activities requiring a PCN to the Corps, the Regulatory Project Manager shall coordinate with USEWS-Jackson, or its designee, and/or NMFS (if tidal waters or waters of the US that may influence tidal waters) to insure compliance with General Condition 17. The Corps' responsibility before initiating this coordination is to make a "No effect" or "May effect" determination for the activity. If sufficient information is not available from the applicant or from "in-house" information, the Corps may need to contact the USEWS/NMFS to first determine if T&E species or their critical habitat/essential fish habitat occur within the Project Area. If a "May Affect" determination is made, the Corps shall enter into informal consultation with USEWS/NMFS. If informal consultation is initiated, the Corps must notify the applicant that the evaluation of the application has been delayed pending the outcome of the T&E species consultation.

Note: These PCN procedures may be modified at the completion of the Corps/USFWS effort to develop and implement Standard Local Operating Procedures for Endangered Species (SLOPES) for the State of Mississippi.

B. Corps Regional Conditions for Specific NWP

1. Nationwide Permit 12. Utility Lines.

Pre-Construction Notification (PCN) to the appropriate District Engineer shall be required for all Section 404 regulated activities that include new construction by a commercial or municipal entity (i.e. excludes maintenance of existing structures or fill), where the activity extends beyond the boundaries of single property ownership, if impacts to the following species or their critical habitat may occur within the "Project Area" of the proposed NWP 12 activity. These PCNs will be submitted to other agencies for comment as appropriate (e.g. USFWS, SHPO, DEQ, etc.).

Gopher Tortoise (*Gopherus polyphemus* -LT), Black Pine Snake (*Pituophis melanoleucus* ssp. *Lodingi* -C), and/or Eastern Indigo Snake (*Drymarchon corais couperi* - LT), upland habitats - Located in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone, Walthall, and Wayne Counties

Louisiana Black Bear (*Ursus americanus luteolus* -LT) -No existing den or candidate den trees may be felled within areas known to be occupied by the Louisiana black bear. (Candidate den trees are defined as bald cypress and/or tupelo gum with visible cavities, having a minimum diameter-at-breast-height of 36 inches, and associated with rivers, lakes, streams, bayous, sloughs or other waterbodies -Located in counties south of Mississippi Highway 82.)

Louisiana Quillwort (*Isoetes louisianaensis* -LE) -intermittent and small perennial streams - Located in Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Pearl River, Perry, Stone, and Wayne Counties

Mississippi Gopher Frog (*Rana sevosa* - LE) - Isolated ephemeral (temporary) ponds/wetlands located in upland long-leaf pine habitat - Located in Jackson and Harrison Counties

Mississippi Sandhill Crane (*Grus canadensis pulla* - LE) - pine

savannas, brackish marsh, cultivated fields, and pasture lands within 5 miles of the Mississippi Sandhill Crane National Wildlife Refuge -Located in Jackson County

Pondberry (*Lindera melissifolia* -LE) -bottomland hardwood wetlands - Located in Bolivar, Sharkey, Sunflower, and Tallahatchie Counties

Price's potato bean (*Apios priceana* -LT) -wooded areas that grade into creek and river bottoms - Located in Chickasaw, Clay, Kemper, Lee, and Oktibbeha Counties

Red-cockaded woodpecker (*Picoides borealis* -LE), excavates nesting cavities in mature pine trees (60+ years old) - Located in Amite, Copiah, Forrest, Franklin, George, Greene, Harrison, Jackson, Jasper, Jefferson, Jones, Lincoln, Noxubee, Oktibbeha, Perry, Scott, Smith, Stone, Wayne, Wilkinson, Winston, and Yalobusha Counties (primarily found on or near US National Forests)

Legend: C = Candidate Species; the U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species as endangered or threatened under the Endangered Species Act. CH = Critical Habitat; the U.S. Fish and Wildlife Service has designated official critical habitat for this species. LE = Listed Endangered, the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act. LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

NOTE: For all proposed activities requiring a PCN to the Corps, the Regulatory Project Manager shall coordinate with USFWS-Jackson, or its designee, and/or NMFS (if tidal waters or waters of the US that may influence tidal waters) to insure compliance with General Condition 17. The Corps' responsibility before initiating this coordination is to make a "No effect" or "May effect" determination for the activity. If sufficient information is not available from the applicant or from "in-house" information, the Corps may need to contact the USFWS/NMFS to first determine if T&E species or their critical habitat/essential fish habitat occur within the Project Area. If a "May Affect" determination is made, the Corps shall enter into informal consultation with USFWS/NMFS. If informal consultation is initiated, the Corps must notify the applicant that the evaluation of the application has been delayed pending the outcome of the T&E species consultation. [Note: These PCN procedures may be modified at the completion of the Corps/USFWS effort to develop and implement Standard Local Operating Procedures for Endangered Species (SLOPES) for the

State of Mississippi].

2. Nationwide Permit 14: Linear Transportation Crossings.

Pre-Construction Notification (PCN) to the appropriate District Engineer shall be required for all Section 404 regulated activities that include new construction by a commercial or municipal entity (i.e. excludes maintenance of existing structures or fill), where the activity extends beyond the boundaries of single property ownership, if impacts to the following species or their critical habitat may occur within the "Project Area" of the proposed NWP 14 activity. These PCNs will be submitted to other agencies for comment as appropriate (e.g. USFWS, SHPO, DEQ, etc.).

Gopher Tortoise (*Gopherus polyphemus* -LT), Black Pine Snake (*Pituophis melanoleucus ssp. Lodingi* -C), and/or Eastern Indigo Snake (*Drymarchon corais couperi* - LT), upland habitats - Located in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone, Walthall, and Wayne Counties

Louisiana Black Bear (*Ursus americanus luteolus* -LT) -No existing den or candidate den trees may be felled within areas known to be occupied by the Louisiana black bear. (Candidate den trees are defined as bald cypress and/or tupelo gum with visible cavities, having a minimum diameter-at-breast-height of 36 inches, and associated with rivers, lakes, streams, bayous, sloughs or other waterbodies -Located in counties south of Mississippi Highway 82.)

Louisiana Quillwort (*Isoetes louisianaensis* -LE) -intermittent and small perennial streams - Located in Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Pearl River, Perry, Stone, and Wayne Counties

Mississippi Gopher Frog (*Rana sevosia* - LE) - Isolated ephemeral (temporary) ponds/wetlands located in upland long-leaf pine habitat - Located in Jackson and Harrison Counties

Mississippi Sandhill Crane (*Grus canadensis pulla* - LE) -pine savannas, brackish marsh, cultivated fields, and pasture lands within 5 miles of the Mississippi Sandhill Crane National Wildlife Refuge - Located in Jackson County

Pondberry (*Lindera melissifolia* -LE) -bottomland hardwood wetlands - Located in Bolivar, Sharkey, Sunflower, and Tallahatchie Counties

Price's potato bean (*Apios priceana* -LT) -wooded areas that grade into creek and river bottoms - Located in Chickasaw, Clay, Kemper, Lee, and Oktibbeha Counties

Red-cockaded woodpecker (*Picoides borealis* -LE), excavates nesting cavities in mature pine trees (60+ years old) - Located in Amite, Copiah, Forrest, Franklin, George, Greene, Harrison, Jackson, Jasper, Jefferson, Jones, Lincoln, Noxubee, Oktibbeha, Perry, Scott, Smith, Stone, Wayne, Wilkinson, Winston, and Yalobusha Counties (primarily found on or near US National Forests)

Legend: C = Candidate Species; the U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species as endangered or threatened under the Endangered Species Act. CH = Critical Habitat; the U.S. Fish and Wildlife Service has designated official critical habitat for this species. LE = Listed Endangered, the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act. LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

NOTE: For all proposed activities requiring a PCN to the Corps, the Regulatory Project Manager shall coordinate with USFWS-Jackson, or its designee, and/or NMFS (if tidal waters or waters of the US that may influence tidal waters) to insure compliance with General Condition 17. The Corps' responsibility before initiating this coordination is to make a "No effect" or "May effect" determination for the activity. If sufficient information is not available from the applicant or from "in-house" information, the Corps may need to contact the USFWS/NMFS to first determine if T&E species or their critical habitat/essential fish habitat occur within the Project Area. If a "May Affect" determination is made, the Corps shall enter into informal consultation with USFWS/NMFS. If informal consultation is initiated, the Corps must notify the applicant that the evaluation of the application has been delayed pending the outcome of the T&E species consultation. [Note: These PCN procedures may be modified at the completion of the Corps/USFWS effort to develop and implement Standard Local Operating Procedures for Endangered Species (SLOPES) for the State of Mississippi].

3. Nationwide Permit 41: Reshaping Existing Drainage Ditches.

a. Any clearing of vegetation or side casting of excavated material shall be restricted to one side of the drainage ditch, where practicable, with gaps between side-cast material every 50 feet.

b. Banks shall be seeded and stabilized upon completion of excavation activities.

4. Nationwide Permit 44: Mining Activities.

Pre-Construction Notification to the appropriate Corps District is required for all NWP 44 activities, due to the denial of Water Quality Certification for NWP 44 by the Mississippi Department of Environmental Quality.

C. ADDITIONAL APPLICATION REVIEW REQUIREMENTS FOR PCNs FOR SPECIFIC NWPS

1. Complete PCNs for authorizations under NWPs 12, 14, 21, 29, 39, 40, 42, and 43 that include a discharge into a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed TMDL for sediment or biological impairment shall include:

- a. a statement of why the discharge cannot be avoided;
- b. a description of best management practices that will be utilized on the project site to minimize adverse impacts within the project area at the site;
- c. if the Corps determines that compensation is required to insure that adverse impacts resulting from the activity will be no more than minimal, the applicant shall also submit a compensatory mitigation plan for approval by the Corps.

2. For PCNs described in C.1, above, the DE shall give Mississippi Department of Environmental Quality (MS-DEQ) staff an opportunity to comment on all of the above mitigation measures.

D. REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION FOR MISSISSIPPI BAND OF CHOCTAW INDIAN TRIBAL LANDS

The Environmental Protection Agency, Region 4, issued water quality certifications for Nationwide Permit (NWP) activities on Mississippi Band of Choctaw Indian Tribal Lands on February 17, 2007 (copy attached). EPA stated that, as proposed, the NWPs would not violate water quality standards in waters of the United States located within these Tribal lands.

E. REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION

The Mississippi Department of Environmental Quality issued Water Quality Certification decisions for the 49 NWP's by letter dated April 23, 2007 (copy attached). These WQC decisions are as follows:

1. NWP No. 44, Mining Activities. The Mississippi Department of Environmental Quality (DEQ) denied water quality certification for NWP No. 44, Mining Activities. Applicants shall obtain certification or a waiver from the Mississippi Department of Environmental Quality prior to commencement of work.

2. NWP's 3, 4, 5, 6, 7, 11, 13, 15, 16, 17, 19, 20, 22, 23, 25, 30, 32, 33, 34, 37, 38, 45, 46, 47, 48, 49, and 50 -The Mississippi Department of Environmental Quality (DEQ) issued water quality certification for these Nationwide Permits for a period of five years from its effective date, provided the projects comply with the following conditions: (Note: Nationwide Permit Nos. 1, 2, 8, 9, 10, 11, 24, 28, and 35 are not listed because they do not authorize section 404 regulated discharges and therefore do not require 401 WQCs). DEQ will be the primary responsible party for the enforcement of the water quality certification conditions listed below and may be contacted as follows:

Mississippi Department of Environmental Quality Office of
Pollution Control Post Office Box 10385 Jackson, Mississippi
39289-0385 Telephone: (601) 961-5171

a. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50-Nephelometric Turbidity Units.

3. NWP No. 12, Utility Line Activities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. In cases where a pre-construction notification is required, a pre-construction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

b. MDEQ shall be notified of projects that have associated discharges of cuttings, drilling mud, hydrostatic testing water, or any other waste material.

c. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

d. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

e. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

4. NWP No. 13, Bank Stabilization, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

5. NWP No. 14, Linear Transportation Crossings, is authorized by this certification for a period of five years from its effective date, provided projects comply with the following conditions:

a. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.

b. This NWP shall not apply to natural tidal waters for personal transportation.

c. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

d. The applicant shall obtain coverage under the State's Storm Water

Construction General Permit (MSR10) in order to discharge storm water associated with construction activity disturbing one or more acres.

e. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

f. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50-Nephelometric Turbidity Units.

