

Environmental Assessment

Communication Tower
Holt County Emergency Management Agency
O'Neill, Nebraska

2008-GE-T6-0054 (4)

April 2011



U.S. Department of Homeland Security
9221 Ward Parkway, Suite 300
Kansas City, MO 64114

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List of Acronyms and Abbreviations

CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
DHS	Department of Homeland Security
DNL	Day-Night Average Sound Level
EA	Environmental Assessment
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
NAAQS	National Ambient Air Quality Standard
NeSHS	Nebraska State Historical Society
NEMA	Nebraska Emergency Management Agency
NEPA	National Environmental Policy Act
NGPC	Nebraska Game and Parks Commission
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
SCS	Soil Conservation Service
SHSGP	State Homeland Security Grant Program
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Department of the Interior, Fish and Wildlife Service

INTRODUCTION

A core mission of the Department of Homeland Security (DHS) is to enhance the ability of State, local, and tribal governments to prepare, prevent, respond to, and recover from terrorist attacks and other disasters. The Homeland Security Grant Program (HSGP) is a primary funding mechanism for building and sustaining national preparedness capabilities. The State Homeland Security Program (SHSP) portion of the HSGP provides funds to build capability at the State and local levels through planning, organization, equipment, training, and exercise activities.

Funding for this project was awarded to the Nebraska Emergency Management Agency (NEMA) under the DHS HSGP SHSP and authorized the North Central Region PET Committee to receive \$135,000 funding to enhance communications through purchase of equipment.

The National Environmental Policy Act (NEPA) requires that Federal agencies evaluate the environmental consequences of proposed actions before deciding to fund an action. The intent of NEPA is to protect, restore, or enhance the environment through well-informed decision making. The President's Council on Environmental Quality (CEQ) has developed a series of regulations for implementing the NEPA. These regulations are included in Title 40 of the Code of Federal Regulations (CFR), Parts 1500–1508. An Environmental Assessment (EA) includes an evaluation of alternative means of addressing the purpose and need for Federal action and a discussion of the potential environmental consequences of the proposed Federal action. The EA provides the evidence and analysis to determine whether the proposed Federal action will have a significant adverse effect on the human environment. An EA related to a FEMA program must be prepared according to the requirements of the Stafford Act and 44 CFR Part 10. This section of the Federal Code requires that the Federal Emergency Management Agency (FEMA) take environmental considerations into account when authorizing funding or approving actions. This EA was conducted in accordance with both CEQ and FEMA regulations for NEPA.

PURPOSE AND NEED FOR ACTION

It is Holt County's objective to have complete radio coverage throughout the county. The current public safety telecommunications infrastructure is insufficient to meet this need. Holt County needs to address current issues related to loss of radio coverage in a large portion of the southwest segment of the county. This lack of radio coverage adversely impacts ability to maintain radio communication, which is directly related to ability to provide emergency services and respond to emergency events. The specific need addressed in this proposal is to provide sufficient system capability to achieve radio coverage throughout Holt County.

ALTERNATIVES

NEPA requires the investigation and evaluation of reasonable project alternatives, including impacts to the natural and human environment as part of the planning process. This EA addresses two alternatives, the No Action alternative and the Proposed Action. In developing the Proposed Action, Holt County commissioned a study through Platte Valley Communications to determine the best method to successfully address radio infrastructure equipment needs to address radio coverage and determined that a relatively small communication tower located at a site already in public ownership would meet their needs. Based on this opportunity to install a tower within an area already in public ownership, as well as limited funding for land acquisition, the Holt County Emergency Management Agency did not formally consider alternative locations.

No Action Alternative

Under the No Action Alternative, Holt County would continue to rely on existing communication infrastructure which does not provide sufficient coverage throughout the county. This would leave emergency response unchanged and results in a lower level of overall public safety than the Proposed Alternative as Holt County emergency responders would remain at risk due to lack of radio coverage. Lack of adequate communication directly impacts command, control, rescue, event analysis, and other critical operations.

Proposed Action Alternative

The proposed action would result in the installation of a 180-foot guyed communication tower with antennas, cabling, equipment cabinet, and associated electronic equipment at 607 West Central Street, Atkinson, Holt County, Nebraska. An aerial photo of the site is located in Appendix A. The proposed alternative will successfully address radio coverage throughout the southwest segment of the county. The property is currently owned by the city of Atkinson.

AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

Holt County is a rural county located in north-central to northeast Nebraska. It is bordered on the north by the Niobrara River, on the east by Knox and Antelope Counties, on the south by Wheeler County. It is 48 miles wide from east to west, and 50 miles long from north to south, containing ~2,413 square miles. 2000 population was 11,551.

This section discusses the existing environmental conditions at the proposed site including descriptions of the physical, biological, and socioeconomic resources throughout the general area and the proposed action site. The characterization of existing conditions provides a baseline for assessing the potential environmental impacts from activities associated with the proposed action.

Physical Resources

Geology and Soils

The elevation of the subject property is approximately 2,362' above mean sea level (AMSL).

According to the United States Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of Holt County, Nebraska, issued in March, 2010, there is one predominant soil type present at the proposed tower site; Pivot loamy sand, 0 to 3 percent slopes. A Copy of the SCS map and soil classification descriptions can be found in Appendix C.

The Farmland Protection Policy Act (FPPA) (p.l. 97-98, Sec. 1539-1549; 7 U.S.C. 4201, et seq.) is intended to minimize the impact Federal programs have on unnecessary and irreversible conversion of farmland to nonagricultural uses. FPPA assures that Federal programs are administered to be compatible with various programs to protect farmland. For the purpose of FPPA, farmland definition includes prime farmland, unique farmland, and land of statewide or local importance; it is important to note that these definitions include land such as forest land, pasture land, or other land that is not in current production.

The proposed project site is not considered prime farmland. The proposed action will not significantly impact geology or soils at the site. The minor construction activity will incorporate practices to minimize soil erosion during the construction/erection of the communication tower, including best management practices such as minimization of area of disturbance, silt fencing and/or straw bales, and proper staging of equipment.

Geology and soils will not be impacted by the No Action Alternative as no construction activities would occur.

Air Quality

Under the Clean Air Act, the United States Environmental Protection Agency has established National Ambient Air Quality Standards (NAAQS) for pollutants harmful to public health and the environment. Primary standards protective of human health (including the health of sensitive populations such as asthmatics, elderly, and children) and secondary standards protective of public welfare (including decreased visibility or impacts to animals, crops, vegetation, and buildings) have been established for ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), lead (Pb), particulate matter with a diameter of 10 microns or less (PM₁₀), and particulate matters with a diameter of 2.5 microns or less (PM_{2.5}).

The proposed action will include short-term construction activities, including soil excavation and grading. These activities are likely to create fugitive dust; however best management practices would be used to minimize dust. Once construction activities are completed, there would be no anticipated source of air emissions.

Air quality would not be impacted by the No Action Alternative as no construction activities would take place and no air emissions would occur.

Water Resources

The United States Army Corps of Engineers (USACE) is responsible for permitting and enforcement functions dealing with building into or discharging dredge or fill material into Waters of the United States (WOUS). USACE regulations for building or working in navigable waters of the United States are authorized by the Rivers and Harbors Act of 1899. These regulations go together with Section 404 of the Clean Water Act (CWA), which establishes the USACE permit program for discharging dredged or fill material into WOUS.

Field reconnaissance performed in May, 2010, did not observe defined surface drainage features, such as rivers, creeks, ponds, etc., on or immediately adjacent to the subject property.

Surface Water Quality

Disturbance of soils at the project site during construction activity could result in erosion and runoff, which in turn could impact local surface water quality. However the area that will be impacted is less than the threshold to require a National Pollutant Discharge Elimination Permit (NPDES).

In consideration of other potential water quality issues, the Upper Elkhorn Natural Resources District office conducted an investigation of the Nebraska Department of Natural Resources Registered Wells Database and rendered a finding that although there are two privately owned wells within one-quarter mile of the proposed tower site, that the construction site of the Holt County tower does not intersect the water-bearing formation and there would be no substantial effect on the groundwater resource. (Appendix B).

The proposed action will include short-term construction activities, including soil excavation and grading. The minor construction activity will incorporate best management practices to minimize water quality impacts during the construction/erection of the communication tower; such as minimization of area of disturbance, silt fencing and/or straw bales, and proper staging of equipment. Once construction activities are completed, there would be no anticipated water quality impacts.

Water quality would not be impacted by the No Action Alternative as no construction activities would take place and no impacts to water quality would occur.

Wetlands

Lands subject to regulation as wetlands under Section 404 of the CWA (jurisdictional wetlands) are defined as: “Those areas that are inundated or saturated by surface of groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” Typically, lands that exhibit characteristics of hydrology, support predominantly hydrophytic vegetation, and have a substrate that is predominantly undrained hydric soil are classified as jurisdictional wetlands. The USACE is responsible for administration of Section 404 CWA and the issuance of permits, including the disturbance of jurisdictional wetlands. Under Executive Order 11990, Protection of Wetlands, Federal agencies are required to take action to minimize the destruction or modification of wetlands.

A formal request was sent to the USACE Omaha District to determine if the proposed project would impact any known wetlands. In a response letter dated May 26, 2010, (Appendix B), USACE indicated that there would be no apparent impacts to waters of the United States, including jurisdictional wetlands, and that a Department of the Army permit pursuant to Section 404 would not be required for the proposed tower project. Based on this supporting documentation, the proposed action will result in no effects to wetlands.

Wetlands would not be impacted by the No Action Alternative as no construction activities would take place and no impacts to wetlands would occur.

Floodplains

Floodplains provide numerous beneficial environmental functions including flood abatement, stream flow mediation, filtering, and water quality enhancement. Executive Order 11988, Floodplain Management, requires federal agencies to take action to minimize occupancy and modification of the floodplain. Specifically, EO 11988 prohibits federal agencies from funding construction in the 100-year floodplain (500-year floodplain for critical facilities) unless there are no practicable alternatives. Flood Insurance Rate Maps (FIRMs) are used to identify the regulatory 100-year Floodplain for the National Flood Insurance Program.

11988, FIRMs were examined during the preparation of this EA. According to FIRM Panel #310343 for Atkinson, Holt County, Nebraska, the project site is located in an area classified as Zone X, outside defined floodplain (Appendix A). As such, the proposed action will not have an impact on floodplains.

Under the No Action alternative, construction activities would not take place and there would be no potential impacts to floodplains.

Biological Resources

Threatened and Endangered Species and Critical Habitat

Under the Endangered Species Act of 1973, Federal agencies must review proposed actions to ensure they are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat.

The U.S. Department of the Interior, Fish and Wildlife Service (FWS) lists the following seven (7) species in Holt County, Nebraska:

- American burying beetle (*Nicrophorus americanus*), Endangered
- Black-footed ferret (*Mustela nigripes*), Endangered
- Gray wolf (*Canis lupus*), Threatened
- Interior population Least tern (*Sternula antillarum athalassos*), Endangered
- Piping plover (*Charadrius melodus*), Threatened
- Western prairie fringed orchid (*Platanthera praeclara*) Threatened
- Whooping crane (*Grus Americana*), Endangered

A formal request was sent to FWS to determine if the proposed project would impact T&E species (Appendix B). FWS identified that it appears unlikely that the proposed project would have significant environmental impacts on the trust resources under their authority (including ESA). However FWS also recommended contacting the Nebraska Game and Parks Commission (NGPC) to determine if any state-listed species could be impacted.