6. NWP No. 18, Minor Discharges, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:

(1) The applicant shall provide documentation that the residence or establishment can make a connection to the an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

(2) A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody. The minimum buffer zone for the subject parcel is defined as 15% of the parcel depth. The parcel depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line (HTL) to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or HTL to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or HTL.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

7. NWP No. 21, Surface Coal Mining Operations, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

8. NWP No. 27, Stream and Wetland Restoration Activities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. For permitting of activities associated with mitigation banking, a Mitigation Banking Instrument approved by the Mitigation Banking Review Team shall be required.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

9. NWP No. 28, Modifications of Existing Marinas, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. This NWP shall only apply to marinas that have an existing operating wastewater pump-out facility with appropriate signage showing its location as well as other appropriate waste disposal information.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

10. NWP No. 29, Residential Developments, is authorized by this certification for a period of five years from its effective date provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:

(1) The applicant shall provide documentation that the residence or establishment can make a connection to the an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

(2) A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody. The minimum buffer zone for the subject parcel is defined as 15% of the parcel depth. The parcel

depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line (HTL) to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or HTL to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or HTL.

c. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

d. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

e. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

f. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

11. NWP No. 31, Maintenance of Existing Flood Control Facilities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Maintenance work shall not exceed the limitation or contours previously authorized by a Department of the Army Permit.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

12. NWP No. 36, Boat Ramps, is authorized by this certification for a period of five years from its effective date provided the projects comply with the following conditions:

a. Boat ramp parking areas with impervious surfaces (concrete, asphalt) that have a surface area equal to or greater than one acre shall provide for storm water management. The first 0.5 inch of storm water runoff from impervious parking and road surfaces shall be treated using MDEQ approved best management practices before release. The storm water plan should be submitted upon application for coverage under a NWP and shall be forwarded to MDEQ.

b. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

c. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

d. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

e. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

13. NWP No. 39, Commercial and Institutional Developments, is authorized by this permit for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

c. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

d. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

e. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

f. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

14. NWP No. 40, Agricultural Activities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

b. In cases where a pre-construction notification is required, a

preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

c. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

d. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

e. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

15. NWP No. 41, Reshaping Existing Drainage Ditches, is authorized by this certification for a period of five years from their effective date, provided the projects comply with the following conditions:

a. The side slopes of banks and spoil disposal areas shall be 3:1 (horizontal:vertical) or flatter.

b. This NWP shall apply to created ditches only. No impacts to naturalized streams shall be allowed.

c. This NWP shall not authorize the modification of more than 500 linear feet of existing serviceable drainage ditches constructed in non-tidal waters.

d. Buffer zones shall be 25 feet minimum from top of drainage ditch.

e. Spoil disposal area shall be discontinuous and immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

f. Work shall be conducted from one side of the waterbody only, where possible.

g. Large trees on the work side shall be avoided where possible.

h. Banks shall be immediately seeded and stabilized upon completion of construction.

i. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

j. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

k. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

16. NWP No. 42, Recreational Activities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. For the construction or expansion of golf courses or attendant features, the applicant shall obtain approval or waiver for a Storm Water Quality Management Plan from MDEQ prior to construction.

c. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

d. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream

or on another impaired stream within the same drainage basin.

e. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

f. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

g. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

17. NWP No. 43, Storm Water Management Facilities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. This certification shall not authorize in-stream treatment of stormwater.

c. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

d. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

(1) Justification of why the impacts cannot be avoided;

(2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;

(3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

e. The applicant shall obtain coverage under the State's Storm Water

Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.



ENVIRONMENTAL ENGINEERS, INC.

11578 US Highway 411, Odenville, Alabama 35120

Environmental, Remediation, and Geological Consultants

June 15, 2010

Mr. David Lofton, Section Chief
U.S. Army Corps of Engineers, Vicksburg District
Permitting Section
Attention: CEMVK-OD-F
4155 Clay Street
Vicksburg, Mississippi 39183-3435

SUBJECT:

**Jurisdictional Evaluation Report and Request for Comment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007**

Dear Mr. Lofton:

On behalf of our clients, Towers of Mississippi and the State of Mississippi, Environmental Engineers, Inc. is requesting concurrence with the results of our wetland delineation and requesting comment regarding the proposed project activities. The enclosed report describes our wetland delineation findings and provides a summary of the proposed site activities.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. If you have any questions regarding this request or if you need any additional information, please contact us at (205) 629-3868.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Chad Stinnett
Senior Project Scientist

Enc. Jurisdictional Evaluation Report

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

Enclosure 1



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

Jurisdictional Evaluation Report
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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

June 15, 2010

Prepared by:
ENVIRONMENTAL ENGINEERS, INC.

Chad Stinnett

Chad Stinnett
Senior Project Scientist

Anne B. Gilbert

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Principal Engineer

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Figure 2	Site Survey
Figure 3	National Wetlands Inventory Map
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APPENDICES

Appendix A	Wetland Delineation Data Forms
Appendix B	Preliminary Jurisdictional Determination Form

*Jurisdictional Evaluation Report
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project Number: JSE01P1007*



1.0 INTRODUCTION

1.1 SITE LOCATION

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33.364319° north and longitude 89.18116° west (Figure 1).

This site is referred to as the proposed MSWIN 20504 C Ackerman Communications Tower and is located off Mabus Road in Ackerman, Mississippi. The site is located in the Yockanookany River watershed.

1.2 SITE DESCRIPTION

The site consists of a proposed 100-foot by 100-foot lease area with three associated guy anchor easements and a proposed access road located off Mabus Road near Ackerman, Mississippi (Figure 2). The site is comprised of wooded land consisting of mixed hardwood and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh).

1.3 SOILS

Based on the USDA's Soil Survey of Choctaw County, Mississippi, issued September 1986, site soils are classified as Smithdale-Sweatman association, hilly. The surface layer of Smithdale soils is typically dark grayish-brown fine sandy loam about five inches thick. The subsurface layer is brown fine sandy loam about five inches thick. The upper 37 inches of the subsoil is yellowish-red sandy clay loam, and the lower part, which extends to a depth of 80 inches or more is red sandy loam and contains pockets of uncoated sand grains.

The Sweatman soils typically have a surface layer of dark grayish-brown fine sandy loam about five inches thick. The upper 17 inches of the subsoil is yellowish-red silty clay, and the lower 11 inches is yellowish-red silty clay with gray shale fragments. The underlying material extends to a depth of 60 inches or more. It is stratified layers of partially weathered gray shale and yellowish-red and strong brown sandy material.

2.0 FIELD EVALUATION METHODS

Environmental Engineers, Inc. (EEI) personnel reviewed the USGS 7.5-minute "Ackerman, Mississippi" Topographic Quadrangle, the National Wetlands Inventory map (Figure 3), the USDA Web Soil Survey (Figure 4), and historical aerial photographs for the site. EEI personnel conducted the jurisdictional evaluation on March 23, 2010. The following briefly describes the field procedures conducted during site activities.

*Jurisdictional Evaluation Report
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project Number: JSE01P1007*



EEI conducted a reconnaissance of the property within the subject site boundaries as well as on adjacent properties to assist in describing representative vegetation and hydrology. The subject site was observed for jurisdictional wetland indicators and waters of the U.S.

The field delineation was performed in accordance with the guidelines established in the Field Guide for Wetland Delineation, 1987 Corps of Engineers Manual (Manual) and the Regional Supplement to the Corps of Engineers Manual for the Atlantic and Gulf Coastal Plain Region (October 2008). Delineation data forms taken from the Manual are included in Appendix A. Identified wetlands and waters of the U.S. were flagged in the field and classified in accordance with the memorandum regarding *CWA Jurisdiction Following The US Supreme Court Decision In Rapanos vs. United States* "Rapanos guidance" dated December 2008. As required by the Rapanos guidance, JD forms are included in Appendix B.

3.0 FINDINGS

It is EEI's professional opinion that the northwestern and southwestern guy easements contain wetlands and the eastern guy easement contains a Seasonal Relatively Permanent Water (RPW) stream that would be considered jurisdictional by the US Army Corps of Engineers (Figure 5). It is also the opinion of EEI that the proposed tower compound and access road do not contain wetlands and/or streams.

3.1 JURISDICTIONAL WATERS

Name	Type	Project Area Location	Center Coordinates
Wetland A	Palustrine-scrub/shrub	Southwestern Guy Easement	33.3635959°N 89.1819025°W
Wetland B	Palustrine-forested	Northwestern Guy Easement	33.3648044°N 89.1814927°W
Wetland C	Palustrine-forested	Northwestern Guy Easement	33.3652014°N 89.1817386°W
Seasonal RPW	Riverine-intermittent	Eastern Guy Easement	33.3642174°N 89.1803247°W

3.1.1 Wetland A

Wetland A is classified as a Palustrine-scrub/shrub system and appears to be the result of poor drainage from a nearby culverted stream crossing. Hydrophytic vegetation and hydric soils were present throughout the delineated limits of this wetland. Wetland hydrology was inconsistent but provided enough secondary indicators to meet the minimum defined threshold.



3.1.2 Wetland B

Wetland B is classified as a Palustrine-forested system and the main hydrologic input is provided by localized groundwater springs. Hydrophytic vegetation, hydric soils, and wetland hydrology were present throughout the delineated limits of this wetland.

3.1.3 Wetland C

Wetland C is classified as a Palustrine-forested system and the main hydrologic input is provided by localized groundwater springs. Hydrophytic vegetation, hydric soils, and wetland hydrology were present throughout the delineated limits of this wetland.

3.1.4 Seasonal RPW

The seasonal RPW flows through the proposed eastern guy easement with a 2-foot Ordinary High Water Mark (OHWM) and no adjacent wetlands. This stream provided intermittent flow and an absence of aquatic species during the time of evaluation. The topography surrounding this stream is primarily comprised of gently rolling hills.

4.0 PROPOSED ACTIVITIES

Proposed activities at the site consist of construction of a 650-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound and access road with gravel. In addition, vegetation will be cleared from the guy easements and a temporary equipment crossing will be constructed across the seasonal RPW.

4.1 GUY EASEMENT CLEARING METHODS

As previously mentioned, two of the guy easements cross areas delineated as jurisdictional wetlands. Towers of Mississippi is committed to completing this project without significant wetland disturbance and propose guy anchor easement clearing methods detailed in the following sentences. The guy anchor easements, outside of the delineated wetland limits, will be cleared via mechanical methods. The guy easements within the delineated wetland limits will be cleared via hand methods and felled brush will be moved to an upland location. Additionally, guy anchor construction equipment and materials will utilize upland access routes.

4.2 STREAM CROSSING METHODS

Unlike the northwestern and southwestern guy anchor points, no alternative access routes could be identified for the eastern guy anchor point without crossing a jurisdictional area. A temporary crossing must be constructed along the seasonal RPW to provide access for equipment to reach the guy anchor location. After reviewing the proposed stream crossing options, Towers of Mississippi has decided to



utilize equipment mats and remove the mats once construction is complete. Based on the relatively small size of the seasonal RPW and the lack of significant surrounding topography, the equipment mats should provide sufficient equipment access and protect the structural integrity of the stream channel.

5.0 CONCLUSION

Environmental Engineers, Inc. performed a jurisdictional evaluation in accordance with federal standards of the Proposed MSWIN 20504 C Ackerman Communications Tower located off of Mabus Road in Ackerman, Mississippi. Based on the results of the field evaluation and project site research, it is EEI's opinion that the project area contains three wetlands and a seasonal RPW that would be considered jurisdictional Waters of the US. After a review of the proposed construction methods provided by Towers of Mississippi, it is also the opinion of EEI that the project will not require fill and/or significant soil disturbance within stream and/or wetland limits and therefore will not require a USACE permit.