A formal request was sent to NGPC to determine if the proposed project would impact state-listed T&E species (Appendix B). Based on their review of the Nebraska Natural Heritage Database, they identified that the project is not likely to have an adverse affect on state-listed T&E species.

Under the No Action alternative, construction activities would not take place and there would be no potential impacts to T&E species.

Migratory Birds

The Migratory Bird Treaty Act of 1918 (MBTA) implemented the 1916 convention between the United States and Great Britain for the protection of birds migrating between the United States and Canada. Similar conventions between the United States and Mexico (1936), Japan (1972), and the Union of Soviet Socialist Republic (1976) further expanded the scope of international protection of migratory birds and have been incorporated into MBTA as amendments. These treaties have established Federal responsibilities for the protection of nearly all species of birds, their eggs, and their nests.

Under MBTA, it is illegal for people to “take” migratory birds, eggs, feathers, or nests. Take is defined as any means or in any manner, any attempt at hunting, pursuing, wounding, killing,

possessing, or transporting any migratory bird, nest, egg, or part thereof. In total, 836 birds are protected by the MBTA.

A formal request was sent to FWS to determine if the proposed project would impact migratory birds (Appendix B). FWS identified that it appears unlikely that the proposed project would have significant environmental impacts on the trust resources under their authority (including MBTA).

A formal request was sent to NGPC to determine if the proposed project would impact biological resources (Appendix B). NGPC has identified that they have become increasingly concerned with communication tower projects and identified that the project (proposed at the time of 240 feet tall, later revised to the current proposed action of 180 foot tall) did not meet the FWS guidelines for bird mortality (towers over 199 feet do not meet FWS guidelines). The tower is now lower than 199 feet contained in the FWS guidelines.

Under the No Action alternative, construction activities would not take place and there would be no potential impacts to migratory bird species.

Terrestrial and Aquatic Environment

A formal request was submitted to the NGPC to determine if the proposed project will impact any state Wilderness Areas or Wildlife Preserves. A response letter, dated May 11, 2010, (Appendix B), was received from NGPC, which says the project will not impact any park areas or wildlife management as there are none located in the area.

Under the No Action alternative, construction activities would not take place and there would be no potential impacts to terrestrial and aquatic environment.

Cultural and Historic Resources

Historic Properties

Under Section 106 of the National Historic Preservation Act (NHPA), Federal agencies are required to consider the potential effects of their actions on historical properties and cultural resources and provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment. The regulations require identifying significant cultural resources that may be impacted. Cultural resources are prehistoric and historic sites, structures, districts, artifacts, or any other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons.

Cultural resources determined to be potentially significant under NHPA are subject to protection from adverse impacts resulting from an undertaking. To be considered significant, a cultural resource must meet one or more of the criteria established by the National Park Service that would make that resource eligible for inclusion in the National Register of Historic Places

(NRHP). The term “eligible for inclusion in the NRHP” includes all properties that meet the NRHP listing criteria, which are specified in the Department of Interior regulations Title 36 CFR 60.4 and NRHP Bulletin 15. Therefore, sites not yet evaluated may be considered potentially eligible for inclusion in the NRHP and, as such, are afforded the same regulatory consideration as nominated properties. Whether prehistoric, historic, or traditional, significant cultural resources are referred to as “historic properties.”

Many communication towers funded under HSGP are also regulated by the Federal Communication Commission (FCC). FCC as a Federal agency is also required to comply with Section 106 NHPA. The FCC has executed two programmatic agreements with the ACHP that serve to streamline and expedite the Section 106 NHPA review:

- Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (Nationwide PA – October 2004)
- National Programmatic Agreement for the Collocation of Wireless Antennas (FCC Collocation PA – March 2001)

In October 2009, the ACHP issued a Program Comment on the Nationwide PA and the FCC Collocation PA to avoid duplicative reviews by other Federal agencies. The ACHP Program Comment identifies that other Federal agencies will not have to complete Section 106 NHPA process for the effects of the construction or modifications of communication facilities that have either undergone or will undergo Section 106 NHPA by the FCC or are exempted from review by the FCC under the FCC Nationwide PA and/or the FCC Collocation PA.

This project is subject to FCC licensing requirements. However in consideration of cultural and historic resources, the Nebraska State Historical Society (NeSHS) was consulted and responded by letter dated April 14, 2010 (Appendix B) that their review of the proposed site area relative to the State’s cultural resources files, according to 36 CFR 800, indicates that there should be no effect on the properties listed on the National Register of Historic Places or identified by the State of Nebraska.

Under the No Action alternative, construction activities would not take place and there would be no potential impacts to cultural and historic resources.

Tribal Coordination

Section 106 of the NHPA also requires coordination with Federally-recognized Indian tribes who may have potential cultural interests in the project area, and acknowledges that tribes may have interests in geographic locations other than their seat of government. The FCC has established a Tower Construction Notification System (TCNS) that allows for Federally recognized Tribes and Native Hawaiian Organizations (NHO) to respond to grantees via email.

The subgrantee also sent requests to tribes to determine if they may have any potential cultural interests in the project area. Letters were submitted in March, 2010 to the Ponca, Omaha,

Santee, and Winnebago Tribal Councils. As of the date of the submittal of this project, the Santee Sioux Nation was the only tribe that responded to the subgrantee. The Santee Sioux Nation had no objection to the proposed project (Appendix B).

Under the No Action alternative, construction activities would not take place and there would be no potential impacts to tribal resources.

Socioeconomic Resources

Noise

The Noise Control Act (NCA) of 1972 provides Federal regulation of noise, which is defined as undesirable sound. The NCA gives EPA authority to establish guidelines for acceptable ambient noise levels. Under EPA guidelines, outdoor sound levels in excess of 55 decibels (db) are considered “normally acceptable” for noise-sensitive land uses such as residences, schools, and hospitals.