6.0 REFERENCES / INFORMATION SOURCES

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

1. United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972.
2. Soils information available from the USDA's Soil Survey of Choctaw County, Mississippi, issued September 1986.
3. National Wetland Inventory Map available at U.S. Fish and Wildlife Service Internet website.
4. Soils information from the USDA's Web Soil Survey Internet website.
5. Aerial photographs available at the USDA's Natural Resource Conservation Service (NRCS) and Forestry Commission offices in Ackerman, Mississippi and Mapcard.com Internet website.
6. US Army Corps of Engineers Field Guide for Wetland Delineation. 1987 Corps of Engineers Manual.
7. Regional Supplement to the Corps of Engineers Manual for the Atlantic and Gulf Coastal Plain.





Environmental Engineers, Inc.

Subject:
Jurisdictional Evaluation Report
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Figure 1
Site Location Map

Scale: 1" = 2,000'



Certification of Compliance
With Department of the Army Permit

Nationwide Permit Number: NW 33

Identification Number: MVK-2010-1604

Name of Permittee: Towers of Mississippi

Issued Date: 10/18/2010

Evaluator name: Cori Shiers

Expiration Date: 10/18/2012

Compliance Location: The project is located in Ackerman,
Choctaw County, Mississippi (33.36422,
-89.18032)

Upon completion of the activity authorized by this permit, sign
this certification and return it to the following address:

USACE, Vicksburg District
ATTN: Regulatory Branch
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Please note that your permitted activity is subject to a
compliance inspection by an Army Corps of Engineers
representative. If you fail to comply with this permit, you are
subject to permit modification, suspension, or revocation.

I hereby certify that the work authorized by the above-referenced
permit has been completed in accordance with the terms and
conditions of the said permit including any required mitigation.

Date work was completed: _____

Signature of Permittee

Date Signed

Enclosure 5

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Towers of Mississippi	File Number: MVK-2010-1604	Date: October 18, 2010
Attached is:		See Section Below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	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 (JD) 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.

Enclosure 6

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:

Cori Shiers
U.S. Army Corps of Engineers
Regulatory Branch
4155 Clay Street
Vicksburg, MS 39183-3435
(601) 631-5369

If you only have questions regarding the appeal process you may also contact:

Division Engineer
Attn: Appeals Review Officer
Mississippi Valley Division
Post Office Box 80
Vicksburg, MS 39181-0080
(601)634-5820

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

June 9, 2010

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

Subject:

**Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi**
Environmental Engineers, Inc. Project No.: JSE01P1007

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 650-foot guyed communications tower in Choctaw County, Mississippi.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude $33^{\circ} 21' 51.549''$ north and longitude $89^{\circ} 10' 52.177''$ west (Figure 1). Proposed activities consist of construction of a 650-foot guyed communications tower and associated compound, enclosing the compound in a fence, placement of support equipment within the compound, and covering the compound and access road with gravel.

I performed a pedestrian survey of the proposed site on March 23, 2010. 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 Mabus Road in Ackerman, Mississippi 39735. Vegetation on the site is comprised of hardwood and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south.

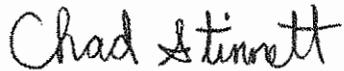
The U.S. Fish and Wildlife Service does not list any protected species as occurring in Choctaw County, Mississippi. I have included a location map, photographs of the proposed tower site, and photographs of the surrounding area.

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

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1007) in correspondence regarding this site. We appreciate your time and assistance with this matter and look forward to your response. Please call us at (205) 629-3868 if you have any questions or comments.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

A handwritten signature in black ink that reads "Chad Stinnett". The signature is written in a cursive, slightly slanted style.

Chad Stinnett
Senior Project Scientist

Attachments Site Location Map
Site Photographs

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

For delivery information visit our website at www.usps.com

OFFICIAL USE

7010 0290 0003 5708 0547

Postage	\$	6/9/10 Postmark Here JSEBIP1001
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.15	
Sent to <u>Mr. Stephen Ricks</u> Street, Apt. No., or PO Box No. City, State, ZIP+4		

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:

Mr. Stephen Ricks
 USF&NS
 6578 Dogwood View Plwy
 Jackson, MS 39213

2. Article Number
 (Transfer from service label)

7010 0290 0003 5708 0547

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 J. Davis Agent
 Addressee

B. Received by (Printed Name) J. Davis C. Date of Delivery 6/11/10

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

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

4. Restricted Delivery? (Extra Fee) Yes



United States Department of the Interior

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



June 21, 2010

Environmental Engineers Inc.

JUN 23 2010

RECEIVED

Mr. Chad Stinnett
Environmental Engineers, Inc.
11578 US Highway 411
Odenville, Alabama 35120

RE: Tower Proposal in Choctaw County, Mississippi, Project No: JSE01P1007

Dear Mr. Stinnett:

The U.S. Fish and Wildlife Service (Service) received your letters dated June 9, 2010, regarding construction of a 650-ft guyed wire telecommunication tower and tower compound located off of Mabus Road in Ackerman, Mississippi. 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).

There are no federally listed threatened or endangered species, or their habitats, within the project areas. Therefore, the Service anticipates no impacts to any listed species to occur as a result of the proposed project. However, due to the adverse impact these towers can have on migratory birds, we have included our Service recommendations as an attachment.

If project plans change or if new information about listed species becomes available, consultation should be reinitiated. If you have any questions, please feel free to contact this office, telephone: (601) 321-1129.

Sincerely,

Stephen Ricks
Field Office 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).
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 effects 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.

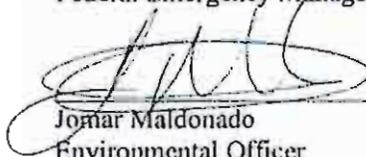
An annual report documenting the number of avian deaths recorded at MSWIN sites will be prepared for five consecutive years following conclusion of the construction of the towers comprising the MSWIN system. The reporting period will begin a year from the execution of this mitigation plan and extend 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

From: towernotifyinfo@fcc.gov
Sent: Tuesday, April 06, 2010 4:06 PM
To: towerinfo@envciv.com
Subject: Proposed Tower Structure Info - Email ID #2452227

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: 04/06/2010

Notification ID: 62330

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: 33 deg 21 min 51.5 sec N

Longitude: 89 deg 10 min 52.2 sec W

Location Description: off of Collier Road

City: Ackerman

State: MISSISSIPPI

County: CHOCTAW

Ground Elevation: 179.5 meters

Support Structure: 198.1 meters above ground level

Overall Structure: 198.1 meters above ground level

Overall Height AMSL: 377.6 meters above mean sea level

Henry Fisher

From: towernotifyinfo@fcc.gov
Sent: Friday, April 09, 2010 2:01 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 #2453827

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. Historic Preservation Officer Bryant J Celestine - Alabama-Coushatta Tribe of Texas - Livingston, TX - electronic mail

Details: Please consider this notification as our interest for consultation regarding your proposal. The Alabama-Coushatta Tribe of Texas requests an administrative fee of \$300.00 for our services including internal file searches, elder consultations, and if necessary, travel expenses for a site visit to complete our determination regarding your proposal. Take note of the following procedures as this will assist our efforts to provide your firm with the most efficient process in returning our determinations:

1. Submit your Form 620 or 621 to celestine.bryant@actribe.org. Each submission is logged and within 10 days of receipt, an invoice will be returned to the email account we receive your supplemental information.
2. INCLUDE your invoice number on your payment and submit according to the Invoice instructions. We cannot track your payment by project number so please do not submit without an invoice number.
3. Within 20 days of your original submission, you will receive an email response from our Office relating to our determinations for your proposal. This may occur despite a delay in fee payment.
4. In the event of an outstanding balance, a detailed invoice will be submitted in place of our determination. In this manner, your Section 106 obligations without Tribe ARE NOT complete until we have forwarded our written response indicating our determination.

Thank you, Bryant J. Celestine - Historic Preservation Officer

2. 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.

3. 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.

4. 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.]

5. 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.

6. 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.

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

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

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

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

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

12. 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: 04/06/2010

Notification ID: 62330

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: 33 deg 21 min 51.5 sec N

Longitude: 89 deg 10 min 52.2 sec W

Location Description: off of Collier Road

City: Ackerman

State: MISSISSIPPI

County: CHOCTAW

Ground Elevation: 179.5 meters

Support Structure: 198.1 meters above ground level

Overall Structure: 198.1 meters above ground level

Overall Height AMSL: 377.6 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"/> Yes <input type="checkbox"/> No
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"/> Yes <input checked="" type="checkbox"/> No
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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: 62330

Site Information

2) Site Name: Ackerman		
3) Site Address: Collier Road		
4) City: Ackerman	5) State: MS	6) Zip Code: 39735
7) County/Borough/Parish: Choctaw		
8) Nearest Crossroads: Mabus Road and Highway 15		
9) NAD 83 Latitude (DD-MM-SS.S): 33-21-51.54		(<input checked="" type="checkbox"/>) N or (<input type="checkbox"/>) S
10) NAD 83 Longitude (DD-MM-SS.S): 89-10-52.17		(<input type="checkbox"/>) E or (<input checked="" type="checkbox"/>) W

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): 650 (<input checked="" type="checkbox"/>) Feet (<input type="checkbox"/>) Meters
12) Tower Type (Select One): <input checked="" type="checkbox"/> Guyed lattice tower <input type="checkbox"/> Self-supporting lattice <input type="checkbox"/> Monopole <input type="checkbox"/> Other (Describe):

Project Status

13) Current Project Status (Select One):	
<input checked="" type="checkbox"/> Construction has not yet commenced	
<input type="checkbox"/> Construction has commenced, but is not completed	Construction commenced on: ___/___/___
<input type="checkbox"/> 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>62330</u>	Number of Tribes/NHOs: <u>6</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: <p style="text-align: center;">Alabama-Coushatta Tribe of Texas</p>

Contact Name

5) First Name: Bryant	6) MI: J	7) Last Name: Celestine	8) Suffix:
9) Title: Historic Preservation Officer			

Dates & Response

10) Date Contacted <u>4 / 6 / 10</u>	11) Date Replied <u>4 / 15 / 10</u>
<input type="checkbox"/> No Reply	
<input type="checkbox"/> Replied/No Interest	
<input checked="" 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"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>62330</u>	Number of Tribes/NHOs: <u>6</u>	
2b) Tribes/NHOs contacted through an alternate system: <u>None</u>	Number of Tribes/NHOs: <u>None</u>	

Tribe/NHO Contacted Through TCNS

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

Contact Name

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

Dates & Response

10) Date Contacted <u>4</u> / <u>6</u> / <u>10</u>	11) 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 _____	

**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>62330</u>	Number of Tribes/NHOs: <u>6</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: Kialegee Tribal Town

Contact Name

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

Dates & Response

10) Date Contacted <u>4</u> / <u>6</u> / <u>10</u>	11) Date Replied <u> </u> / <u> </u> / <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>62330</u>	Number of Tribes/NHOs: <u>6</u>	
2b) Tribes/NHOs contacted through an alternate system: <u>None</u>	Number of Tribes/NHOs: <u>None</u>	

Tribe/NHO Contacted Through TCNS

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

Contact Name

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

Dates & Response

10) Date Contacted <u>4</u> / <u>6</u> / <u>10</u>	11) Date Replied <u> </u> / <u> </u> / <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>62330</u>	Number of Tribes/NHOs: <u>6</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: 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>4 / 6 / 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>62330</u> Number of Tribes/NHOs: <u>6</u>	
2b) Tribes/NHOs contacted through an alternate system: <u>None</u>	Number of Tribes/NHOs: <u>None</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: <p style="text-align: center;">Tunica-Biloxi Indians of Louisiana</p>

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>4</u> / <u>6</u> / <u>10</u>	11) Date Replied <u> </u> / <u> </u> / <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?	() <u>Yes</u> (<u>X</u>) <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?	() <u>Yes</u> (<u>X</u>) <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.	() <u>Yes</u> (<u>X</u>) <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: _____	() <u>Yes</u> () <u>No</u>
12) Is this property eligible for listing on the National Register? Source: _____	() <u>Yes</u> () <u>No</u>
13) Is this property a National Historic Landmark?	() <u>Yes</u> () <u>No</u>

14) Direct Effects (Select One):

- () No Effect on this Historic Property in APE
 () No Adverse Effect on this Historic Property in APE
 () Adverse Effect on this Historic Property in APE

15) Visual Effects (Select One):

- () No Effect on this Historic Property in APE
 () No Adverse Effect on this Historic Property in APE
 () 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:

Choctaw County

Contact Name

3) First Name: Don

4) MI:

5) Last Name: Threadgill

6) Suffix:

7) Title: Chancery Clerk

Contact Information

8) P.O. Box: 250

And
/Or

9) Street Address:

10) City: Ackerman

11) State: MS

12) Zip Code: 39735

13) Telephone Number: ()

14) Fax Number: ()

15) E-mail Address:

16) Preferred means of communication:

() E-mail

() Letter

() Both

Dates & Response

17) Date Contacted 5 / 7 / 10

18) Date Replied ____ / ____ / ____

() No Reply

() Replied/No Interest

() Replied/Have Interest

() 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:				
<input type="checkbox"/> E-mail				
<input type="checkbox"/> Letter				
<input type="checkbox"/> Both				

Dates & Response

18) Date Contacted ____/____/____	19) Date Replied ____/____/____
<input type="checkbox"/> No Reply	
<input type="checkbox"/> Replied/No Interest	
<input type="checkbox"/> Replied/Have Interest	
<input type="checkbox"/> 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 tower.