A letter dated May 7, 2010, from the North Central District Health Department states that they perceive no health risks and have no knowledge of any significant impacts on public health. The letter also states the new tower would be beneficial in assisting with interoperable communication efforts in the event of an emergency in Holt County (Appendix B).

Under the No Action alternative, construction activities would not take place and there would be no potential noise impacts.

Environmental Justice

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) requires that Federal agencies focus on achieving environmental justice 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.

The proposed action will result in significant upgrades to and enhancements of the interoperable communication capability within Holt County and will address radio coverage issues throughout the county, thus benefitting the entire population.

Under the No Action Alternative, Holt County would continue to rely on existing communication infrastructure which does not provide sufficient coverage throughout the county. This would leave emergency response unchanged and results in a lower level of overall public safety than the Proposed Alternative as Holt County emergency responders would remain at risk due to lack of radio coverage. Lack of adequate communication directly impacts command, control, rescue, event analysis, and other critical operations.

Cumulative Impacts

Cumulative impacts represent the impact on either the natural or human environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or nonfederal) or persons undertake such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

There are no known ongoing or planned projects in the vicinity of the proposed project site and no significant cumulative effects are anticipated under the Proposed Action alternative.

Under the No Action alternative, construction activities would not take place and there would be no potential environmental impacts, cumulative or otherwise.

PUBLIC INVOLVEMENT

The availability of this EA will be advertised by public notice in the local weekly newspaper, The Atkinson Graphic. Copies of the EA will be available locally. The public comment period will extend for a period of thirty (30) days. The EA can also be viewed and downloaded from FEMA's website at <http://www.fema.gov/plan/ehp/envdocuments/index.shtm>. If no substantive comments are received, the EA will become final and the initial public notice will also serve as the final public notice. The EA will then be archived on FEMA's website at <http://www.fema.gov/plan/ehp/envdocuments/archives-index.htm>.

AGENCY COORDINATION AND REFERENCES

North Central District Health Department
Roger Wiese, Director 422 E. Douglas St. O'Neill, NE 68763 402-336-2406

Nebraska State Historical Society
L. Robert Puschendorf, Deputy State Historic Preservation Officer 1500 R Street Lincoln, NE 68501 402-471-3270

US Department of Interior, Fish and Wildlife Service Nebraska Field Office
John Cochnar Acting Nebraska Field Supervisor 203 West Second St Grand Island, NE 68801 308-382-6468

Nebraska Game and Parks Commission
Carey Grell
Environmental Analyst 2200 N 33rd St Lincoln, NE 68503 402-471-0641

Department of the Army Corps of Engineers, Omaha District
John L. Moeschen, Nebraska State Program Manager
8901 South 154 Street Suite 1 Omaha, NE 58138 888-835-5971
Upper Elkhorn Natural Resources District
Thomas Riley Water Resources Manager 301 N. Harrison St. O'Neill, NE 68763 402-336-3867

Federal Emergency Management Agency
Grant Programs Directorate Information Bulletin No. 351., January 14, 2011

Santee Sioux Nation
Cora L. Jones, Secretary 108 Spirit Lake Avenue West

Winnebago Tribal Council
P.O. Box 687 Winnebago, NE 68701

Ponca Tribes of Nebraska
Attn: Gary Robinette P.O. Box 228 Niobrara, NE 68760

Omaha Tribal Council
P.O. Box 368 Macy, NE 68039

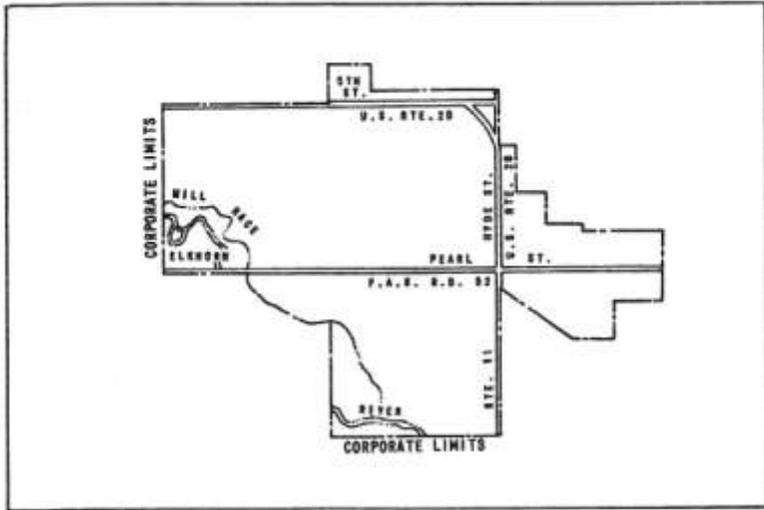
Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520 2601 Meacham Blvd. Forth Worth, TX 76137-0520

LIST OF PREPARERS

Deb Hilker, Holt County Emergency Manager, 402-340-5664

APPENDIX “A” FIGURES





DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 Federal Insurance Administration
CITY OF ATKINSON, MO
 (HOLT CO.)
 MAP INDEX
 FLOOD HAZARD BOUNDARY MAPS
 No. H 01

310343



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 file block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Show at www.maf.fema.gov

APPENDIX “B”
AGENCY CORRESPONDENCE

Upper Elkhorn

Natural Resources District

301 North Harrison Street
O'Neill, NE 68763
402-336-3867 fax
402-336-1832

March 15, 2010

Deb Hilker Holt County Emergency Manager
P.O. Box 544
O'Neill, NE 68763

Dear Ms. Hilker:

I received your email communication on March 15, 2010 regarding the construction of a 911 communications tower in Atkinson, NE. According to the information that you supplied, the tower will be located in the NW ¼ of Section 32, Township 30, North, Range 14, West. I checked the Nebraska Department of Natural Resources Registered Groundwater Wells Database and found two privately owned wells within one-quarter mile of the site. As long as the construction of the tower does not intersect the water-bearing formation, there should not be any substantial effect on the groundwater resource.