SHPO/THPO

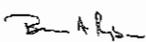
Name: <u>H.T. Holmes, Mississippi Department of Archives and History</u>
--

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: <u>Beth</u>	MI: <u>A</u>	Last Name: <u>Ryba</u>	Suffix: _____
Signature: 			Date: <u>04</u> / <u>15</u> / <u>10</u>
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).			

ATTACHMENT 1
Vitae are On File

ATTACHMENT 2
ATTACHMENT 7
ATTACHMENT 8
ATTACHMENT 9
ATTACHMENT 10
ATTACHMENT 11
ATTACHMENT 12

See Accompanying Cultural Resource Report

Attachment 3. Tribal and NHO Involvement

Initial notification to Native American tribes/organizations was submitted through the FCC Tower Construction Notification System (TCNS). See the attached TCNS list for details.

Attachment 4. Local Government

Correspondence was submitted to the local government agency with jurisdiction over the project area for comment regarding potential impacts to historical or cultural sites by the proposed action. See the attached correspondence for more information.

Attachment 5. Public Involvement

A notice requesting comment regarding potential impacts to historical or archaeological properties by the proposed action was published. Please see the attached information for details regarding the public notice.

Attachment 6. Additional Consulting Parties (Where Applicable)

Correspondence was submitted to additional consulting parties for comment regarding potential impacts to historical or cultural sites by the proposed action. See the attached correspondence for more information. (Please note that no correspondence is included where additional consulting parties were not identified for a project.)

Henry Fisher

From: towernotifyinfo@fcc.gov
Sent: Tuesday, April 06, 2010 4:06 PM
To: towerinfo@envciv.com
Subject: Proposed Tower Structure Info - Email ID #2452227

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: 04/06/2010

Notification ID: 62330

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: 33 deg 21 min 51.5 sec N

Longitude: 89 deg 10 min 52.2 sec W

Location Description: off of Collier Road

City: Ackerman

State: MISSISSIPPI

County: CHOCTAW

Ground Elevation: 179.5 meters

Support Structure: 198.1 meters above ground level

Overall Structure: 198.1 meters above ground level

Overall Height AMSL: 377.6 meters above mean sea level

Henry Fisher

From: towernotifyinfo@fcc.gov
Sent: Friday, April 09, 2010 2:01 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 #2453827

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. Historic Preservation Officer Bryant J Celestine - Alabama-Coushatta Tribe of Texas - Livingston, TX - electronic mail

Details: Please consider this notification as our interest for consultation regarding your proposal. The Alabama-Coushatta Tribe of Texas requests an administrative fee of \$300.00 for our services including internal file searches, elder consultations, and if necessary, travel expenses for a site visit to complete our determination regarding your proposal. Take note of the following procedures as this will assist our efforts to provide your firm with the most efficient process in returning our determinations:

1. Submit your Form 620 or 621 to celestine.bryant@actribe.org. Each submission is logged and within 10 days of receipt, an invoice will be returned to the email account we receive your supplemental information.
2. INCLUDE your invoice number on your payment and submit according to the Invoice instructions. We cannot track your payment by project number so please do not submit without an invoice number.
3. Within 20 days of your original submission, you will receive an email response from our Office relating to our determinations for your proposal. This may occur despite a delay in fee payment.
4. In the event of an outstanding balance, a detailed invoice will be submitted in place of our determination. In this manner, your Section 106 obligations without Tribe ARE NOT complete until we have forwarded our written response indicating our determination.

Thank you, Bryant J. Celestine - Historic Preservation Officer

2. 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 separately.

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.

3. 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.

4. 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.]

5. 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.

6. 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.

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

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

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

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

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

12. 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: 04/06/2010

Notification ID: 62330

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: 33 deg 21 min 51.5 sec N
Longitude: 89 deg 10 min 52.2 sec W
Location Description: off of Collier Road
City: Ackerman
State: MISSISSIPPI
County: CHOCTAW
Ground Elevation: 179.5 meters
Support Structure: 198.1 meters above ground level
Overall Structure: 198.1 meters above ground level
Overall Height AMSL: 377.6 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



ENVIRONMENTAL ENGINEERS, INC.

11578 US Highway 411, Odenville, Alabama 35120

Environmental, Remediation, and Geological Consultants

May 7, 2010

Mr. Don Threadgill
Choctaw County Chancery Clerk
P.O. Box 250
Ackerman, MS 39735

Subject:

Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

Dear Mr. Threadgill:

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 Choctaw County, Mississippi.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest ¼ of the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 included the portion of the USGS topographic map depicting the proposed site location for your review.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1007) 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 me at (205) 629-3868 or email me at 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.

Henry A. Fisher, P.E.
Principal Engineer

Attachments: Site Location Map

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

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.98

5/8/10
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ISEDI0007

Sent to Don Threadgill, Choctaw Co. Chancery Clerk
 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:

Mr. Don Threadgill
 Choctaw Co. Chancery Clerk
 P.O. Box 250
 Ackerman, MS 39735

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Signature] Agent
 Addressee

B. Received by (Printed Name)

Orent McKnight

C. Date of Delivery

5/11/10

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

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PROOF OF PUBLICATION

RECEIVED
APR 17 2010

**THE STATE OF MISSISSIPPI
COUNTY CHOCTAW**

Before the undersigned authority of said county and state personally appeared Brenda Perry, County of Choctaw, State of Mississippi, Choctaw Plaindealer being duly sworn, both depose and say that the publication of the notice hereto affixed has been made in said newspaper for 1 Consecutive week(s), to-wit:

Vol. 123, No. 15, on the 14 day of April, 2010
Vol. _____, No. _____, on the _____ day of _____, 2010
Vol. _____, No. _____, on the _____ day of _____, 2010
Vol. _____, No. _____, on the _____ day of _____, 2010
Vol. _____, No. _____, on the _____ day of _____, 2010
Vol. _____, No. _____, on the _____ day of _____, 2010

Sworn to and subscribed to this the 16 day of April 2010
me the undersigned Notary Public of said County and State.



By: Susan D. Adcock
Brenda Perry

Printer's fee 1.00

Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) are requesting comment regarding construction of a 650 foot guyed communications tower to be located off of Collier Road, Ackerman, Choctaw County, Mississippi, 39735, at latitude 33° 21' 51.5" north and longitude 89° 10' 52.2" west. We are also requesting comment, in accordance with Section 106 of the National Historic Preservation Act (NHPA), regarding potential impacts to historical or archaeological properties listed on, or eligible for listing on, the National Register of Historic Places (NRHP), by the proposed communications tower. All comments should be submitted within 30 days of the publication of this notice referencing project #SE01P1007 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@enveiv.com, via telephone at (205) 629-3868, or via facsimile at (877) 847-3868. Publication Date: 4/14

Appendix I



ENVIRONMENTAL ENGINEERS, INC.

11578 US Highway 411, Odenville, Alabama 35120

Environmental, Remediation, and Geological Consultants

June 4, 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 20504 C Ackerman Telecommunications Tower

Ackerman, Choctaw County, Mississippi

Environmental Engineers, Inc. Project No.: JSE01P1007

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 (JSE01P1007) 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



J1P14082228224

Ship Date: 07 JUN 10
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CAD: 4760348/NET3010

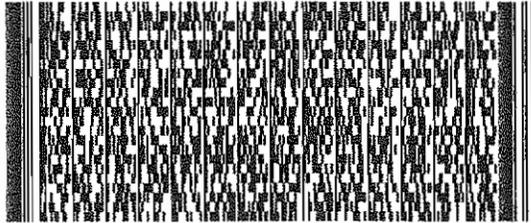
Delivery Address Bar Code



Ref # CEL1011,JSE1002,05,06,07,09
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



TRK# 7936 1216 9079
0201

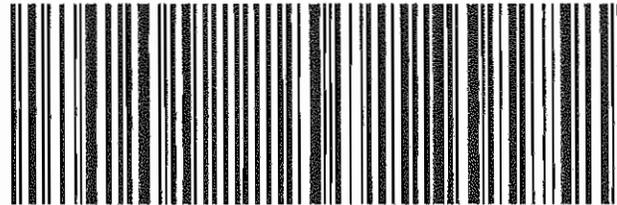
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1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label 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. 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, June 09, 2010 11:32 AM
To: cjohnson@envciv.com
Subject: FedEx Shipment 793612169079 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: CEL1011,JSE1002,05,06,07,09
Ship (P/U) date: Jun 7, 2010
Delivery date: Jun 9, 2010 11:27 AM
Sign for by: D.SMITH
Delivered to: Receptionist/Front Desk
Service type: FedEx Express Saver
Packaging type: FedEx Pak
Number of pieces: 1
Weight: 4.00 lb.
Special handling/Services: Deliver Weekday

Tracking number: 793612169079

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

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6/9/2010



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

Environmental Engineers Inc.

June 16, 2010

JUN 18 2010

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

RECEIVED

RE: Proposed MSWIN 20504 C Ackerman Telecommunications Site, Ackerman (EE Project No. JSE01P1007), MDAH Project Log #06-054-10 (Report #10-0438), Choctaw County

Dear Henry:

We have reviewed your June 4, 2010, cultural resources assessment request and April 15, 2010, cultural resources survey report by Beth Ryba, Principal Investigator, received on June 9, 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,

A handwritten signature in black ink, appearing to read 'Jim', written over a horizontal line.

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: Friday, June 04, 2010 6:14 PM
To: 'Bryant J. Celestine'
Subject: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330
Attachments: FCC Form 620 MSWIN 20504 Tower TCNS 62330.pdf

Mr. Bryant Celestine
Alabama-Coushatta Tribe of Texas

Subject:
TCNS 62330
Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

Dear Mr. Celestine:

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 Choctaw County, Mississippi. This project was also submitted through the FCC TCNS on April 6, 2010 (TCNS ID # 62330).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 (JSE01P1007) 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 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: Bryant J. Celestine [celestine.bryant@actribe.org]
Sent: Friday, July 02, 2010 11:36 AM
To: 'Henry Fisher'
Subject: RE: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330

Dear Mr. Fisher:

On behalf of Mikko Oscola Clayton Sylestine and the Alabama-Coushatta Tribe, our appreciation is expressed on your efforts to consult us regarding TCNS #62330 (JSE01P1007) in Choctaw County.

Our Tribe maintains ancestral associations within the state of Mississippi despite the absence of written documentation to completely identify Tribal activities, villages, trails, or burial sites. However, it is our objective to ensure significances of Native American ancestry, especially of the Alabama-Coushatta Tribe, are administered with the utmost considerations.