Please feel free to contact me if you have any questions.

Sincerely,

Thomas Riley Water Resources Manager



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE-WEHRSPANN
8901 SOUTH 154TH STREET, SUITE 1
OMAHA, NEBRASKA 68138-3621

<https://www.nwo.usace.army.mil/html/od-rne/NEhome.html>

May 26, 2010

Ms. Deb Hilker
Holt County Emergency Management
PO Box 544
O'Neill, Nebraska 68763

RE: Corps File #2010-00709-WEH
Holt County Communications Tower

Dear Ms. Hilker:

We have reviewed your letter dated March 19, 2010, requesting comments on the proposed communications tower in Atkinson, Nebraska. The project is located in Section 32, Township 30 North, Range 14 West, Holt County, Nebraska.

Based on the information provided, we have determined that the project will not involve a regulated discharge of dredged or fill material under Section 404 of the Clean Water Act. Therefore, the activity is not subject to Department of the Army (DA) regulatory authorities and no permit pursuant to Section 404 is required from the U.S. Army Corps of Engineers.

If, in the future, you plan to place fill material in any waters of the United States please provide this office with an application for review for possible permit requirements.

Although a DA permit is not required for this project, this does not eliminate the requirement that you obtain any other applicable Federal, State, Tribal or local permits as required.

The Nebraska State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

The U.S. Fish and Wildlife Service should be contacted for information and recommendations on potential threatened and endangered species in the project area.

The Omaha 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 our Customer Service Survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions regarding this determination, please contact Kathy Iske at the above address or call (402) 896-0896 and refer to file number 2010-00709-WEH.

Sincerely,

Laura Banker

John Moeschen
Nebraska State Program Manager

for



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.OutdoorNebraska.org

May 11, 2010

Deb Hilker Holt County Emergency Management
P.O. Box 544 O'Neill, NE 68763

RE: Proposed construction of a 240-foot guyed communications tower in the City of Atkinson for E911 services, Holt County

Dear Ms. Hilker:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information for the proposal identified above. This review was requested pursuant to the National Environmental Policy Act (NEPA).

Based on our review of the Nebraska Natural Heritage database, and aerial photographs, we have determined that the project as described is not likely to have an adverse affect on state-listed threatened or endangered species. The proposed project will not impact any NGPC State Park, State Recreation, or State Wildlife Management Areas, as none are located in the immediate project area.

We have grown increasingly concerned about the recent increase in tower construction across Nebraska and impacts that this might have on populations of migratory birds. Siting of new towers does have the potential to adversely impact migratory birds depending on the tower height, presence of guy wires, and lighting. The U.S. Fish and Wildlife Service has adopted several guidelines to eliminate or minimize a tower's potential to cause unnecessary bird mortality. We support these guidelines, which are summarized below. New communications equipment should be collocated on existing towers or other structures, when feasible. If a new tower must be constructed, it is encouraged to be located within an existing cluster of towers, and located to avoid wetlands, riparian areas, known bird concentration areas, and migration corridors. These towers should be no more than 199 feet above ground level using construction techniques that do not require guy wires. If the Federal Aviation Administration (FAA) requires aviation safety lights, flashing white strobe lights should be used at night, with at least a 3-4 second dark phase between flashes, instead of a solid red or pulsating beacon. 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. Any security lighting for on-ground facilities and equipment should be down shielded to keep the light within the boundaries of the site.

The proposed tower does not comply with the above-mentioned guidelines, as it is proposed as a 240-foot guyed structure. If lighting is required on the tower, we encourage compliance with the lighting guidelines mentioned above.

Thank you for the opportunity to review this proposal. If you have any questions regarding these comments, please contact me at (402) 471-5423.

Sincerely,

A handwritten signature in black ink that reads "Carey Grell". The signature is written in a cursive style with a large initial 'C' and 'G'.

Carey Grell Environmental Analyst Realty and Environmental Services Division



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

June 15, 2010

FWS-NE: 2010-452

Ms. Deb Hilker
Holt County Emergency Manager
P.O. Box 544
O'Neill, NE 68763

RE: Proposed Emergency 911 Communications Tower in the Town of Atkinson, Holt County, Nebraska

Dear Ms. Hilker:

This responds to your April 7, 2010, request to the U.S. Fish and Wildlife Service (Service) regarding the subject project. The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973 (ESA), 2) Fish and Wildlife Coordination Act, 3) Bald and Golden Eagle Protection Act, and 4) Migratory Bird Treaty Act. The National Environmental Policy Act (NEPA) requires compliance with all of these statutes and regulations.

Based on the information you have provided, at this time, it appears unlikely that your project would have significant environmental impacts on the trust resources under our authority. Should changes to the proposed project occur or new information regarding fish and wildlife resources become available, further consultation with the Service should be initiated to assess any potential impacts.

All federally listed species under ESA are also State-listed under the Nebraska Nongame and Endangered Species Conservation Act. However, there are also State-listed species that are not federally listed. To determine if the proposed project may affect State-listed species, the Service recommends that the project proponent contact Michelle Koch, Nebraska Game and Parks Commission, 2200 N. 33rd Street, Lincoln, NE 68503-0370.

The Service appreciates the opportunity to review and comment on the subject project proposal. If you have any questions regarding these comments, please contact me at John_Cochnar@fws.gov or telephone number (308) 382-6468, extension 20.

Sincerely,

John Cochnar
Acting Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Michelle Koch)
NGPC; Lincoln, NE (Attn: Carey Grell)



14 April 2010

Deb Hilker Holt Co. Emergency Management
P.O. Box 544
O'Neill, NE 68763

Re: Tower Atkinson, NE Holt Co.
H.P. #1004-031-01

Dear Ms. Hilker:

A review of our files indicates that the referenced project does not contain recorded historic resources. It is our opinion that no survey for unrecorded cultural resources will be required. Your undertaking, in our opinion, will have no effect for archaeological, architectural, or historic properties. This review does not constitute the opinions of any Native American Tribes that may have an interest in Traditional Cultural Properties potentially affected by this project.