Upon review of your June 4, 2010 submission, no impacts to religious, cultural, or historical assets of the Alabama-Coushatta Tribe of Texas should occur based upon previous disturbances existing in this location. In the event of inadvertent discovery of human remains and/or archaeological artifacts, activity in proximity to the location must cease and appropriate authorities, including this office, notified without delay for additional consultation.

Should you require further assistance, please do not hesitate to contact us.

Sincerely,

Bryant J. Celestine
Historic Preservation Officer
Alabama-Coushatta Tribe of Texas
571 State Park Rd 56
Livingston, Texas 77351
936 - 563 - 1181
celestine.bryant@actribe.org

Henry Fisher

From: Henry Fisher [hfisher@envciv.com]
Sent: Friday, June 04, 2010 6:18 PM
To: 'Caren Johnson'
Subject: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330
Attachments: FCC Form 620 MSWIN 20504 Tower TCNS 62330.pdf

Mr. Terry Cole
Choctaw Nation of Oklahoma

Subject:
TCNS 62330
Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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 Choctaw County, Mississippi. This project was also submitted through the FCC TCNS on April 6, 2010 (TCNS ID # 62330).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 (JSE01P1007) 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 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: Monday, July 26, 2010 10:13 AM
To: Henry Fisher
Subject: RE: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330

July 26, 2010

Mr. Henry Fisher:

The Choctaw Nation of Oklahoma has reviewed cell tower(s) FCC # **62330** 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 Johnson
Administrative Assistant
Choctaw Nation of Oklahoma
P. O. Box 1210
Durant, OK 74702-1210
1-580-924-8280 Ext. 2133
Fax 1-580-920-3181

From: Henry Fisher [mailto:hfisher@envciv.com]
Sent: Friday, June 04, 2010 6:18 PM
To: Caren Johnson
Subject: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330

Mr. Terry Cole
Choctaw Nation of Oklahoma

Subject:
TCNS 62330
Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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 Choctaw County, Mississippi. This project was also submitted through the FCC TCNS on April 6, 2010 (TCNS ID # 62330).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest ¼ of the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' S1.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 (JSE01P1007) 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 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

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: Friday, June 04, 2010 6:19 PM
To: 'Carleton, Ken'; 'choctawhp@gmail.com'
Subject: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330
Attachments: FCC Form 620 MSWIN 20504 Tower TCNS 62330.pdf

Mr. Ken Carleton
Mississippi Band of Choctaw Indians

Subject:
TCNS 62330
Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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 Choctaw County, Mississippi. This project was also submitted through the FCC TCNS on April 6, 2010 (TCNS ID # 62330).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest ¼ of the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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.

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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: Friday, June 04, 2010 6:19 PM
To: 'Jennifer Pietarila'
Subject: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330
Attachments: FCC Form 620 MSWIN 20504 Tower TCNS 62330.pdf

Ms. Jennifer Pietarila
Seminole Tribe of Florida

Subject:
TCNS 62330
Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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 Choctaw County, Mississippi. This project was also submitted through the FCC TCNS on April 6, 2010 (TCNS ID # 62330).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest ¼ of the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 (JSE01P1007) 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 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: Monday, June 07, 2010 10:05 AM
To: towerinfo@envciv.com
Cc: tcns.fccarchive@fcc.gov; jenniferpietarila@semtribe.com
Subject: Reply to Proposed Tower Structure (Notification ID: 62330) - Email ID #2503617

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 #62330:

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: 04/06/2010
Notification ID: 62330
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: 33 deg 21 min 51.5 sec N
Longitude: 89 deg 10 min 52.2 sec W
Location Description: off of Collier Road
City: Ackerman
State: MISSISSIPPI
County: CHOCTAW

Ground Elevation: 179.5 meters

Support Structure: 198.1 meters above ground level

Overall Structure: 198.1 meters above ground level

Overall Height AMSL: 377.6 meters above mean sea level

Henry Fisher

From: Earl Barbry, Jr. [earlji@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 stationary 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: Friday, June 04, 2010 5:53 PM
To: 'earlii@tunica.org'
Subject: Proposed MSWIN 20504 C Ackerman Telecommunications Tower TCNS 62330

Mr. Earl Barbry
Tunica-Biloxi Indians of Louisiana

Subject:
TCNS 62330
Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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 Choctaw County, Mississippi. This project was also submitted through the FCC TCNS on April 6, 2010 (TCNS ID # 62330).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 (JSE01P1007) 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 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

May 3, 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 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

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

May 3, 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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- Appendix B Aerial Photographs
- Appendix C Report on Environmentally Regulated Facilities
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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 Mabus Road in Ackerman, 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 20504 C Ackerman Communications Tower located off Mabus Road in Ackerman, 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 “Ackerman, Mississippi,” dated 1972. The site is located in the northwest ¼ of the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21’ 51.549” north and longitude 89° 10’ 52.177” west (Figure 1).

This site is referred to as the proposed MSWIN 20504 C Ackerman Communications Tower and is located off Mabus Road in Ackerman, Mississippi. The current property owners are listed by the Choctaw County Tax Assessor’s Office as Jim Alvin Adams and Alvin Blaine Adams, and the parcel containing the site is located on Map 57 in Section 6 as Parcel 8.000.



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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 April 27, 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 southwest towards an unnamed tributary of Yockanookany Creek. Groundwater beneath the site is inferred to flow toward the southwest 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 Wilcox Formation, which consists of irregularly-bedded fine to coarse sand, more or less lignitic clay, and lignite; includes bauxite bearing Fearn Springs sand member at the base.

3.4.3 Soils

Based on the USDA's Soil Survey of Choctaw County, Mississippi, issued September 1986, site soils are classified as Smithdale-Sweatman association, hilly. The surface layer of Smithdale soils is typically dark grayish-brown fine sandy loam about five inches thick. The subsurface layer is brown fine sandy loam about five inches thick. The upper 37 inches of the subsoil is yellowish-red sandy clay loam, and the lower part, which extends to a depth of 80 inches or more is red sandy loam and contains pockets of uncoated sand grains.

The Sweatman soils typically have a surface layer of dark grayish-brown fine sandy loam about five inches thick. The upper 17 inches of the subsoil is yellowish-red silty clay, and the lower 11 inches is yellowish-red silty clay with gray shale fragments. The underlying material extends to a depth of 60 inches or more. It is stratified layers of partially weathered gray shale and yellowish-red and strong brown sandy material.

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. An existing dirt road is located immediately west of the two westernmost proposed guy anchor locations.

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.



4.3 AREA UTILITIES

According to Mr. Jim Adams, current site owner, electrical service in the area of the site is provided by Four County Electric Power Association and telephone service is provided by Delta Telephone.

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 Wilcox Formation, which consists of irregularly-bedded fine to coarse sand, more or less lignitic clay, and lignite; includes bauxite bearing Fearn Springs sand member at the base.

Based on topographic interpretation, surface water runoff and groundwater beneath the area surrounding the site are expected to flow toward an unnamed tributary of Yockanookany Creek.

5.0 SITE HISTORY – 1883 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 Choctaw County Courthouse in Ackerman, Mississippi is listed in the table below. It should be noted that this information does not constitute a formal chain-of-title.

Property Ownership	
Years of Ownership	Property Owner
4/14/2008 – Present	Jim Alvin Adams and Alvin Blaine Adams
2/22/2008 – 4/14/2008	Barry K. Nail
7/10/2006 – 2/22/2008	Jason Clement and/or Barry K. Nail
3/29/2006 – 7/10/2006	John M Nabors and Al Langford
6/5/2001 – 3/29/2006	Weyerhaeuser Company
At least 1991 – 6/5/2001	Packaging Corporation of America (a/k/a Tenneco Packaging Corporation, Inc.)
1972 - Unknown	Tennessee River Pulp and Paper
1944 - 1972	E.O. and Mattie Mabus heirs (7 children)
12/12/1883 - 1944	E.O Mabus and wife, Mattie Mabus or their heirs
Prior to 12/12/1883	James P. Lewis

5.2 AERIAL PHOTOGRAPHS

Aerial photographs dated 1949, 1958, 1980, 1996, and 2009 including the subject site were examined. All aerial photographs depict the site as being partially wooded to 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. Jim Adams, current site owner, regarding ownership and past use of the site. Mr. Adams said that he has owned the property containing the site for approximately two years but has lived in the area for 30 years, and it has always been wooded. Mr. Adams said there have never been any structures on the site, and he was not aware of any structures, fuel tanks, or drums or buckets of chemicals ever being stored on the site.

6.0 AREA HISTORY – 1949 TO PRESENT

6.1 AERIAL PHOTOGRAPHS

Aerial photographs dated 1949, 1958, 1980, 1996, 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. A railroad easement was located west of the site in the 1949 through 1980 aerial photographs. This railroad easement remained visible in the 1996 and 2009 aerial photographs, but it appeared to have been abandoned and converted to a dirt road.

6.2 SANBORN FIRE INSURANCE MAPS

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

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

Attempts were made to contact Mr. Steve Montgomery, director of the Choctaw County Emergency Management Agency (EMA) regarding information on any known hazardous material or other environmental emergency responses in the area of the site. However, Mr. Montgomery had not been reached as of the date of this report.

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 20504 C Ackerman Communications Tower located off Mabus Road in Ackerman, 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.
2. USGS 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972.
3. Soils information available from the USDA's Soil Survey of Choctaw County, Mississippi, issued September 1986.
4. Aerial photographs available at the USDA's Natural Resource Conservation Service (NRCS) and Forestry Commission offices in Ackerman, Mississippi and Mapcard.com Internet website.
5. Review of environmental regulatory report for the site prepared by FirstSearch Technology Corporation, having Project Number JSE01P1007 and dated April 28, 2010.



6. Telephone interview with Mr. Jim Adams, current site owner, regarding past history and use of the site and local utility providers as well as past ownership of the property containing the site.
7. 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.

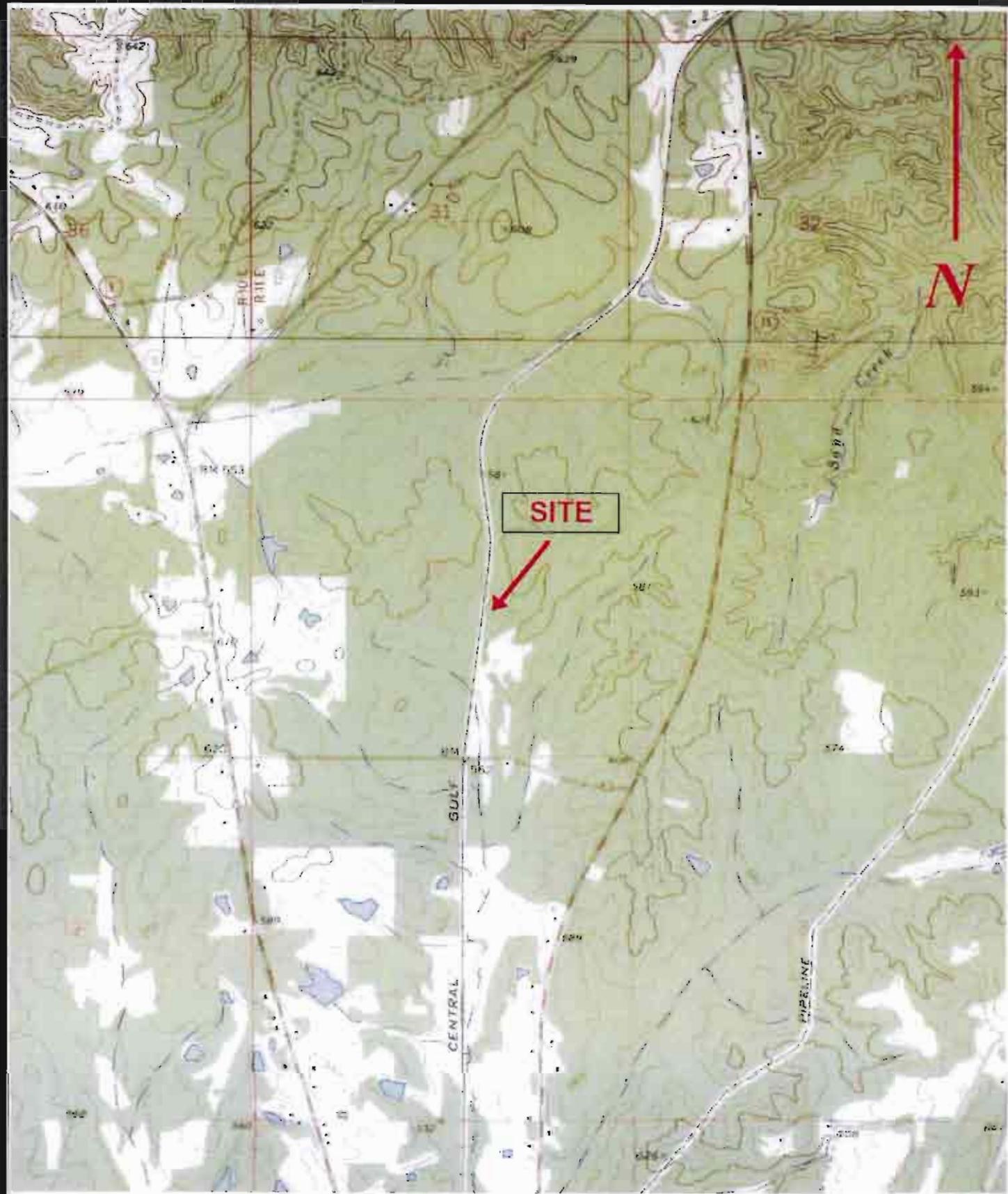
Services not within the scope of this study include, but are not limited to, the following:

- 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;
- 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.





Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

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





View from the center of the site looking toward the north.



View from the center of the site looking toward the east.

Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
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Figure 2
Site Photographs





View from the center of the site looking toward the south.



View from the center of the site looking toward the west.

Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
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Figure 3
Site Photographs





View from the northwestern guy anchor looking toward the site.



View from the southwestern guy anchor looking toward the site.

Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
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Figure 4
Site Photographs





View of a drainage ditch traversing the proposed access road, southwestern, and northwestern guy anchor easements.



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

Environmental Engineers, Inc.

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Ackerman, Choctaw County, Mississippi
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Figure 5
Site Photographs





View from the proposed access road looking south along the existing portion of the access road.



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

Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

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
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Appendix B
1949 Aerial Photograph



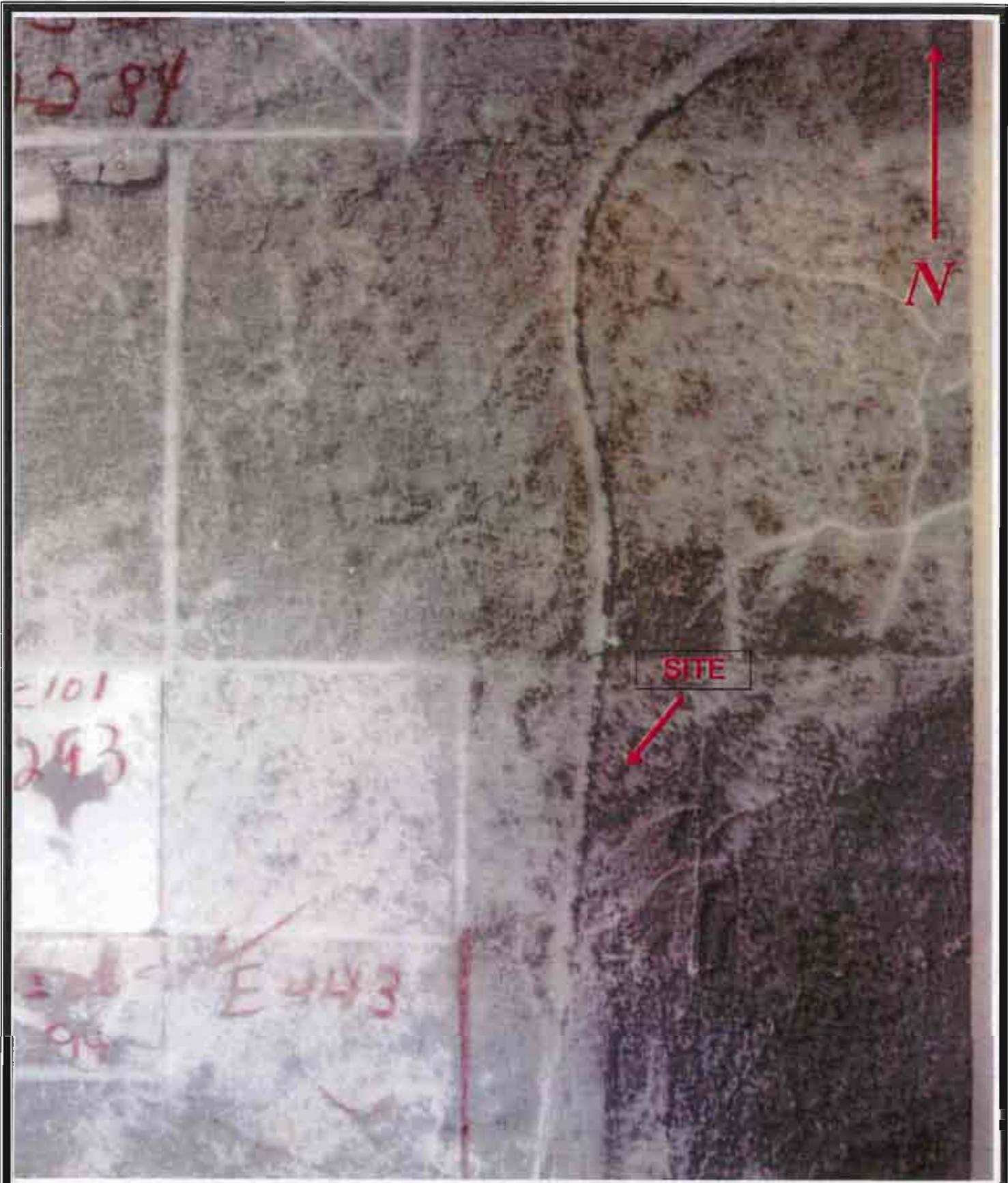


Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Appendix B
1958 Aerial Photograph





Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Appendix B
1980 Aerial Photograph





Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Appendix B
1996 Aerial Photograph





Environmental Engineers, Inc.

Subject:
Phase I Environmental Site Assessment
Proposed MSWIN 20504 C Ackerman Communications Tower
Ackerman, Choctaw County, Mississippi
Project No.: JSE01P1007

Appendix B
2009 Aerial Photograph



FirstSearch Technology Corporation

Environmental FirstSearch™ Report

Target Property: MSWIN 20504 C ACKERMAN TOWER

MABUS ROAD

ACKERMAN MS 39735

Job Number: JSE01P1007

PREPARED FOR:

Environmental Engineers, Inc

11578 US Hwy 411

Odenville, AL 35120



Tel: (407) 265-8900

Fax: (407) 265-8904

Environmental FirstSearch Search Summary Report

Target Site: MABUS ROAD
ACKERMAN MS 39735

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	-	1	1
RCRA COR ACT	Y	02-16-10	1.00	0	0	0	0	0	0	0
RCRA TSD	Y	02-16-10	0.50	0	0	0	0	-	0	0
RCRA GEN	Y	02-16-10	0.25	0	0	0	-	-	4	4
Federal Brownfield	Y	04-19-10	0.50	0	0	0	0	-	0	0
ERNS	Y	02-08-10	0.12	0	0	-	-	-	6	6
Tribal Lands	Y	01-01-96	1.00	0	0	0	0	0	1	1
State/Tribal Sites	Y	04-01-10	1.00	0	0	0	0	0	5	5
State Spills 90	Y	NA	0.12	0	0	-	-	-	0	0
State/Tribal SWL	Y	07-27-07	0.50	0	0	0	0	-	1	1
State/Tribal LUST	Y	01-28-10	0.50	0	0	0	0	-	3	3
State/Tribal UST/AST	Y	01-28-10	0.25	0	0	0	-	-	12	12
State/Tribal EC	Y	04-01-10	0.50	0	0	0	0	-	0	0
State/Tribal IC	Y	04-01-10	0.25	0	0	0	-	-	1	1
State/Tribal VCP	Y	04-01-10	0.50	0	0	0	0	-	0	0
State/Tribal Brownfields	Y	04-01-10	0.50	0	0	0	0	-	4	4
FI Map Coverage	Y	07-14-08	0.12	0	0	-	-	-	0	0
Federal IC/EC	Y	03-12-10	0.50	0	0	0	0	-	0	0
- TOTALS -				0	0	0	0	0	38	38

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: 04-28-10
Requestor Name: Anne Gilbert
Standard: AAI

Search Type: COORD
Job Number: JSE01P1007

Target Site: MABUS ROAD
 ACKERMAN MS 39735

Demographics

Sites: 38	Non-Geocoded: 38	Population: NA
Radon: 0.3 - 0.4 PCI/L		

Site Location

	<u>Degrees (Decimal)</u>	<u>Degrees (Min/Sec)</u>		<u>UTMs</u>
Longitude:	-89.18116	-89:10:52	Easting:	297062.621
Latitude:	33.364319	33:21:52	Northing:	3693609.181
Elevation:	583		Zone:	16

Comment

Comment: CHOCTAW COUNTY, MS

Additional Requests/Services

Adjacent ZIP Codes: 0 Mile(s)	Services:																																		
<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																															
	Requested?	Date																																	
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Aerial Photographs	No																																		
Historical Topos	No																																		
City Directories	No																																		
Title Search/Env Liens	No																																		
Municipal Reports	No																																		
Online Topos	No																																		

Environmental FirstSearch Sites Summary Report

Target Property: MABUS ROAD
ACKERMAN MS 39735

JOB: JSE01P1007
CHOCTAW COUNTY, MS

TOTAL: 38 **GEOCODED:** 0 **NON GEOCODED:** 38 **SELECTED:** 0

Map ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	ElevDiff	Page No
	ERNS	RED HILLS POWER PLANT NRC-586467/FIXED	RT 2 BOX 31 PENSACOLA ACKERMAN MS	NON GC	N/A	N/A
	NFRAP	GULF and WESTERN MFG TAYLOR FO MSD067116178/NFRAP-N	OLD HWY 12 ACKERMAN MS 39735	NON GC	N/A	N/A
	SWL	COUNTY RUBBISH SITE - PREWITT TIR-COL-17	ACKERMAN MS 39735	NON GC	N/A	N/A
	STATE	WATER WELL CHOCTAW ST-949	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	STATE	WATER WELL ACKERMAN ST-942	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	STATE	U.S. INDUSTRIES INC ST-926	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	STATE	TRINITY INDUSTRIES, INC. MSST-0105-0253/RUAO	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	STATE	CHOCTAW COUNTY LANDFILL ST-137	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	CHANDLER S GROCERY 4700/FACILITY INACTIVE	STATE HIGHWAY 12 ACKERMAN MS 39735	NON GC	N/A	N/A
	ERNS	TRINITY INDUSTRY INC 540205/UNKNOWN	HACKNEY FACILITY OLD HWY 12 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	CHOCTAW COUNTY BUS STOP 1046/FACILITY INACTIVE	HARMON CIR ACKERMAN MS 39735	NON GC	N/A	N/A
	ERNS	LEWISVILLE SUBDIVISION - MILEP NRC-749874/RAILROAD	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	ERNS	HACKMEY INC 447495/FIXED FACILITY	OLD HWY 12 ACKERMAN MS 39735	NON GC	N/A	N/A
	ERNS	BETWEEN 53and 54 NRC-767671/RAILROAD	JUST EAST OF ACKERMAN MISSI ACKERMAN MS 39735	NON GC	N/A	N/A
	RCRAGN	TEXAS EASTERN TRANS LP MP 32 C MSD985972694/LGN	1.5 MI NW OF ACKERMAN ACKERMAN MS 39735	NON GC	N/A	N/A
	RCRAGN	RED HILLS GENERATING FACILITY MSR000005058/SGN	RURAL ROUTE 2 BOX ACKERMAN MS 39735	NON GC	N/A	N/A
	RCRAGN	POM ENTERPRISES MSD067116178/VGN	OLD HIGHWAY 12 ACKERMAN MS 39735	NON GC	N/A	N/A
	RCRAGN	MISSISSIPPI LIGNITE MINING COM MSR000005330/VGN	46 MCINTYRE RD ACKERMAN MS 39735	NON GC	N/A	N/A
	ERNS	TRINITY INDUSTRY INC 600173/FIXED FACILITY	HACKNEY FACILITY OLD HWY 12 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	MURPHY GROCERY 4699/FACILITY INACTIVE	REFORM-STURGIS RD ACKERMAN MS 39735	NON GC	N/A	N/A