There is, however, always the possibility that previously unsuspected archaeological remains may be uncovered during the process of project construction. We therefore request that this office be notified immediately under such circumstances so that an evaluation of the remains may be made, along with recommendations for future action.

Sincerely,
1500 R Street PO Box 82554 Lincoln, NE 68501-2554
p: (800) 833-6747 (402)471-3270
f: (402) 471-3100 www.nebraskahistory.org

Concurrence:

Santee Sioux Nation

COUNCIL HEADQUARTERS / MUSEUM

Chairman: Roger Trudell
Vice Chairman: David Henry
Treasurer: Robert Campbell
Secretary: Cora Jones



108 Spirit Lake Avenue West
Niobrara, NE 68760-7219
Phone: (402) 857-2772
FAX: (402) 857-2779

Subject; Santee Sioux Nation's response to your respective request that is governed under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800).

To Whom it may concern:

Project: Holt County - Communications tower for E911 services

The purpose of this letter is to inform you that the Santee Sioux Nation has no objection to your proposed project unless any cultural, natural resources and/or places with traditional cultural significance within the project are found. Then we want to be notified immediately.

We, also, want to be consulted in the event of any NEPA or Section 106 reviews which reflect any cultural significance that are specific to our Dakota culture.

Sincerely,


Cora L. Jones, Secretary

Santee Sioux Nation

HOLT COUNTY EMERGENCY MANAGEMENT

P O BOX 544 O'NEILL, NE 68763 Phone: (402) 336-2756 Cell: (402) 340-5664
FAX: (402) 336-3601 EMAIL: holtcountyema@telebeep.com

March 18, 2010

WINNEBAGO TRIBAL COUNCIL P O BOX 687 WINNEBAGO, NE 68071

Dear Tribal Council:

Holt County is currently working on the construction of a new communications tower for E911 services. The 240 foot tower will enhance interoperable communications not only in Holt County, but across Nebraska. The plan is in compliance with the State of Nebraska Communications plan.

Section 106 of the NHPA requires consultation with Federally recognized Indian Tribes who may have potential cultural interests in the project area, and acknowledges that tribes may have interests in geographic locations other than their seat of government. Therefore, Holt County needs an opinion from your organization on the tower site before we can proceed.

The following is the legal description of the proposed tower site:

A tract of land situated in the NW $\frac{1}{4}$ of Section 32, Township 30, North, Range 14, West of the 6th Principal Meridian, Holt County, Nebraska, described as follows: Commencing at the Southeast corner of said NW $\frac{1}{4}$, and extending thence South $89^{\circ}32'$ West along the South line of said NW $\frac{1}{4}$, a distance of 1,202.0 feet; thence North $0^{\circ}00'$ East (assumed) a distance of 211.0 feet to the point of beginning; thence North $0^{\circ}00'$ East (assumed) a distance of 800.0 feet; thence South $89^{\circ}32'$ West a distance of 963.0 feet; thence South $0^{\circ}00'$ East a distance of 108.4 feet; thence North $85^{\circ}57'$ East, a distance of 161.2 feet to the point of curvature of a circular curve to the right having a central angle of $60^{\circ}24'$, a tangent length of 95.0 feet, and a radius of 163.23 feet; thence along said circular curve, an arc distance of 172.07 feet to the point of tangency; thence South $33^{\circ}39'$ East a distance of 117.1 feet; thence South $48^{\circ}20'$ East a distance of 790.4 feet to the point of beginning, Atkinson, Holt County, Nebraska;

N 42.53175 W 098.98534

We would appreciate your organizations opinion on this project at your earliest convenience. Please contact my at the above numbers should you have any questions or need any additional information.

Thank you in advance for your time and assistance.

Sincerely,

Deb Hilker Holt County Emergency Manager

HOLT COUNTY EMERGENCY MANAGEMENT

P O BOX 544 O'NEILL, NE 68763 Phone: (402) 336-2756 Cell: (402) 340-5664
FAX: (402) 336-3601 EMAIL: holtcountyema@telebeep.com

March 18, 2010

OMAHA TRIBAL COUNCIL P O BOX 368 MACY, NE 68039

Dear Tribal Council:

Holt County is currently working on the construction of a new communications tower for E911 services. The 240 foot tower will enhance interoperable communications not only in Holt County, but across Nebraska. The plan is in compliance with the State of Nebraska Communications plan.

Section 106 of the NHPA requires consultation with Federally recognized Indian Tribes who may have potential cultural interests in the project area, and acknowledges that tribes may have interests in geographic locations other than their seat of government. Therefore, Holt County needs an opinion from your organization on the tower site before we can proceed.

The following is the legal description of the proposed tower site:

A tract of land situated in the NW $\frac{1}{4}$ of Section 32, Township 30, North, Range 14, West of the 6th Principal Meridian, Holt County, Nebraska, described as follows: Commencing at the Southeast corner of said NW $\frac{1}{4}$, and extending thence South 89°32' West along the South line of said NW $\frac{1}{4}$, a distance of 1,202.0 feet; thence North 0°00' East (assumed) a distance of 211.0 feet to the point of beginning; thence North 0°00' East (assumed) a distance of 800.0 feet; thence South 89°32' West a distance of 963.0 feet; thence South 0°00' East a distance of 108.4 feet; thence North 85°57' East, a distance of 161.2 feet to the point of curvature of a circular curve to the right having a central angle of 60°24', a tangent length of 95.0 feet, and a radius of 163.23 feet; thence along said circular curve, an arc distance of 172.07 feet to the point of tangency; thence South 33°39' East a distance of 117.1 feet; thence South 48°20' East a distance of 790.4 feet to the point of beginning, Atkinson, Holt County, Nebraska;

N 42.53175 W 098.98534

We would appreciate your organizations opinion on this project at your earliest convenience. Please contact my at the above numbers should you have any questions or need any additional information.

Thank you in advance for your time and assistance.

Sincerely,

Deb Hilker Holt County Emergency Manager

HOLT COUNTY EMERGENCY MANAGEMENT

P O BOX 544 O'NEILL, NE 68763 Phone: (402) 336-2756 Cell: (402) 340-5664
FAX: (402) 336-3601 EMAIL: holtcountyema@telebeep.com

March 18, 2010

PONCA TRIBES OF NEBRASKA ATTN: GARY ROBINETTE DIRECTOR OF RURAL
AFFAIRS P O BOX 228 NIOBRARA, NE 68760

Dear Tribal Council:

Holt County is currently working on the construction of a new communications tower for E911 services. The 240 foot tower will enhance interoperable communications not only in Holt County, but across Nebraska. The plan is in compliance with the State of Nebraska Communications plan.

Section 106 of the NHPA requires consultation with Federally recognized Indian Tribes who may have potential cultural interests in the project area, and acknowledges that tribes may have interests in geographic locations other than their seat of government. Therefore, Holt County needs an opinion from your organization on the tower site before we can proceed.

The following is the legal description of the proposed tower site:

A tract of land situated in the NW ¼ of Section 32, Township 30, North, Range 14, West of the 6th Principal Meridian, Holt County, Nebraska, described as follows: Commencing at the Southeast corner of said NW ¼, and extending thence South 89°32' West along the South line of said NW ¼, a distance of 1,202.0 feet; thence North 0°00' East (assumed) a distance of 211.0 feet to the point of beginning; thence North 0°00' East (assumed) a distance of 800.0 feet; thence South 89°32' West a distance of 963.0 feet; thence South 0°00' East a distance of 108.4 feet; thence North 85°57' East, a distance of 161.2 feet to the point of curvature of a circular curve to the right having a central angle of 60°24', a tangent length of 95.0 feet, and a radius of 163.23 feet; thence along said circular curve, an arc distance of 172.07 feet to the point of tangency; thence South 33°39' East a distance of 117.1 feet; thence South 48°20' East a distance of 790.4 feet to the point of beginning, Atkinson, Holt County, Nebraska;

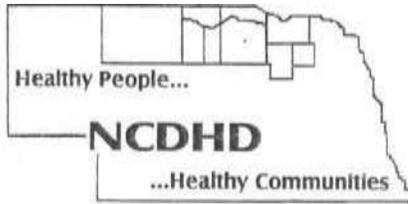
N 42.53175 W 098.98534

We would appreciate your organizations opinion on this project at your earliest convenience. Please contact my at the above numbers should you have any questions or need any additional information.

Thank you in advance for your time and assistance.

Sincerely,

Deb Hilker Holt County Emergency Manager



NORTH CENTRAL DISTRICT HEALTH DEPARTMENT

Proudly serving the counties of: Antelope, Boyd, Brown, Cherry, Holt, Keya Paha, Knox, Pierce and Rock

May 7th, 2010

Deb Hilker
Holt County Emergency Management
P.O. Box 544
O'Neill, NE 68763

Dear Mrs. Hilker:

On behalf of North Central District Health Department (NCDHD), I am writing this letter in support of the Holt County Emergency Management communication tower. This tower is being constructed to assist with the E911 interoperable communications not only in Holt County, but across Nebraska.

NCDHD believes that this tower will be a great asset to those in Holt County and the surrounding communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Wiese". The signature is fluid and cursive, with a large loop at the end.

Roger Wiese
Director
North Central District Health Department

422 East Douglas Street • O'Neill, Nebraska 68763

Phone: 402.336.2406 • Toll Free: 877.336.2406 • Fax: 402.336.1768 • Web site: www.ncdhd.ne.gov