Environmental FirstSearch Sites Summary Report

Target Property: MABUS ROAD
ACKERMAN MS 39735

JOB: JSE01P1007
CHOCTAW COUNTY, MS

TOTAL: 38 **GEOCODED:** 0 **NON GEOCODED:** 38 **SELECTED:** 0

Map ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	ElevDiff	Page No
	TRIBALLAND	BUREAU OF INDIAN AFFAIRS CONTA BIA-39735	UNKNOWN MS 39735	NON GC	N/A	N/A
	BROWNFIELD	WATER WELL CHOCTAW ST-949	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	BROWNFIELD	WATER WELL ACKERMAN ST-942	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	BROWNFIELD	TRINITY INDUSTRIES, INC. MSST-0105-0253/RUAO	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	BROWNFIELD	CHOCTAW COUNTY LANDFILL ST-137	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	LUST	RED HILLS BP 12284/OPEN	4839 STATE HIGHWAY 9 ACKERMAN MS 39735	NON GC	N/A	N/A
	LUST	JEFF BUSBY MAINTENANCE FACILIT 11032/CLOSED	RT 3 BOX 80 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	C B RAY 572/FACILITY INACTIVE	RT 1 BOX 131 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	SOLID WASTE BARN 501/FACILITY INACTIVE	1/2 MILE WEST HWY 9 ACKERMAN MS 39735	NON GC	N/A	N/A
	INSTCONTRO	TRINITY INDUSTRIES, INC. MSST-0105-0253/INSTITUTIONAL CONTR	UNKNOWN ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	JR FOOD MART 276 7191/FACILITY INACTIVE	STATE HIGHWAY 15 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	JEFF BUSBY MAINTENANCE FACILIT 11032/FACILITY INACTIVE	RT 3 BOX 80 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	HIGHWAY 15 SOUTH SERVICE STATI 894/FACILITY INACTIVE	STATE HIGHWAY 15 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	HACKNEY INC 4921/FACILITY INACTIVE	W MAIN ST ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	FENTRESS LITTLE STORE 4702/FACILITY INACTIVE	HIGHWAY 12 WEST ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	DAVIS ARCADE 8131/FACILITY INACTIVE	STATE HIGHWAY 15 ACKERMAN MS 39735	NON GC	N/A	N/A
	UST	CHOCTAW WORK CENTER 301/FACILITY INACTIVE	3 MI SE OF ACKERMAN ACKERMAN MS 39735	NON GC	N/A	N/A
	LUST	CHOCTAW WORK CENTER 301/CLOSED	3 MI SE OF ACKERMAN ACKERMAN MS 39735	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: *EP/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.

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: *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.

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.

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 VCP: MDEQ CERCLA/UNCONTROLLED SITES FILE LIST (SUBSET, VOLUNTARY EVALUATION PROGRAM)- Uncontrolled Site Voluntary Evaluation Program, which allows accepted parties the opportunity to participate in a program that will expedite the evaluation of site information. An uncontrolled site is a site, facility, plant, or location where hazardous or toxic wastes have been released into the environment and there is no federal environmental program which can handle the problem.

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.

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: *EPA/MA DEP/CT DEP* Environmental Protection Agency, Massachusetts Department of Environmental Protection, Connecticut Department of Environmental Protection

Updated quarterly

ERNS: *EPA/NRC* Environmental Protection Agency

Updated annually

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

Updated annually

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

Updated when available

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 VCP: *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

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



HISTORICAL FIRE INSURANCE MAPS

NO MAPS AVAILABLE

04-28-10

JSE01P1007

MABUS ROAD

ACKERMAN MS 39735

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.

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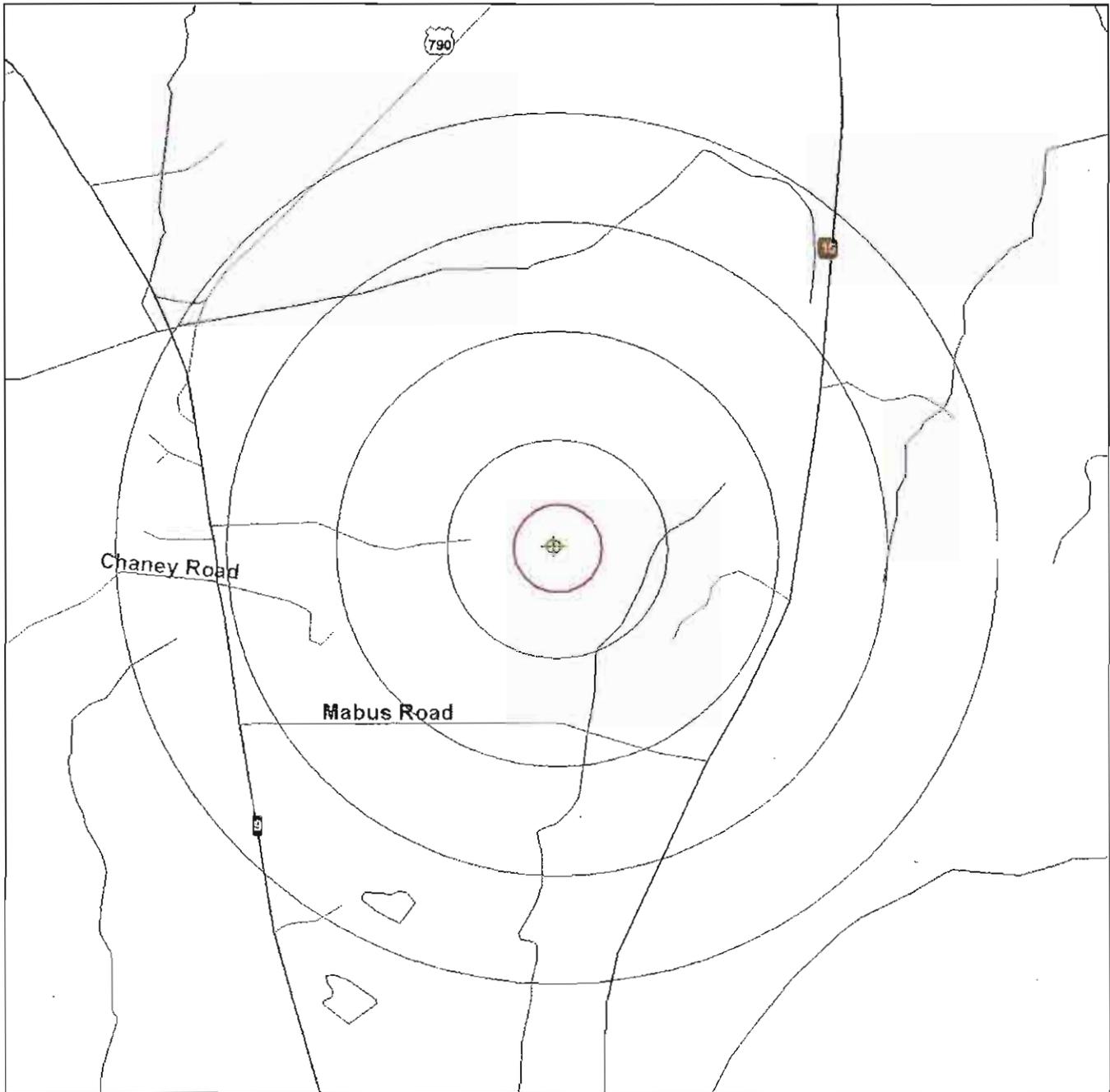
Environmental FirstSearch

1 Mile Radius

ASTM Map: NPL, RCRACOR, STATE Sites



MABUS ROAD , ACKERMAN MS 39735



Source: 2005 U.S. Census TIGER Files

- | | |
|--|--|
| Target Site (Latitude: 33.364319 Longitude: -89.18116) | |
| 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



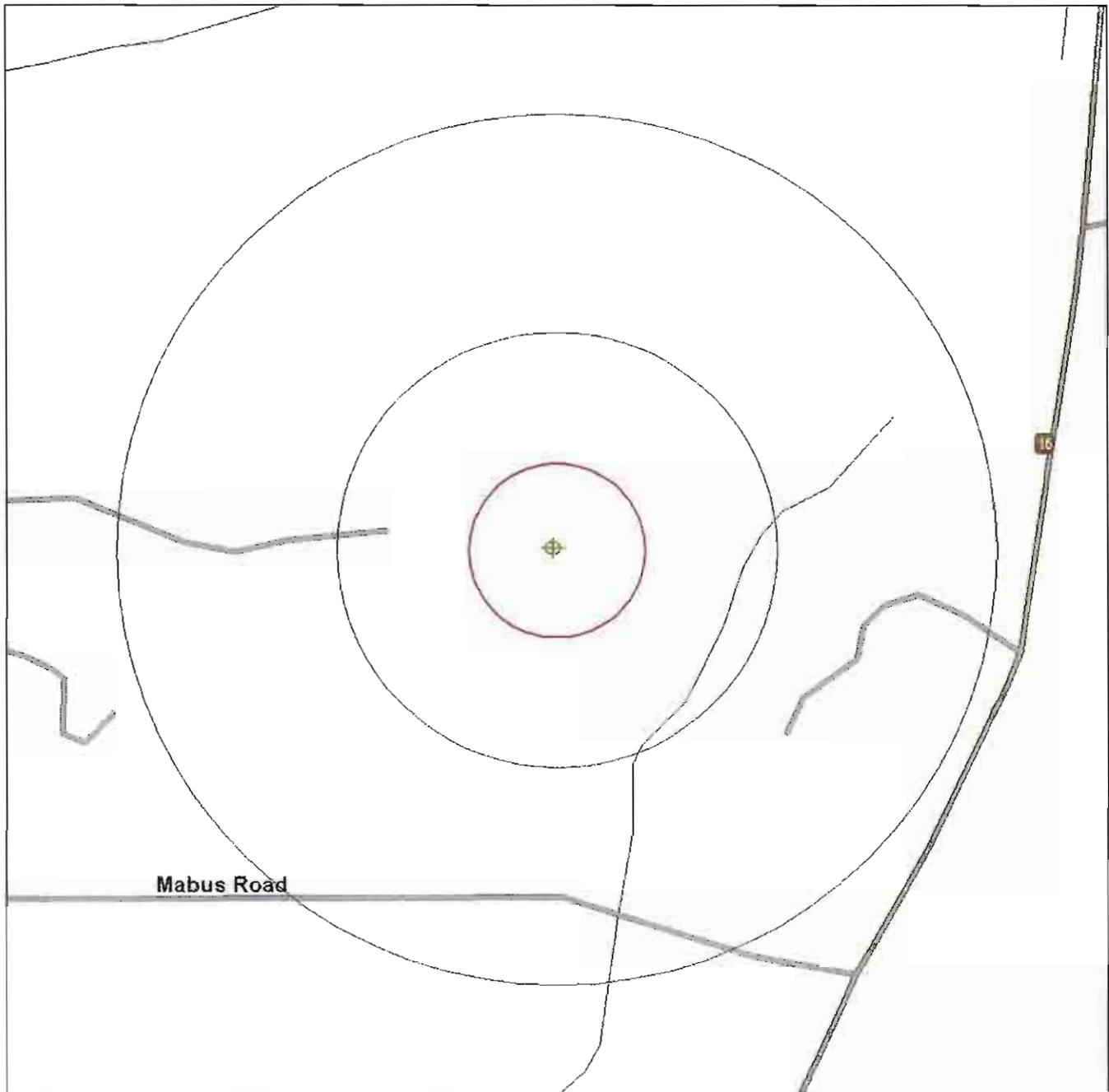
Environmental FirstSearch

.5 Mile Radius

ASTM Map: CERCLIS, RCRATSD, LUST, SWL



MABUS ROAD , ACKERMAN MS 39735



Source: 2005 U.S. Census TIGER Files

- Target Site (Latitude: 33.364319 Longitude: -89.18116) 
- 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:



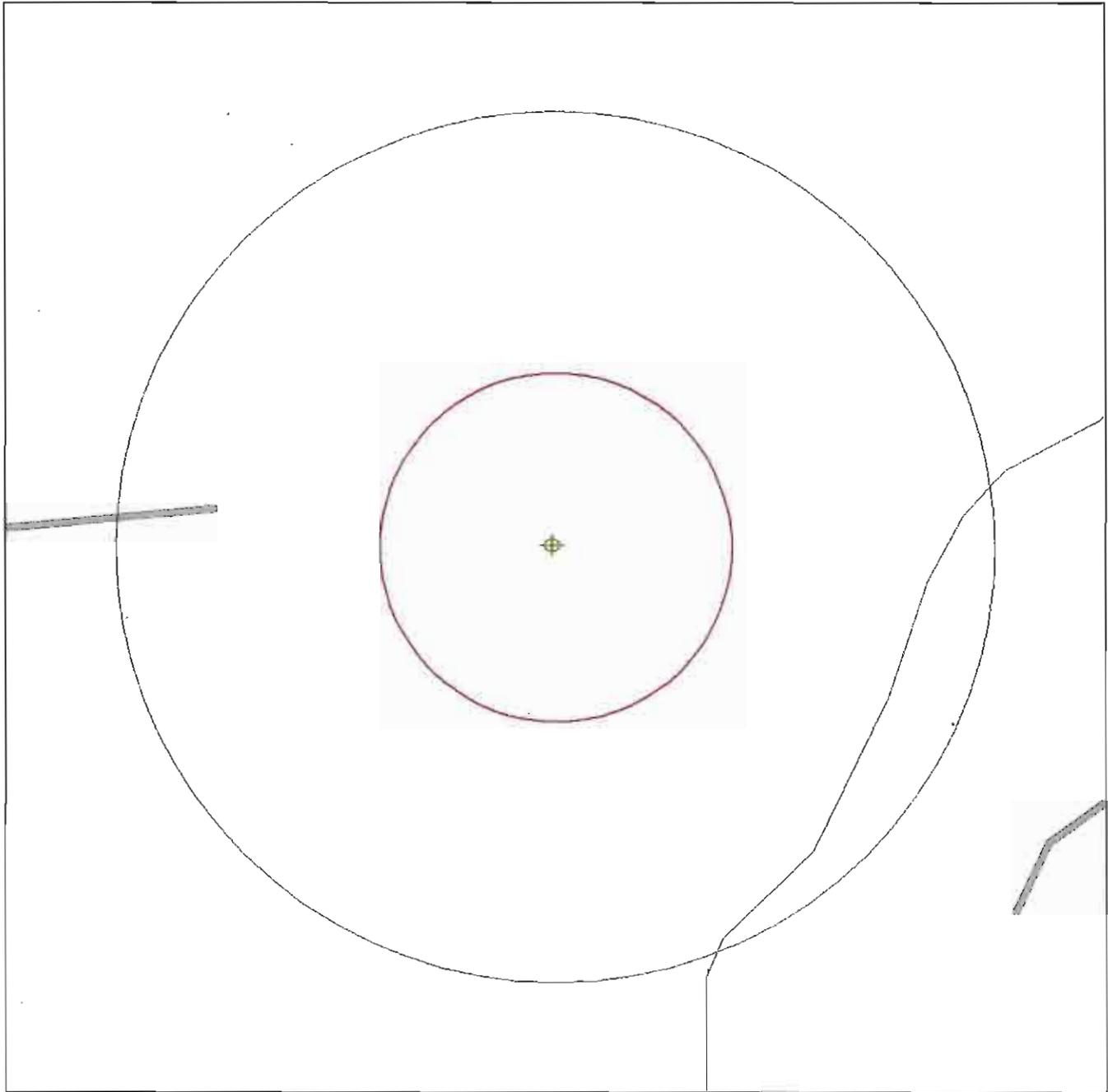
Environmental FirstSearch

.25 Mile Radius

ASTM Map: RCRAGEN, ERNS, UST, FED IC/EC, METH LABS



MABUS ROAD , ACKERMAN MS 39735



Source: 2005 U.S. Census TIGER Files

- Target Site (Latitude: 33.364319 Longitude: -89.18116) 
 - 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



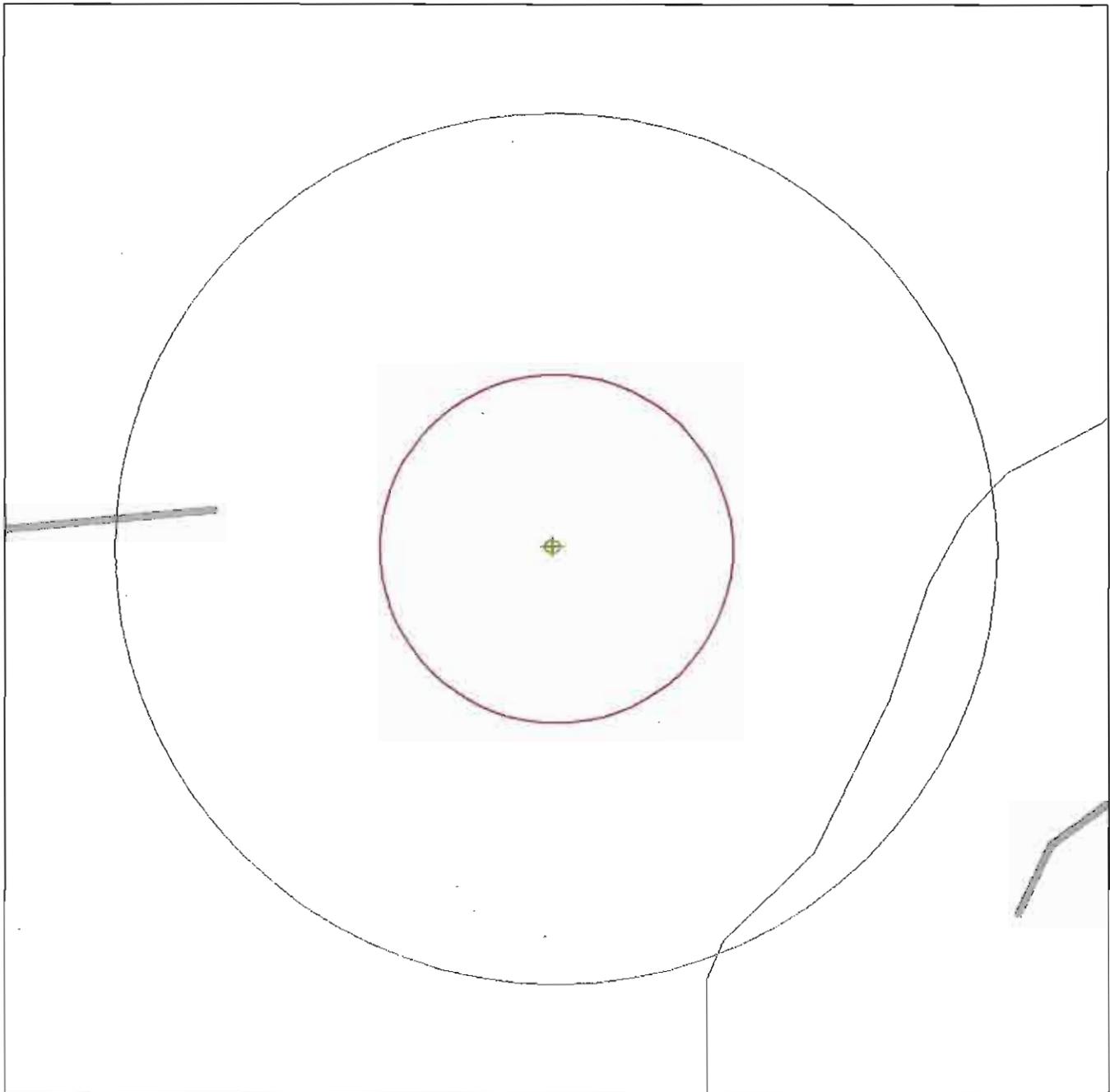
Environmental FirstSearch

.25 Mile Radius

Non-ASTM Map: No Sites Found



MABUS ROAD , ACKERMAN MS 39735



Source: 2005 U.S. Census TIGER Files

- Target Site (Latitude: 33.364319 Longitude: -89.18116) 
 - 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 500 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 oils. 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, mold, 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.

Disputes 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

May 7, 2010

Mr. Don Threadgill
Choctaw County Chancery Clerk
P.O. Box 250
Ackerman, MS 39735

Subject:

Proposed MSWIN 20504 C Ackerman Telecommunications Tower
Ackerman, Choctaw County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1007

Dear Mr. Threadgill:

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 Choctaw County, Mississippi.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Ackerman, Mississippi," dated 1972. The site is located in the northwest ¼ of the southeast ¼ of Section 6, Township 17 North, Range 11 East, Choctaw County, Mississippi, at latitude 33° 21' 51.549" north and longitude 89° 10' 52.177" 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 Mabus Road in Ackerman, Mississippi 39735. The site consists of hardwood trees and pine trees ranging from less than two inches to more than ten inches in diameter at breast height (dbh) with light understory, and the site slopes gently down to the south. Proposed activities consist of construction of a 650-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 included the portion of the USGS topographic map depicting the proposed site location for your review.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1007) 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 me at (205) 629-3868 or email me at 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.

Henry A. Fisher, P.E.
Principal Engineer

Attachments: Site Location Map

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

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ISEDIP007

Sent To *Don Threadgill, Choctaw Co. Chancery Clerk*
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3811, February 2004 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:

*Mr. Don Threadgill
 Choctaw Co. Chancery Clerk
 P.O. Box 250
 Ackerman, MS 39735*

2. Article Number

(Transfer from service label)

7010 0290 0003 5708 0158

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

Orent McKnight C. Date of Delivery

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

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PROOF OF PUBLICATION

RECEIVED
APR 17 2010

**THE STATE OF MISSISSIPPI
COUNTY CHOCTAW**

Before the undersigned authority of said county and state personally appeared Brenda Perry, County of Choctaw, State of Mississippi, Choctaw Plaindealer being duly sworn, both depose and say that the publication of the notice hereto affixed has been made in said newspaper for 1 Consecutive week(s), to-wit:

Vol 123, No. 15, on the 14 day of April, 2010
Vol _____, No. _____, on the _____ day of _____, 2010
Vol _____, No. _____, on the _____ day of _____, 2010
Vol _____, No. _____, on the _____ day of _____, 2010
Vol _____, No. _____, on the _____ day of _____, 2010
Vol _____, No. _____, on the _____ day of _____, 2010

Sworn to and subscribed to this the 16 day of April 2010
me the undersigned Notary Public of said County and State.



By: Susan D. Adcock

Brenda Perry

Printer's fee 12.50

Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) are requesting comment regarding construction of a 650 foot guyed communications tower to be located off of Collier Road, Ackerman, Choctaw County, Mississippi, 39735, at latitude 33° 21' 51.5" north and longitude 89° 10' 52.2" west. We are also requesting comment in accordance with Section 106 of the National Historic Preservation Act (NHPA), regarding potential impacts to historical or archaeological properties listed on, or eligible for listing on the National Register of Historic Places (NRHP), by the proposed communications tower. All comments should be submitted within 30 days of the publication of this notice referencing project JSE01P1007 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.
Publication Date: 4/14