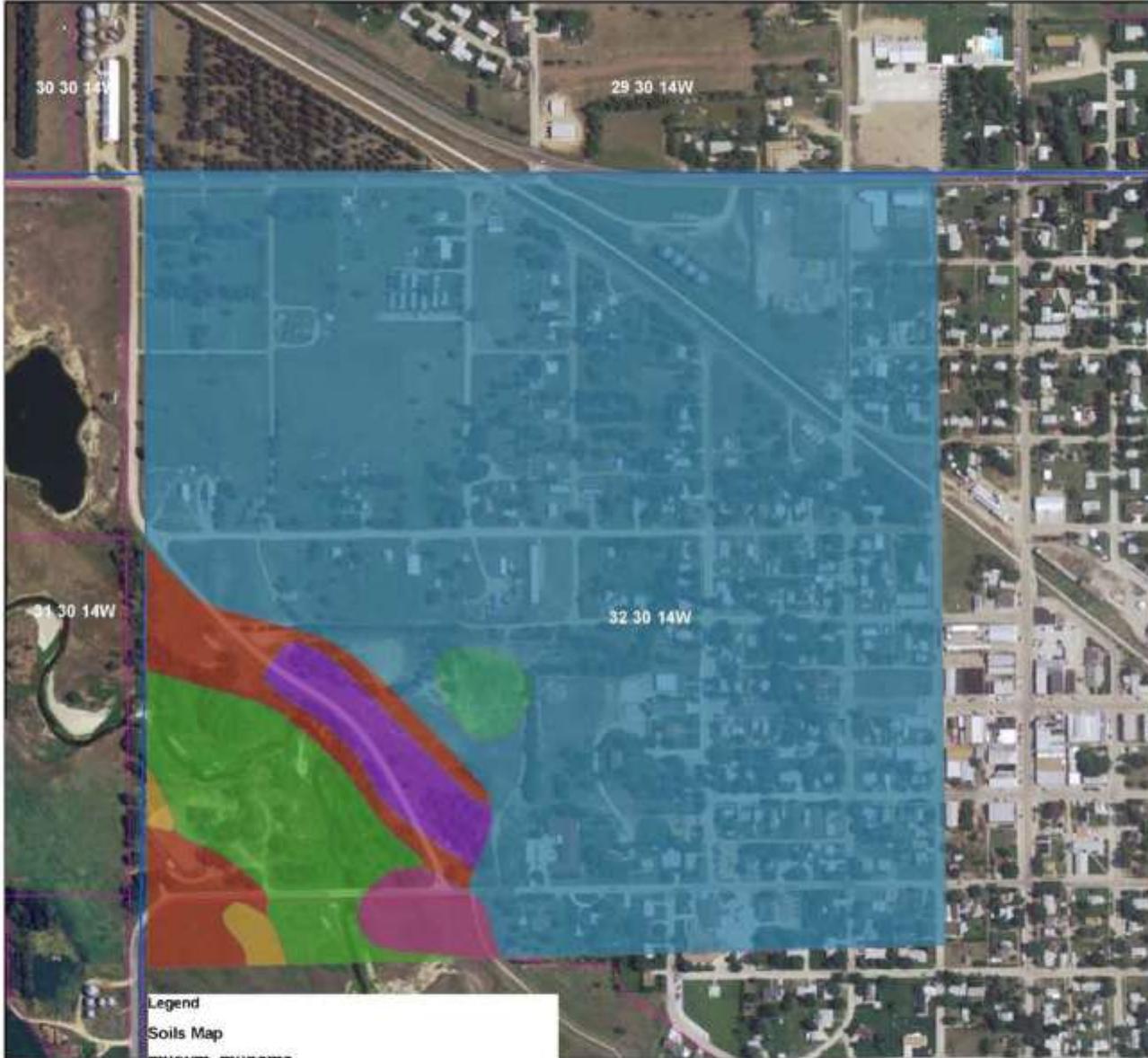
APPENDIX “C” SOIL SURVEY

Soils Map

Field Office: SPENCER SERVICE CENTER
Agency: USDA NRCS
Assisted By: Kelly, Sean P
State and County: NE, BOYD

District: Lower Niobrara NRD

Legal Description:



Legend

Soils Map

musym, muname

- 2100, Boel fine sandy loam, occasionally flooded
- 2331, Inavale loamy fine sand, rarely flooded
- 4721, Pivot loamy sand, 0 to 3 percent slopes
- 8420, Boel loamy fine sand, occasionally flooded
- 8425, Boel-Inavale complex, channeled, frequently flooded
- 9967, Sanitary landfill
- 9983, Gravel pit
- Allpoints5_19_09
- plss_a_ne089
- clu_copy_a_ne089
- plss_a_ne015



Map Unit Description (Brief, Generated) Holt County, Nebraska [Minor map unit components are excluded

from this report]

Map unit: 2100 -Boel fine sandy loam, occasionally flooded

Component: Boel (98%)

The Boel component makes up 98 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood plains on valleys. The parent material consists of sandy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. A seasonal zone of water saturation is at 27 inches during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 2 percent. This component is in the R065XY024NE Subirrigated ecological site. Nonirrigated land capability classification is 3w. Irrigated land capability classification is 3w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 3 percent.

Map unit: 2331 -Inavale loamy fine sand, rarely flooded

Component: Inavale (100%)

The Inavale component makes up 100 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood plains on valleys. The parent material consists of sandy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is rarely flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. This component is in the R066XY051NE Sandy Lowland ecological site. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map unit: 4721 -Pivot loamy sand, 0 to 3 percent slopes

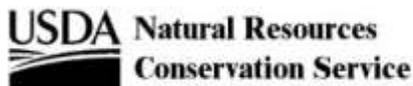
Component: Pivot (98%)

The Pivot component makes up 98 percent of the map unit. Slopes are 0 to 3 percent. This component is on flats on tablelands. The parent material consists of sandy eolian deposits over gravelly alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R066XY054NE Sandy 2225" P.z. ecological site. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map unit: 8420 -Boel loamy fine sand, occasionally flooded

Component: Boel (95%)

The Boel component makes up 95 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood plains on valleys. The parent material consists of sandy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. A seasonal zone of water saturation is at 27 inches during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 2 percent. This component is in the R065XY024NE Subirrigated ecological site. Nonirrigated land capability classification is 4w. Irrigated land capability classification is 4w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 3 percent.



Tabular Data Version: 7 Tabular Data Version Date: 10/30/2009 Page 1 of 2

Map Unit Description (Brief, Generated)

Holt County,

Nebraska Map unit: 8425 -Boel-Inavale complex, channeled, frequently flooded

Component: Boel, channeled, frequently flooded (55%)

The Boel, channeled, frequently flooded component makes up 55 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood plains on valleys. The parent material consists of sandy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is frequently flooded. It is not ponded. A seasonal zone of water saturation is at 27 inches during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 2 percent. This component is in the R065XY024NE Subirrigated ecological site. Nonirrigated land capability classification is 6w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 3 percent.

Component: Inavale, channeled, frequently flooded (35%)

The Inavale, channeled, frequently flooded component makes up 35 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood plains on valleys. The parent material consists of sandy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is frequently flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. This component is in the R065XY051NE Sandy Lowland 22-25" P.z. ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

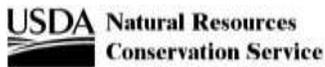
Map unit: 9967 -Sanitary landfill Component: Sanitary landfill (100%) Generated brief soil descriptions are created for major soil components. The Sanitary landfill is

a miscellaneous area.

Map unit: 9983 -Gravel pit

Component: Pits (100%)

Generated brief soil descriptions are created for major soil components. The Pits is a miscellaneous area.



Tabular Data Version: 7 Tabular Data Version Date: 10/30/2009

Page 2 of 2